



ADMINISTRATIVE RULES OF MONTANA

37.34.988 0208 MEDICAID HOME AND COMMUNITY-BASED SERVICES PROGRAM: TRANSPORTATION

- (1) Transportation services are those services which enable waiver recipients to gain access to waiver and other community services, activities, and resources specified by the plan of care.
- (2) Transportation may be offered in addition to medical transportation required under 42 CFR 431.53 and transportation services under the state plan, defined at 42 CFR 440.170(a), and shall not replace them.
- (3) Transportation services under the waiver shall be offered in accordance with the plan of care.
- (4) Family, neighbors, friends, or community agencies that can provide this service without charge must be utilized when possible.
- (5) Reimbursable transportation expenses may include assistance with reasonable costs related to one or more of the following areas, as determined by the Developmental Disabilities Program (DDP):
 - (a) operator training and licensure;
 - (b) insurance; and
 - (c) registration or other costs associated with a waiver recipient's dependence on the use of a personal vehicle as outlined in the plan of care.
- (6) The following are excluded from transportation services:
 - (a) adaptations or improvements to the vehicle that are of general utility, and are not of direct medical or remedial benefit to the person;
 - (b) purchase or lease of a vehicle;
 - (c) regularly scheduled upkeep and maintenance of a vehicle with the exception of upkeep and maintenance of any modifications;
 - (d) escort services; and
 - (e) transportation may not be reimbursed if bundled within another service.
- (7) For self-directed services, the financial management service (FMS) may only pay mileage reimbursement upon receiving documentation that transportation was provided in accordance with Montana state requirements for operating a motor vehicle.
- (8) Mileage reimbursement through the FMS may be available to the owner of the vehicle when:

- (a) transportation services provided to the waiver recipient are for approved community functions;
 - (b) all the requirements for operating a motor vehicle that are required have been met; and
 - (c) the mileage reimbursement provision is approved in the plan of care.
- (9) A waiver recipient with employer authority using the FMS option may only be reimbursed for mileage.
- (10) Transportation may be provided when required transportation services exceed the Montana state plan or are different from the services available in the Montana state plan.
- (11) Legal representatives of waiver recipients and other persons who are not employees of agencies with a Developmental Disabilities Program (DDP) contract may be reimbursed for the provision of rides at the mileage rate based on the operational expense of a motor vehicle but such reimbursement shall not include:
 - (a) reimbursement for work performed;
 - (b) the driver's time; or
 - (c) transportation not directly related to the specific disability needs of a waiver recipient, as outlined in the plan of care.
- (12) A person providing transportation services must:
 - (a) be 17 years of age or older;
 - (b) have a valid motor vehicle license;
 - (c) maintain liability insurance; and
 - (d) have proof of vehicle registration.

Authorizing statute(s): 53-6-113, 53-6-402, 53-20-204, MCA

Implementing statute(s): 53-6-101, 53-6-402, 53-20-205, MCA

History: NEW, 1995 MAR p. 1136, Eff. 6/30/95; TRANS, from SRS, 1998 MAR p. 3124; AMD, 2014 MAR p. 220, Eff. 1/31/14; AMD, 2024 MAR p. 2067, Eff. 8/24/24.