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**IDAPA 21
TITLE 01
CHAPTER 05**

**21.01.05 - RULES GOVERNING MEDICAL TRANSPORTATION PAYMENT
FOR WHEELCHAIR CONFINED VETERANS**

000. LEGAL AUTHORITY.

The Idaho Legislature has given the Administrator of the Division of Veterans Services the authority to promulgate rules governing the standards pertaining to extending relief to wheelchair confined veterans pursuant to Section 65-202, Idaho Code. (5-3-03)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 21.01.05, "Rules Governing Medical Transportation Payment for Wheelchair Confined Veterans". (5-3-03)

02. Scope. These rules contain the provisions for accepting, evaluating, granting, and denying requests for medical transportation voucher payment. (5-3-03)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations that pertain to the interpretation of the rules of this chapter. (5-3-03)

003. ADMINISTRATIVE APPEALS.

Contested case appeals shall be governed by the provisions of IDAPA 05.11.01, "Idaho Rules of Administrative Procedures of the Attorney General". (5-3-03)

004. INCORPORATION BY REFERENCE.

No documents have been incorporated by reference into these rules. (5-3-03)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Address. The mailing address and the street address of the office of the Division of Veterans Services is 320 Collins Road, Boise, Idaho 83702. (5-3-03)

02. Office Hours. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. (5-3-03)

03. Telephone. The telephone number of the Division is (208) 334-3513. (5-3-03)

04. FAX. The Division's facsimile number is (208) 334-2627. (5-3-03)

006. PUBLIC RECORDS ACT COMPLIANCE.

The records associated with this chapter are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 1, Idaho Code. (5-3-03)

007. FILING OF DOCUMENTS -- NUMBER OF COPIES -- FACSIMILE TRANSMISSION (FAX).

Documents in contested cases shall be filed with the Administrator. Unless the Administrator specifically requests additional copies, parties may file one (1) copy of any document with the Administrator. Documents, not exceeding ten (10) pages in length and documents requiring urgent or immediate action by the Administrator, may be filed with the Administrator by facsimile transmission (FAX). Whenever a document is filed by FAX, originals must be delivered to the Administrator by overnight mail or by hand delivery on the next business day. (5-3-03)

008. -- 009. (RESERVED).

010. DEFINITIONS.

01. Bona Fide Resident. A person who maintains a principal or primary home or place of abode in the state of Idaho coupled with the present intent to remain at that home or abode and return to it after any period of absence. Bona fide resident status is determined as of the date of application for transportation voucher payment. (5-3-03)

02. Commercial Carrier. A for profit or not-for-profit ground transportation provider that operates a motor vehicle accommodating wheelchairs and that has entered into a written agreement with the Division to provide transportation pursuant to these rules. A commercial carrier shall not include an ambulance service or an operator of a private or personal vehicle. (5-3-03)

03. Covered Transportation. Transportation meeting the requirements of Subsection 012. (5-3-03)

04. Division. The Idaho Division of Veterans Services. (5-3-03)

05. Eligible Veteran. An individual meeting the requirements of Subsection 011. (5-3-03)

06. Medical Appointment. A regularly scheduled medical appointment with individuals licensed, registered or certified by national certification standards in their respective discipline, or otherwise qualified within the state in which the service is provided. A medical appointment does not include treatment for a medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placing the person's health in serious jeopardy, or in causing serious impairments of bodily function or serious dysfunction of any bodily organ or part. (5-3-03)

07. Veteran. Shall have the meaning as defined in Section 65-203(1), Idaho Code. (5-3-03)

08. Veterans Service Officer. An employee of the Division's Office of Veterans Advocacy or an employee of a county, as provided in Section 65-601, Idaho Code, appointed to give aid and assistance to veterans. (5-3-03)

09. Wheelchair Confined. A person who is confined to a wheelchair due to a physical or mental inability to walk independently. (5-3-03)

011. ELIGIBILITY.

An applicant for transportation voucher payment must be a bona fide resident who is a wheelchair confined veteran, has a medical appointment, and has no other available means of transportation to the medical appointment. At the request of the Division, a veteran may be required to submit a certification of a physician that the veteran is wheelchair confined. Persons eligible for Medicaid or United States Department of Veterans Affairs payment of transportation costs for the medical appointment shall be deemed to have other available means of transportation and shall not be eligible for transportation voucher payment under these rules. (5-3-03)

012. COVERED TRANSPORTATION.

An eligible veteran may apply for payment of the costs of transportation by a commercial carrier to and/or from a medical appointment. (5-3-03)

013. APPLICATION.

01. Approval. The Division shall approve applications for covered transportation if: (5-3-03)

a. The application is submitted to the Division three (3) or more business days in advance of the medical appointment; (5-3-03)

b. The applicant submits documentation confirming the medical appointment or the medical service provider confirms the medical appointment to the Division; and (5-3-03)

c. The Division has funds available for the voucher payment. (5-3-03)

02. Application Submittal. The veteran, the veteran's spouse, the veteran's legal representative or a veteran's service officer may submit an application for covered transportation on behalf of the eligible veteran. (5-3-03)

014. PAYMENT.

01. Payment Amount. Payment pursuant to these rules shall not exceed one hundred dollars (\$100) for transportation to and from a medical appointment or fifty dollars (\$50) for transportation to or from a medical appointment. (5-3-03)

02. Payment Voucher. Upon approval of an application, the Division will provide a voucher to the eligible veteran. The Division will make payment for covered transportation provided to an eligible veteran directly to the commercial carrier as set forth in the agreement between the commercial carrier and the Division. (5-3-03)

015. -- 999. (RESERVED).

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