

**281.874 Freedom of choice for participants in human service delivery program --
Duties of broker.**

- (1) Persons participating in the human service transportation delivery program that have a level of eligibility that dictates they be transported under a Certificate Type 07 or 08 shall be ensured the freedom of personal choice in selecting either an eligible subcontractor within the delivery area, or the broker for the area if the broker also provides transportation services, to provide the person's transportation services.
- (2) A person expressing a personal preference under subsection (1) of this section shall contact the broker to arrange transportation services, even if the person is requesting an eligible subcontractor to provide the service. If a person does not express a preference for whom that person wishes to transport the person under subsection (1) of this section, the broker shall determine the eligible subcontractor to provide the service. The broker may select himself or herself if the broker also provides transportation services, however, the broker shall establish a system that fairly and equitably distributes requests for transportation services in the delivery area among the broker and all subcontractors certified to transport Certificate Type 07 or Certificate Type 08.
- (3) All brokers shall consider their ability to allow persons with an eligibility level that dictates they be transported under a Certificate Type 02 to request the freedom of personal choice in the selection of who will provide the person's transportation services. A broker may offer freedom of choice to persons with a Certificate Type 02.

Effective: July 14, 2000

History: Created 2000 Ky. Acts ch. 346, sec. 6, effective July 14, 2000.