

## **ADA Eligibility Policies and Procedures**

### **Oversight of the Process**

Eligibility for MCCT's ADA complementary paratransit service is determined by a MCCT staff member who has been trained in the requirements of 37.125 and MCCT ADA eligibility processes and procedures. This individual is currently Director of Operations.

All ADA eligibility policies and procedures have been approved by the Mercer County Regional Council of Governments (MCRCOG) Executive Director and MCRCOG Executive Board.

### **Application Procedures**

Applications are available by calling the MCCT office. All requests for ADA applications are logged in to the MCCT eligibility database. The application includes a section to be completed by a qualified physician, healthcare professional, or rehabilitation professional. Applications must be submitted by mail – faxes are not accepted.

### **Public Information**

A brochure explaining eligibility for MCCT is included with the application packet and is available at key locations throughout the community such as the MCRCOG office, Community Counseling Center.

### **Eligibility for other MCCT Programs**

Request for MCCT ADA eligibility must be accepted and considered, regardless of the applicant's eligibility for any other MCCT services including: Shared Ride, MATP, and PwD.

MCCT will inform applicants of other transportation offerings within the coordinated system, offer to assist with applications as appropriate and provide mobility management counseling to ensure that individuals understand their options for the various types of trips they take. However, individual and trip eligibility for ADA Complementary Paratransit is not based on eligibility for any other program and must be granted based on the regulatory criteria.

### **Incomplete Application**

Applications received that are incomplete are returned to the applicant with written instructions. Returned incomplete applications are logged into the MCCT data base.

### **Consideration of Home Address**

An applicant's home address alone is not a basis for granting or denying ADA eligibility. The eligibility decision is based on independent functional ability to use the fixed route system, not

proximity to a bus stop or place of residence. Any individual with a disability who lives within MCCT jurisdiction may apply. People who live or travel outside the ADA service area will be informed in writing of their personal eligibility and the requirement that all trips begin and end within the service area.

### **Visitor Eligibility**

Individuals who live outside MCCT jurisdiction may apply for visitor status to use MCCT while in the area. No verification of disability is required if the applicant's disability is apparent. If it is a "hidden disability", verification from a health care provider must be presented in advance. Verification of ADA Complementary Paratransit eligibility from another transit system is also accepted. 21 days of eligibility within every 365 day period is provided to qualified visitors with disabilities.

### **Timely Decisions**

It is the policy of MCCT to make ADA eligibility determinations as promptly as possible, but within 21 days of the receipt of a completed application. Public information about the eligibility process includes this requirement. If an eligibility decision cannot be issued within 21 days, the MCCT ADA eligibility coordinator will contact the applicant by phone on the 21<sup>st</sup> day and advise them of their presumptive eligibility and right to use the service until such time as the applicant is notified of his or her eligibility.

MCCT maintains a database (in the form of an Excel spreadsheet) for applications, including a mechanism to track the 21 day notification deadline.

### **Notification of Denial, Conditional or Temporary Eligibility**

Determination letters issued by MCCT will include the specific reasons for denial, conditional or temporary eligibility in specific enough detail to permit the applicant to prepare for an appeal, if desired.

Under no circumstances will it be sufficient to state "you have been determined able to use the bus." Denial, conditional and temporary decisions and correspondence will be reviewed by the Director of Operations prior to mailing.

Letters will also include information about the right to appeal, to be heard in person, and the appeal form, with the 60 day cutoff date section completed.

### **Appeal Process**

Individuals who have been determined ineligible, conditionally or temporarily eligible have the right to appeal the limitations based on their ADA eligibility. The right to appeal is explained in

the determination letter, and the appeal process policy and request for appeal form is included with the determination letter. Applicants are required to complete the request for appeal form and submit it but do not have to provide any additional written information if they choose not to.

Upon receipt of a request for appeal, MCCT will conduct an administrative review on the day the appeal is received. If there is sufficient information in the appeal to overturn the initial decision and grant full eligibility with the approval of the Director of Operations MCCT will issue a determination letter. Otherwise, the applicant's complete file and any information submitted with the appeal will be sent to the three person appeal committee the following business day.

The committee will have 20 days to consider the information and may consult with each other by conference call during this time. On the 20<sup>th</sup> day they must record a decision and submit it to MCCT. If there is not sufficient information in the appeal to make a decision, they may request MCCT to notify the applicant of the next two hearing dates and of the opportunity to present their case to the committee in person. If the applicant declines the hearing, the committee will make a decision on the information they have available.

If, after initial review of the appeal, the committee's decision is for anything less than full eligibility, the applicant is notified of the right to request an in person hearing within 30 days of initial decision. If requested, transportation to the hearing will be provided for the applicant at no cost. The applicant has the right to decline the hearing, in which case the original decision of the committee will be final. If there is a hearing, the Committee will render a decision within 10 days. Failure to meet the deadline will result in presumptive eligibility for the applicant until such time as a decision is rendered.

### **Recertification**

It will be the policy of MCCT to grant unconditional eligibility for a period of not less than two and not more than five years depending on the applicant and potential for a change in functional ability. Ninety days prior to expiration, the applicant will receive a recertification form to complete and return to MCCT. There will be no requirement to provide additional information from a health care provider. If the recertification form is not received within 30 days of the expiration date the applicant will receive a reminder letter advising them that their eligibility will lapse if they fail to complete the recertification process.

If there appears to be a significant change in functional ability that would result in conditional or denial of eligibility, the MCCT ADA Director of Operations may contact the individual and request additional information from professionals as necessary in order to make an accurate determination. If, as part of the recertification process, an applicant moves from unconditional

to conditional eligibility the new eligibility status will not take effect for 60 days to provide ample time for the applicant to appeal.