

# Uniform Transportation Standards

House Bill 167, 82nd Legislature, 2011 amended Section 574.045 of the Texas Health and Safety Code to authorize and prioritize who can transport certain patients to designated mental health facilities. The bill also added to the code Section 574.0455, which allows a county's commissioners court to keep a list of qualified transportation service providers who can be used in place of certain approved entities. The bill also directs Texas Health and Human Services to set uniform standards that a person must meet to be listed as a provider. House Bill 978, 83rd Legislature, 2013 also made minor changes to the prioritization of who's allowed to transport patients.

All people authorized by a county's commissioners court to provide transportation services to patients must follow Sections 574.045 and 574.0455 of the Texas Health and Safety Code and the Texas Administrative Code, Title 25, Chapter 404, Subchapter E. These standards apply to transportation of proposed patients to the designated facility and the return of patients who are not admitted after initial assessment.

Service providers must transport patients who are not admitted, according to Section 573.026 of the Health and Safety Code.

The prescribed uniform standards for qualified transportation service providers are below.

Drivers must:

- Be at least 19 years old.
- Hold a valid driver's license issued by the state of Texas.
- Undergo a criminal background check and not have been convicted or received a deferred or probated sentence for any crime, which includes any sexual offense, drug-related offense, homicide, theft, assault, battery or a crime involving personal injury or threat to another person.
- Ensure passengers are protected from harm, abuse, self-abuse, neglect, sexual incidents, serious injuries and other sources of immediate danger.
- Be able to provide emergency care or have an established plan to get emergency care.
- Be trained in effective communication skills with people who have mental illness.
- Recognize and plan for problematic behaviors in a therapeutic and safe manner.
- Know the statues and standards for transporting patients.
- Transport patients in a vehicle that:
  - Has a current, valid Texas inspection sticker.
  - Is well maintained and in good mechanical condition.
  - Must have a working air conditioner, heater and chemical-type fire extinguisher that can hold at least one quart and is in the same compartment of the vehicle as the driver.

Contractors must:

- Ensure all drivers and vehicles meet the criteria above.
- Ensure all drivers complete Mental Health First Aid training or a similar program before they can transport patients to designated mental health facilities.
- Ensure their vehicles have a safety partition between the driver's and passenger areas.
- Equip the vehicle with safety locks to keep a patient from exiting a moving car.
- Equip the vehicle or driver with a two-way radio or cellular phone that works during the entire transport period.
- Provide drivers with vehicles that meet the standards below if transporting patients in wheelchairs. Vehicles must have:
  - An electrical or hydraulically operated lift mechanism or ramp with a non-skid surface.
  - A means of securing a wheelchair to the inside of the vehicle to prevent any lateral, forward, backward or vertical motion of the wheelchair within the vehicle.
  - A rear-view mirror that lets the driver see any passenger in a wheelchair.

- An emergency exit at the back of the vehicle.

Patients being transported have the rights below. Drivers and contractors must know these rights and safety issues related to psychiatric patients. Patients have the right to:

- Be transported in a way that protects the dignity and safety of the person.
- Not be physically restrained except in accordance with Title 25, Texas Administrative Code, Chapter 415, Subchapter F.
- Be provided nutrition and hydration, use of a bathroom and necessary medical care.

If it's reasonably expected that a patient will require emergency medication or might need to be restrained, a registered nurse must be there for the transport. A patient cannot be restrained during transport without a physician's order.