



# TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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## **UNIFORM STANDARDS FOR QUALIFIED TRANSPORTATION SERVICES PROVIDERS** **TAKING PATIENTS TO DESIGNATED MENTAL HEALTH FACILITIES**

House Bill 167 of the 82<sup>nd</sup> Legislature, Regular Session amended Texas Health and Safety Code, Section 574.045 to authorize and prioritize who may transport certain patients to designated mental health facilities. The bill also added Health and Safety Code, Section 574.0455 which allows a county's commissioners court to maintain a list of Qualified Transportation Service Providers (QTSP) who can be utilized in lieu of certain designated authorized entities. The bill further directs the Department of State Health Services to prescribe uniform standards that a person is required to meet to be listed as a QTSP. House Bill 978 of the 83<sup>rd</sup> Legislature, Regular Session made additional minor modifications to the prioritization of who is permitted to transport patients as well.

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

Service providers are obligated to transport patient not admitted according to Section 573.026 of the Health and Safety Code.

The prescribed Uniform Standards for Qualified Transportation Service Providers are as follows:

### **Drivers must:**

- (1) Be at least 19 years of age;
- (2) Hold a valid driver's license issued by the State of Texas;
- (3) Undergo a criminal background check and not have been convicted, received a deferred or probated sentence related to any crime which includes any sexual offense, drug related offense, homicide, theft, assault, battery, or any other crime involving personal injury or threat to another person;
- (4) Be able to ensure persons transported are protected from harm and injuries due to abuse, self-abuse, neglect, sexual incidents, serious injuries and other sources of immediate danger;
- (5) Must be able to provide emergency care or have an established plan to access emergency care;
- (6) Must be trained in effective communication skill with persons with mental illness;
- (7) Must be able to recognize and plan for problematic behaviors in a therapeutic and safe manner;
- (8) Must be familiar with the statues and standards related to transporting patients;
- (9) Must transport patients in a vehicle which:
  - a) Has a current, valid Texas inspection sticker;
  - b) Is well maintained and in good mechanical condition;
  - c) Must have the following equipment operational:
    - (I) air conditioner;
    - (II) heater; and

(III) chemical-type fire extinguisher, of at least a one-quart capacity, located in the same compartment of the vehicle as the driver.

**Contractors must:**

- (1) Ensure all drivers/vehicles meet the criteria specified in (1) – (9) above.
- (2) Ensure that all drivers complete Mental Health First Aid training or comparable program before being allowed to transport patients to designated mental health facilities;
- (3) Ensure that their vehicles have a safety partition between the driver's area and the passenger area;
- (4) Equip car with safety locks to prevent a patient from exiting a car that is in motion;
- (5) Equip car or driver with a two-way radio or cellular telephone that is operational during the entire period of transport;
- (6) Provide drivers with vehicles that meet the standards below if transporting patients in wheelchairs. Vehicles transporting wheelchairs must also be equipped with:
  - (I) an electrical or hydraulically-operated lift mechanism or a ramp with a non-skid surface;
  - (II) 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;
  - (III) a rear-view mirror that enables the driver to view any passenger in a wheelchair; and
  - (IV) a door at the rear of the vehicle for an emergency exit.

Patients being transported as provided by Texas health and Safety Code Section 574.045 must be provided the following rights as set forth in Title 25, Texas Administrative Code, Chapter 404, Subchapter E. Drivers and Contractors must be familiar with these rights and with safety issues related to psychiatric patients.

- the right to be transported in a way that protects the dignity and safety of the individual;
- the right not to be physical restrained except in accordance with Title 25, Texas Administrative Code (TAC), Chapter 415, Subchapter F; and
- the right to be provided nutrition and hydration, use a bathroom, and receive necessary medical care.

**If a patient will reasonably be anticipated to require emergency medication or may need to be restrained, a Registered Nurse must be present for the transport. A physician's order is required before a patient may be restrained during transport.**