

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 15—Division of Senior and Disability Services
Chapter 4—Older Americans Act

PROPOSED AMENDMENT

19 CSR 15-~~7.040~~4.410 Transportation Service Standards. The department is amending the purpose statement, chapter number, sections (1), (6), (7), (10), (11), (12), (13), and deleting sections (2), (3), (4), (5), (8), and (9).

PURPOSE: This amendment updates terminology and statutory authority; and moving the rule from Chapter 7 to Chapter 4.

*PURPOSE: This rule sets forth the minimum standards to be met by a transportation service provider receiving state or federal funds for the operation of transportation services for [persons] **adults [aged] sixty years of age and over and [handicapped] adults with disabilities between age[d]s eighteen [through]and fifty-nine and applies to all transportation service delivery systems, both direct and indirect.***

(1) *[The]* **Contracted transportation service providers and transportation service provided directly by the area agency on aging to eligible service recipients** shall meet the following requirements:

(A) Have sufficient phones and personnel to handle calls regarding the service;

(B) Develop and operate an efficient system for scheduling trips to assure that the service is dependable and no passenger is left stranded;

(C) Service will be provided for the duration of a contract period or as agreed upon by the *[AAA]* **area agency on aging** and service provider; *[and]*

(D) Have a program manual available to all employees and volunteers detailing its operational policies, procedures, and general requirements applicable to service provision. **Program manual shall include:**

1. **Safety Precautions for drivers and passengers;**

2. **Information on the procedure for denial of service, provided in subsections (4)-(7);**

(E) **Ensure all drivers have completed orientation training prior to transporting eligible service recipients;**

(F) **Ensure that all drivers of any vehicle used in transportation have a valid driver's license as required by Missouri law:**

1. **Class F: required to transport for pay for a transportation network company;**

2. **Class E: required to transport for pay up to 14 passengers unless working for a transportation network company; or**

3. **CDL: required for transporting for pay 15 or more passengers.**

(G) **Ensure that all vehicles used for transportation shall be in compliance with all state and federal laws, rules and regulations including the Americans with Disabilities Act.**

(H) **Be in compliance with all general requirements for service providers provided in 19 CSR 15-7.010.**

[(2) A driver is any individual engaged in the operation of a motor vehicle providing transportation services to persons over age 60 and/or disabled between the ages of 18 and 59; and whose sponsoring agency and/or employer is a recipient of funding through the Division of Aging and/or an area agency on aging. Documentation shall be maintained by the service provider, on each driver, that includes:

(A) The driver's health record. Documentation, signed by the driver, that no physical or health limitation exists that prevents competent operation of the motor vehicle or ability to assist any service recipient in and out of the vehicle who requires or requests it;

(B) Either a current and valid common carrier or livery permit issued by regulatory entities such as the Missouri Department of Economic Development, Division of Transportation, or local municipal taxi/livery ordinances attesting to the driver's qualifications to transport persons. Or, in lieu of a license or permit issued by a cognizant regulatory body, the driver's driving record showing that the driver has had no driving while intoxicated or under the influence of a controlled substance conviction within three (3) years prior to driving for the transportation service provider and that the driver has not had driver/chauffeur's license revoked within three (3) years prior to driving for the provider;

(C) A copy of the driver's valid and current chauffeur's license and/or driver's license; and

(D) Documentation of the driver's participation in orientation and in-service training.

(3) Orientation and In-Service Training.

(A) Prior to actual transport of service recipients, each driver shall have completed the transportation service providers orientation training. Any volunteer who even occasionally transports shall have received at least a brief orientation.

(B) Orientation shall include the following:

1. Transportation service provider policies and procedures;

2. Characteristics of the aging process and major disabling conditions;

3. Use of common assistive devices by elderly and handicapped persons;

4. Methods of handling wheelchairs;

5. Methods of moving, lifting and transferring passengers with mobility limitations or who use assistive devices;

6. Operation of lifts, ramps and wheelchair securement devices if the vehicle to be operated is equipped with them;

7. Use of a fire extinguisher;

8. Methods of keeping accurate and accountable records or reports, or both;

9. Written instructions on proper actions to be taken in problem situations (for example, emergency situations, passenger problems and vehicle breakdowns); and

10. Successful completion of an in-service training course in first aid or emergency care that included at least:

A. Basic first aid;

B. Cardiopulmonary resuscitation;

C. Heimlich maneuver;

D. Guidelines on when to attempt first aid or when to take alternative action; and

E. Instruction on universal precautions regarding handling body fluids, including how to use a blood-borne pathogen kit.

(C) The transportation service provider should require drivers to participate in a defensive driving training program.

(D) Other personnel, such as schedulers and dispatchers, should receive training appropriate to their job functions.

(4) Fiscal and Program Records.

(A) Fiscal and program records shall be submitted to the contracting agency on a timely and proper basis.

(B) The service provider shall maintain time records that document the number of hours worked per week for each employee and volunteer.

(C) Documentation verifying the recipient's use of the service provider's transportation system shall be maintained.

(D) The transportation service provider shall have a method, approved by the contracting agency, for documenting units of service delivered and obtaining an unduplicated count of individual service recipients.

(5) Files and records regarding vehicles and/or vehicular fleets shall be kept by the provider that should contain the following documentation:

(A) Vehicle ownership or lease agreement;

(B) Current vehicle license;

(C) Current vehicle safety inspection as required by state law;

(D) Vehicle maintenance schedule including the date of each service, repair and replacement; and

(E) That transportation service provider-owned or leased vehicle is properly insured.]

[(6)](2) Any driver, using personally-owned vehicles to transport service recipients shall maintain proper vehicle insurance and shall sign an agreement indicating understanding and acceptance of liability.

[(7)](3) Vehicles shall meet the following requirements:

(A) All vehicles shall be *[legally]* licensed **and registered in accordance with Missouri law;**

(B) All vehicles shall receive a vehicle safety inspection, as required by state law, **and** shall be clean and in good repair;

(C) All vehicles shall **carry safety equipment as required by Missouri law;** *[carry the following safety equipment:*

1. Extra electrical fuses;

2. Fire extinguisher, ABC type;

3. Three (3) reflective orange triangles or similar emergency warning devices;

4. Spare tire and jack unless they are radio/phone equipped and able to summon assistance;

5. Flashlight;

6. Ice scraper;

7. Emergency first-aid kit; and

8. Blood-borne pathogen kit;]

(D) All vehicles shall have for each passenger an available seat that is securely fastened to the floor of the vehicle. Cars and vans shall have a useable seat belt, **and** include seat belt extenders as needed, for each person being transported;

(E) *[All vans and buses shall have accessible emergency exit(s) with appropriate emergency procedures posted in compliance with Federal Motor Vehicle Safety Standard No. 217; and]* **All vans and buses shall be in ADA compliance in accordance with 49 CFR Part 38, Subpart B; and**

[(F) All vans and buses shall have a stationary or removable step to aid entry and exit of the vehicle. This step shall be capable of safely supporting three hundred pounds (300 lbs.); shall be placed [that it is]no more than twelve inches (12") above ground level; and shall have a nonskid top surface no less than eight inches by twelve inches (8"×12"). Removable steps shall be properly secured while the vehicle is in motion.]

(F) All vehicles shall be insured in accordance with Missouri law.

[(8) Vehicle requirements transporting an individual remaining in a wheelchair are as follows:

(A) Wheelchair safety locks shall be available and used when a wheelchair is in use during transport if a vehicle is ramp/lift equipped;

(B) All wheelchair lifts used on vehicles shall be certified as being capable of regularly servicing a minimum capacity of six hundred pounds (600 lbs.); and

(C) All wheelchair ramps used on vehicles shall be certified as being capable of regularly servicing a minimum capacity of four hundred pounds (400 lbs.).

(9) Drivers shall observe the following safety precautions:

(A) Assure that all passengers are seated before vehicle is put into motion;

(B) Encourage passengers to use seat belts;

(C) Not allow firearms, alcoholic beverages in opened containers, unauthorized controlled substances or highly combustible materials to be transported in vehicle;

(D) Allow service animals in the vehicle, as needed; however, other animals shall not be allowed;

(E) Assure that all packages are safely stored before putting the vehicle in motion;

(F) Assist each passenger to enter and exit the vehicle as needed;

(G) Assure that passengers enter and exit the vehicle in unobstructed and safe locations;

(H) Observe all posted speed limits and modify driving according to weather hazards;

(I) Not use alcohol prior to or while driving;

(J) Not use any prescribed or patent medication that may impair driving ability prior to or while driving; and

(K) Not smoke during transport of riders.]

[(10)](4) Drivers are authorized to deny transportation to a service recipient attempting to board the vehicle who, in the judgment of the driver—

(A) Is intoxicated;

(B) Is too ill or experiencing an emergency [an emergency] health episode;

(C) Has a mobility limitation that prevents safe entry or exit from the vehicle even with reasonable human or mechanical assistance;

(D) Demonstrates violent or unruly behavior; or

(E) Insists on transporting prohibited items.

[(11)](5) Drivers shall report incidents of denial of transportation to the transportation service provider. Written documentation of each incident shall be maintained.

[(12)](6) Without written approval of the contracting agency, the transportation service provider shall not suspend service to a passenger for more than five (5) consecutive days due to problems with the service recipient.

[(13)](7) The transportation service provider shall submit to the contracting agency a written request to suspend service indefinitely to any service recipient who, in the provider's judgment, exhibits behavior—

(A) That is contrary to these standards; or

(B) Which has been and continues to be hazardous to the safety of self or others.

*AUTHORITY: section[660.050] 192.2000, RSMo [Supp. 1999] 2016. * This rule was previously filed as 13 CSR 15-6.165 and 19 CSR 15-7.040. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-7.040, effective Aug. 28, 2001. Amended and moved to 19 CSR 15-4.410: Filed _____.*

**Original authority: 660.050 RSMo 1984, amended 1988, 1992, 1993, 1994, 1995.*

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Department of Health and Senior Services, Division of Senior and Disability Services, Melanie Highland, Division Director, PO Box 570, Jefferson City, MO 65102-0570. Telephone: (573) 526-3626. Email: DSDSDirectorsOffice@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*