

Vaaler Senior Care Educational Post

Transportation Safety

Author: Cyndi Siders RN, MSN, DFASHRM, CPHRM, CPPS
Executive Consultant | Siders HealthCare Consulting, LLC

Contracted Transportation

Mr. George Adams has lived in his senior living community for the past two years. George has multiple sclerosis and spends a good portion of each day in his wheelchair.

George is an enthusiastic participant in social events and facility sponsored activities. One of his favorite activities is attending worship services on Sunday mornings. George has attended the same church for the past 40 years.



The senior living facility has contracted with a third-party transportation service to provide resident transportation to local events and activities. On Sunday, December 20, 2021, a new driver is providing the transportation services and has trouble properly securing George's wheelchair. After several attempts, he assures George that his chair is properly secured.

The road is slippery with freshly fallen snow. The driver is not able to maintain control while attempting to stop and slides through an intersection. In an effort to avoid a collision the driver makes a sharp turn and aggressively applies the brakes. George's chair tips over and he sustains significant injuries to his leg, arm, and shoulder.

George's injuries require several weeks of medical care and his overall health and mobility deteriorates with his injuries. George's family hires an attorney alleging negligent transportation resulting in significant injury, pain, and suffering.¹

The News

A robust transportation safety plan with accompanying policies and procedures is an essential element of an effective risk management program. Below are some reported cases with licensure, regulatory, and legal implications.

- **WSFA12 News, June 24, 2019**
Lawsuit: Woman left inside Montgomery assisted living facility van
“The family of an 83-year-old woman has filed a lawsuit saying she suffered a heat stroke from being left in an assisted living facility’s van for six hours.”²
- **The Post Star, December 4, 2017**
Police: Nursing home resident had broken back and ribs
“The Queensbury man who died Friday after he was hurt in the nursing home van in which he was riding suffered broken ribs and a broken back in the incident... The state Department of Health has joined the Warren County Sheriff’s Office in investigating the death... after the van he was in stopped short Friday in traffic on Main Street and he was thrown from his wheelchair.”³
- **US News Best States, January 20, 2018**
Patrol IDs 2 Women Killed in ND Nursing Home Van Crash
“Authorities have released the names of two women killed when a minivan transporting residents of a nursing home collided head-on with a car in northeastern North Dakota.”⁴
- **Daily Journal, September 28, 2017**
Good Shepherd caretakers charged in resident's death
“Two defendants were set to appear in court today to enter their pleas in the case of the death of a resident at Good Shepherd Manor, a home for men with intellectual and developmental disabilities in Momence... Both women have been charged with two Class 3 felony counts of criminal neglect of a long-term care facility resident resulting in death.” The resident, “who had severe disabilities, was largely nonverbal and had been a resident at the facility for more than 40 years.” The resident was left in one of the facility’s vans after a shopping trip in temperatures that exceeded 90 degrees. The official cause of death was heat stress.⁵

Risk Management Considerations

- Develop a comprehensive vehicle and driver safety policy that includes but is not limited to:
 - Vehicle management – selection, inspection, and maintenance
 - Driver screening
 - Driver skills validation and training on hire and annually
 - Driver monitoring – Motor Vehicle Reports
 - Use of personal vehicles
 - Passenger training
 - Wheelchair safety
 - Vehicular accident reporting and investigation
 - Vehicle repairs



This educational document, which does not reflect any official policy or opinion for Vaaler Insurance, a Marsh & McLennan Agency LLC Company or Siders Healthcare Consulting, LLC, is provided for informational purposes only. It is not intended to provide legal or medical advice, nor is it intended to be an exhaustive list of all risks that need to be addressed for a healthcare organization. While every effort is made to provide accurate information, changes may occur, and inaccuracies happen despite best efforts. This information is not a substitute for individual consultations with professionals in these areas and should not be relied on as such. Please work with your legal counsel and business advisor(s) for a plan that is specific to your organization. © 2016-2022 Vaaler Insurance, a Marsh & McLennan Agency LLC Company

- Develop a protocol for responding to emergencies during a transport (vehicle, medical and behavioral). Evaluate the number of staff members needed for transportation based on resident care needs and condition.
 - Sample Vehicle and Driver Safety Management Policy – Vaaler Senior Resource Center Document Path Location: Policies and Procedures, Skilled Facility and Assisted Living Transportation; [Resources for Risk: site/index](#)
- Develop a formal training program and checklist for securing wheelchairs (follow professional and manufacturer recommendations).
- Develop third-party transportation contracts that include specific requirements for vehicle, resident, and driver safety; legal review by your attorney is recommended. Ensure the third-party contractor maintains adequate insurance coverage for the services provided.
- Develop a formal process for reporting the details of vehicular accidents including, but not limited to pertinent details about the other vehicles and drivers, police notification (as appropriate), any injuries, action taken for injured parties, a description of the accident, and vehicle damage.⁶
- Review the program requirements for Medicaid non-emergency medical transportation (NEMT) compliance. Resources can be found at [Non-Emergency Medical Transportation | CMS](#) including a booklet for providers at [Medicaid Non-Emergency Medical Transportation Booklet for Providers \(cms.gov\)](#) [Accessed January 18, 2022]
- Develop a policy and acknowledgement form for the use of non-facility provided transportation. The policy should specify language such as, The Facility is not responsible for the level or quality of services, safety, personnel education and training, background-check processes, company responsiveness, or fees and charges of non-Facility-approved transportation services.⁷
- Review the use of personal vehicles for business operations and resident transportation. It is important to recognize that your organization can be held liable for damages by allowing the use of non-owned personal vehicles for business purposes.⁸
- Establish a formal process for driver screening and selection including, but not limited to:
 - Previous Experience and Employment History
 - Past Driving Record – e.g., past driving history including moving violations, accident history and DUI and DWI arrests.
 - If a driver is hired, review Motor Vehicle Reports per policy, state law and insurance company requirements.
 - Drug and Alcohol Testing – Require alcohol and substance abuse testing conducted by a certified laboratory as part of the employment process. Conduct random testing throughout the year and as outlined in human resource policies and procedures.⁹
- Maintain a list of all residents being transported verifying time of departure, arrival, and return.

Sources

1. Adapted from: O'Neill, Joe. Nursing Home Fails to Ensure Resident Safety During Transportation. [April 9, 2018]. [Nursing Home Fails to Ensure Resident Safety During Transportation \(expertinstitute.com\)](https://www.expertinstitute.com) [Accessed January 18, 2022]
2. WSFA12 News, June 24, 2019. Lawsuit: Woman left inside Montgomery assisted living facility van. [Lawsuit: Woman left inside Montgomery assisted living facility van \(wsfa.com\)](https://www.wsfa.com) [Accessed January 18, 2022]
3. Lehman, D. Post Star December 4, 2017. Police: Nursing home resident had broken back and ribs [Police: Nursing home resident had broken back, ribs | Local | poststar.com](https://www.poststar.com) [Accessed January 18, 2022]
4. U.S. News. January 20, 2019. Patrol IDs 2 Women Killed in ND Nursing Home Van Crash [Patrol IDs 2 Women Killed in ND Nursing Home Van Crash | North Dakota News | US News](https://www.usnews.com) [Accessed January 18, 2022]
5. Shapiro, A. Daily Journal. Good Shepherd caretakers charged in resident's death. September 28, 2017. [Good Shepherd caretakers charged in resident's death | Local News | daily-journal.com](https://www.daily-journal.com) [Accessed January 18, 2022]
6. Pendulum Risk Management Services. Resident Transportation and Vehicle and Driver Safety Management. <https://resourcesforrisk.com/vaaler/client/site> [Accessed January 18, 2022]
7. Ibid.
8. Ibid.
9. Ibid.



This educational document, which does not reflect any official policy or opinion for Vaaler Insurance, a Marsh & McLennan Agency LLC Company or Siders Healthcare Consulting, LLC, is provided for informational purposes only. It is not intended to provide legal or medical advice, nor is it intended to be an exhaustive list of all risks that need to be addressed for a healthcare organization. While every effort is made to provide accurate information, changes may occur, and inaccuracies happen despite best efforts. This information is not a substitute for individual consultations with professionals in these areas and should not be relied on as such. Please work with your legal counsel and business advisor(s) for a plan that is specific to your organization. © 2016-2022 Vaaler Insurance, a Marsh & McLennan Agency LLC Company