

Oklahoma Uniform Transportation Standards

Uniform Transportation Standards for Qualified Transportation Service Providers Taking Consumers to Designated Mental Health Facilities

Title 43A O.S. § 1-110 requires sheriffs and peace officers to transport individuals that meet the definition of a “person requiring treatment” as defined by Title 43A O.S. § 1-103(13) to and from designated sites or facilities for the purpose of examination, emergency detention, protective custody and inpatient services. Sheriffs and peace offices maintain responsibility for the transportation of such individuals pending completion of the examination, emergency detention, protective custody and inpatient services.

Senate Bill 751 of the 54th Legislature, Regular Session amended Title 43A O.S. § 1-110 to authorize law enforcement agencies to contract with third party contractors (hereinafter referred to as Qualified Transportation Service Providers or “QTSP”) to transport “persons requiring treatment” (hereinafter referred to as consumers) as defined by Title 43A O.S. § 1-103(13) to and from designated sites or facilities for the purpose of examination, emergency detention, protective custody and inpatient services. The bill further directs the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) to prescribe uniform minimum standards that a person is required to meet to be listed as a QTSP.

All Qualified Transportation Service Providers meeting minimum standards as prescribed by ODMHSAS contracting with Oklahoma law enforcement agencies for purposes of transportation of consumers pursuant to Title 43A O.S. § 1-110 must abide by Title 450 Oklahoma Administrative Code Chapter 15 “Consumer Rights” and all applicable laws as established in Title 43A of the Oklahoma Statutes. These laws and standards apply to transportation of proposed consumers to a designated facility as well as to the return of consumers who are not admitted after initial assessment or during the emergency detention process.

Qualified Transportation Service Providers providing transportation services to consumers on behalf of a contracted law enforcement agency pursuant to Title 43A O.S. § 1-110 shall be responsible to transport consumers to and from designated sites or facilities for the purpose of examination, emergency detention, protective custody and inpatient services.

A QTSP transporting a consumer pursuant to Title 43A O.S. § 1-110 to and from designated sites or facilities shall maintain responsibility for the transportation of such consumer pending completion of the examination, emergency detention, protective custody and inpatient services.

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

Drivers must:

1. Be at least 21 years of age;
2. Hold a valid driver's license issued by the State of Oklahoma;
3. Undergo a criminal background check and not have been convicted, received a deferred or probated sentence related to any felony crime, a crime involving moral turpitude or a crime of domestic violence, and does not have any criminal charges pending in any court in this state, another state, in tribal court or pursuant to the United States Code;
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 skills 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 statutes and standards related to transporting consumers;
9. Must transport patients in a vehicle which:
 - A. Is well maintained and in good mechanical condition;
 - B. Must have the following equipment operational:
 1. air conditioner;
 2. heater; and
 3. 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, not otherwise certified as a peace officer in Oklahoma, complete a 16 hour Therapeutic Options Course certified by the Oklahoma Department of Mental Health and Substance Abuse Services before being allowed to transport consumers 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 consumer 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 consumers in wheelchairs. Vehicles transporting wheelchairs must also be equipped with:
 - A. an electrical or hydraulically-operated lift mechanism or a ramp with a non-skid surface;
 - B. 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;
 - C. a rear-view mirror that enables the driver to view any passenger in a wheelchair; and
 - D. a door at the rear of the vehicle for an emergency exit.

Consumers being transported as provided by Title 43A O.S. § 1-110 shall be afforded all rights and privileges guaranteed by the laws and Constitution of the State of Oklahoma and the United States of America. In addition, consumers have the right to be transported in a way that protects the dignity and safety of the individual; and the right to be provided nutrition and hydration when needed, use a bathroom, and receive necessary medical care.

Only commissioned peace officers, or other persons as allowed by law, may use physical restraints in the transportation of consumers as provided by Title 43A O.S. § 1-110.