

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 60.—Licensing of Community Mental Health Centers

30-60-49. Transportation.

(a) Each licensee providing any transportation to consumers shall adopt and adhere to written policies and procedures that require the following:

(1) Before a staff member, a volunteer, or a contractor provides any transportation of a minor consumer, the staff member, volunteer, or contractor shall obtain permission to transport that minor from the minor's parent or legal guardian. If the transportation of a minor is necessary because of a medical or other emergency and permission cannot be obtained, the nature of the emergency and the reason why that permission was unable to be obtained shall be documented in the consumer's clinical record required by K.A.R. 30-60-46.

(2) Each driver of any vehicle used to transport a consumer shall be 18 years of age or older and shall hold a current operator's license for the type of vehicle being used.

(3) Each vehicle owned or leased by the licensee shall be covered by accident and liability insurance. Documentation of the current insurance coverage shall be kept both within the vehicle and in the administrative records maintained by the licensee in accordance with K.A.R. 30-60-45.

(4) Each vehicle owned or leased by the licensee shall be equipped with a fire extinguisher and a first-aid kit, and shall be maintained in a safe operating condition.

(5) No more persons may be transported in a vehicle than the number of safety restraints that the vehicle contains. No more than one person may utilize a single safety restraint at any time.

(6) Only age-appropriate safety restraints may be utilized.

(7) No trailer pulled by another vehicle or truck bed may be utilized to transport any consumer. No motorcycle may be utilized to transport any consumer.

(8) Smoking shall not be permitted at any time a minor consumer is being transported. Smoking shall not be permitted if any consumer being transported objects to that smoking.

(9) The driver of the vehicle shall not smoke, use a cellular telephone, or eat or drink while the vehicle is in motion.

(10) The driver shall require all parts of each passenger's body to remain inside of the vehicle while the vehicle is in motion.

(11) The driver shall require all doors of the vehicle to be locked while the vehicle is in motion.

(12) The driver shall not leave any minor consumer unattended in the vehicle at any time. The driver shall make certain that no consumer is left in the vehicle before vacating the vehicle.

(13) The driver shall transport each consumer directly to the intended destination without any unauthorized stops en route, except in cases of emergency.

(14) The driver shall require other staff from the licensee to accompany the driver on the trip whenever necessary to provide adequate supervision of the consumers being transported either because of the number of consumers being transported or because of the nature of a consumer's illness or disability.

(15) The driver shall not allow any consumer to enter or exit the vehicle from or into a lane of traffic.

(16) If a personal vehicle belonging to any staff member, a volunteer, or a contractor is utilized to transport a consumer, the driver and owner of the vehicle shall be covered by sufficient liability insurance to protect the interests of any consumer that is transported.

(b) Nothing in this regulation shall be construed to require any licensee to provide transportation to any consumer.

(Authorized by K.S.A. 75-3307b; implementing K.S.A. 39-1603, 39-1604(d), 39-1608(a) and (c), 65-4434(f), and 75-3304a; effective July 7, 2003.)