

# Texas Administrative Code

<b><u>TITLE 40</u></b>	<b>SOCIAL SERVICES AND ASSISTANCE</b>
<b><u>PART 1</u></b>	<b>DEPARTMENT OF AGING AND DISABILITY SERVICES</b>
<b><u>CHAPTER 85</u></b>	<b>IMPLEMENTATION OF THE OLDER AMERICANS ACT</b>
<b><u>SUBCHAPTER D</u></b>	<b>OLDER AMERICANS ACT SERVICES</b>
<b><u>RULE §85.301</u></b>	<b>Transportation Services</b>

(a) Purpose. This section establishes the requirements for transportation services, a service provided under the Older Americans Act and funded, in whole or in part, by DADS.

(b) Eligibility. A AAA must ensure a program participant who receives transportation services is:

(1) 60 years of age and older; or

(2) an informal caregiver authorized to receive transportation services in accordance with the Older Americans Act, §373(b)(5).

(c) Operations.

(1) A AAA must ensure a service provider provides transportation services that:

(A) are for nonemergency purposes;

(B) consist of transporting a program participant to and from activities as specified in the contract or vendor agreement; and

(C) are, as defined in the *Service Definitions for Area Agencies on Aging* available at [www.dads.state.tx.us](http://www.dads.state.tx.us), "demand response," "fixed route," or a combination of both.

(2) A AAA must ensure that in providing transportation services, a service provider:

(A) complies with applicable federal and state laws, rules, and regulations including the Americans with Disabilities Act;

(B) employs or contracts with staff persons who are trained and have current certification in, as applicable, scheduling and dispatching, defensive driving, passenger handling and assistance, first aid and cardiopulmonary resuscitation and operating an automatic external defibrillator, if one is available; and

(C) coordinates efforts to eliminate duplication and maximize resources.

**Source Note:** The provisions of this §85.301 adopted to be effective September 1, 2008, 33 TexReg 7293

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