

TRANSPORTING RESIDENTS IN OWNED AND NON-OWNED AUTOS

SENIOR LIVING AND HOME HEALTHCARE

Senior living and home healthcare organizations often rely on the use of owned and non-owned autos to deliver essential care to patients and residents. However, the associated auto liability risks can be significant, especially in organizations where employees drive and/or transport patients as part of their job duties. It is recommended that a risk management policy be put in place to address these liability exposures.

At a minimum, a risk management policy addressing transportation of residents in owned and non-owned autos should address driver selection, driver training, vehicle inspection and maintenance, incident investigation and insurance requirements.

Driver Selection: Monitor Driver Licensing and Motor Vehicle Records (MVRs)

The liability exposures to your organization may be greater should an employee with a poor driving record be involved in an accident. Have procedures in place to ensure that all drivers have a valid driver's license and acceptable driving record. Develop and publish MVR criteria that your organization finds acceptable.

Acceptable records risks may include:

- No more than one at-fault accident in the past 36 months
- No more than one minor moving violation (traffic or speeding ticket) in the last 12 months
- No license suspensions or revocations within the past seven years

Records showing moving violations, preventable accidents or serious violations should be vetted to determine if the employee's driving record warrants allowing them to drive for your organization. Policies should match the expectation of the MVR check upon hire and at least annually.

Driver Training

Provide driver safety training as part of the initial orientation program, prior to driving on behalf of your organization, and annually thereafter. Trainings should be documented and include topics such as:

- Speed and space management
- Distracted driving
- Intersections and yielding the right of way
- Effects of driver fatigue, drugs and alcohol while driving

For employees driving company vehicles, consider including a road test as part of the ongoing program to have drivers demonstrate competency. Consider including an evaluation of compliance with driver safety training requirements and procedures in performance appraisals.

Vehicle Inspection and Maintenance

Establish a system to ensure non-owned vehicles used for organization business are in safe operating condition. Poorly maintained vehicles may be prone to increased accidents. Require these vehicles to be inspected and maintained in accordance with the manufacturer's guidelines as well as internal policies and procedures.

Insurance Requirements

It is important to receive proof of insurance on all employees who are driving for business. In the event of an incident, your organization could be held responsible for damages over and above the employee's limits. Recognize that your employee's personal auto policy may not have enough coverage to protect your business. At a minimum, assure that the liability limits on employee owned vehicles satisfy state financial responsibility limits. As a best practice, verify automobile coverage every six months, and assure the coverage meets the minimum limit requirements.

Incident Investigation and Response

After an incident occurs, conduct an internal investigation to determine if additional driver training or disciplinary action is needed.

- Interview the employees involved and document their version of events.
- Compare reports from law enforcement, witnesses and any other drivers involved whenever possible.
- Ensure that the date and time of the incident occurred during the caregiver's set schedule.
- Review the driver's last MVR to see if a pattern of risky behavior has emerged since the caregiver's date of hire.

Summary

Use of owned and non-owned vehicles is an essential part of a caregiver's duties. Whether taking clients to the doctor or pharmacy or running other errands, employees driving for business purposes presents an auto liability risk to the organization. A risk management policy ensuring proper driver selection, training, vehicle inspection and maintenance, insurance requirements, and incident investigation and response can help mitigate the risks of transporting residents in owned and non-owned autos.