

Ask ECRI: Working with Rideshare Services for Resident-Requested Transport

April 2018

ECRI Institute has received multiple inquiries about ridesharing services, such as Uber and Lyft. Specifically, the questions center around new offerings from these companies allowing aging services organizations and other healthcare entities to book rides on behalf of their residents and patients who do not have a ridesharing account. This service for resident-requested transport is marketed as a way for residents to use ridesharing to get to personal and medical appointments even if they do not have a smartphone, which is typically needed to directly arrange a ride with the service. Aging services organizations have sought guidance about the possible risks from teaming up with ridesharing services to provide resident-requested transport.

While residents may of course make independent decisions to secure transportation services to meet their needs, provider organizations can assist residents by helping them to identify important decision making points, such as any known differences between services and how to best match their needs and situations with a transportation model, including ridesharing services. As with any service, consideration must be given on a case-by-case basis to providing resident-requested transport based on the service provider, its scope of service, and a resident's needs. While ridesharing programs can help to safely meet the transportation needs of some residents, sound risk mitigation practices, such as contract review and establishment of guidelines and rules, should be developed so that the service ultimately contributes to a resident's quality of life without creating scenarios that have the potential to cause harm.

Additionally, the overall obligations and risks to a provider organization may change if the organization enters into a contractual agreement with a ridesharing service. Several provider organizations have also asked if risks, liability, and exposures increase when the organization acts as a concierge for the rideshare service. These are all complex business relationships and should be discussed with the organization's local legal counsel as service models, policies, and guidelines are developed and eventually implemented as part of the services offered to residents. In any event, the policies should be clear to delineate that the provider organization offers *concierge transportation services* at the resident's request and should avoid stating or implying that the transportation services are provided by the organization as part of its scope of services.

Generally, ECRI Institute recommends against using ridesharing services in place of a medical transport fleet or contracted service. However, there may be some residents, such as those in independent living, who want the option to use a ridesharing service because, for example, they do not own a vehicle or their vehicle is undergoing repair.

ECRI Institute's guidance article [Contract Review and Liability Issues: An Overview](#) addresses principles for contract review, including considerations about any liability assumed under the contract. The organization must seek input from its legal counsel and insurance carrier to understand its liability, if any, in case of an accident that injures a resident whose transport was arranged by the aging services organization. Any liabilities assumed by either organization must be specified in the contract.

In addition to liability, specific provisions related to a ridesharing service should be addressed in the contract and include the following:

Driver Selection and Driver Safety

What measures are in place by the ridesharing service to ensure that its drivers have the appropriate competencies, driving records, safe driving skills, and insurance coverage? Does the ridesharing service conduct background checks, including criminal checks, of its drivers?

Driver Training

What measures are in place to ensure that drivers have the skills and knowledge to meet the needs of elderly individuals? Do drivers receive training in some of the issues they may encounter with an elderly client (e.g., hearing difficulties)? Does the ridesharing service have policies prohibiting the mistreatment of older adults and are drivers educated about the policies? Do drivers receive basic first-aid training to be able to address issues that could arise while transporting the resident (e.g., fainting, nausea)? Are drivers instructed on measures to follow in the face of medical or other emergencies? Do drivers receive bloodborne pathogen training and are their vehicles stocked with personal protective equipment (e.g., gloves) should the resident have episodes involving bodily fluids (e.g., vomiting, bleeding from a wound)?

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Vehicle Management

What measures are in place by the ridesharing service to ensure that the vehicles operated by its drivers are regularly inspected and maintained and that the vehicle registration is current? Are the vehicles used by the ridesharing service comfortable for older individuals who may have difficulty getting in and out of a car that is low to the ground?

Scope of Service

While a ridesharing service may be well-suited for a resident able to independently get into and out of a vehicle, other residents may require assistance and supportive devices (e.g., wheelchair, oxygen) that could disqualify them as a candidate for a ridesharing service. These residents may be at risk of medical episodes that a driver is neither trained nor equipped to manage. During contract discussions, the ridesharing service and aging services organization should establish inclusion and exclusion criteria for ridesharing service users so that both parties to the agreement have a clear understanding of who qualifies for the service.

Additionally, during contract discussions, the aging services organization should have a clear understanding of the services that the drivers will and will not provide. Will the driver pick up the resident at his or her dwelling or is the resident expected to meet the driver at a designated location on the campus? Guidelines and rules such as these should provide pre-identified pick-up and drop-off points. They should also address whether any entrances and exits will be closed during off-business hours. Additionally, the guidelines should take into consideration how the provider organization building is “located” or listed with global positioning devices (GPS) and whether or not necessary campus signage exists to help persons find pre-designated pick-up and drop-off locations.

Other issues should also be addressed to determine the scope and delivery of services. How is the resident’s return trip arranged? It is unlikely that a driver would remain with the resident for the duration of the appointment and, after the appointment has ended, bring the resident back to the facility.

Insurance Coverages

The provider organization should have a clear understanding regarding which and whose insurance policies come into play if an accident occurs while a resident is using ridesharing services. This helps to avoid the provider organization taking on unwarranted liabilities, while also increasing the provider organization’s ability to explain what risks and coverages the ridesharing organization, the driver, and what if any, the resident may incur.

Resident Safety

Residents who are traveling to and from medical appointments may not be feeling well. Additionally, they may undergo some procedures during the appointment that interfere with their function (e.g., blurry vision from eye drops administered by an ophthalmologist). Is the driver expected to monitor the resident for any changes in the resident’s condition that may require immediate intervention? Is the driver expected to assist the resident with getting in and out of the vehicle? Instead of leaving these concerns to a driver who may be inexperienced with a resident’s needs, the aging services organization may want to require that the resident travel with a responsible person (e.g., resident’s family member, aide) who can assist with safe resident handling and carry any documentation that may be needed for or generated from the medical visit. Additionally, the designated individual can ensure that a ride is arranged to return to the aging services organization after the appointment is over.

Vehicle Accident and Incident Reporting

Does the ridesharing service require timely reporting of incidents that may occur when the resident is receiving a ridesharing service and is this information shared with the aging services organization so it can investigate as well? Does the ridesharing service share information about any complaints from residents who use the ridesharing service?

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HIPAA Compliance

Because the ridesharing service is offered for residents going to and from medical appointments, drivers may become aware of or overhear information about a resident's health. Consider any risks that the ridesharing service may pose to a resident's protected health information. Does the driver receive training in the privacy protections of the Health Insurance Portability and Accountability Act (HIPAA)? What measures are in place to ensure HIPAA compliance? Is a business associate agreement required for the ridesharing service?

Billing

The aging services organization should have a clear understanding of how the ridesharing service's charges are managed. Does the service bill the resident or the aging services organization? Is payment expected after each ride or is a bill for services issued on a periodic basis? Who receives the bill? Invoicing and payment procedures may affect the risks and responsibilities of the provider organization.

Setting Expectations for Residents

If an aging services organization decides to offer services for resident-requested transport, it should provide residents with written information that clearly states the scope of the service and residents' responsibilities in using the service. Issues to address include:

- ▶ Eligibility criteria for using the service
- ▶ Requirements, if any, to be accompanied by a responsible person to assist the resident
- ▶ Resident's financial responsibilities for using the service
- ▶ Reporting of any complaints and concerns while using the ridesharing service

Conclusion

With a sound understanding of what the ridesharing service can and cannot do, an organization may identify certain residents who are likely to benefit from the service, while recognizing that other residents, especially those unable to live independently or requiring assistance, are better served with transportation arrangements already in place for them at the organization.

ECRI Institute Resources

In addition to our guidance article on contract review, several resources from ECRI Institute's *Continuing Care Risk Management* program provide information on some of the risk management issues discussed above:

- ▶ [Contract Review and Liability Issues: An Overview](#)
- ▶ [The HIPAA Privacy Rule](#)
- ▶ [Home Care: Staff-Related Risks](#)
- ▶ [Occupational Exposure to Blood or Body Fluids](#)
- ▶ [Preventing Abuse, Neglect, and Exploitation of Older and Vulnerable Adults](#)

The recommendations contained in Ask ECRI do not constitute legal advice. Facilities should consult legal counsel for specific guidance and develop clinical guidance in consultation with their clinical staff.