

**LETTER OF AGREEMENT:
DIRECT APPROPRIATION GRANT
FOR GOVERNMENTAL ENTITIES**

Date: September 6, 2022

To: Marvin (Ed) Mitchell
Blount County Government
341 Court St
Maryville, Tennessee 378143964

From: Commissioner James Bryson

The State's budget for the fiscal year beginning July 1, 2022, includes a direct appropriation grant payable to your organization.

This appropriation is in addition to any other funding or appropriation provided to you by the State of Tennessee. Section 7, Item 55, of the 2022 Appropriations Act reads as follows:

Miscellaneous Appropriations, PC 512 Transportation of Mental Health Patients, in Section 1, Title III-22, Item 11.4, shall be paid subject to the provisions of Section 21 of this Act.

This direct appropriation grant for Blount County Government totals **\$110,293.00.**

If you choose to accept this award:

1. Sign this agreement (include your taxpayer identification number and a daytime phone number) in the space provided as your acceptance of the following terms and conditions:
 - a) If you fail to fulfill your obligations under this agreement, the State shall have the right to seek restitution, pursuant to the laws of the State of Tennessee, from you for payments made to you under this agreement.
 - b) Your records and documents, insofar as they relate to the performance of your obligations or to payments received under this agreement, shall be maintained in a manner consistent with the accounting procedures of the Comptroller of the Treasury, pursuant to T.C.A. 4-3-304 and applicable rules and regulations thereunder.
 - c) The funds received shall be placed in an interest bearing account until such time as they are needed for the purposes set out in the Appropriations Act. In the event that any portion of the funds is not expended, the unexpended portion plus any accrued interest shall be returned to the State.

- d) You must complete the attached Substitute W-9 Form and return it with this signed Letter of Agreement. You are responsible for and assume the liability for failure to provide the correct taxpayer identification number for IRS purposes.
2. Return to the State agency head the following materials together:
- a) This signed Letter of Agreement; and
 - b) Current W-9 Form.
 - i. This form should have been signed and dated within the past 12-months.

We encourage you to return these materials as soon as possible. The State is prepared to process this agreement and issue payment in a timely fashion, upon receipt of these materials.

Please return the signed materials to CriminalJustice.Program@tn.gov by September 15, 2022.

3. The Grantee shall comply with all other requirements described in the Grantee's application and in the Office of Criminal Justice Programs Administrative Manual located on the website at <https://www.tn.gov/finance/office-of-criminal-justice-programs/ocjp/ocjp-grants-manual/redirect-fund-source-chapters/fund-source-chapters/mental-health-transport.html>. The Grantee agrees to comply with any changes in requirements made in the manual and/or identified in correspondence from the Office of Criminal Justice Programs.
- a) This includes but is not limited to:
 - i. Adopting a Humane Transport Policy.
 - ii. Providing Mental Health Awareness Training to transport staff.
 - iii. Assuring secondary transport agents meet written guidance and state statutes.
 - iv. Quarterly reporting of transports conducted under this program.
 - v. Annual reconciliation of funds spent under this program.

If you should have any questions or comments or need any assistance responding to this request, please contact Mike Holt and 615-248-4654.

Please retain a copy of this letter for your records. Payment status and accounting inquiries may be directed to the following staff of this department:

Office of Business and Finance
312 Rosa L Parks Ave.
William R. Snodgrass Tennessee Tower 20th Floor
Nashville, TN 37243-1102
OBF.Grants@tn.gov

4. Secondary Transport Agent Requirements

Secondary Transport Agents (STA) refer to agents performing transports who are not sheriff's employees.

4.1. Sheriff's offices are free to subcontract or enter into a Letter of Agreement with a third-party vendor or secondary transport agent to subsume patient transportation on their behalf. The agent **must meet one of the following criteria:**

4.1.1. A valid Basic Life Support certification from the Tennessee Department of Health pursuant to *The Rules of the State of Tennessee* 1200-12-01-.14(3)(a)(2)(i); **or**

4.1.2. All STAs must meet the criteria listed in Tenn. Code Ann. § 33-6-901. Additionally, any subcontracts with a third-party agency **that is not a law enforcement agency** must include the following criteria:

4.1.2.1. **STA requirements** that must be addressed by subcontracts with a third-party agency:

a. STA services must be available 24 hours a day/7 days a week/365 days a year

b. All STA staff who interact with patients or protected health information (PHI) must successfully pass, before assignment, a state and federal background check, which must include, but is not limited to the following:

- Nationwide fingerprint criminal background check
- Tennessee Department of Health Abuse Registry check
- United States Department of Justice National Sex Offender Registry check
- Office of Inspector General's List of Excluded Individuals and Entities (LEIE) check

c. In the event an STA staff is arrested, indicted, convicted, or issued a citation in lieu of arrest for a criminal offense, either a misdemeanor or felony, the STA staff member must immediately report this information to their direct supervisor within twenty-four (24) hours following the event.

d. If the direct supervisor is unavailable, the STA staff must report to the next supervisor or manager in the chain of command as appropriate. If the event occurs on a day the STA staff is not scheduled to work, it must be reported on the next workday.

e. All STA staff who interact with patients must successfully pass, before assignment, a 5-panel drug test. The five-panel drug test must test for the following substances:

- Amphetamines
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Tetrahydrocannabinol (THC)

f. Have passed a physical examination by a licensed physician.

g. Have been certified by a Tennessee Licensed Health Care Provider qualified in the psychiatric or psychological fields as being free from any impairment, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association at the time of the examination, that would, in the professional judgment of the examiner, affect the person's ability to perform an essential function of the job, with or without a reasonable accommodation.

h. All STA staff who interact with patients must maintain proof of completion of "Mental Health First Aid".

i. All STA staff should ask the referring entity for relevant information regarding recent medications or treatments the patient has received that may impact transport.

j. Any STA drivers must maintain the following certifications:

- CPR/AED
- First Aid
- Emergency Oxygen Administration

k. Crisis Intervention Training (CIT) is highly recommended for all STA staff who would interact with patients.

l. "Handle with Care" Training is recommended for all transporting agents.

m. Drivers must maintain a valid driver's license for the appropriate classification based on the type of vehicle and service provided.

n. An updated MVR for each STA driver must be obtained and reviewed by the STA throughout the duration of the driver's employment with or by the STA.

4.1.2.2. **STA vehicle requirements** that must be addressed by subcontracts with a third-party agency:

- a. Vehicles must be fitted with a driver-controlled door locking system so that the person in crisis is unable to open the doors of the vehicle without the assistance of the responders, reducing the risk of elopement.
- b. Secure safety panels must be provided between the driver and passenger compartment. These panels should be transparent so that the driver can see behind to the passenger compartment.
- c. Transport vehicles should also preserve the separation between the patient and the trunk space in the vehicle. In particular, if a transport vehicle is a van, a mesh or grille bulkhead should separate all equipment held in the trunk from the passenger.
- d. Windows must be tinted for the privacy and dignity of the person being transported
- e. Vehicles must be equipped with a portable AED (automated external defibrillator) and a first-aid kit. Other medical equipment should be made available as needed, i.e., oxygen tank and other supplies
- f. Vehicles must have a lockable container to carry patient property.
- g. The Patient area within the vehicle must be free from ligature risks or any items that may be used for self-harm.
- h. As needed, STA vehicles must provide for the safety and adequacy of transport for those under the age of 18. As needed, this requires that STA vehicles be equipped with a booster seat.
- i. For trips greater than 120 miles (or anticipated to exceed two (2) hours, STAs must allow stopping for restroom breaks for the patient at least every two (2) hours. For these transports, STAs must include two staff members, such that the personnel patient ratio is 2:1.
 - STA staff must be prepared to be flexible if patient needs exceed this two-hour minimum.
 - STA staff must be prepared to provide for the safety and security of each patient throughout the duration of the entire transport, to include, during any stops along the way.
- j. Vehicles must be equipped with appropriate communication devices such that drivers can quickly access emergency assistance at any location within the state.
- k. Devices must be hands-free in order to comply with all state laws.

4.1.2.3. **Transport Ratios**

STA may transport more than one patient at a time under the following circumstances:

- a. A standard five-seat vehicle may transport no more than two (2) patients at a time.
- b. A standard 10-passenger van may transport no more than four (4) patients at a time.
- c. A minimum of two (2) staff persons must accompany the transport of a group of patients.
- d. Transporting agent(s) should use judgment as it relates to the clinical profile of the patients they may be transporting together. Clinical judgment should also be consulted from the Emergency Department (ED) or the assessor.

4.1.2.4. **Searching Patients**

Patients must be searched prior to being transported to ensure they do not have anything that may be used to harm themselves or others. To do this safely:

- a. The gender of the STA driver shall match the patient whenever possible.
- b. The search shall be conducted with a witness observer or be recorded, preferably both.
- c. STAs are encouraged to utilize a wand to assist in the search process.

Please note that pursuant to the Tennessee Department of Health as of August 2021, a secondary transport agent that is an ambulance service must have a BLS license in each county they wish to operate in. Questions about ambulance service requirements should be directed to the Tennessee Department of Health, Emergency Medical Services division at <https://www.tn.gov/health/health-program-areas/health-professional-boards/ems-board.html>.