



## ***Standards for Secure Transportation Services for Individuals Experiencing a Behavioral Health Crisis***

### **Background FAQ Page**

**Background:** In 2021, the governor signed into law House Bill 21-1085 which created newly regulated secure transportation services for individuals experiencing a behavioral health crisis. This law required the Colorado Department of Public Health and Environment (Department) to create minimum standards for most secure transportation services. The law requires counties to implement these standards. Specifically, counties must:

- License secure transportation services,
- Issue permits for secure transportation service vehicles, and
- Enforce the minimum standards that secure transportation services must follow.

Beginning January 1, 2023, any entity that provides secure transportation services, with limited exceptions listed below, must apply for and receive a license issued by the county in which the service is based,<sup>1</sup> Each such entity must also apply for and receive a permit for each vehicle it uses to provide secure transportation services.

#### **What are secure transportation services?**

Secure transportation services provide urgent transportation services to a person experiencing a behavioral health crisis. These services include:

- Transporting a person who is experiencing a behavioral health crisis from the community to a facility for evaluation and/or treatment, or
- Transporting a person experiencing a behavioral health crisis between facilities such as hospitals, mental health treatment facilities, approved alcohol and substance abuse treatment centers, walk-in crisis centers, etc.

In Colorado, secure transportation services have traditionally been provided by law enforcement, ground ambulance agencies, behavioral health agencies and private security companies. However, the new minimum standards clearly state that licensed secure transportation services **cannot** provide medical treatment during transport or active or ongoing medical monitoring. Should a person need either medical treatment or ongoing monitoring, then it is a medical transport and not a secure transport. The minimum standards for secure transportation services are very different from the standards for ambulances that provide medical care, intervention, and monitoring.

#### **What entities are *not* required to obtain a license to provide secure transportation services to a person experiencing a behavioral health crisis?**

The law *exempts* the following four entities from having to obtain a license to provide secure

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<sup>1</sup> "Based" is defined in the minimum standards as the service area in a county where the client is picked up for secure transportation services.

transportation:

1. Licensed ground ambulance agencies,
2. Transportation services provided by the Office of Behavioral Health,
3. Emergency patrols established pursuant to Section 27-81-115, C.R.S., and
4. Law enforcement agencies or personnel employed by or contracted with law enforcement agencies.

These four types of entities already provide some secure transportation services in Colorado and will continue to do so, as they are particularly very important in rural areas where licensed secure transportation services may be limited or non-existent.

### **Why do secure transportation services need to be regulated?**

Most people who need secure transportation do not require the expensive medical resources provided by an ambulance or the extra security provided by law enforcement. They need a safe, secure, and non-traumatic ride to a place where they can get the behavioral health care they need. The regulation of secure transportation services will free up important and limited law enforcement and emergency medical service resources while providing safe and less stigmatizing secure transportation for people experiencing a behavioral health crisis. Having consistent minimum standards across the state for secure transportation service providers will ensure users and providers of the system have access to safe, trauma-informed care.

### **What are the counties required to do?**

The Board of County Commissioners of the county in which a secure transportation service is based<sup>2</sup> is required to issue licenses and permits to secure transportation services, and to ensure their compliance with state minimum standards. These standards (rules) are listed in [6 CCR 1011-4. Standards for Secure Transportation Services](#) and are summarized below. The law requires the county-based programs begin no later than January 1, 2023. (Any reference to “Part” below indicates a specific portion of 6 CCR 1011-4.)

Counties must:

- License each secure transportation service every three years (see Part 3);
- Issue permits for each vehicle being used by the licensed secure transportation service on an annual basis (see Part 3);
- Set fees for all licenses, vehicle permits, and renewals that reflects the direct and indirect costs incurred by the county;
- Implement written complaint and investigation policies and procedures (see Part 4);
- Implement a process for denial, suspension, or revocation of a license or vehicle permit (see Part 5); and
- Ensure that the licensed secure transportation service complies with all of the requirements in Parts 6 through 10, including data collection, staffing, clinical, medical, and operating procedures, assuring client rights, and developing a quality management program.

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## **Does every county have to set up a program or process?**

Yes, but counties can meet this requirement in two ways:

- Counties may stand up a secure transportation service licensing and permitting program, or
- Counties may enter into reciprocal licensing and permitting agreements with other counties and with neighboring states providing out-of-state secure transport services that comply with these rules or substantially equivalent out-of-state secure transport rules.

## **What are the two types of licenses for secure transportation services?**

The Department learned that some, but not all, secure transportation services utilize soft restraints when necessary. Soft restraints are a certain kind of physical device that is used to involuntarily restrict the movement of an individual.

Therefore, the minimum standards (Part 3) provide for the following two types of licensure based on whether the applying service does or does not use physical restraint:

- A **Class A** license is issued to secure transportation services that MAY use physical restraint during a transport under limited, emergency circumstances as defined in the minimum standards.
- A **Class B** license is issued to secure transportation services that MAY NOT use physical restraint during a transport.

Both Class A and B licensees must meet general licensing requirements, data collection and reporting requirements, staffing requirements, minimum training standards, and applicable vehicle permitting requirements. The minimum standards require any service with a Class A license to meet additional requirements relating to the use of physical restraint and required documentation and reporting.

## **What are the two types of vehicle permits for secure transportation service vehicles?**

Secure transportation services use many different vehicles to provide secure transportation, including: sport utility vehicles (SUVs), sedans, limousines, and passenger vans. In addition, the safety equipment on board varies. Some vehicles have a permanently installed safety partition that separates the passenger compartment from the driver. The partition may be plastic, a metal mesh cage, or other type of barrier that allows the driver to observe the client but does not allow physical contact. The presence or absence of a partition impacts the staffing levels needed for safe transport.

The minimum standards (Part 7) allow licensees to apply for the following two different types of vehicle permits:

- A **Type 1** vehicle permit will be issued to vehicles that have a safety partition that is permanently installed to protect the staff and clients, and
- A **Type 2** vehicle permit will be issued for all other vehicles that do not have a safety partition.

## **What do the counties need to review and approve in order to license a secure transportation service?**

The first thing each county must do is adopt secure transportation rules that meet or surpass the state minimum requirements. From there, the county can then create an application form that is a function of the regulatory requirements. After a secure transportation service submits a completed application form

for a license in the county where the service is based, the Board of County Commissioners shall review the application, the applicant's record, and inspect the applicant's vehicles and equipment, as well as the applicant's training and operating procedures.

The county must create an application process that ensures the applicant meets the following requirements (Part 3.3) in order to obtain a license:

- Complies with all applicable laws and regulations to operate a secure transportation service in Colorado;
- Submits an application fee and vehicle permit fee(s);
- Submits, upon request, copies of the secure transportation service's written policy and procedure manual, operational and, if applicable, medical protocols, training procedures, or other documentation the county may deem necessary;
- Demonstrates minimum vehicle insurance coverage, proof of general liability and applicable professional liability insurance coverage, proof of any additional insurance as identified in county resolution or regulations, and proof of a minimum level of worker's compensation (as applicable); and
- Complies with client and crew vehicle safety standards for every permitted vehicle.

The county shall also verify that each permitted vehicle is inspected annually by qualified representatives, as defined and appointed by the county commissioners, to assure compliance with the minimum standards. Counties shall verify that all equipment on the vehicle is properly secured and supplies are maintained and stored in accordance with the minimum standards and any manufacturer recommendations.

The county has the option to impose additional requirements for secure transportation services in that county, and will need to ensure the applicant meets any additional county-specific standards that are put in place.

### **How were the minimum standards developed?**

The minimum standards were developed collaboratively between the Department, stakeholders who are currently providing secure transportation services, behavioral health advocates, representatives of Colorado Counties, Inc., the Colorado Department of Healthcare Policy and Financing, and the Office of Behavioral Health in the Colorado Department of Human Services.

The minimum standards represent the robust stakeholder process, the Department's comprehensive rulemaking approach, and the law's obligation to adopt the following minimum regulatory requirements for secure transportation services:

- Vehicle staffing;
- Staff training requirements;
- Operating procedures (including situations where physical restraints are allowed);
- Quality improvement and complaint investigation processes;
- Data collection and reporting on data utilization to the Department;
- Minimum clinical and medical standards and procedures;
- Circumstances under which a person may be transported; and

- Criteria for client pickup and drop-off.

### **Who can get reimbursed for providing secure transportation services?**

The law requires the Department of Health Care Policy and Financing to create a benefit for secure transportation by January 1, 2023. The Department of Health Care Policy and Financing, in collaboration with the Office of Behavioral Health, is required to research and create a plan to establish secure transportation services, which may include supplemental and coordinated community response services, to be implemented by July 1, 2023. Secure transportation services licensed by the county in which the service is based may apply for reimbursement through the Department of Health Care Policy and Financing once those rules are established.

Licensed ground ambulance agencies that are exempt from having to obtain a secure transportation license may also be reimbursed for providing secure transportation services as long as they are in compliance with the minimum standards for secure transportation services.

### **How will the counties ensure licensed ground ambulance agencies that are reimbursed for providing secure transportation services comply with secure transportation standards?**

The law does not provide any direction as to how the counties or the Department of Health Care Policy and Financing will ensure licensed ground ambulance agencies comply with the minimum standards. Therefore, the minimum standards do not provide a prescriptive process for tracking the compliance of these agencies. Counties may wish to require licensed ground ambulance agencies to submit to and pass secure transportation service inspections when they undergo their required ground ambulance agency licensure inspections, for example. Ultimately, the counties and the Department of Health Care Policy and Financing will be responsible for implementing this tracking process.