



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

Colorado Counties FAQ Page

License Ground Ambulance Agency Exceptions

Question: I saw on the CCI webinar on the Secure Transport for Individuals in Behavioral Health Crisis that EMS agencies do NOT need to apply for this license but can continue to provide this service and will be able to bill for it come June/July 2023. So, they're already covered under their existing license and permits and do not need to apply for this one. Is that correct?

Question: The document states that if you have a current ambulance license you are exempt from getting licensed. Is this for ambulance transports only? If a patient is transported to a psychiatric facility via a secure vehicle will the ambulance company need a secure transport license?

Question: If an ambulance service has a vehicle specifically for transporting mental/behavioral health patients, do they need both an ambulance and a secure transportation service license and secure transportation vehicle permit?

Answers to all of the above: Licensed ground ambulance agencies are exempt from having to obtain a secure transportation service license and individual vehicle permit(s) in order to provide secure transportation services (6 CCR 1011-4, Part 3.2(A)(1)). The minimum standards additionally address the exemption of licensed ground ambulances in stating it this way:

3.2 County Exemptions from Licensure or Permit Requirements

- (B) A ground ambulance agency licensed pursuant to Section 25-3.5-301, C.R.S. is exempt from additional secure transportation licensing requirements as set forth in Part 3.2(A) and is eligible to receive reimbursement pursuant to Section 25.5-5-328, C.R.S., if the ambulance agency meets all requirements set forth in 6 CCR 1011-4.
- (1) A ground ambulance agency shall notify the Department if it is providing secure transportation services under its ground ambulance license as part of its secure transportation service profile set forth at Part 6.4.

While the ground ambulance agency does not have to obtain a separate secure transportation license or permit, if a ground ambulance agency wants to get reimbursed for providing secure transportation services, then the agency **must comply with the secure transportation minimum standards**, including the secure transportation vehicle safety and design standards (6 CCR 1011-4, Part 3.2(B)).

This ultimately means that if a ground ambulance is making the secure transport, that ambulance does not require any additional permitting other than what's already in place under the ground ambulance structure. If utilizing a secure vehicle that is not a ground ambulance, that individual

vehicle will indeed need to meet all secure transportation vehicle permitting criteria if seeking reimbursement. Secure vehicles are exempt from having to meet the ambulance vehicle standards based on ground ambulance rule exemptions that includes vehicles transporting patients who are not in need of medical care (6 CCR 1015-3, Chapter 4, Section 3.2.5).

The law does not provide 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 inspection 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 and attestation process.

Question: I was reviewing the rules regarding HB 21-1085 and I am trying to determine if these rules will apply for us. Is there a definition of what secure transport is somewhere? I don't believe we do "secure transport" however, I would like to verify so we are in compliance if we need to be.

Answer: The definition for secure transportation or secure transportation services is defined in statute at Section 25-3.5-103(11.4), et seq., C.R.S. Secure transportation services provide urgent transportation services to individuals experiencing a behavioral health crisis. These services include:

- Transporting an individual who is experiencing a behavioral health crisis from the community to a facility for evaluation and/or treatment, or
- Transporting an individual 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.

If your services include providing urgent secure transportation to individuals experiencing a behavioral health crisis to a level of care for evaluation or treatment and does not fall into the four exceptions¹, then the service must obtain a license in order to continue to provide these services.

Question: Will Mobile Crisis providers (not co-responders) be required to obtain licensing and permits through counties under this rule?

Answer: Law enforcement is exempted from having to obtain a secure transportation license and individual vehicle permit in order to provide urgent secure transportation to individuals experiencing a behavioral health crisis. Additionally, mobile crisis providers that are part of a co-responder team that includes law enforcement or personnel employed by or contracted with a law enforcement agency to individuals experiencing a behavioral health crisis also do not need to apply for a license or individual vehicle permit. However, if the mobile crisis provider DOES NOT include law enforcement or personnel employed by, or contracted with, a law enforcement agency to individuals experiencing a behavioral health crisis, then the mobile crisis provider will need to apply for a secure transportation license and

¹ The four exceptions to secure transportation licensing: (1) Ambulance agencies; (2) Transportation services provided by the Office of Behavioral Health within the Department of Human Services; (3) Emergency service patrols established pursuant to Section 27-81-115, C.R.S.; and (4) Law enforcement. Section 25-3.5-309, C.R.S.

individual vehicle permit(s).

Question: If a county does not have any secure transportation services, are they still required to have a licensing system in place by January 1, 2023?

Answer: The secure transportation laws do not specifically state that counties have to implement a secure transportation licensing program. However, Section 25-3.5-310, C.R.S., indicates that if an entity based in a county applies for a license to be a secure transportation provider, that application must be acted upon. In order to lessen the burden, and model after the ground ambulance rules, the secure transportation rules state that counties may enter into reciprocal licensing and permitting agreements with other counties (6 CCR 1011-4, Part 3.1(B)(1)).

Question: We cover 4 Counties and transport all over Colorado. It is a little unclear if we need to get a secure transport license for each County we transport from.

Answer: In order to provide secure transportation services, an entity must hold a valid license and individual vehicle permit(s) issued by the county or counties in which the secure transportation service is based. The term *based* is defined in the minimum standards as:

2.3 “Based” means a service area in a county where the client is picked up for secure transportation services.

Therefore, the secure transportation service must be licensed in each county in which clients are picked up for secure transportation services. In order to lessen the burden, and model after the ground ambulance rules, the secure transportation rules state that counties may enter into reciprocal licensing and permitting agreements with other counties (6 CCR 1011-4, Part 3.1(B)(1)).

Question: Are you aware of any counties that have developed a template for the secure transportation (HB21-0185) that could be shared?

Answer: While the Department may not be able to provide a prescriptive template, the [Secure Transportation Toolkit](#) that we developed provides examples and resources to support counties. Colorado Counties, Inc. is compiling all shared resources and county examples on a [dedicated webpage](#) for secure transportation licensing. Additionally, the secure transportation program was modeled off of the ground ambulance program in the hopes that counties can utilize their existing materials as templates for this new program.

Question: Are there tools for establishing license reciprocity outside of an intergovernmental agreement (IGA)? i.e., can it be as simple as a resolution acknowledging that the county will acknowledge any other valid and qualified license from another county?

Answer: While we do not yet know all of the set ups out there across various counties, it seems like for larger urban areas, an IGA or at least some formal reciprocity agreement would be prudent. In the

ground ambulance realm, many counties' Board of County Commissioners pass a resolution that sets forth the county's licensing scheme, but to codify the interplay with other counties, you would likely want a document signed not just by your own Board, but also by those boards of the counties with which you have reciprocity.

Question: If a mental health agency or shelter uses Uber or Lyft currently to transport for routine matters, does the county then need Uber or Lyft to request the permit and provide either all county wide cars or a certain subset for inspection? If Uber or Lyft refuse to do so, what does the county or state have to restrict their services in the county?

Answer: Since this is referring to transportation for routine matters, it does not fall under the secure transportation definition. Therefore, Uber or Lyft would not need to be licensed or permitted by the county. If Uber or Lyft were to provide urgent secure transportation to individuals experiencing a behavioral health crisis, then they would need to be licensed, each vehicle permitted, and meet all minimum standards at 6 CCR 1011-4.

Question: Does the county need to license its own county human services department vehicles?

Answer: The county likely will have to license and permit its own county human services department vehicles if providing urgent secure transportation services to individuals experiencing a behavioral health crisis. The only exception to this would be if the county human services department vehicles fall under the following four exceptions to secure transportation licensing: (1) Ambulance agencies; (2) Transportation services provided by the Office of Behavioral Health within the Department of Human Services (or what is now known as the BHA); (3) Emergency service patrols established pursuant to Section 27-81-115, C.R.S.; and (4) Law enforcement. Section 25-3.5-309, C.R.S.

Question: If a county inspects without giving a license (for ground ambulance agencies only) are we still able to charge for that service?

Answer: The secure transportation statute requires counties to charge a fee for licensing, permitting, and renewals. The Department of Public Health and Environment advises the counties to consult their attorney(s) as to any additional fees in which the county can legally levy such as vehicle inspections for those operating secure transportation services. The county attorney will be able to advise the county as to whether they can charge additional fees such as an inspection or attestation charge to cover any costs incurred by the county in order to verify that a ground ambulance agency is in compliance with the secure transportation standards in order to seek reimbursement.

Question: Is the county able to levy fines in the event of a secure transport service that is in violation of the regulations—for instance, a fine that may cover the cost of any investigation?

Answer: Since the statute specifically states that the counties must require a fee in the amount that reflects "the direct and indirect costs incurred by the county in implementing licenses for secure transportation", separate fines to cover the cost of investigation of non-compliance falls under these

types of costs.

Question: I heard that after January 1, 2023 we will not be able to do secure transports of clients on M-1's if we're not licensed by our local counties. I don't believe the 10 counties we work in are anywhere near ready to administer these licenses. Our small law enforcement agencies will not be able to do all of these transports for us. Can you clarify this?

Question: Do secure transport providers need to BE licensed by January 1st, 2023 or is it that they can start APPLYING for licenses on January 1st, 2023? Would you please allow flexibility for secure transportation providers or allow them to apply for a waiver with CDPHE?

Answer: The law requires that all counties “ensure compliance with minimum standards and license all secure transportation services, beginning no later than January 1, 2023.” Likewise, based on the secure transportation statute, all providers of such services must be licensed and permitted to provide such services on January 1st. If you believe the respective counties in which you're providing services will not be ready for licensure/permitting by that date, we recommend you connect with the licensing authority in that county as to their plan/recommendation so to mitigate any service interruptions where possible. Moreover, it may be prudent to consult with your own legal counsel as to direction for your agency. The Department of Public Health and Environment does not have regulatory or enforcement authority over counties for secure transportation services, nor providers of the service. Therefore there is no authority for the Department of Public Health and Environment to issue a waiver for licensure. The law allocates all licensing, oversight, and enforcement responsibilities to the counties directly, thus the Department of Public Health and Environment cannot advise beyond what the 6 CCR 1011-4 minimum standards articulate.