

RESOLUTION 2022 - 90

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO ADOPTING THE SUMMIT COUNTY REGULATIONS REGARDING SECURE TRANSPORTATION SERVICES

WHEREAS, House Bill 21-1085, adopted in June 2021, created a regulatory and service system to provide public or private secure transportation services to individuals experiencing a behavioral health crisis; and,

WHEREAS, the Bill directed each county's Board of County Commissioners to implement a program, including issuing licenses and vehicle permits for such transports, processing complaints and enforcement of the rules associated with the program; and,

WHEREAS, the Bill directed each county to have such a program in place by January 1, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO that the Board hereby adopts regulations regarding Secure Transportation Services. The policy is attached hereto as Exhibit A.

ADOPTED THIS 16th DAY OF DECEMBER, 2022.

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**



Sam Pogue

Samara Pogue, Chair

ATTEST:

Kathleen Neel

Kathleen Neel, Clerk & Recorder

**SUMMIT COUNTY, STATE OF COLORADO
REGULATIONS
CONCERNING LICENSING OF
SECURE TRANSPORTATION SERVICES**

ARTICLE I. AUTHORITY

These Regulations are adopted pursuant to the authority granted to the Board of County Commissioners (“Board”) of Summit County (“County”) under C.R.S. § 25-3.5-309, et seq., and the Code of Colorado Regulations, 6 CCR 1011-4, Standards for Secure Transportation Services, as such statute and regulations may be amended from time to time.

ARTICLE II. PURPOSE

The purpose of these Regulations is to facilitate the licensing and permitting of secure transportation services and the vehicles used for such services.

ARTICLE III: DEFINITIONS

As used in these Regulations, unless the context otherwise requires:

- 3.1 “Abuse” means any of the following acts or omissions:
- (A) The non-accidental infliction of bodily injury, serious bodily injury, or death;
 - (B) Confinement or restraint that is unreasonable under generally accepted standards;
or
 - (C) Subjection to nonconsensual sexual conduct or contact.
- 3.2 “Administrator” means any person who is responsible for the overall operations of the secure transportation service, as set forth in Part 7.2, 6 CCR 1011-4.
- 3.3 “Based” means a service area in a county where the client is picked up for secure transportation services.
- 3.4 “Behavioral health” means an individual’s mental and emotional well-being and actions that affect an individual’s overall wellness. Behavioral health issues and disorders include substance use disorders, serious psychological distress, suicide, and other mental health disorders, and range from unhealthy stress or subclinical conditions to diagnosable and treatable diseases. The term “behavioral health” is also used to describe service systems that encompass prevention and promotion of emotional health and prevention and treatment services for mental health and substance use disorders.
- 3.5 “Behavioral health crisis” means a significant disruption in a person’s mental or emotional stability or functioning resulting in an urgent need for immediate assessment and treatment to prevent a further or serious deterioration in the person’s mental or physical health.

- 3.6 “Chemical Restraint” means giving an individual medication involuntarily for the purpose of restraining that individual; except that “chemical restraint” does not include the involuntary administration of medication pursuant to C.R.S. § 27-65-111 (5), or administration of medication for voluntary or life-saving medical procedures.
- 3.7 “Class A” means secure transportation services licensed to use physical restraint during secure transport pursuant to the parameters set forth at Part 8.3, 6 CCR 1011-4.
- 3.8 “Class B” means secure transportation services that are not licensed to use physical restraint during secure transport.
- 3.9 “Client” means an individual experiencing a behavioral health crisis who is eligible for urgent secure transportation services as defined at Part 2.22, 6 CCR 1011-4 and who meets the parameters set forth at Part 8.1, 6 CCR 1011-4.
- 3.10 “The Department” means the Colorado Department of Public Health and Environment.
- 3.11 “Direct client contact” means any staff member who interacts directly with clients either before, during, or after the secure transportation service and is qualified by training pursuant to Part 7.7(A)(1), 6 CCR 1011-4. This may include the driver or any other staff member who is not providing direct client support.
- 3.12 “Direct client support” means any staff member who interacts directly with clients and is qualified by training pursuant to Part 7.7(A)(2), 6 CCR 1011-4 in mental health first aid, basic first aid, and cardiopulmonary resuscitation (CPR) who is assigned to provide secure transportation services to individuals experiencing a behavioral health crisis.
- 3.13 “Director” means the person employed as the Director of the Summit County Human Services Department, who is tasked by the Board of County Commissioner with ensuring compliance with these Regulations.
- 3.14 “Emergency Medical Services Facility” means a licensed or certified facility that provides emergency medical services, including but not limited to: hospitals, hospital units as defined at C.R.S. § 25-3-101; freestanding emergency departments as defined at C.R.S. § 25-1.5-114; psychiatric hospitals; community clinics; behavioral health entities; and community mental health centers, crisis stabilization units, or acute treatment units licensed as a behavioral health entity.
- 3.15 “Exploitation” means an act or omission committed by a person who:
- (A) Uses deception, harassment, intimidation, or undue influence for their personal gain to permanently or temporarily deprive a client of the use, benefit, or possession of anything of value;
 - (B) Forces, compels, coerces, or entices a client for the profit or advantage of the person or another person against the will of the client; or

- (C) Misuses the property of a client in a manner that adversely affects the client’s ability to receive services or care.
- 3.16 “Facility”, for the purposes of this chapter, means all facility types defined at Part 2.22(C), 6 CCR 1011-4.
- 3.17 “Harmful act” means an act committed against a client by a secure transportation service staff member when such act is not defined as abuse, neglect, or exploitation but causes harm to the health, safety, or welfare of a client.
- 3.18 “Licensee” means the person or business entity that is granted a license by the county to operate a secure transportation service and that bears legal responsibility for compliance with all applicable federal, state, and local statutes and regulations.
- 3.19 “Manager” means any person who is responsible for supervising staff and the day-to-day operations of the secure transportation service as set forth in Part 7.3, 6 CCR 1011-4.
- 3.20 “Mistreatment” means abuse, neglect, exploitation, or a harmful act.
- 3.21 “Neglect” means a staff member’s failure to provide behavioral health care, physical care, supervision, or any other service necessary for the health or safety of a client during the secure transportation service in a timely manner and with the degree of care that a reasonable person in the same situation would exercise. Neglect also means a staff member knowingly using harassment, undue influence, or intimidation to create a hostile or fearful environment for a client.
- 3.22 “Owner” means an officer, director, general partner, limited partner, or other person having a financial or equity interest in the secure transportation service. An owner may also serve as the manager and/or administrator of a licensed secure transportation service.
- 3.23 “Physical restraint”, for the purposes of this chapter, means a physical device used to involuntarily restrict the movement of an individual or the movement or normal function of a portion of their body.
- 3.24 “Secure transportation” or “Secure transportation services” means urgent transportation services provided to individuals experiencing a behavioral health crisis. Secure transportation includes:
- (A) An individual being transported pursuant to C.R.S. § 27-65-103 or 27-65-105(1), transportation from the community to a facility designated by the Executive Director of the Department of Human Services (DHS) for treatment and evaluation pursuant to C.R.S. § 27-65-101 et seq.;
 - (B) An individual in need of services pursuant to C.R.S. § 27-81-101, et seq. and § 27-82-101, et seq., transportation from any location to an approved treatment facility, as described in C.R.S. § 27-81-106, or to a walk-in crisis center that is in operation as part of the behavioral health crisis response system;

- (C) An individual who is receiving transportation across levels of care or to a higher or lower level of care, transportation between any of the following types of facilities:
 - (1) An emergency medical services facility;
 - (2) A facility designated by the Executive Director of DHS for the treatment and evaluation pursuant to C.R.S. § 27-65-101, et seq.;
 - (3) An approved treatment facility, as described in C.R.S. § 27-81-106, C.R.S.
 - (4) A walk-in crisis center that is operating as part of the behavioral health crisis response system; or
 - (5) A behavioral health entity (BHE) licensed pursuant to C.R.S. § 25-27.6-106, with a current twenty-four (24) hour endorsement.

 - (D) Secure transportation does not include urgent transportation services provided by law enforcement or personnel employed by or contracted with a law enforcement agency to individuals experiencing a behavioral health crisis.
 - (1) Except that any member of a co-responder team may provide urgent transportation services if that co-responder:
 - (a) Is not law enforcement or personnel employed by or contracted with a law enforcement agency; and
 - (b) Holds a valid license for secure transportation by the county in which the secure transportation originates; and
 - (c) Provides secure transportation in a vehicle:
 - (i) With a valid permit issued by the county in which the secure transportation originates, and
 - (ii) That meets the minimum requirements for secure transportation services in this rule chapter.
- 3.25 “Serious injury” means brain or spinal cord injuries; bone breaks or fractures; any injury that threatens life or limb, impairs the function of any part or organ of the body, or results in permanent disfigurement; burns of the second or third degree; and/or physical or sexual abuse as described in C.R.S. § 18-3-101, et seq.
- 3.26 “Type 1” means a permitted vehicle with a permanent safety partition that separates the driver from the passenger compartment.
- 3.27 “Type 2” means a permitted, non-partitioned vehicle.

ARTICLE IV: LICENSES AND PERMITS REQUIRED

- 4.1 Secure Transportation License Required: On or after January 1, 2023, in accordance with 6 CCR 1011-4, § 3.1, no person or agency, public or private, shall transport a patient experiencing a behavioral health crisis from any point within the County to any point within or outside the County unless that person or agency holds a valid license issued by the county in which the secure transportation service is based, except as provided in Section 3.5 of these Regulations, below. Accordingly, every Secure Transportation Service based in Summit County must secure a license issued by the County pursuant to these Regulations.
- 4.2 Types of Licenses: A Secure Transportation Service shall elect either a Class A License, for services which use physical restraint during the provision of secure transportation, or a Class B License, for services which do not use physical restraint during the provision of secure transportation.
- 4.3 Vehicle Permit Required: On or after January 1, 2023, in accordance with 6 CCR 1011-4, § 3.1, no person or agency, public or private, shall transport a patient experiencing a behavioral health crisis from any point within the County to any point within or outside the County unless that person or agency holds a valid license issued by the county in which the secure transportation service is based, except as provided in Section 3.5 of these Regulations, below. Additionally, every Secure Transportation Service based in Summit County must secure a permit, issued by the County in which the Secure Transportation Service is based, pursuant to these Regulations, for every vehicle it operates.
- 4.4 Types of Permits: A Secure Transportation Service shall elect to permit each of its vehicles as either a Type 1 vehicle, for a vehicle with a safety partition that separates the driver from the passenger department, or a Type 2 vehicle, which does not contain a safety partition.
- 4.4 Terms:
- (A) Each Secure Transportation License shall be valid for three (3) years from the issue date, unless revoked or the Secure Transportation Service changes ownership. Licenses may not be sold, assigned, or otherwise transferred.
 - (B) Each Secure Vehicle Permit shall be valid from one (1) year from issue date, unless earlier revoked or the vehicle changes ownership. Permits may not be sold, assigned, or otherwise transferred.
 - (C) Each application must be submitted no later than thirty (30) days before the request effective date of the License or Permit, for a new License or Permit, or thirty (30) days before the expiration of the existing term, for renewals.
- 4.5 Exceptions to Licensing and Permits Required: In addition the exemptions granted by the State of Colorado pursuant to 6 CCR 1015-3, Chapter 4—Rules Pertaining to Licensure of Ground Secure transportations, or its successor, the provisions of the licensing in subsections III.3.1 of these Regulations, above, shall not apply to the following:

- (A) Vehicles used for the transportation of persons injured at a mine when the personnel used on the vehicles are subject to the mandatory safety standards of the federal mine safety and health administration, or its successor agency.
- (B) Ground Ambulance Agencies licensed pursuant to C.R.S. § 25-3.5-301,
- (C) Transportation services provided by the Office of Behavioral Health within the Department of Human Services,
- (D) Emergency service patrols established pursuant to C.R.S. § 27-81-115, and
- (E) Law enforcement

ARTICLE V: LICENSURE REQUIREMENTS

Before issuing a new or renewed license to a Secure Transportation Service pursuant to these Regulations, the County shall ensure the following requirements have been met:

- 5.1 The Secure Transportation Service has certified that it is compliant with all applicable laws and regulations required to operate a secure transportation service in Colorado, and the County does not have information to the contrary.
- 5.2 The Secure Transportation Service has completed the County's application form.
- 5.3 The Secure Transportation Service has provided the following to the County:
 - (A) Name and contact information of the Manager and Administrator of the Secure Transportation Service
 - (B) Submission of all written policies and procedures, including any operational protocols, medical protocols, training procedures, client rights, background check policy and other relevant documents.
 - (C) Statement of understanding that if the Secure Transportation Service is sold or transferred, the new owner shall be required to obtain licensing and permits prior to beginning operations.
 - (D) List of current staff and certification that staffing requirements have been met.
- 5.4 The Secure Transportation Service has submitted the appropriate application fee, as specified in Article 13 below.
- 5.5 The Secure Transportation Service has demonstrated that it has the following insurance coverage from an insurance company authorized to write liability insurance in Colorado, and that Summit County is identified as a certificate holder:
 - (A) General liability and applicable professional liability insurance coverage, in the following minimum amounts:

- (1) Liability insurance for injuries in the amount of one million dollars (\$1,000,000.00) for each individual claim.
 - (2) Liability insurance in the amount of three million dollars (\$3,000,000.00) for all claims made against the secure transportation service or against its personnel.
- (B) Demonstration by the applicant of proof of a minimum level of worker's compensation consistent with the Colorado Worker's Compensation Act in Articles 40-47 of Title 8, C.R.S., as applicable.

ARTICLE VI: PERMIT REQUIREMENTS

Before issuing a new or renewed Vehicle Permit to a Secured Transportation Service pursuant to these Regulations, the County shall ensure the following requirements have been met:

- 6.1 The Secure Transportation Service has completed the County's Vehicle Permit form.
- 6.2 The Secure Transportation Service has provided the following to the County:
 - (A) Certificate of Mechanical Inspection, completed by a qualified motor vehicle mechanic, for each vehicle for which a permit is sought.
 - (B) Certification of compliance signed by the Emergency Manager, pursuant to Section 5.6.
- 6.3 The Secure Transportation Service has demonstrated that it has the following insurance coverage, and that Summit County is identified as a certificate holder, for each vehicle for which a permit is sought:
 - (A) Automobile liability insurance coverage in the amount of one million dollars (\$1,000.00.00) bodily injury for each person, two million dollars (\$2,000.00.00) bodily injury for each accident, and one million dollars (\$1,000.000.00) for property damage.
- 6.4 The Secure Transportation Service has submitted the appropriate vehicle permit fee, as specified in Section 13, below, for each vehicle permit sought.
- 6.5 Compliance with client and crew vehicle safety standards as follows:
 - (A) All vehicles must demonstrate proof of compliance with Federal Motor Vehicle Safety Standards on the date of manufacture in accordance with the following:
 - (1) 49 C.F.R. Part 567.4(a) for manufactured motor vehicles (except replica motor vehicles and vehicles manufactured in two (2) or more stages),
 - (2) 49 C.F.R. Part 567.5 for vehicles that are manufactured in two (2) or more stages, or

- (3) 49 C.F.R. Part 567.7 for certified vehicles that are altered.
- (B) All vehicles must undergo routine vehicle maintenance and periodic checks in accordance with manufacturer recommendations.
- (C) All vehicles must have the following safety features:
- (1) Four doors;
 - (2) Ligature risk reduction measures;
 - (3) Child safety and window safety locks;
 - (4) Global Positioning System (GPS) tracking;
 - (5) Occupant protection, including seat belts, supplemental inflatable restraints, and child safety seats (as applicable);
 - (6) Cabin temperature control and ventilation system;
 - (7) Be absent any foreign items or instruments in the secured area that may be used to inflict harm; and
 - (8) Mirror for monitoring the client or capability for visual observation of the client.
- (D) If a Type 1 vehicle with a safety partition that separates the driver from the passenger compartment is being used for the secure transportation service, then the vehicle must have the following additional safety features:
- (1) Permanent installation of all safety partitions; and
 - (2) For vehicles with a cargo area, a safety partition must also be installed that separates the passenger compartment from the cargo area;
- (E) All vehicles must be equipped with the following:
- (1) First aid kit;
 - (2) Fire extinguisher;
 - (3) Wireless two-way communication (public safety radio, commercial land mobile radio, or wireless telephone);
 - (4) Biohazard bag;
 - (5) Personal protective equipment for each occupant as per public health recommendations; and

- (6) Map of service area.
 - (F) If a licensed secure transportation service utilizes physical restraint as part of its services, the vehicle shall additionally be equipped with the following:
 - (1) Automated external defibrillator (AED);
 - (2) Non-metal, soft posey-type restraints; and
 - (3) Device intended to prevent a client from spitting or biting that does not restrict the client’s airway or breathing ability and does not pose a ligature risk.
- 6.6 The Summit County Board of County Commissioners hereby appoints the Director of the Summit County Human Services Department (hereinafter “Director”) to be its qualified representative, delegated with the authority of ensuring compliance with these Regulations. Each vehicle to be used by the Secure Transportation Service must be inspected by the Director to verify that all equipment on the vehicle is properly secured and supplies are maintained and stored in accordance with these Regulations, Colorado State Regulations, and any manufacturer recommendations. The Director may not have any actual or potential conflict of interest with the Secure Transportation Service or with the inspection process.

ARTICLE VII: MANAGER AND ADMINISTRATOR REQUIREMENTS

- 7.1 Each Secure Transportation Service based in Summit County must have a Manager and an Administrator. The Manager and Administrator positions may be held by the same person.
- 7.2 The Secure Transportation Service must notify the of its Manager and Administrator, and any changes regarding the Manager or Administrator during the licensing term must be provided to the Director within fourteen (14) business days of the change.
- 7.3 Each Manager and Administrator must meet the following minimum requirements:
 - (A) Be at least twenty-one (21) years of age, possess a high school diploma or GED;
 - (B) Have at least one (1) year documented supervisory experience in the provision of secure transportation services or be qualified by education, knowledge, and experience to oversee the secure transportation services provided;
 - (C) Be able to communicate, understand, and respond effectively to the client, family representatives, and other providers and be able to use appropriate translator services as needed;
 - (D) Be familiar with all applicable local, state and federal laws and regulations concerning the operation and provision of secure transportation services;

- (E) Be in good standing with any state regulatory agency if the manager or administrator is licensed or certified with the Colorado Department of Regulatory Agencies or the Colorado Department of Public Health and Environment; and
- (F) Have passed a background check that was performed by the Secure Transportation Service or owner prior to the assumption of responsibilities. The manager or administrator shall not conduct his or her own background check or any required follow-up.

7.4 **Manager Responsibilities.** The responsibilities of the manager include, but are not limited to:

- (A) Supervising staff and the day-to-day operations of the service;
- (B) Completing the applicable annual training and core competencies at Part 7.7, 6 CCR 1011-4;
- (C) Ensuring annual training completion and core competencies for every staff member with direct client contact;
- (D) Implementing a quality management program in accordance with Part 10, 6 CCR 1011-4;
- (E) Maintaining appropriate records and ensuring accurate completion of records, including, but not limited to:
 - (1) Personnel records; and
 - (2) Client records, including individual trip logs and the data reporting requirements in accordance with Part 6 of these rules; and
- (F) Implementing all policies and procedures of the secure transportation service.

7.5 **Administrator Responsibilities.** The responsibilities of the administrator include, but are not limited to:

- (A) Managing the business affairs and overall operation of the secure transportation service, including planning, organizing, developing, controlling, and/or maintaining the service's operations;
- (B) Organizing and directing the service's ongoing functions;
- (C) Overseeing a budgeting and accounting system;
- (D) Designating in writing a qualified back up administrator to act in the administrator's absence or requiring the administrator or their qualified designee to be available in person or remotely to assist secure transportation service staff members with urgent matters that arise during all hours that staff are providing services;

- (E) Ensuring the secure transportation service is in compliance with all applicable federal, state, and local laws;
- (F) Ensuring the completion, maintenance, and submission of such reports and records as required by the County and/or Department;
- (G) Developing and implementing a quality management program in accordance with Part 10, 6 CCR 1011-4; and
- (H) Maintaining appropriate records and all policies and procedures of the service, including, but not limited to:
 - (1) Personnel records, including verification of each staff member's compliance with orientation and annual training requirements set forth in Part 7.7, 6 CCR 1011-4 and verification of any applicable active professional licensure or certification;
 - (2) Client records, including individual trip logs and the data reporting requirements in accordance with Part 6, 6 CCR 1011-4; and
 - (3) Financial and administrative records, including certificates of insurance for the secure transportation service.

ARTICLE VIII: STAFFING REQUIREMENTS

8.1 Every Secure Transportation Service shall have staffing requirements which include, at a minimum:

- (A) All drivers must possess a current and valid Colorado driver's license.
- (B) If a Type 1 (partitioned) vehicle is being used for the secure transport, then the following shall apply:
 - (1) A 1:1 ratio of client to staff member shall be maintained during the transport, which staff member may also be the driver in the case of a Type 1 vehicle transportation.
 - (2) If one (1) client is being transported, then one (1) staff member with a current and valid certification for all training topics is required to staff a vehicle permitted for each secure transport.
 - (3) If more than one client is being transported, then one (1) staff member who possesses a current and valid certification for all training topics is required to accompany each individual client during transport.
- (C) If a Type 2 (non-partitioned) vehicle is being used for the secure transport, then the following shall apply:

- (1) A 1:1 ratio of client to staff member shall be maintained during the transport, in addition to the driver, who may not be included in the staffing ratio requirement in the case of a Type 2 vehicle transportation.
 - (2) If one (1) client is being transported, then two (2) staff members are required to staff the vehicle. At a minimum, the staff member who is not the driver must have a current and valid certification for all training topics.
- 8.2 Each staff member with direct client contact must possess a certification or proof of having completed all required coursework.
- 8.3 Each Secure Transportation Service must have a policy related to background checks for all staff members. Such background checks shall take place prior to an individual providing secure transportation services. The policy shall include, at a minimum:
 - (A) Standards regarding hiring staff with prior convictions of a violent, fraudulent, or abusive nature, to include further inquiry by the Manager or Administrator to determine the potential impact on client safety in accordance with the policies developed by the secure transportation service.
 - (B) A procedure by which if an individual is hired despite a background check that reveals a prior conviction of a violent, fraudulent, or abuse nature, the Manager or Administrator documents the reasons for hire and plans for supervision.
- 8.4 Each Secure Transportation Service must have established the following minimum staff training requirements for all staff that must be completed prior to providing secure transportation services, and annually thereafter, or as recommended by the relevant training organizations:
 - (A) Cultural competencies including, but not limited to, supporting persons with physical or cognitive disabilities, language accessibility, and accessing interpretive services;
 - (B) In-person or online verbal de-escalation training sessions that prioritize client and staff safety and inform restraint requirements set forth in Part 8.3, 6 CCR 1011-4;
 - (C) Trauma-informed care principles;
 - (D) Evade and escape violent encounter strategies;
 - (E) Internal policies and procedures applicable to the secure transportation service and staff, including, but not limited to the staff disciplinary policy;
 - (F) Client rights; and
 - (G) Compliance with applicable privacy laws.
- 8.5 Each Secure Transportation Service must have established the following additional minimum staff training requirements for all staff with direct client contact:

- (A) Adult and Youth Mental Health First Aid as offered by educational institutions or by professional organizations such as mental health firstaid.org, or the equivalent;
 - (B) Basic First Aid and CPR; and
 - (C) Care of clients with substance use disorders.
- 8.6 Each Class A Secure Transportation Service must have also established the following additional minimum staff training requirements for all staff who may utilize physical restraint during secure transportation of clients:
- (A) Circumstances and protocols governing the permissible application of individual physical restraint during secure transport; and
 - (B) Safe application of individual physical restraint on clients during secure transport.
- 8.7 All staff training must be documented by the Secure Transportation Service and provided to the County.

ARTICLE IX: OPERATING STANDARDS AND PROCEDURES

- 9.1 Secure transport clients may only be transported under the following circumstances:
- (A) The client is experiencing a behavioral health crisis.
 - (B) The client is in need of urgent transportation to a facility that is defined at Part 2.22(C), 6 CCR 1011-4.
 - (C) The client does not and will not need either:
 - (1) Medical treatment during transport, or
 - (2) Active or ongoing medical monitoring.
 - (D) The client does not and will not need to be chemically restrained during secure transport as a behavioral intervention.
- 9.2 Required Policies and Procedures.
- (A) General Policies and Procedures. Each Secure Transportation Service must have established policies and procedures that follow national best practice guidelines where available, and address, at a minimum:
 - (1) Appropriate procedures to assess initially whether the client requires a higher level of transport than the service can provide;
 - (2) Appropriate procedures to follow when, during a secure transport, it becomes apparent that a client needs medical attention or a higher level of transport than the service can provide;

- (3) Appropriate procedures to confirm the receiving facility's acceptance of the client prior to initiation of the secure transport;
 - (4) Criteria used for pickup and drop-off, including the circumstances that determine a secure transport client's eligibility;
 - (5) The level of support and protection needed for both client and staff safety;
 - (6) Compliance with vehicle safety standards and procedures;
 - (7) Proper evacuation of the vehicle during emergencies if the windows and/or exits of the vehicle are blocked or inaccessible;
 - (8) Infection prevention and control, including the decontamination of the vehicle after each transport;
 - (9) Parental and/or guardian level of support and involvement;
 - (10) Meeting client needs on extended transports including meals, water, and bathroom breaks;
 - (11) Documentation of all steps in the process from initial pickup request to drop-off, including but not limited to documenting all stops made during the secure transportation service.
- (B) **Class A Specific Procedures.** Each Class A Secure Transportation Service must have the following policies and procedures that address, at a minimum:
- (1) The circumstances under which staff who provide direct client support may apply individual physical restraint during the course of the secure transportation service, given the parameters outlined in Part 8.3, 6 CCR 1011-4, and
 - (2) The application of individual physical restraint, including training protocols and safety precautions, to ensure the restraints do not restrict the client's airway or breathing ability.
- (C) **Client Rights.** Each Secure Transportation Service must have written client rights which assures that each client has the right to be treated with consideration, respect, and full recognition of human dignity and individuality, and that includes, at a minimum:
- (1) The right of the client and their property to be treated with respect;
 - (2) The right of the client to have access to basic comfort items and their personal mobile phone provided the direct client support staff member establishes and documents that those items do not pose a danger to the client or staff member;

- (3) The right of the client to wear their own clothes provided the direct client support staff member establishes and documents that those items do not pose a danger to the client or staff member;
 - (4) The right of the client to receive secure transportation services by the least restrictive means necessary to assure the safety of the client;
 - (5) The right of the client to be free from discrimination in the provision of services;
 - (6) The right of the client to be free from neglect, financial exploitation, and verbal, physical, and psychological abuse, including humiliation, intimidation, or punishment;
 - (7) For clients who request voluntary transport, the right of the client to discontinue secure transportation services;
 - (8) The right of the client to receive disclosure about any video and/or audio recording that occurs during the delivery of service in accordance with applicable privacy laws;
 - (9) The right of the client to have personally identifying health information protected from unnecessary disclosure;
 - (10) The right of the client or their representative to file a complaint against the secure transportation service with the Secure Transportation Service and county concerning services or care that is or is not furnished, and receive documentation of the existence of the investigation and resolution of the complaint, including providing the complainant with the results of the investigation and the secure transportation service's plan to resolve any identified issues; and
 - (11) The right of the client to file a complaint with the Secure Transportation Service and county without fear of discrimination or retaliation by the secure transportation service's owner, manager, administrator, or any staff members.
- (D) Client Rights' Policies and Procedures. Each Secure Transportation Service must have an established client rights policies and procedures that include, at a minimum:
- (1) Procedures for identifying, reporting, reviewing, and investigating all allegations of abuse, mistreatment, neglect, and exploitation.
 - (2) Procedures for timely communicating all investigation results to the client and county in which the secure transportation service is licensed.

- (3) Procedures for timely and appropriate disciplinary action up to and including termination of staff and appropriate legal recourse against any staff member who has engaged in abuse, mistreatment, neglect, or exploitation of a client.
- (4) Procedures the direct client support staff member must follow to document their decision to withhold any basic comfort items and/or the client's personal mobile phone or prohibit a client from wearing their own clothes.
- (E) The Secure Transportation Service shall provide each client with written documentation of its Client Rights and Client Rights' Policies and Procedures, including the right to file a complaint with the County, to clients at the initiation of the secure transportation service. If the client is unable to read the rights, they shall be read the rights in a language they understand.
- (F) The Secure Transportation Service shall designate a staff member as responsible for complaint intake and problem resolution, and shall inform the County of that person's name, title, and contact information at the time of licensing or renewal, or in the event of any changes in that position.

9.3 Restraint.

- (A) No chemical restraint may be administered during a secure transport. If chemical restraint is needed to ensure client safety, then the client shall receive an ambulance transport.
- (B) Physical restraint, as defined at Part 2.21, 6 CCR 1011-4, shall only be utilized for health and safety purposes under the following circumstances:
 - (1) In cases of emergency, when the client is at risk of causing serious, probable, and imminent threat of bodily harm to themselves or to others and where there is the present ability to effect such bodily harm; and
 - (2) After the failure of less restrictive alternatives, including verbal de-escalation; or
 - (3) After a determination that such alternatives would be inappropriate or ineffective under the circumstances.
- (C) If physical restraint is utilized during a transport, the service shall document the time at which the physical restraint was applied and removed (if applicable) and the type of physical restraint used.

9.4 Capacity, Documentation, and Availability.

- (A) The secure transportation service shall transport one (1) client per vehicle transport, except under the following circumstances:

- (1) Each client has received behavioral health clearance from the treating provider at the sending facility, no physical restraint is needed, and there is a low probability of behavioral destabilization;
 - (2) Each client has received medical clearance from the treating provider at the sending facility, is medically stabilized, and has a low probability of medical destabilization;
 - (3) Each client has received an assessment from the treating provider at the sending facility that the client is an appropriate candidate for a transport with one or more individuals;
 - (4) The transport is an inter-facility transport as defined at Part 2.22(C), 6 CCR 1011-4; and
 - (5) Each client has given their consent to be transported with another individual(s).
- (B) The secure transportation service shall create and maintain accurate and detailed logs of client transports, including professional incident reports.
- (C) To ensure the needs of clients are met, secure transportation services that do not provide 24/7 services shall provide the client with their after-hours contact information and with contact information for the secure transportation service's back-up providers.

ARTICLE X: QUALITY MANAGEMENT PROGRAM (QMP)

- 10.1 Each Secure Transportation Service must have an ongoing quality management program (“QMP”) that is appropriate to the size and type of the service. The program shall incorporate a plan that evaluates the quality of client care and safety and has the following policies and procedures including, at a minimum:
- (A) The incorporation of the substantiated findings of any complaint into its QMP for the purpose of evaluating and implementing systemic changes where needed.
 - (B) The general description of the types of cases, problems, or risks to be reviewed and criteria for identifying potential risks.
 - (C) Identification of the staff members responsible for coordinating quality management activities.
 - (D) A description of the method(s) for:
 - (1) Investigating and analyzing the frequency and causes of individual problems and patterns of problems;
 - (2) Taking corrective action to address the problems, including prevention and minimizing problems or risks;

- (3) Evaluating corrective action(s) to determine the effectiveness of such action(s); and
 - (4) Coordinating all pertinent case, problem, or risk review information with other applicable quality assurance and/or risk management activities, such as review of client care, review of staff conduct, the client complaint system as described in Article 11 of these Regulations, and education and training programs.
- (E) Documentation of required quality management activities, including cases, problems, or risks identified for review; findings of investigations; and any actions taken to address problems or risks.
 - (F) A schedule for program implementation not to exceed ninety (90) days after the date of the issuance of the secure transportation service license.
 - (G) A schedule for program evaluation to periodically assess the effectiveness of services and review the clinical and operational protocols and compliance with such protocols.
 - (H) The utilization or application of data collected pursuant to Article 12 of these Regulations to inform the quality management plan.
 - (I) A written disciplinary policy that addresses a process for staff quality improvement.
- 10.2 The secure transportation service shall make available the quality management plan to the County during the initial license application and include the QMP with renewal applications if the plan has been revised.
- 10.3 Summit County, the Colorado Department of Public Health and Environment (the "Department"), or any other appropriate regulatory agency having jurisdiction for disciplinary or licensing sanctions shall have access to any records, reports, and other information of the quality management program.

ARTICLE XI: COMPLAINTS

11.1 Origination of Complaints:

- (A) Alleged violation of this Policy by a Licensed Secure Transportation Service or of a Secure Transportation Service operating in the County without a license, may be made by any person or agency or may be initiated by the Director or the Board on its own volition.
- (B) Such Complaint shall be made to the Director and may be made in writing or verbally.

- (C) The Director shall provide to the Complainant the name and contact information of the person who is designated to handle complaints for the Secure Transportation Service.
- (D) Any individual bringing a matter of medical competency to the Board shall waive the right of patient confidentiality as a condition of complaint submission and subsequent investigation.
- (E) If any legal action is filed against a licensed secure transportation service in a court of the United States, the State of Colorado or any of its political subdivisions, the licensee shall notify the Board within ten (10) business days. A violation of these Regulations shall not be presumed based on an allegation. In the event that a judgment is entered against the licensee, the licensee shall file a copy of the findings of fact, conclusions of law and order of the court with the Board within ten (10) business days.
- (F) If an action against a Secure Transportation Service is undertaken by another jurisdiction, the licensee shall notify the Board within ten (10) business days. A violation of these Regulations shall not be presumed based on the action. If the action results in a suspension or revocation of the secure transportation service license by another jurisdiction, the licensee shall file a copy of the record of the adverse action with the Board within ten (10) business days.

11.2 Validation of Complaints:

- (A) The Director shall provide a copy of the complaint to the Secure Transportation Service within seven (7) days of its receipt.
- (B) The Director shall complete an initial review of the complaint, judgment or adverse action, and interview the complainant, within seven (7) days of receipt to determine if, on the face of the complaint, it may constitute a violation of this Policy and has sufficient foundation to warrant a complete investigation.
- (C) If the Director determines that the complaint has sufficient factual basis of a violation of these Regulations, the Emergency Manager shall proceed to a full investigation. Allegations of violations outside the purview of the Board or these Regulations shall be returned to the complainant for referral to the appropriate authority or jurisdiction.
- (D) The Director shall notify the complainant and the Secure Transportation Service in writing upon such a determination, whether it is determined that the allegation shall be investigated or that it lacks sufficient basis to warrant investigation.

11.3 Investigation of Complaints:

- (A) Upon initiation of a full investigation, the Director shall take actions to investigate the complaint, which investigation may include interview of witnesses, collection of records, and any other lawful action deemed appropriate by the Director. Such

investigation shall be completed no later than thirty (30) days after the decision to investigate.

- (B) The Director shall present his or her investigative findings in writing to the Board within thirty (30) days of the decision to investigate. A copy of the Director's findings shall be mailed to the complainant and the Secure Transportation Service.

11.4 Review by the Board of County Commissioners

- (A) Upon receipt of the written report, the Board shall meet within fourteen (14) days, and shall vote: 1) to take no further action on the complaint; 2) to allow a reasonable time for the Secure Transportation Service to cure its violation; or 3) to hold a public hearing regarding the complaint. The Board's decision shall be communicated to the Secure Transportation Service and complainant in writing.
- (B) If the Board determines that a hearing is warranted, such a hearing shall be held within fourteen (14) days of such a determination, or within fourteen (14) days of a temporary suspension of any license.
- (C) All hearings before the Board shall be open to the public and shall be conducted in accordance with the Colorado Open Meetings Act. The Board shall be authorized to administer oaths and issue subpoenas to require the attendance of witnesses and the production of papers, books, and records necessary to the determination of any issue at any hearing. The Secure Transportation Service shall be given the opportunity to be heard at the hearing.
- (D) At the conclusion of the hearing, the Board may dismiss the complaint, or make findings that the complaint is substantiated. In the event of a substantiated complaint, the Board may suspend or revoke the Secure Transportation Service's license or require remediation of the violation, as specified in Section 11.5 below. The Emergency Manager shall bear the burden of proof of a violation justifying any suspension or revocation of a license or permit.
- (E) The outcome of the public hearing shall be documented and sent to the Secure Transportation Service and complainant in writing.
- (F) In the event of a revocation or suspension of the license of a Secure Transportation Service, the County shall notify the Colorado Department of Public Health and Environment, Colorado Department of Regulatory Agencies, Colorado Department of Health Care Policy and Financing, other counties in which the Secure Transportation Service is known to operate, other relevant jurisdictions, local law enforcement authorities, dispatch centers, hospitals, fire departments, and any other entities to whom the Secure Transportation Service provides services, or other interested parties as applicable.

11.5 Revocation, Suspension, and Time to Cure

- (A) The Board has the authority to suspend or revoke, temporarily or permanently, any license or permit issued pursuant to these Regulations.
- (B) **Temporary Suspension:** Without prior notice to the Secure Transportation Service, if the Board determines, based on the complaint, that there is an immediate threat to the public health, safety, and/or welfare by continued operations, the Board may, without a hearing, temporarily suspend any license or permit issued pursuant to these Regulations. Such temporary suspension shall be effective upon delivery of written notice to the licensed secure transportation service by the Board. No temporary suspension shall be valid for more than thirty (30) days or until a final decision by the Board concerning suspension or revocation, after a hearing pursuant to Section 11.4, above, whichever period is longer. Any written notice of temporary suspension shall also provide notice of the time, date and place of a hearing before the Board to consider the suspension or revocation of the license. Except upon written consent of the licensee, the hearing shall be held not more than ten (10) business days following the effective date of the temporary suspension.
- (C) **Suspension for Definite Period or Revocation of License:** Following notice to the Secure Transportation Service and a hearing at which the licensee is afforded an opportunity to be heard, pursuant to Section 11.4, above, the Board may suspend or revoke any license or permit. Any suspension or revocation shall require a finding by the Board of a violation of these Regulations based upon the evidence presented at the hearing. Issuance of a temporary suspension shall not be a prerequisite to the conduct of a hearing to consider the suspension or revocation of a license or permit.
- (D) **Length of Suspension or Revocation:** For a first complaint, suspension shall be for a specific and definite period of time not to exceed any remaining current license period. If the license or permit is revoked for the remainder of its life, the Secure Transportation Service may reapply for the license or permit during the next licensing period. However, if a second complaint regarding the same Secure Transportation Service is subsequently received and sustained, the Board may permanently revoke the related license or permit, and the Secure Transportation Service may, at the Board's discretion, be prohibited from obtaining a license or permit in the future.
- (E) **Surrender of License or Permit:** Following receipt of a written notice of suspension or revocation, the licensee shall surrender and deliver its license and all secure transportation vehicle permits to the Director within forty-eight (48) hours.
- (F) **Time to Remediate:** If the Board determines that a Secure Transportation Service has violated these Regulations, it may, in its sole discretion, allow the Secure Transportation Service a period of time to remedy the violation. Such period shall not exceed thirty (30) days. In the event the violation is not cured within that time period, the Board shall reconvene and make a subsequent determination regarding whether the license or permit of the Secure Transportation Service should be revoked or suspended.

ARTICLE XII: DATA COLLECTION AND REPORTING REQUIREMENTS

- 12.1 Any secure transport resulting in the serious injury, illness, or death of a client or staff member during transport or resulting in injury to the client as a result of the use of physical restraint during transport shall be reported to the receiving facility immediately and to the County within twenty-four (24) hours of the incident. The County must be notified by calling or emailing the Director. Each report shall identify and describe the circumstances leading to the serious injury, illness, or death of a client or staff member during transport.
- 12.2 In accordance with Part 6, 6 CCR 1011-4, all secure transportation services in Colorado shall provide the Department the required data and information in a form and manner determined by the Department as follows:
- (A) Beginning in 2024, all secure transportation services shall submit the following data no later than March 1 for the previous calendar year:
- (1) The total number of transports (individual trips and trips with multiple clients as allowed in Part 8.4, 6 CCR 1011-4) that the service's vehicles made for the previous calendar year.
 - (2) The total number of adults (18+) served by the secure transportation service for the previous calendar year.
 - (3) The total number of minors (17 and under) served by the secure transportation service for the previous calendar year.
 - (4) The type of location where individuals were picked up and dropped off for the previous calendar year.
 - (5) The total number of individuals who were transported by the Secure Transportation Service more than one time for the previous calendar year.
 - (6) The total number of transports (individual trips and trips with multiple clients as allowed in in Part 8.4, 6 CCR 1011-4) that the Secure Transportation Service declined due to lack of secure transportation service resources for the previous calendar year.
 - (7) Demographic information for the previous calendar year, including, but not limited to:
 - (a) The total number of clients served by residential zip code;
 - (b) The total number of clients served by pickup location zip code; and
 - (c) The total number of clients served by gender, race and ethnicity.

- (8) The total number of clients the Service transported who were not on involuntary holds (M1, M5 and M8) for the previous calendar year.
- (B) The Secure Transportation Service shall complete and submit to the Department a secure transportation service profile in the manner and method determined by the Department. The profile shall include, but not be limited to contact information for the licensee and its owner, manager, and/or administrator, demographics of the service area, number and types of responding staff, number of calls, counties served, organizational type, and number and type of responding vehicles.
 - (1) Secure transportation services shall update the profile data whenever changes occur and at least annually.
 - (2) As part of the profile, a licensed ground ambulance agency shall notify the Department if it is providing secure transportation services under its ground ambulance license.
- (C) The Department may establish procedures to monitor and enforce compliance regarding submission of secure transportation service profile information as described in Part 6.4, 6 CCR 1011-4 and annual submission of utilization data as described in Part 6.2, 6 CCR 1011-4.
- (D) If a secure transportation service fails to comply with the Department's rules, the Department may report this lack of compliance to Archuleta County.
- (E) The Department may establish procedures to allow outside agencies, institutions, or individuals to obtain information from the secure transportation data system.
- (F) A secure transportation service may request the annual data that it has submitted to the Department.

ARTICLE XIII: FEES

- 13.1 Summit County shall charge non-refundable, flat fees for licensing and permitting pursuant to these Regulations as follows:

3 Year Secure Transportation Service License	\$ 75.00
1 Year Vehicle Permit	\$ 25.00
- 13.2 Fees are non-refundable, not transferrable, and will not be pro-rated.
- 13.3 Payment of the total fee is required at the time of submission of the application.

ARTICLE XIV: GENERAL PROVISIONS

- 14.1 Review of Regulations. These Regulations shall be reviewed periodically as necessary to maintain compliance with State law and regulations governing the licensing and permitting of ground Secure Transportation Service and vehicles. The Board retains full right to revise, add to, amend, and/or delete from the Regulations from time to time as the Board in its sole discretion sees fit.
- 14.2 Waivers and Variances. The Board reserves the right to amend these Regulations and any other individual conditions of licensing as applied to any particular license as needed in keeping with its legislative function and in order to implement the policy of the State of Colorado that the regulation and control of secure transportation licenses be in the exclusive purview of the Boards of County Commissioners. If permitted by applicable Colorado law, the Board may grant a variance, or waiver, upon written request from the applicant, from the terms of these Regulations if the Board finds good cause exists, and such action is necessary, and will not be detrimental to the health, safety, or welfare of the public. All requests for waiver or variance must be submitted in writing with the application for a secure transportation license in order to be considered by the Board.
- 14.3 Assignment. Assignment, sale or transfer of a secure transportation service license or vehicle permit is strictly prohibited.
- 14.4 Severability. If any of the provisions of these Regulations are determined to be invalid, such determination shall not affect the remaining provisions of these Regulations.
- 14.5 Third Parties. Nothing in these Regulations shall be construed to create a cause of action or civil liability remedy in any person. These Regulations shall not be construed to create a duty to any third party where no such duty otherwise existed. It is the express intention of the Board that any third party receiving services or benefits under these Regulations shall be deemed to be an incidental beneficiary only.