

# Secure Transportation Program Implementation for Counties

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## PURPOSE OF THIS TOOLKIT

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The purpose of this toolkit is to provide counties and commissioners with the information needed to develop and implement a secure transportation licensing and permitting program.

## BACKGROUND

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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 (CDPHE) 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 service must also apply for and receive a permit for each vehicle it uses to provide secure transportation services.

## REQUIREMENTS FOR COUNTIES

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Counties must have a secure transportation licensing program in place by January 1, 2023. To view the requirements go [here](#). (The link to the regulations will be available when published on the Secretary of State's website.)

### COUNTIES NEED TO HAVE:

- A process for the issuance of secure transportation licenses and individual vehicle permits
  - Adopt license requirements
  - Verify inspected vehicles
  - Issue licenses for Class A and B service types
  - Issue vehicle permits for Type 1 and Type 2 vehicles
  - Create license and vehicle permit renewal process
  - Partner with other counties to create a reciprocal licensing agreement (Optional)
- A complaint process
  - Establish and implement a written complaint and investigation policy and procedure

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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.

- Notify services of any known or alleged violations
- A denial, revocation, or suspension process
  - Establish and implement policies and procedures for revocation, denial, or suspension of licensure or vehicle permit(s)
- Data Collection and Reporting Requirements
  - Ensure all agencies providing secure transportation services (licensed and licensed ambulance agencies) know the annual data reporting requirements to CDPHE and have measures in place to track data
  - Submit to CDPHE, upon request, a list of all licensed secure transportation services and list of permitted vehicles in the county
- Staffing requirements
  - Ensure all services follow Part 7 based on their appropriate license and/or vehicle permit type
- Clinical, medical, and operating standards and procedures
  - Ensure all services follow Part 8 based on their appropriate license and/or vehicle permit type
- Client rights
  - Ensure all services follow Part 9 regardless of their license and/or vehicle permit type
- Quality management program
  - Ensure all services follow Part 10 based on their appropriate size and regardless of their based license and/or vehicle permit type

## STEPS TO PREPARE FOR LICENSURE PROCESS FOR COUNTIES (INCLUDES SAMPLE DOCUMENTS, TEMPLATES, AND CHECKLISTS)

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Beginning January 1, 2023, any entity providing secure transportation services, with limited exceptions, must apply for and receive a license issued by the county in which the service is based, as well as a permit for each vehicle used by the secure transportation service. Remember, these regulatory requirements are mandated by law.

1. Create forms for agencies to apply and your county to issue licenses and vehicle permits
2. Establish staffing requirements in alignment with Part 7
3. Establish vehicle safety and design requirements
4. Establish a complaint process
5. Establish data collection and reporting requirements
6. Establish clinical, medical, and operating requirements
7. Establish client rights

### STEP 1. DEVELOP APPLICATION FORMS TO OPERATE A SECURE TRANSPORTATION SERVICE (SERVICE LICENSE, VEHICLE PERMITS, INSPECTION FORMS).

#### Form Examples:

- [Sample Secure Transportation Vehicle Certificate of Motor Vehicle Condition](#) (mechanical evaluation checklist)
- [Sample County Application to Secure Transportation Vehicle Permit](#)
- [Sample County Secure Transportation Vehicle Inspection Report](#)
- [Sample County Application for Secure Transportation Transportation License](#)

- Create a process and procedure for issuing licenses for each secure transportation service **every three years**. Secure transportation services have the following two licensing options:
  - Class A - services that may use physical restraint during secure transport, and
  - Class B - services that shall not use physical restraint during secure transport.
- Create an **annual** process and procedure for issuing vehicle permits for *each* vehicle used to provide secure transportation services:
  - Type 1 - vehicle with a safety partition that separates the driver from the passenger compartment, or
  - Type 2 - non-partitioned vehicle.

View a [Comparison of Rules by License and Vehicle Permit Types](#)

- Include in its resolution or regulations the requirements for identification of the permitted level of service on each vehicle issued a permit (optional).
- Create a license and vehicle permit renewal process that requires the receipt of applications for renewal no less than thirty (30) days before the date of license and/or permit expiration.
- Verify that each vehicle is inspected annually by qualified representatives.
- Impose any additional requirements for the secure transportation service, as needed.
- Prohibit assignment, sale, or transfer of a secure transportation service license or permit.
- Require each secure transportation service operating within its jurisdiction to have a manager and administrator who meet the following minimum qualifications:
  - Be at least twenty-one (21) years of age, possess a high school diploma or GED, and:
  - 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;
  - 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;
  - Be familiar with all applicable local, state, and federal laws and regulations concerning the operation and provision of secure transportation services;

- Be in good standing with any state regulatory agency if the manager or administrator is licensed or certified with DORA or the Department; and
  - 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 their own background check or any required follow up.
- Require the secure transportation service to inform the county within fourteen (14) business days, in writing, of changes regarding the manager or administrator of record.

## STEP 2: ESTABLISH STAFFING REQUIREMENTS

Adopt secure transport staffing requirements that include at a minimum:

- Drivers must possess a current and valid driver's license.
  - If a Type 1 vehicle (partitioned) is being used for the secure transport, then the following shall apply:
    - A 1:1 ratio of client to staff member shall be maintained during the transport; this staff member may *also* be the driver. 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. 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.
  - If a Type 2 vehicle (non-partitioned) is being used for the secure transport, then the following shall apply:
    - A 1:1 ratio of client to staff member shall be maintained during the transport, in addition to the driver who is *not* included in this staffing ratio requirement. If one (1) client is being transported, then two (2) staff members are required to staff the vehicle. At minimum, the staff member who is not the driver will have a current and valid certification for all training topics.
- Each staff member with direct client contact must possess a certification or proof of having completed the required coursework.
- Ensure that the secure transportation service has 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:
- Establish the following minimum staff training requirements for all staff, that must be completed prior to providing secure transportation, and annually thereafter, or as recommended by the relevant training organizations:
  - Cultural competencies including, but not limited to, supporting persons with physical or cognitive disabilities, language accessibility, and accessing interpretive services;
  - 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;
  - Trauma-informed care principles;
  - Evade and escape violent encounter strategies;



- Internal policies and procedures applicable to the secure transportation service and staff, including, but not limited to the staff disciplinary policy;
  - Client rights; and
  - Compliance with applicable privacy laws.
- Establish the following additional minimum staff training requirements for all staff with direct client contact:
    - Adult and Youth Mental Health First Aid as offered by educational institutions or by professional organizations such as [mentalhealthfirstaid.org](http://mentalhealthfirstaid.org), or the equivalent;
    - Basic First Aid and CPR; and
    - Care of clients with substance use disorders.
- Establish the following additional minimum staff training requirements for all staff who may utilize physical restraint during secure transportation of clients under Class A:
    - Circumstances and protocols governing the permissible application of individual physical restraint during secure transport and
    - Safe application of individual physical restraint on clients during secure transport.

### STEP 3. ESTABLISH VEHICLE REQUIREMENTS

Adopt secure transport licensing requirements that include at a minimum:

- A requirement that new owners must obtain a secure transportation license and vehicle permit(s) prior to beginning operations and upon change of ownership of a secure transportation service.
- All client and crew vehicle safety standards be followed
- All vehicles must demonstrate proof of compliance with Federal Motor Vehicle Safety Standards on the date of manufacture
- All vehicles must undergo routine vehicle maintenance and periodic checks in accordance with manufacturer recommendations.
- Require all vehicles to have the following safety features:
  - Four doors
  - Ligature risk reduction measures
  - Child safety and window safety locks
  - Global Positioning System (GPS) tracking
  - Occupant protection, including seat belts, supplemental inflatable restraints, and child safety seats (as applicable)
  - Cabin temperature control and ventilation system;
  - Be absent any foreign items or instruments in the secured area that may be used to inflict harm
  - Mirror for monitoring the client or capability for visual observation of the client
- 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:
  - Permanent installation of all safety partitions
  - For vehicles with a cargo area, a safety partition must also be installed that separates the passenger compartment from the cargo area
- All vehicles must be equipped with the following:
  - First aid kit
  - Fire extinguisher
  - Wireless two-way communication (public safety radio, commercial land mobile radio, or wireless telephone)

- Biohazard bag
- Personal protective equipment for each occupant as per public health recommendations
- Map of service area
- If a licensed secure transportation service utilizes physical restraint as part of its services, the vehicle shall additionally be equipped with the following:
  - Automated external defibrillator (AED)
  - Non-metal, soft posey-type restraints
  - 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

**Applicants must provide:**

- Proof of insurance coverage with county(ies) identified as certificate holder
- Proof of general liability and applicable professional liability insurance coverage, at a minimum:
  - Liability insurance for injuries in the amount of \$1,000,000 for each individual claim.
  - Liability insurance in the amount of \$3,000,000 for all claims made against the secure transportation service or against its personnel from an insurance company authorized to write liability insurance in Colorado.
  - Liability insurance coverage to the maximum extent required by Section 24-10-114, C.R.S., as applicable, if the secure transportation service is granted qualified immunity under the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S.
- Proof of any additional insurance as identified in county resolution or regulations.
- Proof of a minimum level of worker's compensation consistent with the Colorado Worker's Compensation Act
- Upon request, submit copies of a written policy and procedure manual, operational protocols, medical protocols (if applicable), training procedures, or other documents
- Upon Department request, the county shall provide a list of secure transportation services it licenses and a list of all vehicles for which it has issued permits to provide urgent transportation services
- Ensure that all secure transportation services have policies and procedures that follow national best practice guidelines where available, that address, at a minimum:

- Appropriate procedures to assess initially whether the client requires a higher level of transport than the service can provide
- 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
- Appropriate procedures to confirm the receiving facility's acceptance of the client prior to initiation of the secure transport
- Criteria used for pickup and drop-off, including the circumstances that determine a secure transport client's eligibility
- The level of support and protection needed for both client and staff safety
- Compliance with vehicle safety standards and procedures
- Proper evacuation of the vehicle during emergencies if the windows and/or exits of the vehicle are blocked or inaccessible
- Infection prevention and control, including the decontamination of the vehicle after each transport
- Parental and/or guardian level of support and involvement
- Meeting client needs on extended transports including meals, water, and bathroom breaks
- 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

#### **STEP 4. CREATE AND IMPLEMENT A WRITTEN COMPLAINT AND INVESTIGATION PROCESS**

The county needs to create a process to receive complaint allegations from consumers in addition to requiring each secure transport agency to have a written complaint and investigation process. Consumers need to be able to submit a complaint to the agency and to the county.

View a [Checklist of County Complaint Process Requirements](#)

Examples:

[Sample Complaint Process](#)

#### **STEP 5. CREATE A DENIALS, REVOCATION, OR SUSPENSION OF LICENSURE AND/OR VEHICLE PERMITS**

View a [Checklist of Denials, Revocation, or Suspension of Licensure and/or Vehicle Permits](#)

#### **STEP 6. CLIENT RIGHTS**

- Ensure that each secure transportation service has written client rights that assure a client has the right to be treated with consideration, respect, and full recognition of human dignity and individuality, and that includes, at a minimum:
  - The right of the client and their property to be treated with respect
  - 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
  - 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
  - The right of the client to receive secure transportation services by the least restrictive means necessary to assure the safety of the client
  - The right of the client to be free from discrimination in the provision of services
  - The right of the client to be free from neglect; financial exploitation; and verbal, physical, and psychological abuse, including humiliation, intimidation, or punishment
  - For clients who request voluntary transport, the right of the client to discontinue secure transportation services
  - 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

- The right of the client to have personally identifying health information protected from unnecessary disclosure
- 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
- 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
- Ensure that each secure transportation service has clients' rights policies and procedures that include, at a minimum:
  - Procedures for identifying, reporting, reviewing, and investigating all allegations of abuse, mistreatment, neglect, and exploitation
  - Procedures for timely communicating all investigation results to the client and county in which the secure transportation service is licensed
  - 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
  - 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.
  - Upon Department request, the county shall provide a list of secure transportation services it licenses and a list of all vehicles for which it has issued permits to provide urgent transportation services.
- Ensure that all secure transportation services have policies and procedures that follow national best practice guidelines where available, that address, at a minimum:
  - Appropriate procedures to assess initially whether the client requires a higher level of transport than the service can provide;
  - 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
  - Appropriate procedures to confirm the receiving facility's acceptance of the client prior to initiation of the secure transport
  - Criteria used for pickup and drop-off, including the circumstances that determine a secure transport client's eligibility

- The level of support and protection needed for both client and staff safety
  - Compliance with vehicle safety standards and procedures
  - Proper evacuation of the vehicle during emergencies if the windows and/or exits of the vehicle are blocked or inaccessible
  - Infection prevention and control, including the decontamination of the vehicle after each transport
  - Parental and/or guardian level of support and involvement
  - Meeting client needs on extended transports including meals, water, and bathroom breaks
  - 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
- Ensure that all Class A secure transportation services have the following policies and procedures that address, at a minimum:
    - The circumstances under which staff who provide direct client support may apply individual physical restraint during the course of the secure transportation service
    - 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

## ADDITIONAL RESOURCES

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### Regulations:

[https://www.sos.state.co.us/CCR/NumericalCCRDdocList.do?deptID=16&deptName=1000%20Department%20of%20Public%20Health%20and%20Environment&agencyID=144&agencyName=1011%20Health%20Facilities%20and%20Emergency%20Medical%20Services%20Division%20\(1011,%20015%20Series\)%20-%20by%20Colo%20Bd%20of%20Health](https://www.sos.state.co.us/CCR/NumericalCCRDdocList.do?deptID=16&deptName=1000%20Department%20of%20Public%20Health%20and%20Environment&agencyID=144&agencyName=1011%20Health%20Facilities%20and%20Emergency%20Medical%20Services%20Division%20(1011,%20015%20Series)%20-%20by%20Colo%20Bd%20of%20Health)

### House Bill 21-1085/Informing Legislation:

[https://leg.colorado.gov/sites/default/files/2021a\\_1085\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2021a_1085_signed.pdf)

### Background and FAQs:

[https://docs.google.com/document/d/1\\_48jvqgcc4c7kifxb4tbf03px1nfm9-u3eaw6odeks/edit?usp=sharing](https://docs.google.com/document/d/1_48jvqgcc4c7kifxb4tbf03px1nfm9-u3eaw6odeks/edit?usp=sharing)