

RESOLUTION NO. 22 - \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO

**RESOLUTION TO ADOPT EL PASO COUNTY SECURE TRANSPORTATION  
SERVICE LICENSING REGULATIONS**

WHEREAS, pursuant to C.R.S. §§ 30-11-101, 30-11-103, and 30-11-107 (1), the Board of County Commissioners of El Paso County, Colorado (“Board”) has the legislative authority to adopt and enforce resolutions and regulations regarding the public health, safety, and welfare as prescribed or authorized by law; and

WHEREAS, C.R.S. §§ 25-3.5-309 through 25-3.5-313 authorize the Board to adopt rules and regulations governing the licensing of secure transportation services in El Paso County; and

WHEREAS, the Board find that it is in the best interest of the public health, safety, and welfare to adopt such rules and regulations for the licensing of secure transportation services and the permitting of vehicles used to provide secure transportation services.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado hereby adopts the El Paso County Secure Transportation Service Licensing Regulations, attached hereto as Exhibit A and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Board hereby adopts the following application fees, to be paid at the time of application submittal:

\$250 for new and renewal secure transportation license applications

\$100 for new and renewal secure transportation vehicle permits

DONE THIS \_\_\_\_\_ day of December, 2022 at Colorado Springs, Colorado.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

\_\_\_\_\_  
Chuck Broerman  
County Clerk & Recorder

By: \_\_\_\_\_  
Stan VanderWerf, Chair

## **EL PASO COUNTY SECURE TRANSPORTATION SERVICE LICENSING REGULATIONS**

### **I. AUTHORITY AND PURPOSE**

These Regulations are adopted pursuant to the authority granted to the Board of County Commissioners of El Paso County, Colorado (“Board”) under C.R.S. §§ 25-3.5-103, 25-3.5-309, 25-3.5-310, 25-3.5-311, and 25-3.5-313. The Board finds that the secure transportation of individuals experiencing a behavioral health crisis is a matter closely affecting the public interest and declares that it is in the best interest of the public health, safety, and welfare, and in accordance with the law, that these Regulations be adopted.

The purposes of these Regulations are to set forth requirements for the inspection, licensing, and operation of secure transportation services in El Paso County pursuant to state law, establish the structure and authority for regulatory oversight, and provide for the development, operation, and monitoring of high-quality secure transportation services in El Paso County.

### **II. INCORPORATION OF STATE REGULATIONS**

The Colorado Board of Health has adopted state standards and regulations for the licensing and operation of secure transportation services pursuant to its authority under C.R.S. 25-3.5-311. These State Standards are found at 6 CCR 1011-4 and attached hereto as Appendix A, and portions of them are incorporated into these Regulations as specifically identified herein. Any future amendments to the State Standards are automatically incorporated herein by reference without the need for additional action by the Board. The State Standards and any future amendments thereto can, as of the date these Regulations are adopted, be found online at the following address:

[https://www.sos.state.co.us/CCR/DisplayRule.do?action=ruleinfo&ruleId=3382&deptID=16&agencyID=144&deptName=Department%20of%20Public%20Health%20and%20Environment&agencyName=Health%20Facilities%20and%20Emergency%20Medical%20Services%20Division%20\(1011,%201015%20Series\)&seriesNum=6%20CCR%201011-4](https://www.sos.state.co.us/CCR/DisplayRule.do?action=ruleinfo&ruleId=3382&deptID=16&agencyID=144&deptName=Department%20of%20Public%20Health%20and%20Environment&agencyName=Health%20Facilities%20and%20Emergency%20Medical%20Services%20Division%20(1011,%201015%20Series)&seriesNum=6%20CCR%201011-4)

### **III. DEFINITIONS**

The definitions set forth in Part 2 of the State Standards shall apply to those terms as used in these Regulations unless otherwise provided herein.

### **IV. LICENSING AND PERMITTING**

#### **A. License and Permits Required.**

1. No person or entity shall provide secure transportation service based in El Paso County unless it holds a valid license and permits issued by El Paso County.

2. A licensed secure transportation service must obtain a permit issued by El Paso County for each vehicle used to provide secure transportation services.
3. The following entities, as identified in Part 3.2 of the State Standards, may provide secure transportation services based in El Paso County without obtaining a secure transportation license.
  - a. Ground ambulance agencies licensed pursuant to § 25-3.5-301, C.R.S.
  - b. Transportation services provided by the Office of Behavioral Health within the Colorado Department of Human Services.
  - c. Emergency service patrols established pursuant to § 27-81-115, C.R.S.
  - d. Law enforcement.

B. License Types. Two types of secure transportation licenses are available.

1. Class A: for secure transportation services that may use physical restraint during secure transport pursuant to the parameters set forth in Part 8.3 of the State Standards.
2. Class B: for secure transportation services that shall not use physical restraint during secure transport.

C. Permit Types. Two types of secure transportation vehicle permits are available.

1. Type 1: for vehicles with a safety partition that separates the driver from the passenger compartment.
2. Type 2: for vehicles without a safety partition that separates the driver from the passenger compartment.

D. License Applications.

1. A person or entity owner shall obtain a secure transportation license prior to beginning operations and upon change of ownership. Licenses are not assignable or transferable.
2. A license applicant shall submit the following information and items in applying for a new license.
  - a. A completed application.
  - b. The license application fee.
  - c. A copy of the secure transportation service's written policy and procedures manual, including its policy regarding staff member background checks.
  - d. A copy of the secure transportation service's operational and medical protocols, which must comply with Part 8 of the State Standards.
  - e. A copy of the secure transportation service's training procedures, which must comply with Part 7.7 of the State Standards, and proof of completion of the required orientation and training by relevant staff.

- f. Attestation that the Manager and the Administrator, who may be the same person, meet the requirements of Part 7.1 of the State Standards.
- g. A copy of the secure transportation service's written client rights and related policies and procedures, which must comply with Part 9 of the State Standards.
- h. A copy of the secure transportation service's quality management plan, which must comply with Part 10 of the State Standards.
- i. Documentation of minimum vehicle insurance coverage as defined by §§ 10-4-609 and 42-7-103(2), C.R.S. with El Paso County identified as the certificate holder.
- j. Documentation 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.

#### E. Permit Applications.

- 1. A licensed secure transportation service must obtain a vehicle permit prior to placing the vehicle into service. Permits are not assignable or transferable.
- 2. A licensed secure transportation service shall submit the following information and items when applying for a vehicle permit.
  - a. A completed application.
  - b. The permit application fee.
  - c. Proof of compliance with Federal Motor Vehicle Safety Standards on the date of manufacture pursuant to Part 3.3 (A)(10) of the State Standards.
  - d. Proof of routine vehicle maintenance and periodic checks, as of the date of application, in accordance with manufacturer recommendations.
- 3. Upon receipt of the items listed in paragraph E.2. above, the County shall schedule an inspection of the vehicle, which must be completed before issuance of a vehicle permit.

#### F. Issuance and Renewal of License and Permits.

- 1. Upon receipt of all required documents and fees and completion of required vehicle inspections, license and permit applications shall be scheduled for a hearing before the Board. The Board shall approve license and permit applications upon making the following findings:
  - a. All submitted documentation demonstrates compliance with the State Standards and these Regulations.
  - b. All vehicles sought to be permitted comply with the State Standards and these Regulations.
  - c. The secure transportation service Manager, Administrator, and personnel meet the requirements set forth in the State Standards and these Regulations.

2. If the Board denies a license or permit application, it shall advise the applicant in writing of the reasons for the denial.
3. Secure transportation service licenses shall be valid for a period of three (3) years.
4. Secure transportation vehicle permits shall be valid for a period of one (1) year.
5. An application to renew a license or vehicle permit must be submitted no later than thirty (30) days prior to expiration of the license or vehicle permit. License and vehicle permit renewals shall follow the same requirements and procedures as new applications.

## **V. REGULATIONS**

### **A. Operational Requirements.**

1. Each licensed secure transportation service shall at all times operate in compliance with applicable state law, State Standards, and these Regulations.
2. Each licensed secure transportation service shall comply with the data collection and reporting requirements set forth in Part 6 of the State Standards.
3. Secure transport clients may only be transported by a licensed secure transportation service under the circumstances described in Part 8.1 of the State Standards.
4. Each licensed secure transportation service shall have an ongoing quality management program (QMP) that is appropriate to the size and type of service. The QMP shall incorporate a plan that evaluates the quality of client care and safety and includes, at a minimum, the policies and procedures described in Part 10.1 of the State Standards.

### **B. Staff and Training Requirements.**

1. Each licensed secure transportation service must have a manager and administrator who meet the minimum qualifications set forth in Part 7.1 of the State Standards. The manager and administrator may be the same person.
2. A licensed secure transportation service must notify the County in writing of changes regarding the manager or administrator of record within fourteen (14) days of such change.
3. Each licensed secure transportation service must meet the staffing requirements set forth in part 7.6 of the State Standards.
4. Each licensed secure transportation service shall ensure that its staff with direct client contact has completed the training requirements set forth in Part 7.7 of the State Standards.

## **VI. COMPLAINTS**

### **A. Receipt of Complaints.**

1. All complaints against licensed secure transportation services or regarding secure transportation services being provided by an unlicensed party or in an unpermitted vehicle shall be referred to the appropriate County department as directed by the Board.
2. Information for the public concerning how to file a complaint shall be posted on the County's website.
3. Complaints will be accepted in writing, through email, or over the phone.
4. County staff shall create a written record of each complaint received and, for the types of complaints identified in Part 4.3 of the State Standards, shall provide a copy of such record to the licensed secure transportation service or alleged unlicensed party.

**B. Investigation of Complaints.**

1. County staff shall initiate an investigation of each complaint within five (5) business days of receipt by contacting the complainant to verify the substance of the allegations.
2. County staff shall, as appropriate, contact the manager or administrator, interview staff and other witnesses, and review records of the licensed secure transportation service against whom the complaint is made.
3. County staff shall document each complaint investigation in writing.
4. Upon finding that sufficient evidence exists of a violation of state law, State Standards, or these Regulations has occurred, County staff shall take one of the following actions:
  - a. Elect to give the licensed secure transportation service an opportunity to correct the issue by requiring and ensuring compliance with a written plan for resolution.
  - b. Schedule a hearing before the Board to suspend or revoke a license or permit.
  - c. Request that the Board temporarily suspend, pursuant to the procedure set forth in Section VII.A. below, a secure transportation service license or vehicle permit for a period not to exceed thirty (30) days.
5. County staff shall notify each complainant verbally or in writing, as requested by the complainant, of the results of the complaint investigation.
6. Licensed secure transportation services shall cooperate with any County investigation of a complaint received by the County and provide any information or documentation not otherwise protected by law.

**C. Notice of Litigation or Other Action.**

1. A licensed secure transportation service must notify the County in writing within seven (7) business days of any legal action filed or judgment entered against it in any court, any adverse action taken on a license issued to the service by another

jurisdiction, or any adverse action taken against the service by the State of Colorado.

## **VII. SUSPENSION AND REVOCATION OF LICENSES AND PERMITS**

### **A. Temporary Suspension.**

1. Upon finding that sufficient evidence exists of a violation of state law, State Standards, or these Regulations has occurred and that an imminent risk to the health, safety, or welfare of the public or clients exists, the Board may, without notice to the licensed secure transportation service, immediately suspend a secure transportation service license or vehicle permit for a period not to exceed thirty (30) days.
2. A temporary suspension imposed pursuant to this Section VII.A. shall take effect upon delivery of written notice to the manager or administrator of record of the licensed secure transportation service.
3. County staff must schedule a public hearing on the alleged violation before the Board within ten (10) days of the effective date of the temporary suspension.

### **B. Hearing Procedure.**

1. Upon finding after an investigation that sufficient evidence exists of a violation of state law, State Standards, or these Regulations has occurred, County staff may schedule a public hearing before the Board to suspend or revoke a secure transportation license or vehicle permit.
2. Except in cases where a temporary suspension has been imposed, County staff shall provide the manager or administrator of the licensed secure transportation service at least fourteen (14) days' written notice of the public hearing date, time, and place.
3. Public notice of and the procedures for conducting a public hearing to suspend or revoke a secure transportation license or vehicle permit shall be as established by the Legislative and Parliamentary Rules and Procedures of the Board of County Commissioners of El Paso County, Colorado, adopted pursuant to Board resolution.

### **C. Decision of the Board.**

1. At the conclusion of the public hearing, the Board shall find based upon competent evidence whether a violation of state law, State Standards, or these Regulations has occurred.
2. If the Board finds by a preponderance of the evidence that a violation has occurred, it may take one of the following actions:

- a. Continue the temporary suspension, if imposed, for the full thirty (30) days.
- b. Suspend a secure transportation service license or vehicle permit after the temporary suspension period, if any, for any portion of or for the remainder of the license or permit period.
- c. Permanently revoke a secure transportation service license or vehicle permit if the licensee has a prior violation.

#### **VIII. SEVERABILITY**

If any provision of these Regulations is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue in full force and effect.