

RESOLUTION NO. 22-47

**THE BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO**

**A RESOLUTION TO ADOPT THE HUERFANO 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 Huerfano 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, 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; 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 Huerfano 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 by the Board of County Commissioners of Huerfano County, Colorado that the following are hereby adopted:

Section 1. Title.

This resolution shall be known and referred to as the “Huerfano County Secure Transportation Licensing Regulations”

Section 2. Purpose and Authority.

1. It is the policy of the Huerfano County Board of County Commissioners that all providers of secure transportation services and the vehicles used for secure transportation services comply with local and state laws and regulations, specifically C.R.S. §§ 25-3.5-103, 25-3.5-309, 25-3.5-310, 25-3.5-311, and 25-3.5-313 as well as 6 CCR 1011-4.
2. The purposes of these Regulations are to set forth requirements for the inspection, licensing, and operation of secure transportation services in Huerfano 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 Huerfano County.

Section 3. 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 on the Colorado Secretary of State's Website.

Section 4. Definitions.

The definitions set forth in Part 2 of the State Standards, as may be amended from time to time, shall apply to this Policy and procedures, unless the context clearly requires a different meaning. One definition of particular relevance is "secure transportation" or "secure transportation services", which shall mean urgent transportation services provided to individuals experiencing a behavioral health crisis and includes:

1. An individual being transported from the community to a facility designated for treatment and evaluation;
2. An individual in need of services from any location to an approved treatment facility, or a walk-in crisis center that is operating as part of a behavioral health crisis response system; or
3. An individual who is receiving transportation across levels of care or to a higher level of care.

"Secure transportation" does not include urgent transportation services provided by law enforcement or personnel employed by or contracted with a law enforcement agency.

Section 5. License and Permits Required.

1. No person or entity shall provide secure transportation service based in Huerfano County unless it holds a valid license and permits issued by Huerfano County.
2. A licensed secure transportation service must obtain a permit issued by Huerfano 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 Huerfano 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.

Section 6. 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.

Section 7. 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.

Section 8. 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 Huerfano 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.

Section 9. 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 section 9.2. above, the County shall schedule an inspection of the vehicle, which must be completed before issuance of a vehicle permit.

Section 10. 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.

Section 11. 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.

Section 12. 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.

Section 13. Complaint and Investigation Process.

1. **Origination of Complaints:** Alleged violation of these rules by a licensed secure transportation service or of a secure transportation service operating in the County without a license, may be made in writing by any party and addressed to the Board, or by the Board on its own initiative. 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. 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 rules shall not be presumed based on the 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. If an action against a secure transportation service license is undertaken by another jurisdiction, the licensee shall notify the Board within ten (10) business days. A violation of these rules 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.
2. **Validation of Complaints:** The Board, or its designee, shall complete an initial review of the complaint, judgment or adverse action within five (5) business days to determine if it constitutes a violation of these rules and has sufficient foundation to warrant a complete investigation. Any apparent violation of these rules having sufficient factual basis shall be fully investigated by the Board. Allegations of violations outside the purview of the Board shall be returned to the complainant for referral to the appropriate authority or jurisdiction. The Board shall notify the complainant in writing if the allegation lacks sufficient basis to warrant investigation. The Board shall notify the licensee in writing if a judgment or adverse action filed with the Board does not constitute a violation of these rules.
3. **Investigation of Complaints:** The Board shall notify the complainant in writing that the allegation is sufficient to warrant a full investigation. Upon initiation of a full investigation, the Board shall notify the secure transportation service of the alleged violation in writing. The Board shall commence action against the secure transportation service or unlicensed secure transportation service if the allegation is determined to be a violation of these rules or, at its discretion, may provide a reasonable period for the licensee to cure any violation or to implement corrective measures to bring the

licensee's business activities into conformance with these rules before commencing action to suspend or revoke a license or permit. The Board may forego further hearing or action against the license or permit upon confirmation that the licensee has cured the violation and satisfied any conditions reasonably imposed by the Board. The Board shall notify the complainant in writing if an investigation determines that the allegation fails to constitute a violation of these rules or that the licensee has cured the violation.

Section 14. Procedures for Revocation or Suspension.

1. The Board may, on its own initiative or upon written complaint made by any party, temporarily suspend, suspend for a definite period, or revoke any license or permit issued pursuant to these rules upon a determination that a violation of these rules by a licensed secure transportation service has occurred.
2. **Temporary Suspension:** Without prior notice to the licensee and upon determination that a violation that poses immediate threat to the public health, safety and welfare has occurred, the Board may temporarily suspend any license or permit. 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, 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.
3. **Suspension for Definite Period or Revocation of License:** Following notice to the licensee and a public hearing at which the licensee shall be afforded an opportunity to be heard, 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 rules based upon the evidence presented at the hearing. Suspension shall be for a specific and definite period of time not to exceed any remaining current license period. The County shall bear the burden of proof of a violation justifying any suspension or revocation of a license or permit. 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.
4. **Hearings:** All suspension or revocation hearings 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.

5. **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 Board within forty-eight (48) hours.
6. **Notices:** Any notice issued pursuant to these rules shall be made in writing and provided to the licensee at the address listed in the application for license. The Board shall use its best efforts to immediately notify in writing any communications center and notify within three (3) business days any first response agencies, local law enforcement agencies and medical facilities of any suspension or revocation. The Board may send notice to other counties, the Colorado Department of Public Health and Environment, Colorado Department of Regulatory Agencies, Colorado Department of Health Care Policy and Financing or other interested parties; provided, however, that such notice shall not entitle these parties to a right to participate in any hearing concerning suspension or revocation of a license.

Section 15. Fees.

All applicants are subject to the fees below unless granted a fee waiver by the Huerfano County Board of County Commissioners.

1. \$300 for new and renewal secure transportation license applications
2. \$100 for new and renewal secure transportation vehicle permits

Section 16. 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.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of DECEMBER 2022.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner