



## STANDARDS FOR LICENSING AND PERMITTING OF SECURE TRANSPORTATION SERVICES IN MOFFAT COUNTY

### Section 1. AUTHORITY, PURPOSE AND INTENT

- 1.1) These regulations are adopted under authority granted to the Board of County Commissioners, Moffat County, CO and the Department of Public Health and Environment Standards for Secure Transportation Services pursuant to 6 CCR 1011-4 as such statute and regulations may be amended from time to time.
- 1.2) The purpose of these regulations is to set forth the requirements for the definition of Secure Transport Services, the application, inspection, licensure, permitting and operation of secure transportation services for the care of individuals experiencing behavioral health crises within Moffat County.
- 1.3) It is the intent of the Moffat 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.
- 1.4) The Board of County Commissioners (hereinafter referred to as 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 providers may be in the exclusive purview of the Boards of County Commissioners.
- 1.5) The Board hereby adopts the Standards for Secure Transportation Services (6 CCR 1011-4) as effective August 14, 2022 for licensing and permitting secure transportation service agencies in Moffat County. These regulations may be changed to reflect the current version of 6 CCR 1011-4. Where there is conflict between these regulations and 6 CCR 1011-4, then 6 CCR 1011-4 shall prevail.
- 1.6) 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.

### Section 2. DEFINITIONS

The definitions contained in C.R.S. § 25-3.5-103 as may be amended from time to time, shall apply to these Regulations which shall serve as the policy and procedures related to Secure Transport Services in Moffat County, unless the context clearly requires a different meaning.

- 2.1) “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.
- 2.2) “Ambulance” means any public or privately-owned licensed ground vehicle especially constructed or modified and equipped, intended to be used and maintained or operated by ambulance services for the transportation, upon the streets and highways of this state, of individuals who are sick, injured, or otherwise incapacitated or helpless.
- 2.3) “Ambulance service” means the furnishing, operating, maintaining, advertising or otherwise engaging in or professing to be engaged in the transportation of patients by ambulance. Taken in context, it also means the person so engaged or professing to be so engaged.
- 2.4) “Ambulance service license” means a legal document issued to an ambulance service by a county in which the ambulance is based as evidence that the applicant meets the requirements for licensure to operate an ambulance service as defined by county resolution or regulations (6 CCR 1015-3).
- 2.5) “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.
- 2.6) “Based” means a service area in Moffat County where the client is picked up for secure transportation services.
- 2.7) “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.
- 2.8) “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.
- 2.9) “Board” means the Moffat County Board of County Commissioners.
- 2.10) “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.
- 2.11) “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.



- 2.12) “Class B” means secure transportation services that are not licensed to use physical restraint during secure transport.
- 2.13) “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.
- 2.14) “The Department” or “CDPHE” means the Colorado Department of Public Health and Environment.
- 2.15) “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). This may include the driver or any other staff member who is not providing direct client support.
- 2.16) “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.
- 2.17) “Emergency Manager” means the person employed as the Moffat County Emergency Manager, or as a staff member within the Office of Emergency Management who is tasked by the Board of County Commissioners with ensuring compliance with these Regulations and conducting licensure and permitting as specified herein.
- 2.18) “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.
- 2.19) “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.



- 2.20) “Facility”, for the purposes of this chapter, means all facility types defined at Part 2.22(C), 6 CCR 1011-4.
- 2.21) “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.
- 2.22) “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.
- 2.23) “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.
- 2.24) “Mistreatment” means abuse, neglect, exploitation, or a harmful act.
- 2.25) “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.
- 2.26) “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.
- 2.27) “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.
- 2.28) “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.
  - (6) 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.
    - (a) Except that any member of a co-responder team may provide urgent transportation services if that co-responder:
      - (i) Is not law enforcement or personnel employed by or contracted with a law enforcement agency; and
      - (ii) Holds a valid license for secure transportation by the county in which the secure transportation originates; and
      - (iii) Provides secure transportation in a vehicle:
        1. With a valid permit issued by the county in which the secure transportation originates, and
        2. That meets the minimum requirements for secure transportation services in this rule chapter.
- 2.29) “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.*
- 2.30) “Type 1” means a permitted vehicle with a permanent safety partition that separates the driver from the passenger compartment.
- 2.31) “Type 2” means a permitted, non-partitioned vehicle.

### **Section 3. LICENSES AND PERMITS REQUIRED**

- 3.1) Effective January 1, 2023, all private and public Service providers transporting individuals experiencing a behavioral health crisis in Moffat County must be licensed and permitted pursuant to County and State regulations. A new license will be required prior to beginning any operations and upon change of ownership of a licensed transportation service provider.
- 3.2) No Service, public or private, shall transport a person experiencing a behavioral health crisis from any point within Moffat County to any point within or outside Moffat County unless such secure transportation service holds a valid license and permit(s) issued by Moffat County or the licensing county is accepted through a reciprocity agreement with Moffat County.



- 3.3) Moffat County reserves the right to enter into reciprocal licensing agreements with other counties in Colorado to prevent the unnecessary licensing and permitting of a Service in multiple counties. The list of agencies Moffat County has issued secure transportation licenses and permits to will be posted on the [Moffat County website](https://moffatcounty.colorado.gov/) (<https://moffatcounty.colorado.gov/>).
- A) Moffat County through adoption of these regulations, will recognize through reciprocity, any license or permit issued by another county in the State of Colorado and no additional licensing or permit requirements will be required.
- 3.4) Any private or public secure transportation service provider with physical headquarters inside or outside of Moffat County seeking to conduct secure transport services in Moffat County and which is not licensed in another county, must complete an application pursuant to these regulations.
- 3.5) Exemptions from County Licensure and Permit Requirements:
- A) Pursuant to 6 CCR 1011-4, the following entities may provide secure transportation services to an individual experiencing a behavioral health crisis within Moffat County **without** a secure transportation license or permit:
- (1) Transportation services provided by the Colorado Office of Behavioral Health;
  - (2) Emergency service patrols established pursuant to § 27-81-115, C.R.S;
  - (3) Law Enforcement; and
  - (4) Licensed Ground Ambulance Service Agencies
    - (a) Pursuant to 6 CCR 1011-4, a ground ambulance agency with a **valid** ground ambulance license issued by Moffat County or accepted via a reciprocity agreement pursuant to Section §§ 25-3.5-301 *et seq.* and 6 CCR 1015-3 chapter 4, is exempt from completing the full licensure process for secure transportation services if:
      - (i) All vehicles utilized for Secure Transport are licensed and permitted as an “ambulance” pursuant to applicable ambulance statutes and regulations.
      - (b) Pursuant to 6 CCR 1011-4 and House Bill 21-1085, an ambulance agency wishing to seek reimbursements through the State and/or insurance providers for services rendered in Secure Transport Services, must meet all requirements as set forth in 6 CCR 1011-4.
      - (c) Per the Colorado Department of Public Health and Environment (CDPHE), and 6 CCR 1011-4(3.3)(C) Moffat County retains the right to impose additional requirements and to ensure ground ambulance agencies are in compliance with 6 CCR 1011-4. Licensed Ground Ambulance Agencies who desire to participate in Secure Transportation Services in Moffat County must adhere to the process in Section 3.6.
- 3.6) **Ground Ambulance Service Agencies Requirements:**
- A) Licensed Ground Ambulance Service Agencies seeking to utilize **ONLY** licensed and permitted ambulances for Secure Transport services:



- (1) The ambulance service director/chief shall submit a copy of their ground ambulance service license and all ambulance permits and a notarized affidavit (available from Moffat County) attesting that their ground ambulance service and ambulances meet all the statutory, administrative requirements as specified in 6 CCR 1011-4 and §§ 25-3.5-310 and 25-3.5-311 C.R.S. for secure transportation services.
- B) Licensed Ground Ambulance Service Agencies utilizing a combination of licensed and permitted ambulances AND non-ambulance vehicles (i.e. SUVs) for Secure Transport services:
  - (a) The ambulance service director/chief must complete the full license and permitting process as defined in these regulations and obtain permits for non-ambulance vehicles, the same as any other Secure Transportation Service and pay applicable fees to Moffat County.
  - (b) Actively Licensed and permitted ambulances will not require additional inspection or fees but should be identified on the application if used in transports.

#### **Section 4. LICENSURE REQUIREMENTS**

Before issuance of a new or renewed license to operate a Secure Transportation Service in Moffat County, the County shall ensure the following requirements have been met:

- 4.1) The entity applying for a new or renewal license to operate as a Secure Transportation Service must be compliant with all applicable laws and regulations to operate a secure transportation service in Colorado. Unless Moffat County has information to the contrary about a service not in compliance, the review of the application will begin upon receipt.
- 4.2) New and renewing services must submit a completed Application to Moffat County and meet the following requirements:
  - A) Application must be submitted to the Office of Emergency Management per instructions on the most recent application which is available for download from the [Moffat County website \(https://moffatcounty.colorado.gov/\)](https://moffatcounty.colorado.gov/);
  - B) Applicant shall pay all application fees, as specified in Section 9;
  - C) Submit current and valid proof of Insurance as specified in Section 8;
  - D) Submit proof that all vehicles being requested to be permitted for the Service are in compliance with the Federal Motor Vehicle Safety Standards for the date of manufacture in accordance with title 49 of the Code of Federal Regulations as outlined in 6 CCR 1011-4 Section 3.3(10)(A)(10).



- E) Submit proof of vehicle maintenance and safety checks for the past calendar year to include a certificate of mechanical inspection, completed by an ASE Certified Technician, for each vehicle for which a permit is sought;
  - (1) Any vehicles which upon examination of maintenance records are found to have serious mechanical issues which have not been repaired will not be permitted until the mechanical issues are repaired and a new inspection is completed.
- F) List of staff members and their certification(s) that show minimum staffing and training requirements have been met.
- G) Secure Transport Service providers seeking to be licensed in Moffat County must participate in Data reporting to CDPHE as required in Section 15. Failure to provide data to CDPHE except in extenuating circumstances, may be grounds for delay or denial of a license.
- H) New Applicants who have not been previously licensed must submit electronically:
  - (1) Copies of all written policies and procedures, including any operational, medical and training protocols, training procedures, policy related to protecting client rights, background check policy and other relevant documents.
  - (2) Copies of the service's training procedures; and
  - (3) Other documentation as deemed necessary by Moffat County.
- I) Actively licensed services will only be required to re-submit policy and procedure manuals, operational and/or medical protocols when major updates are made or upon request of Moffat County.

#### 4.3) Type of Licenses Issued:

- A) Two types of licenses will be issued by Moffat County:
  - (1) Class A – Service that may use physical restraints during secure transport; or
  - (2) Class B – Service that may NOT use physical restraint during secure transport.

#### 4.4) License Terms:

- A) Secure Transportation Service licenses issued by Moffat County will be valid for a period of three (3) years from the date of issue, unless revoked or the Secure Transportation Service changes owners.
- B) Applications for renewal must be received at least 60 days prior to the expiration of any license to allow County staff to review the application, perform vehicle inspections as required in these regulations and submit the license application to the Board for consideration.
- C) Requests for new licenses must be received no later than 45 days prior to the requested effective date of the License and/or Permit.





- D) Licenses may not be sold, assigned or otherwise transferred.

## **Section 5. SECURE TRANSPORTATION VEHICLE PERMITS**

Before issuing a new or renewed Vehicle Permit to a Secured Transportation Service pursuant to these Regulations, the County will require the Service to:

- 5.1) Submit a completed Vehicle Permit Application form.
- 5.2) Submit proof of vehicle maintenance and safety checks for the past calendar year to include a certificate of mechanical inspection, completed by an ASE Certified Technician, for each vehicle for which a permit is sought;
- 5.3) Ensure a Certificate of Compliance is signed by the Emergency Manager demonstrating all vehicles meet the requirements of Section 6. The Certificate of Compliance will be issued after a full application has been submitted and vehicles inspected by the Emergency Manager. Vehicle inspections must be scheduled with the Emergency Manager and will not be made prior to review of Services' application.
- 5.4) Certificates of insurance for all vehicles for which a permit is being sought as specified in Section 8;
- 5.5) Pay applicable application and permitting fees as specified in Section 9;
- 5.6) Submit proof that all vehicles requested to be permitted for the Service are in compliance with the Federal Motor Vehicle Safety Standards for the date of manufacture in accordance with title 49 of the Code of Federal Regulations to include:
  - (a) 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),
  - (b) 49 C.F.R. Part 567.5 for vehicles that are manufactured in two (2) or more stages, or
  - (c) 49 C.F.R. Part 567.7 for certified vehicles that are altered.
- 5.7) **Types of Permits Issued:**
  - A) Upon receipt of a properly completed application and upon inspection and verification of vehicle safety requirements, the County will issue a permit for each vehicle. There are two types of permits:
    - (1) Type 1 – a vehicle with a safety partition that separates the driver from the passenger compartment; or
    - (2) Type 2 – a non-partitioned vehicle.
  - B) Permits must always be displayed in the vehicle and are non-transferrable and may not be assigned to new vehicles or new services.



**5.8) Permit Terms:**

- A) Secure Transport Service Vehicle Permits shall be valid for a period of one (1) Year from the date of issue, unless revoked, or the Secure Transportation Service changes owners.
- B) Applications for renewal permits must be received at least 45 days prior to the expiration of any permit to allow County staff to review the application, perform vehicle inspections as required in these regulations and submit the permits to the Board for consideration.
- C) Permits may not be sold, assigned or otherwise transferred.
  - (1) If a permitted vehicle is replaced, wrecked or deemed to be mechanically unfit during the 12-month period which it is permitted, the Service must notify Emergency Management within 10 business days and the permit will be cancelled.
  - (2) Any new or replacement vehicle must receive a new permit by submitting a new application form, paying a replacement fee and scheduling a new inspection. Replacement vehicle applications will be processed as received and permits issued at the next available BOCC meeting. Replacement vehicle permits will be set to expire with the other permits held by the service unless the service only has one vehicle/permit, at which time it shall expire one year from the date of issue.

**Section 6. SECURE TRANSPORT VEHICLE REQUIREMENTS**

**6.1) Mandatory Vehicle Safety Features for ALL Vehicles:**

- A) No vehicle will be permitted for Secure Transportation Services unless it has the following features as verified through inspection by the Office of Emergency Management or its designee:
  - (1) Four Doors;
  - (2) Ligature risk reduction measures;
  - (3) Child safety and window safety locks on doors/windows;
  - (4) Global Positioning System (GPS) vehicle tracking hardware and software;
  - (5) Occupant protection, including functioning seat belts, supplemental inflatable restraints and child safety seats (as applicable);
  - (6) Cabin temperature control and ventilation system in working order that reaches the patient compartment;
  - (7) The secure area is void of any foreign items or instruments that may be used to inflict harm;
  - (8) Mirror for monitoring the client or having capability for visual observation of the client,
  - (9) First Aid Kit;
  - (10) Fire Extinguisher;
  - (11) Wireless two-way communication capability (may be public safety radio, a commercial land mobile radio and/or wireless telephone),
  - (12) Biohazard bag;



- (13) Personal protective equipment for each occupant per current public health recommendations; and
- (14) A map of the service area.

**B) Type I Vehicle Requirements:**

- (1) Type 1 vehicles with a safety partition separating the driver from the passenger compartment must have the following additional safety equipment:
  - (a) Permanent installation of all safety partitions;
  - (b) For vehicles with a cargo area (i.e. SUV), a safety partition must be installed that separates the passenger compartment from the cargo area;

**C) Class A Secure Transportation Services – Vehicle Requirements for Physical Restraint Transport:**

- (1) All Services Applying for a new or renewal Class A License in which they will utilize physical restraint as part of its services, the vehicle shall additionally be equipped with:
  - (a) An Automated External Defibrillator (AED);
  - (b) Non-metal, soft poesy-type restrains; and
  - (c) A 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.

**Section 7. ANNUAL INSPECTION PROCESS**

- 7.1) The Moffat County Board of County Commissioners through these regulations appoints the Moffat County Emergency Manager or another employee within the Office of Emergency Management to be its qualified representative(s) delegated with the authority of ensuring compliance with these Regulations. The Emergency Manager may not have an actual or potential conflict of interest with the Secure Transportation Service or with the inspection process.
- 7.2) Each vehicle to be used by the Secure Transportation Service must be inspected by an ASE Certified Technician with proof of inspection provided to the Emergency Manager on an annual basis prior to issuance of a permit to verify that all equipment on the vehicle is properly secured and supplies are maintained and stored in accordance with these Regulations, State of Colorado Regulations and any manufacturer recommendations.

**Section 8. INSURANCE REQUIREMENTS**

- 8.1) No Service will operate in Moffat County unless it is covered by insurance as set forth in this section. Each Service will maintain insurance coverage for every vehicle owned, operated or leased by the Service. The insurance policy shall provide coverage for injury to or death of persons in accidents resulting from any cause for which the owner of the vehicle would be liable because of any liability imposed on him or her by law, regardless of whether the secure transportation vehicle was being driven by the owner, their agent or lessee or any other person,



and coverage against damage to the property of another, including personal property, under like circumstances in these amounts.

- 8.2) The Service will provide coverage that meets or exceeds the limits stated in this section or a higher amount as specified in the Workers Compensation Act, the Governmental Immunity Act, the Motor Vehicle Responsibility Act, or any other applicable statutes, whichever is higher:
  - A) Liability insurance for injuries in the amount of \$1,000,000 for each individual claim; with the County identified as the certificate holder.
  - B) 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; with the County identified as the certificate holder.
  - C) Motor vehicle insurance covering all owned and non-owned vehicles with minimum vehicle insurance coverage as defined by Section 10-4-609 and Section 42-7-103(2), C.R.S with the County identified as the certificate holder.
  - D) Statutory Workers Compensation Insurance.
- 8.3) Every insurance policy required will provide for continuing liability to the full amount, notwithstanding any recovery thereon, that the liability of the insured will not be affected by the insolvency or bankruptcy of the insured. The insurance company will not be relieved from the liability because of nonpayment of premiums, failure to renew the Service license or permit(s) or any act or omission of the insured, unless the policy is canceled, terminated, or revoked, with appropriate written notification as required in these Regulations.
- 8.4) Proof of insurance will be filed with all applications for a Secure Transportation Service License and/or permits and presented to the Board or their authorized representative as required in these regulations. A Certificate of Insurance, with the Moffat County Board of County Commissioners named as additional insured on the certificate holders copy, will be required for all insurance and as applicable, indicate the vehicles covered by the policy, type of insurance, policy number(s), policy effective date, policy expiration date, and amount of coverage.
  - A) The policy shall contain a provision that thirty (30) days prior to any cancellation, termination, or revocation of the insurance policy, written notice of such will be given to the Board and Emergency Management.
- 8.5) Any change in the status of vehicles on the Certificate of Insurance during the licensing cycle will be noted on a new Certificate of Insurance and forwarded to the Board or their authorized representative within thirty (30) days of the changes. Notification of any changes in insurance will be made to the Board or their authorized representative in writing within thirty (30) days of such changes by the Licensee, to be followed with a Certificate of Insurance as outlined in



previous paragraphs. The Board may require additional proof of insurance to promote the health, safety, and welfare of the residents of Moffat County.

## **Section 9. LICENSING AND PERMIT FEES**

- 9.1) Pursuant to these Regulations, Moffat County shall charge non-refundable flat fees for Secure Transport Service licensing and permitting as follows:
  - A) Three-Year Secure Transportation Service License Fee: \$100.00
  - B) One-year Vehicle Permit Fee: \$20.00 per vehicle
  - C) Replacement Sticker/Vehicle Fee: \$20.00 per vehicle
    - (1) Moffat County Departments requiring licensure or permitting are exempt from fees.
- 9.2) Fees are non-refundable, non-transferrable and will not be pro-rated.
- 9.3) Payment of the total fee is required at the time of submission of the application.

## **Section 10. STAFFING REQUIREMENTS**

Each Service applying to operate in Moffat County must meet the following staffing requirements as outlined in Colorado Statute and CDPHE Regulations:

- 10.1) **Manager/Administrator:** Each applicable secure transportation service operating within Moffat County must have a manager and/or administrator who meets 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 their own background check or any required follow-up.
  - G) Any changes regarding the manager or administrator of record must be provided to the Emergency Manager within fourteen (14) business days of the change.



- 10.2) **General Staffing:** Every secure transportation service's staffing must include at a minimum:
- A) All drivers must possess a current and valid 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; this staff member may also be the driver.
    - (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 is not included in this staffing ratio requirement.
    - (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 will have a current and valid certification for all training topics.
  - D) Each secure transportation service must have a policy in-place related to background checks for all staff members. Such background checks shall take place prior to an individual providing secure transportation services. State Regulations require the Service have policies which address:
    - (1) 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.
    - (2) 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.

## **Section 11. STAFF RESPONSIBILITIES**

- 11.1) **Manager Responsibilities:** The manager of the Secure Transportation Service according to State Regulations shall be responsible for the following responsibilities, which 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 in Section 12;
  - 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 Section 16 of these rules;
- 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 Section 15 of these rules; and
- F) Implementing all policies and procedures of the secure transportation service.

11.2) **Administrator Responsibilities:** The responsibilities of the administrator shall include but not be 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:
  - I) Personnel records, including verification of each staff member's compliance with orientation and annual training requirements set forth in Section 12 and verification of any applicable active professional licensure or certification;
  - J) Client records, including individual trip logs and the data reporting requirements in accordance with Section 15 of these rules; and
  - K) Financial and administrative records, including certificates of insurance for the secure transportation service.

## **Section 12. TRAINING REQUIREMENTS**

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 organization:



12.1) Training for All Staff:

- 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.

12.2) Additional Training required for staff with direct client contact:

- A) 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;
- B) Basic First Aid and CPR: and
- C) Care of clients with substance use disorders.

12.3) 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.

12.4) All staff training must be documented by the Secure Transportation Service and provided the County during the licensure process and upon request.

**Section 13. OPERATING STANDARDS AND PROCEDURES**

All Secure Transportation Service providers seeking to operate in Moffat County must meet these requirements and may be asked to provide documentation during the license/permit inspection process by Emergency Management or upon request.

13.1) **When Transport is Allowed**

- A) Secure Transport Services may only transport clients under the following circumstances:
  - (1) The client is experiencing a behavioral health crisis.
  - (2) The client is in need of urgent transportation to a facility that is defined at Part 2.22(C), 6 CCR 1011-4.
  - (3) The client does not and will not need either:
    - (a) Medical treatment during transport, or





- (b) Active or ongoing medical monitoring.
- (c) The client does not and will not need to be chemically restrained during secure transport as a behavioral intervention.

### 13.2) **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 also have 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 Section 13.4, 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 policies which assure each client has the right to be treated with consideration, respect, and full recognition of human dignity and individuality, and 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;
  - (11) The right of the client to file a complaint with the Secure Transportation Service and Moffat County without fear of discrimination or retaliation by the secure transportation service's owner, manager, administrator, or any staff members;
  - (12) Procedures for identifying, reporting, reviewing, and investigating all allegations of abuse, mistreatment, neglect, and exploitation;
  - (13) Procedures for timely communicating all investigation results to the client and county in which the secure transportation service is licensed;
  - (14) 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;
  - (15) 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.
- D) 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.



- E) 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.

### 13.3) **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.
  - (4) 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.

### 13.4) **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).
  - (6) The secure transportation service shall create and maintain accurate and detailed logs of client transports, including professional incident reports.
  - (7) 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.



**Section 14. POLICY FOR TRANSPORT OF PATIENTS IN BEHAVIORAL HEALTH CRISIS IN EVENT NO LICENSED PROVIDERS ARE AVAILABLE IN MOFFAT COUNTY**

- 14.1) If no actively licensed secure transportation service providers are available to accept a request for a transfer, Moffat County Dispatch should be notified to request one of the following agencies be contacted for the transport:
- A) A licensed ground ambulance service with a valid ground ambulance license issued by Moffat County.
  - B) If an ambulance is unavailable, dispatch shall notify Law Enforcement, Human Services or the Colorado Department of Public Health and Environment to request assistance from the Office of Behavioral Health.

**Section 15. DATA COLLECTION AND REPORTING REQUIREMENTS**

- 15.1) Any secure transport which results in the serious injury, illness or death of a client or staff member during transport or which results in injury to the client as a result of physical restraint during transport, shall be reported to Law Enforcement and the receiving facility immediately and to Moffat County via Emergency Management within twenty-four (24) hours of the incident.
- A) The County must be notified by calling or emailing the Emergency Manager. Each report shall identify and describe the circumstances leading to the serious injury, illness or death of a client or staff member during transport.
  - B) The serious injury or death of a client or staff member during transport will result in a joint investigation into the issue between the County and Law Enforcement to determine whether the Secure Transport Services' license and permits should be suspended pending the outcome of the investigation. The procedure outlined in Section 17 will be followed.
- 15.2) 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.
    - (d) 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.
  - (3) 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.
  - (4) If a secure transportation service fails to comply with the Department's rules, the Department may report this lack of compliance to Moffat County.
  - (5) The Department may establish procedures to allow outside agencies, institutions, or individuals to obtain information from the secure transportation data system.
  - (6) A secure transportation service may request the annual data that it has submitted to the Department.

## **Section 16. QUALITY MANAGEMENT PROGRAM (QMP)**

- 16.1) 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 Section 17 of this Policy, 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 Section 15 of this Policy to inform the quality management plan.
- I) A written disciplinary policy that addresses a process for staff quality improvement.
- J) The secure transportation service shall make available the quality management plan to Moffat County during the initial license application and include the QMP with renewal applications if the plan has been revised.
- K) Moffat County, the Colorado Department of Public Health and Environment (CDPHE), 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.

## **Section 17. COMPLAINTS AND INVESTIGATIONS**

### **17.1) Origination of Complaints**

- A) Complaints against a Secure Transport Service licensed in Moffat County or allegations of an unlicensed service or operation of vehicles without a valid permit within Moffat County, may be made by any person or agency or may be initiated by Moffat County Emergency Management, the Sheriff's Office or the Moffat County Board of County Commissioners on their own volition.
- B) Complaints shall be made to the Moffat County Office of Emergency Management, and may be made in person, verbally or in writing. Whenever possible, the preference is for complaints to be made in writing. A complaint form and process for filing a complaint will be posted on the [Moffat County Website \(https://moffatcounty.colorado.gov/\)](https://moffatcounty.colorado.gov/) for easy access by members of the public. The County will offer directions on the website how individuals needing language and/or communication assistance can file a complaint.

### **17.2) Legal Action against a Secure Transportation Service:**

- A) If any legal action is filed against a Secure Transportation Service licensed to operate in Moffat County, by a court of the United States, the State of Colorado or any of its political subdivisions; the licensee shall notify the Board via Emergency Management within seven (7) days of such legal filing.
- B) A violation of these Regulations shall not be presumed based on merely an accusation. In the event 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 of County Commissioners via Emergency Management within seven (7) business days.

### **17.3) Action taken Against Service by another County/Jurisdiction:**

- A) If an action, such as a suspension or revocation of the Service' license and/or permit(s) is taken against a Secure Transportation Service by their issuing County or another County or State agency, the licensee must notify the Office of Emergency Management within seven (7) days.

### **17.4) Validation of Complaints**

- A) Upon receipt of a complaint regarding a Secure Transportation Service, the Emergency Manager will:
  - (1) Ensure the complaint is complete and there is contact information for the complainant,



- (2) Contact the complainant to request any additional information and/or ask follow-up questions,
  - (3) Provide the complainant with contact information for the secure transportation service administration or staff member responsible for complaint intake,
  - (4) Provide a copy of the complaint to the Secure Transportation Service within seven (7) days of its receipt.
- B) Whenever possible, the Emergency Manager will complete an initial review of the complaint, judgment or adverse action filed with Moffat County and interview the complainant within fourteen (14) days of receipt. The initial review will determine if the sufficient factual basis exists to warrant a complete investigation or if it should be referred to another jurisdiction.
- C) Based upon the initial review, the Emergency manager may decide to:
- (1) Open an investigation into the complaint regarding an alleged violation of these regulations or other regulations related to Secure Transportation Services;
    - (a) Complaints determined to fall within the purview of these regulations and Moffat County shall not proceed to a full investigation unless the complainant agrees to comply with the investigation except in extenuating circumstances. Failure of a complainant to comply with the investigation shall be considered a withdrawal of the complaint.
    - (b) Any individual bringing a complaint which may require the County to access their medical records related to the Secure Transport Services rendered may be asked to sign releases as necessary, to assist in the investigation of the complaint.
  - (2) Refer the complaint to the Secure Transportation Service for Internal Investigation/Resolution;
    - (a) If the complaint is of a nature best handled by the administration of the Secure Transportation Service, such as a complaint about agency policy, procedure or is of a non-regulatory nature; the complaint will be referred to the Secure Service Administrator and closed.
  - (3) Refer the complaint to a Law Enforcement agency with jurisdiction for investigation of alleged criminal violations;
    - (a) If the complaint involves an allegation of a criminal violation by the Secure Transportation Service and/or the Service's employee(s), the complaint shall be documented and forwarded to the appropriate Law Enforcement agency with jurisdiction.
    - (b) Allegations of criminal violations will not be forwarded to the Secure Transportation Agency unless the Law Enforcement agency with jurisdiction authorizes notification of the Service.
  - (4) Refer the complaint to another jurisdiction with authority over the complaint.
    - (a) If the nature of the complaint is outside the purview of Moffat County such as the regulation of a certified staff member's license/certification, the





complaint shall be referred to the appropriate State agency, County or other jurisdiction with authority over the complaint such as CDPHE or DORA.

- (b) The Emergency Manager will provide the complainant with notice that their complaint is outside the purview of Moffat County and with information of how to contact the appropriate authority or jurisdiction.

#### 17.5) **Investigation of Complaints**

- A) If the Emergency Manager determines the complaint has sufficient factual basis of a violation of these Regulations the Emergency Manager shall:
  - (1) Start an appropriate investigation and provide notice to the County Administrator and County Attorney of the Complaint and investigation.
  - (2) Provide Notice to the complainant in writing of the findings and next steps.
  - (3) Provide notice to other counties which the Service is known to operate in and if the complaint involves allegations which may affect the Service's licensed staff and/or other state regulated procedures, notification of the investigation shall be made to CDPHE and other applicable state regulatory agencies.
  - (4) Take actions to investigate which may include the interview of witnesses, collection of records and any other lawful action deemed appropriate by the Emergency Manager. The investigation should be completed within thirty (30) days unless circumstances surrounding the investigation requires more time.
  - (5) The Emergency Manager shall present investigative findings in writing to the Board of County Commissioners upon completion of investigation. Both the complainant and Secure Transport Service shall be notified in writing of the findings of the investigation.
- B) For Complaints which allege or uncover known or potential criminal violations, the following procedure will be followed:
  - (a) The complaint and complainant's contact information and other relevant information collected will be referred to the appropriate Law Enforcement agency with jurisdiction for investigation.
  - (b) Written notice of the complaint and referral to Law Enforcement will be provided to the County Administrator, Sheriff and County Attorney.
  - (c) A parallel investigation will be led by Emergency Management and/or additional County staff members to determine whether any violations of these regulations has occurred and if there are safety concerns which would warrant the suspension or revocation of a Service's license and/or permit(s) pending the outcome of the criminal investigation.
- C) If the complaint is deemed to NOT have sufficient foundation for a full investigation, the Emergency Manager shall:
  - (1) Document the complaint in the Secure Transportation Service's file and note that the complaint was unfounded and why.
  - (2) Provide written notice to the party filing the complaint advising of the findings of the investigation.



- (3) Provide written notice to the Service Manager/Administrator advising that the complaint was reviewed that it has been deemed to lack sufficient foundation for further investigation and that the matter has been closed.
- 17.6) Prior to providing findings of any investigation to the Board, the Emergency Manager may provide a reasonable period of time wherein the licensee can cure any violation and/or implement corrective measures to bring the licensee's activities into compliance with these Regulations prior to commencing any action to suspend or revoke a license or permit. Upon finding that the licensee has cured the violation(s) and satisfied conditions imposed by the Emergency Manager, the matter shall not be forwarded to the Board and shall be closed.
- 17.7) Documentation of complaints and any subsequent investigations shall be maintained by Emergency Management in the Secure Transportation Services' file pursuant to the County's Open Records and Data Retention Policies.
- 17.8) **Review by the Board of County Commissioners**
  - A) Action may be commenced by the Board against a licensed or unlicensed Secure Transportation Service, if the allegations are determined to violate these Regulations.
  - B) Upon receipt of a written report from the Emergency Manager, their designee or the Sheriff, the Board of County Commissioners shall convene for a meeting within fourteen (14) days and shall vote:
    - (1) To take no action on the complaint;
    - (2) To allow a reasonable time period for the Secure Transportation Service to Cure its violation; or
    - (3) Hold a public hearing regarding the complaint.
  - C) The Board's decision shall be communicated to the Secure Transportation Service and complainant in writing.
  - D) If the Board determines a hearing is warranted, 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. If the Service is not present at the Board's hearing, the Emergency Manager shall notify the Service of the Board's findings via USPS mail, certified or registered, return receipt requested.
  - E) In the event the Board votes to revoke or suspend the license of a Secure Transportation Service provider, the County shall notify the Colorado Department of Public Health and Environment (CDPHE), the Colorado Department of Regulatory Agencies (DORA), 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, dispatch centers, hospitals, fire departments and other entities to whom the Secure Transportation Service provides services or interested parties as applicable.



**Section 18. 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:**
  - (1) Without prior notice to the licensee, the Board may temporarily suspend for a period not to exceed thirty (30) days, any license and/or permit(s) issued under these regulations, pending any prosecution, investigation, or public hearing, when a violation poses an immediate threat to the public health, safety and welfare.
  - (2) The licensee will receive written notice of such temporary suspension from the Emergency Manager on behalf of the Board via U.S. Mail, at which time the suspension becomes effective.
  - (3) A hearing will be held no later than thirty (30) days after such temporary suspension, but at the first available opportunity. The Notice of the Temporary Suspension will provide notice of the time, date, and place of a hearing before the Board to consider the suspension or revocation of the license and shall state the reason(s) for such suspension.
  
- C) **Suspension for a Definite Period or Revocation of License**
  - (1) Following notice to the licensee and public hearing at which the licensee will be given the opportunity to be heard, the Board may suspend or revoke any license and/or permit. Where there is a temporary suspension as discussed in Paragraph B above, the notice referred to in Paragraph B, above, shall also serve as the notice regarding a full suspension and the hearings of both shall be heard at the same time.
  - (2) When there is no temporary suspension, a Notice of Suspension shall be mailed to the licensee by the Emergency Manager on behalf of the Board, via U.S. Mail and provide the time, date and place of the hearing before the Board to consider the suspension or revocation of the license, also providing the reason for such suspension or revocation.
  - (3) The hearing shall be held within thirty (30) days of the Notice being sent. Any suspension or revocation will require a finding by the Board of a violation of these regulations based upon the evidence presented at the hearing. Suspension will be for a specific and definite period of time, but may not exceed any remaining current license period. Upon a second violation or failure to comply with any of these regulations by any licensee, the Board may permanently revoke such license or permit.



- (4) The Board or Emergency Manager or their designee shall notify local law enforcement, fire departments, hospitals, dispatch centers, medical director(s) and other interested jurisdictions of any such revocation or suspension.

D) Surrender of License or Permit

- (1) 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 Emergency Manager within forty-eight (48) hours.

E) Time to Remediate

- (1) If the Board determines the 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, 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.

**Section 19. REVIEW OF REGULATIONS**

- 19.1) 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.