

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0454.01 Jane Ritter x4342

HOUSE BILL 20-1284

HOUSE SPONSORSHIP

Kraft-Tharp and McCluskie,

SENATE SPONSORSHIP

Bridges and Smallwood,

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING SECURE TRANSPORTATION FOR AN INDIVIDUAL IN**
102 **BEHAVIORAL HEALTH CRISIS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates a regulatory and service system to provide secure transportation services, with different requirements than traditional ambulance services, for individuals experiencing a behavioral health crisis. Mobile crisis services, units linked to the walk-in crisis services, and crisis respite services may arrange for secure transportation in response to a behavioral health crisis. The department of human services

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

shall allow for the development of secure transportation alternatives.

The board of county commissioners of the county in which the secure transportation service is based (commissioners) shall issue a license to an entity (licensee), valid for one year, that provides secure transportation services if the minimum requirements set by rule by the state board of health are met or exceeded. The commissioners shall also issue operating permits, valid for 12 months following issuance, to each vehicle operated by the licensee. A fee may be charged for each license to reflect the direct and indirect costs to the applicable county in implementing secure transportation services licensure. The state board of health is given authority to promulgate rules concerning secure transportation licensure.

The department of health care policy and financing is directed to create and implement a secure transportation benefit on or before January 1, 2022.

Language is added to exempt secure transportation services from regulation under the public utilities commission.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-3.5-103, **add**
3 (3.3), (8.1), and (11.4) as follows:

4 **25-3.5-103. Definitions.** As used in this article 3.5, unless the
5 context otherwise requires:

6 (3.3) "BEHAVIORAL HEALTH" HAS THE SAME MEANING AS SET
7 FORTH IN SECTION 25-27.6-102 (4).

8 (8.1) "EMERGENCY MEDICAL SERVICES FACILITY" MEANS A
9 FACILITY LICENSED PURSUANT TO PART 1 OF ARTICLE 3 OF THIS TITLE 25,
10 LICENSED PURSUANT TO SECTION 25-1.5-103, OR ANY OTHER LICENSED OR
11 CERTIFIED FACILITY THAT PROVIDES EMERGENCY MEDICAL SERVICES.

12 (11.4) (a) "SECURE TRANSPORTATION" OR "SECURE
13 TRANSPORTATION SERVICES" MEANS URGENT TRANSPORTATION SERVICES
14 PROVIDED TO INDIVIDUALS EXPERIENCING A BEHAVIORAL HEALTH CRISIS.

15

16 (b) SECURE TRANSPORTATION INCLUDES:

1 (I) FOR AN INDIVIDUAL BEING TRANSPORTED PURSUANT TO
2 SECTION 27-65-103 OR 27-65-105 (1), TRANSPORTATION FROM THE
3 COMMUNITY TO A FACILITY DESIGNATED BY THE EXECUTIVE DIRECTOR OF
4 THE DEPARTMENT OF HUMAN SERVICES FOR TREATMENT AND EVALUATION
5 PURSUANT TO ARTICLE 65 OF TITLE 27;

6 (II) FOR AN INDIVIDUAL IN NEED OF SERVICES PURSUANT TO
7 ARTICLES 81 AND 82 OF TITLE 27, TRANSPORTATION FROM ANY LOCATION
8 TO AN APPROVED TREATMENT FACILITY, AS DESCRIBED IN SECTIONS
9 27-81-106 AND 27-82-103, OR A WALK-IN CRISIS CENTER THAT IS
10 OPERATING AS PART OF THE BEHAVIORAL HEALTH CRISIS RESPONSE
11 SYSTEM;

12 (III) FOR AN INDIVIDUAL WHO IS RECEIVING TRANSPORTATION
13 ACROSS LEVELS OF CARE OR TO A HIGHER LEVEL OF CARE,
14 TRANSPORTATION BETWEEN ANY OF THE FOLLOWING TYPES OF FACILITIES:

15 (A) AN EMERGENCY MEDICAL SERVICES FACILITY;

16 (B) A FACILITY DESIGNATED BY THE EXECUTIVE DIRECTOR OF THE
17 DEPARTMENT OF HUMAN SERVICES FOR TREATMENT AND EVALUATION
18 PURSUANT TO ARTICLE 65 OF TITLE 27;

19 (C) AN APPROVED TREATMENT FACILITY, AS DESCRIBED IN
20 SECTIONS 27-81-106 AND 27-82-103; OR

21 (D) A WALK-IN CRISIS CENTER THAT IS OPERATING AS PART OF THE
22 BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM.

23 (c) SECURE TRANSPORTATION DOES NOT INCLUDE URGENT
24 TRANSPORTATION SERVICES PROVIDED BY LAW ENFORCEMENT TO
25 INDIVIDUALS EXPERIENCING A BEHAVIORAL HEALTH CRISIS; EXCEPT THAT
26 A NON-LAW ENFORCEMENT MEMBER OF A CO-RESPONDER TEAM WHO
27 HOLDS A VALID LICENSE FOR SECURE TRANSPORTATION BY THE COUNTY

1 IN WHICH THE SECURE TRANSPORTATION ORIGINATES, IN A VEHICLE WITH
2 A VALID PERMIT ISSUED BY THE COUNTY IN WHICH THE SECURE
3 TRANSPORTATION ORIGINATES AND WHICH MEETS THE MINIMUM
4 REQUIREMENTS FOR SECURE TRANSPORTATION ESTABLISHED BY RULE
5 PURSUANT TO SECTION 25-3.5-311, MAY PROVIDE URGENT SECURE
6 TRANSPORTATION SERVICES.

7 **SECTION 2.** In Colorado Revised Statutes, **add** 25-3.5-309,
8 25-3.5-310, and 25-3.5-311 as follows:

9 **25-3.5-309. Secure transportation - license required - fees -**
10 **exceptions.** (1) (a) AFTER JANUARY 1, 2022, AN ENTITY SHALL NOT
11 PROVIDE PUBLIC OR PRIVATE SECURE TRANSPORTATION SERVICES, AS
12 DEFINED IN SECTION 25-3.5-103 (11.4), IN THIS STATE UNLESS THAT
13 ENTITY HOLDS A VALID LICENSE ISSUED BY THE BOARD OF COUNTY
14 COMMISSIONERS OF THE COUNTY IN WHICH THE SECURE TRANSPORTATION
15 SERVICE IS BASED; EXCEPT THAT ENTITIES DESCRIBED IN SUBSECTION (2)
16 OF THIS SECTION MAY PROVIDE SECURE TRANSPORTATION SERVICES WHEN
17 NECESSARY.

18 (b) LICENSES, PERMITS, AND RENEWALS ISSUED PURSUANT TO THIS
19 SECTION AND SECTION 25-3.5-310 REQUIRE A FEE IN AN AMOUNT TO BE
20 DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY
21 IN WHICH THE SECURE TRANSPORTATION SERVICE IS BASED TO REFLECT
22 THE DIRECT AND INDIRECT COSTS INCURRED BY THE COUNTY IN
23 IMPLEMENTING LICENSES FOR SECURE TRANSPORTATION.

24 (2) AMBULANCE AGENCIES, TRANSPORTATION SERVICES PROVIDED
25 BY THE MENTAL HEALTH INSTITUTES WITHIN THE STATE DEPARTMENT OF
26 HUMAN SERVICES, EMERGENCY SERVICE PATROL ESTABLISHED PURSUANT
27 TO SECTION 27-81-115, AND LAW ENFORCEMENT MAY PROVIDE SECURE

1 TRANSPORTATION SERVICES TO AN INDIVIDUAL IN NEED OF URGENT
2 BEHAVIORAL HEALTH CARE.

3 (3) EACH VEHICLE OPERATED BY A SECURE TRANSPORTATION
4 LICENSEE MUST BE ISSUED A SEPARATE PERMIT BY THE BOARD OF COUNTY
5 COMMISSIONERS OF THE COUNTY IN WHICH THE SECURE TRANSPORTATION
6 SERVICE IS BASED UPON POSITIVE REVIEW PURSUANT TO SECTION
7 25-3.5-310.

8 **25-3.5-310. Secure transportation - issuance of licenses and**
9 **permits - term - requirements.** (1) (a) AFTER RECEIPT OF AN ORIGINAL
10 APPLICATION FOR A LICENSE TO PROVIDE PUBLIC OR PRIVATE SECURE
11 TRANSPORTATION SERVICES, THE BOARD OF COUNTY COMMISSIONERS OF
12 THE COUNTY IN WHICH THE SECURE TRANSPORTATION SERVICE IS BASED
13 SHALL REVIEW THE APPLICATION, THE APPLICANT'S RECORD, AND THE
14 APPLICANT'S EQUIPMENT, AS WELL AS THE APPLICANT'S TRAINING AND
15 OPERATING PROCEDURES. IN ORDER TO BE APPROVED FOR A LICENSE, THE
16 APPLICANT MUST PROVIDE EVIDENCE THAT THE APPLICANT'S EQUIPMENT
17 AND TRAINING AND OPERATING PROCEDURES MEET OR EXCEED THE
18 MINIMUM REQUIREMENTS ESTABLISHED BY THE STATE BOARD OF HEALTH
19 PURSUANT TO SECTION 25-3.5-311. THE BOARD OF COUNTY
20 COMMISSIONERS OF ANY COUNTY MAY IMPOSE, BY RESOLUTION,
21 ADDITIONAL REQUIREMENTS FOR SECURE TRANSPORTATION THAT IS BASED
22 IN THAT COUNTY.

23 (b) IF AN APPLICANT IS APPROVED PURSUANT TO SUBSECTION
24 (1)(a) OF THIS SECTION, THE BOARD OF COUNTY COMMISSIONERS OF THE
25 COUNTY IN WHICH THE SECURE TRANSPORTATION SERVICE IS BASED SHALL
26 ISSUE A LICENSE, VALID FOR THREE YEARS, TO THE APPLICANT TO PROVIDE
27 SECURE TRANSPORTATION SERVICES. THE BOARD OF COUNTY

1 COMMISSIONERS OF THE COUNTY IN WHICH THE SECURE TRANSPORTATION
2 SERVICE IS BASED SHALL ALSO ISSUE A PERMIT, VALID FOR TWELVE
3 MONTHS AFTER THE DATE OF ISSUANCE, FOR EACH VEHICLE USED BY THE
4 LICENSEE IF THE VEHICLES AND EQUIPMENT MEET OR EXCEED THE
5 MINIMUM REQUIREMENTS ESTABLISHED BY THE STATE BOARD OF HEALTH
6 PURSUANT TO SECTION 25-3.5-311.

7 (2) ANY LICENSE OR PERMIT ISSUED PURSUANT TO THIS SECTION,
8 UNLESS REVOKED BY THE BOARD OF COUNTY COMMISSIONERS OF THE
9 COUNTY IN WHICH THE SECURE TRANSPORTATION SERVICE IS BASED, MAY
10 BE RENEWED BY FILING AN APPLICATION, AS APPLICABLE FOR AN ORIGINAL
11 LICENSE OR PERMIT. APPLICATIONS FOR PERMIT RENEWAL MUST BE FILED
12 ANNUALLY, BUT NOT LESS THAN THIRTY DAYS BEFORE THE DATE THE
13 PERMIT EXPIRES.

14 (3) A LICENSEE OR PERMIT HOLDER SHALL NOT SELL, ASSIGN, OR
15 OTHERWISE TRANSFER A LICENSE OR PERMIT ISSUED PURSUANT TO THIS
16 SECTION.

17 **25-3.5-311. Secure transportation - rules.** (1) THE STATE
18 BOARD OF HEALTH SHALL ADOPT RULES ESTABLISHING THE MINIMUM
19 REQUIREMENTS FOR SECURE TRANSPORTATION SERVICES LICENSING,
20 INCLUDING BUT NOT LIMITED TO:

21 (a) STAFFING REQUIREMENTS FOR VEHICLES;

22 (b) STAFF TRAINING REQUIREMENTS, INCLUDING VERBAL
23 DE-ESCALATION AND TRAUMA-INFORMED CARE;

24 (c) OPERATING PROCEDURES, INCLUDING CIRCUMSTANCES WHEN
25 INDIVIDUAL PHYSICAL RESTRAINT IS ALLOWED;

26 (d) QUALITY IMPROVEMENT AND THE PROCESS USED TO
27 INVESTIGATE COMPLAINTS AGAINST A LICENSEE;

- 1 (e) DATA COLLECTION AND REPORTING TO THE DEPARTMENT BY A
2 LICENSEE;
3 (f) CLINICAL AND MEDICAL STANDARDS AND PROCEDURES;
4 (g) THE CIRCUMSTANCES UNDER WHICH AN INDIVIDUAL MAY BE
5 TRANSPORTED; AND
6 (h) CRITERIA FOR PICKUP.

7 **SECTION 3.** In Colorado Revised Statutes, 25.5-5-324, **amend**
8 (1), (2)(a), (2)(c), and (4)(a) as follows:

9 **25.5-5-324. Nonemergency medical transportation - urgent**
10 **transportation need - report - repeal.** (1) (a) On or before January 1,
11 2019, the state department shall create and implement an efficient and
12 cost-effective method for meeting urgent transportation needs within the
13 existing nonemergency medical transportation benefit under the medical
14 assistance program. Urgent transportation needs include discharge from
15 inpatient, emergency services, and other urgent but nonemergency
16 services, as determined by the state department.

17 (b) ON OR BEFORE JANUARY 1, 2022, THE STATE DEPARTMENT
18 SHALL CREATE A BENEFIT FOR SECURE TRANSPORTATION SERVICES, AS
19 THAT TERM IS DEFINED IN SECTION 25-3.5-103 (11.4).

20 (2) The method created by the state department must include, at
21 a minimum:

22 (a) Medical service provider or facility access to approved
23 transportation providers for patients with urgent OR SECURE transportation
24 needs;

25 (c) An efficient method for obtaining and paying for
26 transportation services for urgent OR SECURE transportation needs.

27 (4) (a) The state department shall annually report on the

1 implementation and effectiveness of the process created in this section for
2 meeting urgent AND SECURE transportation needs within the
3 nonemergency medical transportation benefit AND SECURE
4 TRANSPORTATION SERVICES BENEFIT. The state department shall present
5 the report as part of its annual presentation "STATE MEASUREMENT FOR
6 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
7 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203 to the
8 health and human services committee of the senate and the public health
9 CARE and human services committee of the house of representatives, or
10 any successor committees. ~~as required pursuant to section 2-7-203.~~

11 **SECTION 4.** In Colorado Revised Statutes, 25-27.6-102, **add**
12 (12.7) as follows:

13 **25-27.6-102. Definitions.** As used in this article 27.6, unless the
14 context otherwise requires:

15 (12.7) "SECURE TRANSPORTATION" HAS THE SAME MEANING AS
16 SET FORTH IN SECTION 25-3.5-103 (11.4).

17 **SECTION 5.** In Colorado Revised Statutes, 27-60-104, **amend**
18 (7) as follows:

19 **27-60-104. Behavioral health crisis response system - crisis**
20 **service facilities - walk-in centers - mobile response units - report.**

21 (7) The state department shall explore solutions for addressing secure
22 transportation of individuals placed on a seventy-two-hour treatment and
23 evaluation hold pursuant to article 65 of this title 27 and shall, ON OR
24 BEFORE JANUARY 2023, INCLUDE THE FOLLOWING INFORMATION AS PART
25 OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
26 TRANSPARENT (SMART) GOVERNMENT ACT" PRESENTATION REQUIRED
27 BY SECTION 2-7-203:

1 (a) HOW CRISIS CONTRACTORS ARE FACILITATING THE USE OF
2 SECURE TRANSPORTATION OR CONTRACTING WITH SECURE
3 TRANSPORTATION LICENSEES; AND

4
5 (b) HOW THE STATE DEPARTMENT HAS SUPPORTED AND
6 ENCOURAGED CRISIS CONTRACTORS TO INCLUDE SECURE TRANSPORTATION
7 IN THE BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM.

8 **SECTION 6.** In Colorado Revised Statutes, 27-65-107, **amend**
9 (8) as follows:

10 **27-65-107. Certification for short-term treatment - procedure.**

11 (8) Whenever it appears to the court, by reason of a report by the treating
12 professional person or any other report satisfactory to the court, that a
13 respondent detained for evaluation and treatment or certified for treatment
14 should be transferred to another facility for treatment and the safety of the
15 respondent or the public requires that the respondent be transported by
16 SECURE TRANSPORTATION, AS DEFINED IN SECTION 25-3.5-103 (11.4), OR
17 a sheriff, the court may issue an order directing the sheriff or ~~his or her~~
18 THE SHERIFF'S designee to deliver the respondent to the designated
19 facility.

20 **SECTION 7.** In Colorado Revised Statutes, 40-10.1-105, **amend**
21 (1) introductory portion and (1)(d) as follows:

22 **40-10.1-105. Transportation not subject to regulation.** (1) The
23 following types of transportation are not subject to regulation ~~under this~~
24 ~~article~~ PURSUANT TO THIS ARTICLE 10.1:

25 (d) Transportation by hearses, ambulances, SECURE
26 TRANSPORTATION, AS DEFINED IN SECTION 25-3.5-103 (11.4), or other
27 emergency vehicles;

1 **SECTION 8. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.