

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

INTRODUCED

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

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) "SECURE TRANSPORTATION" OR "SECURE TRANSPORTATION
13 SERVICES" MEANS URGENT TRANSPORTATION SERVICES PROVIDED TO
14 INDIVIDUALS EXPERIENCING A BEHAVIORAL HEALTH CRISIS. SECURE
15 TRANSPORTATION INCLUDES:

16 (a) FOR AN INDIVIDUAL BEING TRANSPORTED PURSUANT TO

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

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

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

14 (I) AN EMERGENCY MEDICAL SERVICES FACILITY;

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

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

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

22 **SECTION 2.** In Colorado Revised Statutes, **add** 25-3.5-309,
23 25-3.5-310, and 25-3.5-311 as follows:

24 **25-3.5-309. Secure transportation - license required - fees -**
25 **exceptions.** (1) (a) AFTER JANUARY 1, 2022, AN ENTITY SHALL NOT
26 PROVIDE PUBLIC OR PRIVATE SECURE TRANSPORTATION SERVICES, AS
27 DEFINED IN SECTION 25-3.5-103 (11.4), IN THIS STATE UNLESS THAT

1 ENTITY HOLDS A VALID LICENSE ISSUED BY THE BOARD OF COUNTY
2 COMMISSIONERS OF THE COUNTY IN WHICH THE SECURE TRANSPORTATION
3 SERVICE IS BASED; EXCEPT THAT ENTITIES DESCRIBED IN SUBSECTION
4 (2)(b) OF THIS SECTION MAY PROVIDE SECURE TRANSPORTATION SERVICES
5 WHEN NECESSARY.

6 (b) LICENSES, PERMITS, AND RENEWALS ISSUED PURSUANT TO THIS
7 SECTION AND SECTION 25-3.5-310 REQUIRE A FEE IN AN AMOUNT TO BE
8 DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY
9 IN WHICH THE SECURE TRANSPORTATION SERVICE IS BASED TO REFLECT
10 THE DIRECT AND INDIRECT COSTS INCURRED BY THE COUNTY IN
11 IMPLEMENTING LICENSES FOR SECURE TRANSPORTATION.

12 (2) AMBULANCE AGENCIES AND LAW ENFORCEMENT MAY PROVIDE
13 SECURE TRANSPORTATION SERVICES TO AN INDIVIDUAL IN NEED OF
14 URGENT BEHAVIORAL HEALTH CARE.

15 (3) EACH VEHICLE OPERATED BY A SECURE TRANSPORTATION
16 LICENSEE MUST BE ISSUED A SEPARATE PERMIT BY THE BOARD OF COUNTY
17 COMMISSIONERS OF THE COUNTY IN WHICH THE SECURE TRANSPORTATION
18 SERVICE IS BASED UPON POSITIVE REVIEW PURSUANT TO SECTION
19 25-3.5-310.

20 **25-3.5-310. Secure transportation - issuance of licenses and**
21 **permits - term - requirements.** (1) (a) AFTER RECEIPT OF AN ORIGINAL
22 APPLICATION FOR A LICENSE TO PROVIDE PUBLIC OR PRIVATE SECURE
23 TRANSPORTATION SERVICES, THE BOARD OF COUNTY COMMISSIONERS OF
24 THE COUNTY IN WHICH THE SECURE TRANSPORTATION SERVICE IS BASED
25 SHALL REVIEW THE APPLICATION, THE APPLICANT'S RECORD, AND THE
26 APPLICANT'S EQUIPMENT, AS WELL AS THE APPLICANT'S TRAINING AND
27 OPERATING PROCEDURES. IN ORDER TO BE APPROVED FOR A LICENSE, THE

1 APPLICANT MUST PROVIDE EVIDENCE THAT THE APPLICANT'S EQUIPMENT
2 AND TRAINING AND OPERATING PROCEDURES MEET OR EXCEED THE
3 MINIMUM REQUIREMENTS ESTABLISHED BY THE STATE BOARD OF HEALTH
4 PURSUANT TO SECTION 25-3.5-311. THE BOARD OF COUNTY
5 COMMISSIONERS OF ANY COUNTY MAY IMPOSE, BY RESOLUTION,
6 ADDITIONAL REQUIREMENTS FOR SECURE TRANSPORTATION THAT IS BASED
7 IN THAT COUNTY.

8 (b) IF AN APPLICANT IS APPROVED PURSUANT TO SUBSECTION
9 (1)(a) OF THIS SECTION, THE BOARD OF COUNTY COMMISSIONERS OF THE
10 COUNTY IN WHICH THE SECURE TRANSPORTATION SERVICE IS BASED SHALL
11 ISSUE A LICENSE, VALID FOR THREE YEARS, TO THE APPLICANT TO PROVIDE
12 SECURE TRANSPORTATION SERVICES. THE BOARD OF COUNTY
13 COMMISSIONERS OF THE COUNTY IN WHICH THE SECURE TRANSPORTATION
14 SERVICE IS BASED SHALL ALSO ISSUE A PERMIT, VALID FOR TWELVE
15 MONTHS AFTER THE DATE OF ISSUANCE, FOR EACH VEHICLE USED BY THE
16 LICENSEE IF THE VEHICLES AND EQUIPMENT MEET OR EXCEED THE
17 MINIMUM REQUIREMENTS ESTABLISHED BY THE STATE BOARD OF HEALTH
18 PURSUANT TO SECTION 25-3.5-311.

19 (2) ANY LICENSE OR PERMIT ISSUED PURSUANT TO THIS SECTION,
20 UNLESS REVOKED BY THE BOARD OF COUNTY COMMISSIONERS OF THE
21 COUNTY IN WHICH THE SECURE TRANSPORTATION SERVICE IS BASED, MAY
22 BE RENEWED BY FILING AN APPLICATION, AS APPLICABLE FOR AN ORIGINAL
23 LICENSE OR PERMIT. APPLICATIONS FOR PERMIT RENEWAL MUST BE FILED
24 ANNUALLY, BUT NOT LESS THAN THIRTY DAYS BEFORE THE DATE THE
25 PERMIT EXPIRES.

26 (3) A LICENSEE OR PERMIT HOLDER SHALL NOT SELL, ASSIGN, OR
27 OTHERWISE TRANSFER A LICENSE OR PERMIT ISSUED PURSUANT TO THIS

1 SECTION.

2 **25-3.5-311. Secure transportation - rules.** (1) THE STATE
3 BOARD OF HEALTH SHALL ADOPT RULES ESTABLISHING THE MINIMUM
4 REQUIREMENTS FOR SECURE TRANSPORTATION SERVICES LICENSING,
5 INCLUDING BUT NOT LIMITED TO:

6 (a) STAFFING REQUIREMENTS FOR VEHICLES;

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

9 (c) OPERATING PROCEDURES, INCLUDING CIRCUMSTANCES WHEN
10 INDIVIDUAL PHYSICAL RESTRAINT IS ALLOWED;

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

13 (e) DATA COLLECTION AND REPORTING TO THE DEPARTMENT BY A
14 LICENSEE;

15 (f) CLINICAL AND MEDICAL STANDARDS AND PROCEDURES;

16 (g) THE CIRCUMSTANCES UNDER WHICH AN INDIVIDUAL MAY BE
17 TRANSPORTED; AND

18 (h) CRITERIA FOR PICKUP.

19 **SECTION 3.** In Colorado Revised Statutes, 25.5-5-324, **amend**
20 (1), (2)(a), (2)(c), and (4)(a) as follows:

21 **25.5-5-324. Nonemergency medical transportation - urgent**
22 **transportation need - report - repeal.** (1) (a) On or before January 1,
23 2019, the state department shall create and implement an efficient and
24 cost-effective method for meeting urgent transportation needs within the
25 existing nonemergency medical transportation benefit under the medical
26 assistance program. Urgent transportation needs include discharge from
27 inpatient, emergency services, and other urgent but nonemergency

1 services, as determined by the state department.

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

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

7 (a) Medical service provider or facility access to approved
8 transportation providers for patients with urgent OR SECURE transportation
9 needs;

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

12 (4) (a) The state department shall annually report on the
13 implementation and effectiveness of the process created in this section for
14 meeting urgent AND SECURE transportation needs within the
15 nonemergency medical transportation benefit AND SECURE
16 TRANSPORTATION SERVICES BENEFIT. The state department shall present
17 the report as part of its annual ~~presentation~~ "STATE MEASUREMENT FOR
18 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
19 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203 to the
20 health and human services committee of the senate and the public health
21 CARE and human services committee of the house of representatives, or
22 any successor committees. ~~as required pursuant to section 2-7-203.~~

23 **SECTION 4.** In Colorado Revised Statutes, 25-27.6-102, **add**
24 (12.7) as follows:

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

27 (12.7) "SECURE TRANSPORTATION" HAS THE SAME MEANING AS

1 SET FORTH IN SECTION 25-3.5-103 (11.4).

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

4 **27-60-104. Behavioral health crisis response system - crisis**
5 **service facilities - walk-in centers - mobile response units - report.**

6 (7) The state department shall explore solutions for addressing secure
7 transportation of individuals placed on a seventy-two-hour treatment and
8 evaluation hold pursuant to article 65 of this title 27 AND SHALL:

9 (a) COLLABORATE WITH THE COMMISSIONER OF INSURANCE
10 CONCERNING EXPANDING PRIVATE HEALTH PLAN COVERAGE AND
11 PAYMENT FOR SECURE TRANSPORTATION AS AN ALTERNATIVE TO USE OF
12 AMBULANCE TRANSPORTATION. THE STATE DEPARTMENT SHALL INCLUDE
13 BARRIERS OR SOLUTIONS TO SECURE TRANSPORTATION IN ITS "STATE
14 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT
15 (SMART) GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION
16 2-7-203; AND

17 (b) ON OR BEFORE DECEMBER 1, 2022, SEND A REPORT TO THE
18 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
19 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
20 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE REPORT MUST
21 INCLUDE:

22 (I) HOW CRISIS CONTRACTORS ARE FACILITATING THE USE OF
23 SECURE TRANSPORTATION OR CONTRACTING WITH SECURE
24 TRANSPORTATION LICENSEES;

25 (II) INFORMATION CONCERNING WHAT LOCAL COMMUNITIES ARE
26 DOING, INCLUDING FUNDING MECHANISMS, TO FACILITATE THE USE OF
27 SECURE TRANSPORTATION; AND

1 (III) HOW THE STATE DEPARTMENT HAS SUPPORTED AND
2 ENCOURAGED CRISIS CONTRACTORS TO INCLUDE SECURE TRANSPORTATION
3 IN THE BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM.

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

6 **27-65-107. Certification for short-term treatment - procedure.**
7 (8) Whenever it appears to the court, by reason of a report by the treating
8 professional person or any other report satisfactory to the court, that a
9 respondent detained for evaluation and treatment or certified for treatment
10 should be transferred to another facility for treatment and the safety of the
11 respondent or the public requires that the respondent be transported by
12 SECURE TRANSPORTATION, AS DEFINED IN SECTION 25-3.5-103 (11.4), OR
13 a sheriff, the court may issue an order directing the sheriff or ~~his or her~~
14 THE SHERIFF'S designee to deliver the respondent to the designated
15 facility.

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

18 **40-10.1-105. Transportation not subject to regulation.** (1) The
19 following types of transportation are not subject to regulation ~~under this~~
20 ~~article~~ PURSUANT TO THIS ARTICLE 10.1:

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

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