

STATE OF COLORADO )

) ss.

County of Otero )

At a Regular Meeting of the Board of County Commissioners for Otero County, Colorado, held at the Courthouse in La Junta, Colorado, on the 19th day of December, A.D., 2022, there were present:

- Jim Baldwin, Chairman
- John Hostetler, Commissioner
- Rob Oquist, Commissioner
- Lyn Scott, Clerk to the Board
- Amy White-Tanabe, County Administrator

when the following proceedings were had and done, to-wit:

**RESOLUTION # 2022-19**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
OTERO COUNTY, COLORADO ADOPTING THE OTERO COUNTY POLICY AND  
PROCEDURES REGARDING SECURE TRANSPORTATION SERVICES**

**WHEREAS**, House Bill 21-1085, adopted in June 2021, created a regulatory and service system to provide public or private secure transportation services to individuals experiencing a behavioral health crisis; and,

**WHEREAS**, the Bill directed each county's Board of County Commissioners to implement a program, including issuing licenses and vehicle permits for such transports, processing complaints and enforcement of the rules associated with the program; and,

**WHEREAS**, the Bill directed each county to have such a program in place by January 1, 2023.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF OTERO COUNTY, COLORADO** that the Board hereby adopts a  
policy regarding Secure Transportation Services. The policy is attached hereto as Exhibit A.

**APPROVED AND ADOPTED** this 19<sup>th</sup> day of December 2022.

ATTEST:



Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS OF  
OTERO COUNTY, STATE OF COLORADO:

Jim Baldwin

Jim Baldwin, Chairman

John Hostetler

Rob Oquist

Rob Oquist



## **OTERO COUNTY POLICY AND PROCEDURES REGARDING SECURE TRANSPORTATION SERVICES**

### **I. Purpose**

It is the policy of the Otero 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.

### **II. Policy**

The following procedures are intended to facilitate the licensing and permitting of secure transportation services and the vehicles used for such services. This Policy is subject to interpretation by the Otero County Attorney's Office.

### **III. Definitions**

The definitions contained in C.R.S. § 25-3.5-103 *et.seq.*, as may be amended from time to time, shall apply to this Policy and procedures, unless the context clearly requires a different meaning. One definition of particular relevance is “secure transportation” or “secure transportation services”, which shall mean urgent transportation services provided to individuals experiencing a behavioral health crisis and includes:

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

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

### **IV. Applicability**

This Policy applies to all public or private businesses within Otero County who provide transportation services within the boundaries of Otero County, with the exception of ambulance agencies, transportation services provided by the state department of human services, emergency service patrols established pursuant to C.R.S. §27-81-115, and law enforcement.

## **V. Secure Transportation Services License**

Applicable secure transportation service businesses are required to have a valid County-issued license for their business beginning January 1, 2023. Licenses are valid for three years and have the following two licensing options:

1. Class A – services that may use physical restraint during secure transport; or
2. Class B – services that shall not use physical restraint during secure transport.

**Requirements for Licensing:** Owners of new secure transportation service businesses must obtain a Secure Transportation license and vehicle permit(s) prior to beginning operations and upon change of ownership of a secure transportation service.

## **VI. Staffing Requirements**

1. Manager/Administrator: Each applicable secure transportation service operating within Otero 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.
2. Any changes regarding the manager or administrator of record must be provided to the Licensing Coordinator within fourteen (14) business days of the change.

3. Staffing: Every secure transportation service's staffing requirements must include, at a minimum:
  - A. All drivers must possess a current and valid Colorado driver's license.
  - B. If a Type 1 (partitioned) vehicle is being used for the secure transport, then the following shall apply:
    - i. A 1:1 ratio of client to staff member shall be maintained during the transport; this staff member may *also* be the driver. 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. 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:
    - i. 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. 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. The policy shall include, at a minimum:
    - i. Background checks prior to an individual securing transportation services.
  - E. 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 organizations:
    - i. Cultural competencies including, but not limited to, supporting persons with physical or cognitive disabilities, language accessibility, and accessing interpretive services;
    - ii. 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;

- iii. Trauma-informed care principles;
  - iv. Evade and escape violent encounter strategies;
  - v. Internal policies and procedures applicable to the secure transportation service and staff, including, but not limited to the staff disciplinary policy;
  - vi. Client rights; and
  - vii. Compliance with applicable privacy laws.
- F. Each secure transportation service must have established the following additional minimum staff training requirements for all staff with direct client contact:
- i. Adult and Youth Mental Health First Aid as offered by educational institutions or by professional organizations such as mental health [firstaid.org](http://firstaid.org), or the equivalent;
  - ii. Basic First Aid and CPR; and
  - iii. Care of clients with substance use disorders.
- G. 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:
- i. Circumstances and protocols governing the permissible application of individual physical restraint during secure transport; and
  - ii. Safe application of individual physical restraint on clients during secure transport.
- H. Each staff member with direct client contact must possess a certification or proof of having completed the required coursework.

## **VII. Quality Management Program (QMP)**

1. Each secure transportation service operating within Otero County 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:
    - i. Investigating and analyzing the frequency and causes of individual problems and patterns of problems;
    - ii. Taking corrective action to address the problems, including prevention and minimizing problems or risks;
    - iii. Evaluating corrective action(s) to determine the effectiveness of such action(s); and
    - iv. 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 XI 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 XIII.1 of this Policy to inform the quality management plan.
  - I. A written disciplinary policy that addresses a process for staff quality improvement.
2. The secure transportation service shall make available the quality management plan to Otero County during the initial license application and included with renewal applications if the plan has been revised.
  3. Otero County, the Colorado Department of Public Health and Environment (the “Department”), 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.

### **VIII. Secure Transportation Vehicle Permit**

Each vehicle used by a licensed secure transportation service is required to have a valid County-issued permit for the vehicle beginning January 1, 2023.

1. Permits are valid for one year and have the following two types of permitting options:
  - A. Type 1 – vehicle with a safety partition that separates the driver from the passenger compartment; or
  - B. Type 2 – non-partitioned vehicle.
2. Requirements for Licensing:
  - A. All client and crew vehicle safety standards must be followed.
  - B. All vehicles must demonstrate proof of compliance with Federal Motor Vehicle Safety Standards on the date of manufacture.
  - C. All vehicles must undergo routine vehicle maintenance and periodic checks in accordance with manufacturer recommendations.
  - D. All vehicles must have the following safety features:
    - i. Four doors;
    - ii. Ligature risk reduction measures;
    - iii. Child safety and window safety locks;
    - iv. Global Positioning System (GPS) tracking;
    - v. Occupant protection, including seat belts, supplemental inflatable restraints, and child safety seats (as applicable);
    - vi. Cabin temperature control and ventilation system;
    - vii. Be absent of any foreign items or instruments in the secured area that may be used to inflict harm; and
    - viii. Mirror for monitoring the client or capability for visual observation of the client.
  - E. If a Type 1 vehicle with a safety partition that separates the driver from the passenger compartment is being used for the secure transportation service, then the vehicle must have the following additional safety features:
    - i. Permanent installation of all safety partitions; and
    - ii. For vehicles with a cargo area, a safety partition must also be installed that separates the passenger compartment from the cargo area.
  - F. All vehicles must be equipped with the following:

- i. First aid kit;
- ii. Fire extinguisher;
- iii. Wireless two-way communication (public safety radio, commercial land mobile radio, or wireless telephone);
- iv. Biohazard bag;
- v. Personal protective equipment for each occupant as per public health recommendations; and
- vi. Map of service area.

- G. If a licensed secure transportation service utilizes physical restraint as part of its services, the vehicle shall additionally be equipped with the following:
  - i. Automated external defibrillator (AED);
  - ii. Non-metal, soft posey-type restraints; and
  - iii. 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.

## **IX. Application Process**

1. All applications, whether for a secure transportation service license, a secure transportation vehicle permit, or both, can be downloaded from the County website at: [www.oterocounty.colorado.gov](http://www.oterocounty.colorado.gov) Questions related to the applications can be directed to the Licensing Coordinator .
2. Applicant shall contact the County Vehicle Inspector at the Otero County Commissioner's Office to schedule an appointment for a vehicle(s) inspection.
3. Once all documentation is completed and the vehicle inspections have been done, applicant shall contact the Licensing Coordinator via email to schedule the application review.
4. Upon completion of the application review, applications will be placed on the next available agenda for the Board of County Commissioners' (the "Board") for final review and approval.
5. Upon Board review, the Licensing Coordinator will notify the applicant of the Board's findings and when/if the approved license and permit(s) will be available for pick-up.
6. For secure transportation service licenses, applicants must provide:

- A. Completed license application.
  - B. Certificate of occupancy or other documentation that the applicant's premises were found be in compliance with applicable local requirements.
  - C. Proof of a minimum level of worker's compensation consistent with the Colorado Worker's Compensation Act.
  - D. Copy of a written policy and procedure manual, operational protocols, medical protocols (if applicable), training procedures, or other relevant documents.
    - i. Policies and procedures must follow national best practice guidelines where available that address, at a minimum:
      - a. Appropriate procedures to assess initially whether the client requires a higher level of transport than the service can provide;
      - b. 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;
      - c. Appropriate procedures to confirm the receiving facility's acceptance of the client prior to initiation of the secure transport;
      - d. Criteria used for pickup and drop-off, including the circumstances that determine a secure transport client's eligibility;
      - e. The level of support and protection needed for both client and staff safety;
      - f. Compliance with vehicle safety standards and procedures;
      - g. Proper evacuation of the vehicle during emergencies if the windows and/or exits of the vehicle are blocked or inaccessible;
      - h. Infection protection and control, including the decontamination of the vehicle after each transport;
      - i. Parental and/or guardian level of support and involvement;
      - j. Meeting client needs on extended transports including meals, water and bathroom breaks; and
      - k. 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.
  - E. Payment of Secure Transportation Service license fee if required.
7. For secure transportation vehicle permits, applicants must provide:
- A. Completed permit application (one for each vehicle).

- B. Certificate of Mechanical Inspection to be completed by a qualified motor vehicle mechanic (one for each vehicle).
- C. Proof of motor vehicle insurance coverage with Otero County identified as certificate holder.
- D. Proof of general liability and applicable professional liability insurance coverage, including, at a minimum:
  - i. Liability insurance for injuries in the amount of \$1,000,000 for each individual claim;
  - ii. 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;
  - iii. Liability insurance coverage to the maximum extent required by Section 24-10-114, C.R.S., as applicable, if the secure transportation service is granted qualified immunity under the Colorado Governmental Immunity Act, Section 24-10-101, *et.seq.*, C.R.S.; and
  - iv. Proof of any additional insurance as identified in county resolution or regulations.
- E. Payment of Secure Transportation Service Vehicle permit fee, if required.

## **X.      Renewal of License and Permits**

Secure transportation service licenses are valid for three years. Secure transportation service vehicle permits are valid for one year. Renewal applications are processed in the same manner as new applications.

Applicants should schedule their application review meeting with the Licensing Coordinator no less than thirty (30) days prior to the date of license and/or permit expiration.

## **XI.     Complaint and Investigation Process**

- 1. Origination of Complaints: Alleged violation of this Policy by a licensed secure transportation service or of a secure transportation service operating in the County without a license, may be made in writing by any party and addressed to the Board, or by the Board on its own initiative. Any individual bringing a matter of medical competency to the Board shall waive the right of patient confidentiality as a condition of complaint submission and subsequent investigation. If any legal action is filed against a licensed secure transportation service in a court of the United States, the State of Colorado or any of its political subdivisions, the licensee shall notify the Board within ten (10) business days. A violation

of this Policy shall not be presumed based on the allegation. In the event that a judgment is entered against the licensee, the licensee shall file a copy of the findings of fact, conclusions of law and order of the court with the Board within ten (10) business days. If an action against a secure transportation service license is undertaken by another jurisdiction, the licensee shall notify the Board within ten (10) business days. A violation of these rules shall not be presumed based on the action. If the action results in a suspension or revocation of the secure transportation service license by another jurisdiction, the licensee shall file a copy of the record of the adverse action with the Board within ten (10) business days.

2. Validation of Complaints: The Board, or its designee, shall complete an initial review of the complaint, judgment or adverse action within five (5) business days to determine if it constitutes a violation of this Policy and has sufficient foundation to warrant a complete investigation. Any apparent violation of this Policy having sufficient factual basis shall be fully investigated by the Board. Allegations of violations outside the purview of the Board shall be returned to the complainant for referral to the appropriate authority or jurisdiction. The Board shall notify the complainant in writing if the allegation lacks sufficient basis to warrant investigation. The Board shall notify the licensee in writing if a judgment or adverse action filed with the Board does not constitute a violation of this Policy.
3. Investigation of Complaints: The Board shall notify the complainant in writing that the allegation is sufficient to warrant a full investigation. Upon initiation of a full investigation, the Board shall notify the secure transportation service of the alleged violation in writing. The Board shall commence action against the secure transportation service or unlicensed secure transportation service if the allegation is determined to be a violation of this Policy or, at its discretion, may provide a reasonable period for the licensee to cure any violation or to implement corrective measures to bring the licensee's business activities into conformance with this Policy before commencing action to suspend or revoke a license or permit. The Board may forego further hearing or action against the license or permit upon confirmation that the licensee has cured the violation and satisfied any conditions reasonably imposed by the Board. The Board shall notify the complainant in writing if an investigation determines that the allegation fails to constitute a violation of this Policy or that the licensee has cured the violation.

## **XII. Procedures for Revocation or Suspension**

1. The Board may, on its own initiative or upon written complaint made by any party, temporarily suspend, suspend for a definite period, or revoke any license or permit issued pursuant to this Policy upon a determination that a violation of this Policy by a licensed secure transportation service has occurred.

2. **Temporary Suspension:** Without prior notice to the licensee and upon determination that a violation that poses immediate threat to the public health, safety and welfare has occurred, the Board may temporarily suspend any license or permit. Such temporary suspension shall be effective upon delivery of written notice to the licensed secure transportation service by the Board. No temporary suspension shall be valid for more than thirty (30) days or until a final decision by the Board concerning suspension or revocation, whichever period is longer. Any written notice of temporary suspension shall also provide notice of the time, date and place of a hearing before the Board to consider the suspension or revocation of the license. Except upon written consent of the licensee, the hearing shall be held not more than ten (10) business days following the effective date of the temporary suspension.
3. **Suspension for Definite Period or Revocation of License:** Following notice to the licensee and a public hearing at which the licensee shall be afforded an opportunity to be heard, the Board may suspend or revoke any license or permit. Any suspension or revocation shall require a finding by the Board of a violation of this Policy based upon the evidence presented at the hearing. Suspension shall be for a specific and definite period of time not to exceed any remaining current license period. The County shall bear the burden of proof of a violation justifying any suspension or revocation of a license or permit. Issuance of a temporary suspension shall not be a prerequisite to the conduct of a hearing to consider the suspension or revocation of a license or permit.
4. **Hearings:** All suspension or revocation hearings shall be open to the public and shall be conducted in accordance with the Colorado Open Meetings Act. The Board shall be authorized to administer oaths and issue subpoenas to require the attendance of witnesses and the production of papers, books, and records necessary to the determination of any issue at any hearing.
5. **Surrender of License or Permit:** Following receipt of a written notice of suspension or revocation, the licensee shall surrender and deliver its license and all secure transportation vehicle permits to the Board within forty-eight (48) hours.
6. **Notices:** Any notice issued pursuant to this Policy shall be made in writing and provided to the licensee at the address listed in the application for license. The Board shall use its best efforts to immediately notify in writing any communications center and notify within three (3) business days any first response agencies, local law enforcement agencies and medical facilities of any suspension or revocation. The Board may send notice to other counties, the Colorado Department of Public Health and Environment, Colorado Department of Regulatory Agencies, Colorado Department of Health Care Policy and Financing or other interested parties; provided, however, that such notice shall not entitle these parties to a right to participate in any hearing concerning suspension or revocation of a license.

### **XIII. Data Collection and Reporting Requirements**

Any secure transport resulting in the serious injury, illness or death of a client or staff member during transport or resulting in injury to the client as a result of the use of physical restraint during transport shall be reported to the receiving facility immediately and to the County within twenty-four (24) hours of the incident. The County should be notified by emailing the Licensing Coordinator. Each report shall identify and describe the circumstances leading to the serious injury, illness or death of a client or staff member during transport.

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:

1. Beginning in 2024, all secure transportation services shall submit the following data no later than March 1 for the previous calendar year:
  - A. 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.
  - B. The total number of adults (18+) served by the secure transportation service for the previous calendar year.
  - C. The total number of minors (17 and under) served by the secure transportation service for the previous calendar year.
  - D. The type of location where individuals were picked up and dropped off for the previous calendar year.
  - E. The total number of individuals who were transported by the secure transportation service more than one time for the previous calendar year.
  - F. The total number of transports (individual trips and trips with multiple clients as allowed 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.
  - G. Demographic information for the previous calendar year, including, but not limited to:
    - i. The total number of clients served by residential zip code;
    - ii. The total number of clients served by pickup location zip code; and
    - iii. The total number of clients served by gender, race and ethnicity.

- H. The total number of clients the service transported who were not on involuntary holds (M1, M5 and M8) for the previous calendar year.
- 2. 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.
  - A. Secure transportation services shall update the profile data whenever changes occur and at least annually.
  - B. 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 Section XII.B. above and annual submission of utilization data as described in Section XII.1 above.
- 4. If a secure transportation service fails to comply with the Department's rules, the Department may report this lack of compliance to Otero 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.

#### **XIV. Clinical, Medical and Operating Standards and Procedures**

- 1. Parameters for Secure Transportation: Secure transport clients shall only be transported under the following circumstances:
  - A. The client is experiencing a behavioral health crisis.
  - B. The client is in need of urgent transportation to a facility that is defined in part 2.22(C), 6 CCR 1011-4.

- C. The client does not and will not need either:
    - i. Medical treatment during transport, or
    - ii. Active or ongoing medical monitoring.
  - D. The client does not and will not need to be chemically restrained during secure transport as a behavioral intervention.
2. Restraint:
- A. No chemical restraint shall 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 in Part 2.21, 6 CCR 1011-4, shall only be utilized for health and safety purposes under the following conditions:
    - i. 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 when there is the present ability to affect such bodily harm; and
    - ii. After the failure of less restrictive alternatives, including verbal de-escalation; or
    - iii. After a determination that such alternatives would be inappropriate or ineffective under the circumstances.
  - C. 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.
3. Transportation Procedures:
- A. The secure transportation service shall transport one (1) client per vehicle transport, except under the following circumstances:
    - i. 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;
    - ii. 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;
    - iii. 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;

- iv. The transport is an inter-facility transport as defined at Part 2.22(C), 6 CCR 1011-4; and
  - v. Each client has given their consent to be transported with another individual.
- B. The secure transportation service shall create and maintain accurate and detailed logs of client transports, including professional incident reports.
- C. 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.

## **XV. Client Rights**

1. Every secure transportation service must have written client rights that assure a client has the right to be treated with consideration, respect, and full recognition of human dignity and individuality, and that includes, at a minimum:
  - A. The right of the client and their property to be treated with respect.
  - B. 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.
  - C. 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.
  - D. The right of the client to receive secure transportation services by the least restrictive means necessary to assure the safety of the client.
  - E. The right of the client to be free from discrimination in the provision of services.
  - F. The right of the client to be free from neglect; financial exploitation; and verbal, physical, and psychological abuse, including humiliation, intimidation, or punishment.
  - G. For clients who request voluntary transport, the right of the client to discontinue secure transportation services.
  - H. 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.

- I. The right of the client to have personally identifying health information protected from unnecessary disclosure.
  - J. 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.
  - K. The right of the client to file a complaint with the secure transportation service and County without fear of discrimination or retaliation by the secure transportation service's owner, manager, administrator or any staff member.
2. Every secure transportation service must have client's rights policies and procedures, that include, at a minimum:
  - A. Procedures for identifying, reporting, reviewing, and investigating all allegations of abuse, mistreatment, neglect and exploitation.
  - B. Procedures for timely communicating all investigation results to the client and County in which the secure transportation service is licensed.
  - C. 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.
  - D. Procedures that direct client support staff members 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.

## **XVI. Assignment**

Assignment, sale or transfer of a secure transportation service license or vehicle permit is strictly prohibited.

## **XVII. Fees**

Otero County charges a non-refundable flat fee for the review and processing of secure transportation services licenses and vehicle permits, as set forth in the Otero County Fee Schedule, as amended from time to time.

Payment of the total fee is required at the time of submitting the application(s).



## **Instructions for Application for Secure Transportation Service License**

1. Enter the name under which the Secure Transportation Service will be licensed.
2. Check the type of license requested for this Secure Transportation Service. Only check one.
3. Complete the information for the person applying for the license.
4. Complete the information for the person who will be in charge of the Secure Transportation Service.
5. Complete the information about owner(s) or governing board for the Secure Transportation Service.
  - Provide the contact information for the owner of the Secure Transportation Service. If the owner of a Secure Transportation Service is a partnership, provide the contact information for each partner. Attach additional sheets if needed.
  - If the owner of a secured transportation service is a corporation, provide the contact information for each director of the corporation and each stockholder owning ten percent (10%) or more the outstanding stock. Attach additional sheets if needed.
  - If the owner of a Secure Transportation Service is a government, provide the contact information for each member of the governing board. Attach additional sheets if needed.
6. Describe the area to be served by the Secure Transportation Service. A map may be substituted if it shows sufficient detail to clearly identify the service area boundaries.
7. List the location(s) of the Secure Transportation Service headquarters, substation(s), office(s), secure transportation post(s) or other locations from which it is intended to operate the Secure Transportation Service.

### **Attachments required for all applications:**

- A secure transportation vehicle permit application, including the certificates of mechanical inspection and secure transportation equipment inspection, for each secure transportation vehicle to be used in the county.
- Certificate of occupancy or other documentation that the applicant's premises were found to be in compliance with applicable local requirements.
- Certificates of insurance.
- Payment of Secure Transportation Service license fee and vehicle inspection fee.

# **Application for Secure Transportation Service License**

1. Name of Secure Transportation Service: \_\_\_\_\_

2. Type of License (check one):

- Class A (may use restraints)
- Class B (no restraints)

3. Contact Information for the person applying for the license:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (business)  
\_\_\_\_\_  
(mobile)

Email Address: \_\_\_\_\_

4. Contact Information for the Manager of the Secure Transportation Service:

Name: \_\_\_\_\_

Physical Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (business)  
\_\_\_\_\_  
(mobile)

Email Address: \_\_\_\_\_

Manager's qualifications (list education, knowledge and experience, or attach a resume clearly listing qualifying education, knowledge and experience):

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5. Contact information for owners, partners or directors (attach additional sheets if needed):

Owner       Partner       Stockholder       Director

Name: \_\_\_\_\_

Address:

City/State/Zip:

Telephone: (business)

(mobile)

Email Address:

Owner       Partner       Stockholder       Director

Name: \_\_\_\_\_

Address:

City/State/Zip:

Telephone: (business)

(mobile)

Email Address:

Owner

Partner

Stockholder

Director

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (business)

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(mobile)

Email Address: \_\_\_\_\_

Owner

## □ Partner

Stockholder

Director

Name: \_\_\_\_\_

Address:

City/State/Zip:

Telephone: (business)

(mobile)

Email Address:

Owner

## □ Partner

Stockholder

Director

Name: \_\_\_\_\_

Address:

City/State/Zip:

Telephone: (business)

(mobile)

Email Address:

6. Area to be served by the Secure Transportation Service (if described on map, write "See attached map"): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Location(s) from which it is intended to operate the Secure Transportation Service:  
\_\_\_\_\_  
\_\_\_\_\_

Submitted by:

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Attachments Required for All Applications:

- A secure transportation vehicle permit application, including the certificates of mechanical inspection and secure transportation equipment inspection, for each secure transportation vehicle to be used in the county.
- Certificate of occupancy or other documentation showing that the applicant's premises were found to be in compliance with applicable local requirements.
- Certificates of insurance.
- Payment of Secure Transportation Service license fee and vehicle inspection fee.



## Instructions for Application for Secure Transportation Vehicle Permit

1. Enter the name under which the secure transportation service will be licensed.
2. Check the type of permit requested for this vehicle. Only check one.
3. Complete the contact information for the registered owner of the secure transportation vehicle.
4. Complete the contact information for the person applying for the permit.
5. Complete the information for the secure transportation vehicle.

VIN is the vehicle identification number assigned by the manufacturer. Generally, it can be found on the number plate visible through the lower corner of the windshield on the driver side.

Briefly describe the secure transportation vehicle color scheme. Examples: black, white over silver with blue beltline stripe, red with gold lettering.

Describe any other significant distinguishing characteristics. For example: yellow sunburst logo, green and blue logo showing mountain lake scene.

### Attachments required for all applications:

- Proof of motor vehicle insurance.
- Certificate of mechanical inspection.

# Application for Secure Transportation Vehicle Permit

Name of Secure Transportation Service: \_\_\_\_\_

Type of Permit (check one):

- Type 1 (Partitioned)
- Type 2 (Non-Partitioned)

Contact Information for Secure Transportation Vehicle Owner:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (business)

\_\_\_\_\_ (mobile)

Email Address: \_\_\_\_\_

Contact Information for the Person Applying for the Secure Transportation Vehicle Permit:

Name: \_\_\_\_\_

Physical Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (business)

\_\_\_\_\_ (mobile)

Email Address: \_\_\_\_\_

Secure Transportation Vehicle Information:

Chassis year: \_\_\_\_\_

Make: \_\_\_\_\_

Model: \_\_\_\_\_

VIN: \_\_\_\_\_

Colorado License Plate Number: \_\_\_\_\_

Date in Service: \_\_\_\_\_

Color: \_\_\_\_\_

Other Distinguishing Characteristics: \_\_\_\_\_

Submitted by:

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Attachments Required for All Applications:

- Proof of motor vehicle insurance
- Certificate of Mechanical Inspection



## Secure Transportation Certification of Motor Vehicle Mechanical Evaluation

Owner: \_\_\_\_\_

Year/Make/Model: \_\_\_\_\_

VIN: \_\_\_\_\_

Mileage: \_\_\_\_\_

### MECHANICAL EVALUATION CHECK LIST

SYSTEM	ACCEPTABLE	NOT ACCEPTABLE	COMMENTS
Wheels, tires and brake systems			
Steering, alignment and suspension system			
Climate control and ventilation systems			
Lighting and electrical system			
Exhaust system			
Fuel system			
Glass, body, and sheet metal			

As a qualified motor vehicle mechanic, I have evaluated the mechanical condition of the described vehicle and have determined that the vehicle is in safe operating condition as of this date. This evaluation does not guarantee future status of the vehicle operating condition due to conditions beyond my control.

\_\_\_\_\_  
Company Shop or Agency Name

\_\_\_\_\_  
Mechanic name (print or type)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Mechanic Signature

\_\_\_\_\_  
Date



## Secure Transportation Complaint Form

Date and Time of Complaint: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Time: \_\_\_\_\_ a.m./p.m.

All complaints filed against a Secure Transportation Service may be subject to the Colorado Open Records Act and subject to public disclosure.

1. Complainant's Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (business)

\_\_\_\_\_ (mobile)

Email Address: \_\_\_\_\_

2. Is the complaint on  
behalf of:

Yourself  
 Someone Else

If for someone else, who? \_\_\_\_\_

What is their relationship to you? \_\_\_\_\_

3. Basis of  
Complaint:

Client Rights  
 Response Time  
 Other: \_\_\_\_\_

Staff/Personnel  
 Unlicensed Service/  
Unpermitted Vehicles

4. What is the name of the Secure Transportation Service? \_\_\_\_\_

\_\_\_\_\_

5. When did the event(s) of concern occur?

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Time: \_\_\_\_\_ a.m./p.m

6. Is the problem ongoing:

Yes

No

7. Is the individual still receiving care  
as a result of the incident?

Yes

No

8. What is the individual's condition now? \_\_\_\_\_

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9. Was anyone else involved in the incident (i.e., other staff, family, friends, law enforcement, fire personnel, receiving facility staff, physicians or bystanders)?

Yes       No

10. Were there any witnesses to the incident?

Yes       No

If there were witnesses, who were they? \_\_\_\_\_

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11. Do you have any evidence of the incident (i.e., pictures, video or audio recordings)?

Yes       No

If yes, are you willing to provide these as part of the investigation into the incident?

Yes       No

12. Have you taken any additional actions?

Yes       No

If yes, what actions have you taken? \_\_\_\_\_

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13. Have you spoken with anyone from the Secure Transportation Service?

Yes  No

If yes, who did you speak with? \_\_\_\_\_

14. Has the Secure Transportation Service tried to address the situation?

Yes  No

If yes, what has been done? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

15. What prompted this complaint? Please describe what happened and include additional pages if necessary.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

16. Are there any law enforcement agencies involved?

Yes  No

Please name the law enforcement agency/agencies involved:

\_\_\_\_\_

Submitted by:

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Preferred Method of Contact:

Email  Phone

If you have any questions regarding this form or about the process, please contact the Otero County Licensing Coordinator at the Otero County Commissioner's Office.

## Secure Transportation Services Staffing Requirements

## Class A

**\*\*Refer to 6 CCR 1011-4: Standards for Secure Transportation Services**

## Secure Transportation Services Staffing Requirements

## Class B

**\*\*Refer to 6 CCR 1011-4: Standards for Secure Transportation Services**