

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 21-0522.01 Jane Ritter x4342

**HOUSE BILL 21-1085**

---

**HOUSE SPONSORSHIP**

**McCluskie and Larson,**

**SENATE SPONSORSHIP**

**Bridges and Smallwood,**

---

**House Committees**

Public & Behavioral Health & Human Services  
Appropriations

**Senate Committees**

---

**A BILL FOR AN ACT**

101     **CONCERNING SECURE TRANSPORTATION FOR AN INDIVIDUAL IN**  
102     **BEHAVIORAL HEALTH CRISIS, AND, IN CONNECTION THEREWITH,**  
103     **MAKING AN APPROPRIATION.**

---

**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 from traditional ambulance services, for individuals experiencing a behavioral health crisis. The department of human services shall allow for the development of secure transportation alternatives.

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.*

HOUSE  
Amended 2nd Reading  
May 7, 2021

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 3 years, 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 (department) is directed to create and implement a secure transportation benefit on or before January 1, 2023. The department is required to include information on secure transportation services and benefits in its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" report.

The bill exempts 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           LICENSED OR CERTIFIED FACILITY THAT PROVIDES EMERGENCY MEDICAL  
10          SERVICES, INCLUDING BUT NOT LIMITED TO HOSPITALS, HOSPITAL UNITS AS  
11          DEFINED IN SECTION 25-3-101, FREESTANDING EMERGENCY DEPARTMENTS  
12          AS DEFINED IN SECTION 25-1.5-114, PSYCHIATRIC HOSPITALS, COMMUNITY  
13          CLINICS, COMMUNITY MENTAL HEALTH CENTERS, AND ACUTE TREATMENT  
14          UNITS.

4 (b) SECURE TRANSPORTATION INCLUDES:

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

10 (II) FOR AN INDIVIDUAL IN NEED OF SERVICES PURSUANT TO  
11 ARTICLES 81 AND 82 OF TITLE 27, TRANSPORTATION FROM ANY LOCATION  
12 TO AN APPROVED TREATMENT FACILITY, AS DESCRIBED IN SECTION  
13 27-81-106, OR A WALK-IN CRISIS CENTER THAT IS OPERATING AS PART OF  
14 THE BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM;

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

18 (A) AN EMERGENCY MEDICAL SERVICES FACILITY;

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

22 (C) AN APPROVED TREATMENT FACILITY, AS DESCRIBED IN  
23 SECTION 27-81-106; 

24 (D) A WALK-IN CRISIS CENTER THAT IS OPERATING AS PART OF THE  
25 BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM; OR

26 (E) A BEHAVIORAL HEALTH ENTITY LICENSED PURSUANT TO  
27 SECTION 25-27.6-106 WITH A CURRENT TWENTY-FOUR-HOUR

1 ENDORSEMENT.

2 (c) "SECURE TRANSPORTATION" DOES NOT INCLUDE URGENT  
3 TRANSPORTATION SERVICES PROVIDED BY LAW ENFORCEMENT OR  
4 PERSONNEL EMPLOYED BY OR CONTRACTED WITH A LAW ENFORCEMENT  
5 AGENCY TO INDIVIDUALS EXPERIENCING A BEHAVIORAL HEALTH CRISIS;  
6 EXCEPT THAT ANY MEMBER OF A CO-RESPONDER TEAM WHO IS NOT LAW  
7 ENFORCEMENT OR PERSONNEL EMPLOYED BY OR CONTRACTED WITH A LAW  
8 ENFORCEMENT AGENCY AND WHO HOLDS A VALID LICENSE FOR SECURE  
9 TRANSPORTATION BY THE COUNTY IN WHICH THE SECURE  
10 TRANSPORTATION ORIGINATES, IN A VEHICLE WITH A VALID PERMIT ISSUED  
11 BY THE COUNTY IN WHICH THE SECURE TRANSPORTATION ORIGINATES,  
12 AND WHICH MEETS THE MINIMUM REQUIREMENTS FOR SECURE  
13 TRANSPORTATION ESTABLISHED BY RULE PURSUANT TO SECTION  
14 25-3.5-311 MAY PROVIDE URGENT SECURE TRANSPORTATION SERVICES.

15 **SECTION 2.** In Colorado Revised Statutes, **add** 25-3.5-309,  
16 25-3.5-310, 25-3.5-311, and 25-3.5-312 as follows:

17 **25-3.5-309. Secure transportation - license required - fees -**  
18 **exceptions.** (1) (a) AFTER JANUARY 1, 2023, AN ENTITY SHALL NOT  
19 PROVIDE PUBLIC OR PRIVATE SECURE TRANSPORTATION SERVICES, AS  
20 DEFINED IN SECTION 25-3.5-103 (11.4), IN THIS STATE UNLESS THAT  
21 ENTITY HOLDS A VALID LICENSE ISSUED BY THE BOARD OF COUNTY  
22 COMMISSIONERS OF THE COUNTY IN WHICH THE SECURE TRANSPORTATION  
23 SERVICE IS BASED; EXCEPT THAT ENTITIES DESCRIBED IN SUBSECTION (2)  
24 OF THIS SECTION MAY PROVIDE SECURE TRANSPORTATION SERVICES.

25 (b) LICENSES, PERMITS, AND RENEWALS ISSUED PURSUANT TO THIS  
26 SECTION AND SECTION 25-3.5-310 REQUIRE A FEE IN AN AMOUNT TO BE  
27 DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY

1       IN WHICH THE SECURE TRANSPORTATION SERVICE IS BASED TO REFLECT  
2       THE DIRECT AND INDIRECT COSTS INCURRED BY THE COUNTY IN  
3       IMPLEMENTING LICENSES FOR SECURE TRANSPORTATION.

4                   (2) AMBULANCE AGENCIES, TRANSPORTATION SERVICES PROVIDED  
5       BY THE OFFICE OF BEHAVIORAL HEALTH WITHIN THE STATE DEPARTMENT  
6       OF HUMAN SERVICES, EMERGENCY SERVICE PATROLS ESTABLISHED  
7       PURSUANT TO SECTION 27-81-115, AND LAW ENFORCEMENT MAY PROVIDE  
8       SECURE TRANSPORTATION SERVICES TO AN INDIVIDUAL IN NEED OF  
9       URGENT BEHAVIORAL HEALTH CARE.

10                  (3) AN AMBULANCE AGENCY IS ELIGIBLE TO RECEIVE  
11       REIMBURSEMENT PURSUANT TO SECTION 25.5-5-327 AND IS EXEMPT FROM  
12       ADDITIONAL LICENSING REQUIREMENTS IF THE AGENCY MEETS THE  
13       REQUIREMENTS FOR SECURE TRANSPORTATION AS ESTABLISHED BY RULE  
14       PURSUANT TO SECTION 25-3.5-311.

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) **ON OR BEFORE**  
3 **JULY 1, 2022, THE STATE BOARD OF HEALTH SHALL ADOPT RULES**  
4 **ESTABLISHING THE MINIMUM REQUIREMENTS FOR SECURE**  
5 **TRANSPORTATION SERVICES LICENSING, 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, AS WELL AS CULTURAL  
9 COMPETENCIES RELATED TO SUPPORTING PERSONS WITH PHYSICAL OR  
10 COGNITIVE DISABILITIES;

11 (c) OPERATING PROCEDURES, INCLUDING CIRCUMSTANCES WHEN  
12 INDIVIDUAL PHYSICAL RESTRAINT IS ALLOWED;

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

15 (e) DATA COLLECTION AND REPORTING ON UTILIZATION TO THE  
16 DEPARTMENT BY A LICENSEE;

17 (f) **MINIMUM CLINICAL AND MEDICAL STANDARDS AND**  
18 **PROCEDURES;**

19 (g) THE CIRCUMSTANCES UNDER WHICH AN INDIVIDUAL MAY BE  
20 TRANSPORTED; AND

21 (h) CRITERIA FOR PICKUP AND DROP-OFF.

22 **25-3.5-312. Funding.** THE DEPARTMENT IS AUTHORIZED TO SEEK,  
23 ACCEPT, AND EXPEND GIFTS, GRANTS, AND DONATIONS FROM PUBLIC OR  
24 PRIVATE SOURCES FOR THE PURPOSE OF FACILITATING THE RULEMAKING  
25 PROCESS SET FORTH IN SECTION 25-3.5-311.

26 **25-3.5-313. Reporting.** THE DEPARTMENT SHALL ANNUALLY  
27 MAKE PUBLICLY AVAILABLE THE DATA COLLECTED FROM SECURE

1 TRANSPORTATION PROVIDERS.

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

4 **25.5-5-324. Nonemergency medical transportation - urgent**  
5 **and secure transportation need - report - funding - repeal.** (4) (a) The  
6 state department shall annually report on the implementation and  
7 effectiveness of the process created in this section for meeting urgent AND  
8 SECURE transportation needs within the nonemergency medical  
9 transportation benefit AND SECURE TRANSPORTATION SERVICES BENEFIT.  
10 The state department shall present the report as part of its annual  
11 **presentation** "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE,  
12 AND TRANSPARENT (SMART) GOVERNMENT ACT" PRESENTATION  
13 REQUIRED BY SECTION 2-7-203 to the health and human services  
14 committee of the senate and the public AND BEHAVIORAL health and  
15 human services committee of the house of representatives, or any  
16 successor committees. ~~as required pursuant to section 2-7-203.~~

17 **SECTION 4.** In Colorado Revised Statutes, **add** 25.5-5-327 as  
18 follows:

19 **25.5-5-327. Secure transportation for behavioral health crises**  
20 **- benefit - funding.** (1) ~~ON OR BEFORE JANUARY 1, 2023, THE STATE~~  
21 ~~DEPARTMENT SHALL CREATE A BENEFIT FOR SECURE TRANSPORTATION~~  
22 ~~SERVICES, AS THAT TERM IS DEFINED IN SECTION 25-3.5-103 (11.4). THE~~  
23 ~~STATE DEPARTMENT SHALL RESEARCH AND CREATE A PLAN TO ESTABLISH~~  
24 ~~SECURE TRANSPORTATION SERVICES, WHICH MAY INCLUDE SUPPLEMENTAL~~  
25 ~~AND COORDINATED COMMUNITY RESPONSE SERVICES, TO BE IMPLEMENTED~~  
26 ~~ON OR BEFORE JULY 1, 2023. THE STATE DEPARTMENT SHALL~~  
27 ~~COLLABORATE WITH THE OFFICE OF BEHAVIORAL HEALTH IN ITS RESEARCH~~

1 AND PLANNING EFFORTS TO DETERMINE HOW THIS BENEFIT MAY ALIGN  
2 WITH CO-RESPONDER, MOBILE CRISIS, AND EMERGENCY CRISIS DISPATCH.

3 (2) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT,  
4 AND EXPEND GIFTS, GRANTS, AND DONATIONS FROM PUBLIC OR PRIVATE  
5 SOURCES FOR THE PURPOSE OF FUNDING THE URGENT TRANSPORTATION  
6 NEEDS WITHIN THE EXISTING NONEMERGENCY MEDICAL TRANSPORTATION  
7 BENEFIT AND SECURE TRANSPORTATION SERVICES BENEFIT UNDER THE  
8 MEDICAL ASSISTANCE PROGRAM, AS SET FORTH IN SUBSECTION (1) OF THIS  
9 SECTION AND SECTION 25.5-5-324 (1).

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

12 **27-60-104. Behavioral health crisis response system - crisis**  
13 **service facilities - walk-in centers - mobile response units - report.**

14 (7) The state department shall explore solutions for addressing secure  
15 transportation, AS DEFINED IN SECTION 25-3.5-103 (11.4), of individuals  
16 placed on a seventy-two-hour treatment and evaluation hold pursuant to  
17 article 65 of this title 27, AND SHALL INCLUDE THE FOLLOWING  
18 INFORMATION AS PART OF ITS 2023 "STATE MEASUREMENT FOR  
19 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)  
20 GOVERNMENT ACT" PRESENTATION REQUIRED PURSUANT TO SECTION  
21 2-7-203:

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

25 (b) HOW THE STATE DEPARTMENT HAS SUPPORTED AND  
26 ENCOURAGED CRISIS CONTRACTORS TO INCLUDE SECURE TRANSPORTATION  
27 IN THE BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM.

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

3                   **27-65-107. Certification for short-term treatment - procedure.**  
4                   (8) Whenever it appears to the court, by reason of a report by the treating  
5                   professional person or any other report satisfactory to the court, that a  
6                   respondent detained for evaluation and treatment or certified for treatment  
7                   should be transferred to another facility for treatment and the safety of the  
8                   respondent or the public requires that the respondent be transported by  
9                   SECURE TRANSPORTATION, AS DEFINED IN SECTION 25-3.5-103 (11.4), OR  
10                  a sheriff, the court may issue an order directing the sheriff or ~~his or her~~  
11                  THE SHERIFF'S designee to deliver the respondent to the designated  
12                  facility.

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

15                  **40-10.1-105. Transportation not subject to regulation.** (1) The  
16                  following types of transportation are not subject to regulation ~~under this~~  
17                  ~~article~~ PURSUANT TO THIS ARTICLE 10.1:

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

21                  **SECTION 8. Appropriation.** (1) For the 2021-22 state fiscal  
22                  year, \$46,800 is appropriated to the department of health care policy and  
23                  financing for us by the executive director's office. This appropriation  
24                  consists of \$39,993 from the general fund and \$6,807 from the healthcare  
25                  affordability and sustainability fee cash fund created in section  
26                  25.5-4-402.4 (5)(a), C.R.S. To implement this act, the office may use this  
27                  appropriation as follows:

(b) \$3,775, consisting of \$3,481 from the general fund and \$294 from the healthcare affordability and sustainability fee cash fund created in section 25.5-4-402.4 (5)(a), C.R.S., for operating expenses; and

9 (c) \$10,125, consisting of \$6,177 general fund and \$3,948 from  
10 the healthcare affordability and sustainability fee cash fund created in  
11 section 25.5-4-402.4 (5)(a), C.R.S., for Medicaid management  
12 information system maintenance and projects.

21 (a) \$32,901 for personal services;  
22 (b) \$3,775 for operating expenses; and  
23 (c) \$91,125 for Medicaid management information system  
24 maintenance and projects.

25 (3) For the 2021-22 state fiscal year, \$46,490 is appropriated to the  
26 department of public health and environment for use by the health  
27 facilities and emergency medical services division. This appropriation is

1 from the general fund and is based on an assumption that the division will  
2 require an additional 0.6 FTE. To implement this act, the division may  
3 use this appropriation for administration and operations.

4 **SECTION 9. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, or safety.