

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

3 SERIES OF 2023

COUNCIL BILL NO. CB23-

COMMITTEE OF REFERENCE: BIZ

5 **A BILL**

6 **For an ordinance establishing a system of licensing and inspections of secure**
7 **transportation services.**

8 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

9 **Section 1.** Amend the title of Chapter 17, D.R.M.C. by adding the language underlined
10 and deleting the language stricken, to read as follows:

11 **Chapter 17 – ~~EMERGENCY~~ MEDICAL VEHICLES AND SECURE TRANSPORTATION**
12 **SERVICES**

13 **Section 2.** Article II of Chapter 17 shall be amended by adding the language underlined
14 and deleting the language stricken to read as follows:

15 **Sec. 17-11. – Definitions.**

16 The following words and phrases, when used in this ~~article~~chapter, shall have the meanings
17 respectively ascribed to them:

18 (1) Abuse means any of the following acts:

19 (a) the non-accidental infliction of bodily injury, serious bodily injury, or death;

20 (b) confinement or restraint that is unreasonable under generally accepted
21 standards; or

22 (c) subjection to nonconsensual sexual conduct or contact.

23 (2) Background check means a national criminal history records check conducted by the
24 federal bureau of investigation upon submission of fingerprint records and all required documents.

25 (3)-(1)Based means a medical-vehicle headquartered in or having a substation or office or
26 a permanent station in the city, and whose primary response is dedicated to transporting patients
27 originating in the city.

28 (2)(4) Board means the board of public health and environment.

29 (5) Chemical Restraint means giving an individual medication involuntarily for the purpose
30 of restraining that individual; except that “chemical restraint” does not include the involuntary
31 administration of medication pursuant to C.R.S. § 27-65-111(5), or administration of medication for
32 voluntary or life-saving medical procedures.

33 (6) Director means the director of the Denver Department of Excise and Licenses.

~~(3)~~ (7) *Emergency* means any actual or self-perceived event which threatens life, limb or well-being of an individual in such a manner that immediate medical care is needed.

~~(4)~~ (8) *Emergency medical technician* means any individual who, in accordance with ~~Section~~ C.R.S. § 25-3.5-101 et seq., C.R.S., and its implementing regulations, holds a valid certificate as a paramedic, emergency medical technician-intermediate, or emergency medical technician-basic issued by the Colorado Department of Health.

~~(5)~~ (9) *Emergency medical vehicle* means any privately or publicly owned land or airborne vehicle, especially constructed or modified and equipped, intended to be used, and maintained or operated for the transportation upon the streets and highways in the city, of individuals who are sick, or injured or otherwise incapacitated or helpless; except fixed wing aircraft operating between the city and locations outside the city.

~~(6)~~ (10) *Emergency medical vehicle service* means the furnishing, operating, conducting, maintaining, advertising, or otherwise engaging in or professing to be engaged in the business of transportation of patients by emergency medical vehicle. Taken in context, it also means the person so engaged or professing to be so engaged. The person so engaged and the vehicles used for the emergency transportation of persons injured at a mine are excluded from this definition when the personnel utilized in the operation of said vehicles are subject to the mandatory safety standard of the Federal Mine Safety and Health Administration, or its successor agency.

(11) *Exploitation* means an act or omission committed by a person who:

(a) Uses deception, harassment, intimidation, or undue influence for their personal gain to permanently or temporarily deprive a patient of the use, benefit, or possession of anything of value;

(b) Forces, compels, coerces, or entices a patient for the profit or advantage of the person or another person against the will of the patient; and/or

(c) Misuses the property of a patient in a manner that adversely affects the patient's ability to receive services of care.

(12) *Independent secure transportation provider* means a secure transportation provider who is not employed by a licensed secure transportation business.

~~(7)~~ (13) *Manager* means the manager of the department of public health and environment.

~~(8)~~ (14) *Medical vehicle permit* means the authorization issued by the director of excise and licenses and approved by the manager of public health and environment with respect to a medical vehicle used or to be used to provide medical vehicle service in the city.

(9)(15) *Medical vehicle validation sticker* means a sticker displayed on the left side of the windshield of a medical vehicle unit that has been inspected and issued a permit to operate in the city. The sticker shall indicate the year of validation and shall be provided by the director of excise and licenses.

(10)(16) *License* means the authorization issued by the director of excise and licenses to operate a medical vehicle service or to provide secure transportation in the city.

(11)(17) *Licensee* means the person or entity that has been issued a license by the city to provide medical vehicle services or secure transportation in the city.

(12)(18) *Medical facility* means licensed hospitals and nursing homes.

(13)(19) *Medical vehicle* means an emergency or nonemergency medical vehicle, excluding vehicles used for secure transportation.

(14)(20) *Medical vehicle service* means any person or entity which operates emergency medical vehicles or nonemergency medical vehicles.

(15)(21) *Nonemergency medical vehicle* means any surface vehicle for hire equipped to transport sick or disabled persons and to provide nonemergency medical services, excluding vehicles used for secure transportation.

(16)(22) *Patient* means any individual who is sick, injured, experiencing a behavioral health crisis, or otherwise incapacitated or helpless.

(17)(23) *Physician Advisor* means a physician who establishes protocols or medical acts performed by EMT-Basics, EMT-Intermediates, EMT-Paramedics, and/or non-emergency medical vehicle operators of a prehospital emergency medical care service agency, and who is specifically identified as being responsible to assure the competency of the performance of the acts by such EMT-Basics, EMT-Intermediates, EMT-Paramedics and/or non-emergency medical vehicle operators. A "Physician Advisor" shall meet all qualifications as outlined in the "RULES DEFINING THE DUTIES AND RESPONSIBILITIES OF EMERGENCY MEDICAL SERVICES PHYSICIAN ADVISORS AND THE AUTHORIZED MEDICAL ACTS OF EMERGENCY MEDICAL TECHNICIANS AND PARAMEDICS" (3-CCR-713-6) of the "ACTS ALLOWED" published and approved October, 1994, by the EMS Division of the Colorado Department of Public Health and Environment.

(24) *Secure transportation or secure transportation services* shall have the meaning set forth in C.R.S. § 25-3.5-103(11.4).

(25) *Secure transportation business* means any form of business or commerce involving the transport of a patient experiencing a behavioral health crisis from any point within the City and

1 County of Denver.

2 (26) Secure transportation provider is a person engaged in any form of business or
3 commerce involving the transport of a patient experiencing a behavioral health crisis from any
4 point within the City and County of Denver.

5 (27) Secure transportation vehicle permit means the authorization issued by the director
6 and approved by the manager with respect to a secure transportation vehicle used or to be used
7 to provide secure transportation services in the city.

8 ~~(1828)~~ *To operate in the city* means the providing of medical vehicle service or secure
9 transport of patients originating within the boundaries of the City and County of Denver.

10 (29) Vehicle permit validation sticker means a sticker displayed on the left side of the
11 windshield of a secure transportation vehicle that has been inspected and issued a permit to
12 operate in the city. The sticker shall indicate the year of validation and shall be provided by the
13 director to operate a secure transportation vehicle in the city.

14
15 **Section 3.** A new Article IV of Chapter 17 shall be added to read as follows:

16 **ARTICLE IV. –SECURE TRANSPORTATION BUSINESSES, PROVIDERS, AND**
17 **VEHICLES**

18 **Sec. 17-81. – Legislative Intent.**

19 The purpose of this article is to provide standards to safeguard the public welfare by
20 regulating and controlling the inspection, licensure, and operation of private secure transportation
21 services for individuals experiencing behavioral health crises within the city as required under
22 C.R.S. § 25-3.5-103. This article establishes a regulatory and service system to provide secure
23 transportation services, with different requirements from traditional ambulance services, for
24 individuals experiencing a behavioral health crisis.

25 **Sec. 17-82. – Licensing required.**

26 **(a) License required.**

27 (1) It shall be unlawful for any person, whether or not they are licensed in another
28 jurisdiction, to act as a secure transportation provider without first obtaining a valid secure
29 transportation provider license issued pursuant to this article IV and in compliance with any and all
30 applicable state and local laws.

31 (2) It shall be unlawful to operate as a secure transportation business without first
32 obtaining a license as provided in this article and in compliance with any and all applicable state
33 and local laws.

(3) It shall be unlawful for any secure transportation business or provider to engage in any form of secure transportation services in a vehicle that does not have a valid local vehicle permit issued pursuant to this article IV and in compliance with any and all applicable state and local laws.

(b) *Exemptions.* The requirements of this article do not apply to:

(1) Law enforcement or personnel employed by or contracted with a law enforcement agency, including but not limited to, Denver's Support Team Assisted Response program;

(2) Ground ambulance agencies, licensed pursuant to C.R.S. § 25-3.5-301;

(3) Transportation services provided by the City's Office of Behavioral Health within the Department of Health Services; and

(4) Emergency service patrols established pursuant to C.R.S. § 27-81-115.

Sec. 17-83. – Types of licenses and permits.

(a) *Secure transportation business licenses.*

(1) *Class A* licenses are required for secure transportation businesses that provide services using physical restraint during transport.

(2) *Class B* licenses are required for secure transportation businesses that provide services that do not include the use of physical restraint during transport.

(b) *Secure transportation vehicle permits.*

(1) *Type 1* permits are required for vehicles with permanent safety partitions that separate the driver from the passenger compartment.

(2) *Type 2* permits are required for vehicles without safety partitions that separate the driver from the passenger compartment.

(c) *Secure transportation provider licenses.* A secure transportation provider license is required for secure transportation business vehicle drivers as well as passengers assisting a vehicle driver.

Sec. 17-84. – Application requirements.

Application requirements. All private secure transportation business licenses, secure transportation provider licenses, and vehicle permit applications shall be made on forms provided by the director and shall include, in addition to any information required by chapter 32 of this Code, all supplemental materials required by this article and any rules adopted pursuant thereto. The director may, at the director's discretion, require additional documentation associated with the application, as may be necessary, to enforce the requirements of this article IV and the requirements established by the State Board of Health pursuant to C.R.S. § 25-3.5-311.

1 (a) *Secure transportation business license*. Every application for a secure transportation
2 business license shall contain the following:

3 (1) The name under which the licensee will operate, the address of the principal place
4 of business, and the name and address of each principal and managing agent;

5 (2) A description of the specific types of services to be offered;

6 (3) A statement whether each principal and managing agent, and employee has been
7 convicted of any felony, misdemeanor, traffic, or municipal ordinance violation, the nature of the
8 offence, the penalty or punishment imposed, and the date and place such offense occurred;

9 (4) A statement whether a judgment for fraud, deceit, or misrepresentation was ever
10 entered against any principal, managing agent, and employee and the details thereof;

11 (5) Proof of the following insurance coverage, issued by an insurance company
12 authorized to write liability insurance in Colorado:

13 (I) Liability insurance for injuries in the amount of \$1,000,000 for each individual
14 claim;

15 (II) Liability insurance in the amount of \$3,000,000 for all claims made against
16 the secure transportation service or against its personnel;

17 (III) Liability insurance coverage in the amount of the maximum recoverable
18 amount under the Colorado Governmental immunity Act, C.R.S. § 24-10-101, et. seq., when the
19 secure transportation service provider is a public entity or public employee pursuant to C.R.S. § 24-
20 10-103(5); and

21 (IV) Proof of worker's compensation coverage in compliance with the Worker's
22 Compensation Act of Colorado, C.R.S. § 8-40-101, et. seq.

23 (b) *Secure transportation vehicle permit*. Every application for a secure transportation vehicle
24 permit shall contain the following:

25 (1) Verification of a successful vehicle inspection, in the form required by the manager,
26 that the secure transportation vehicle to be used by the applicant complies with the provisions of
27 article IV and the requirements established by the State Board of Health pursuant to C.R.S. § 25-
28 3.5-311. The director shall not accept such verification if the inspection is not within ninety (90) days
29 of the application date.

30 (2) Proof of valid and current minimum vehicle insurance coverage as defined by
31 C.R.S. §§ 10-4-609 and 42-7-103(2) with the City and County of Denver endorsed as an additional
32 insured.

33 (c) *Secure transportation provider license*. Every application for a secure transportation

provider license shall contain the following:

(1) A statement whether the applicant has been convicted of any felony, misdemeanor or municipal ordinance violation (including traffic violations), the nature of the offense, the penalty or punishment imposed, and the date and place where such offense occurred;

(2) A statement whether a judgment for fraud, deceit, or misrepresentation was ever entered against the applicant and the details thereof;

(3) A statement of the applicant's work and/or school history for the five (5) years immediately preceding the date of application;

(4) A certificate of a licensed physician, registered nurse, or physician assistant licensed by the Colorado Medical Board, stating that the applicant was examined within sixty (60) days of the application date and found to be physically and mentally capable of performing secure transportation services in a manner that will not jeopardize the health, welfare, or safety of any person; and

(5) A background check as described in section 17-11 of this Code completed no more than sixty (60) days before the application date.

Sec. 17-85 – Licensing requirements.

(a) In addition to the provisions applicable to all licenses, all licensees shall maintain records of compliance with all vehicle, staffing, operating standards and procedures (clinical and medical), training procedures, written policy and procedures, medical protocol, and quality management program requirements established by the State Board of Health pursuant to C.R.S. § 25-3.5-311.

(b) Such records shall be provided upon any request from any inspector of the city or the director within three (3) business days following the request.

Sec. 17-86 – Inspections.

(a) At least once annually, the manager shall require inspection and certification, in the manner determined by the manager, of secure transportation vehicles for:

(1) Installation and proper operation and maintenance of safety equipment required by law or by regulations pursuant to this article.

(2) Availability, adequacy, maintenance, and operability of such vehicles and of the related medical and safety equipment in accordance with standards set by the manager. Maintenance records shall be made immediately available upon request of the manager.

(3) Compliance with C.R.S. § 25-3.5-311 and all rules and regulations adopted pursuant thereto.

(b) The results of such inspections, together with recommendations by the manager, shall be

1 forwarded to the director by the manager.

2 (c) The manager is hereby authorized to require reinspection at any time.

3 (d) The inspections pursuant to this section shall not excuse compliance with any other
4 Colorado motor vehicle safety laws or requirements.

5 **Sec. 17-87 – Vehicle permit validation sticker and identification.**

6 A secure transportation vehicle shall prominently display, in a place designated by the
7 director, a vehicle permit validation sticker issued by the city.

8 **Sec. 17-88 – Causes for denial.**

9 In addition to the grounds set forth in chapter 32 of this Code, no license shall be issued or
10 renewed pursuant to this article IV where:

11 (a) The issuance of a license or permit to the applicant would not comply with any federal,
12 state, or local law, or any rules and regulations adopted pursuant thereto;

13 (b) The proposed vehicle does not conform to the requirements established by the State
14 Board of Health pursuant to C.R.S. § 25-3.5-311;

15 (c) The applicant fails to complete any required inspections;

16 (d) The applicant fails to conform with the staffing requirements established by the State
17 Board of Health pursuant to C.R.S. § 25-3.5-311;

18 (e) The applicant fails to conform with the clinical, medical, and operating standards and
19 procedures established by the State Board of Health pursuant to C.R.S. § 25-3.5-311;

20 (f) The applicant fails to conform with the quality management program requirements
21 established by the State Board of Health pursuant to C.R.S. § 25-3.5-311;

22 (g) The applicant does not possess a current and valid driver's license;

23 (h) The applicant's driver's license has been suspended or revoked during the preceding
24 three years;

25 (i) The applicant does not possess a high school diploma or G.E.D.;

26 (j) The applicant has been convicted of or released from incarceration for any felony within
27 five (5) years of the application date;

28 (k) The applicant has been convicted of or released from incarceration for any misdemeanor
29 or municipal ordinance offense involving fraud, theft, deceit, or misrepresentation within five (5)
30 years of the application date;

31 (l) The applicant has been convicted of or released from incarceration for any offense
32 involving an act of violence against persons or property within five (5) years of the application date,
33 including but not limited to assault, child abuse, and offenses where the underlying factual basis

1 has been found to include any act of domestic violence;

2 (m)The applicant has been previously denied a license under this article IV or has had a
3 license issued under this article suspended or revoked within five (5) years of the application date;

4 (n) The applicant's character and reputation show a pattern of conduct or personal history
5 that does not demonstrate honesty, fairness, and respect for the rights of others or for the law;

6 (o) The applicant does not have proof of the minimum required insurance coverages pursuant
7 to this article IV; and

8 (p) The applicant has failed to comply with the reporting requirement found in section 17-96
9 of this article.

10 **Sec. 17-90 – Transferability of license.**

11 A licensee or permit holder shall not sell, assign, or otherwise transfer a license or permit
12 issued pursuant to this section to another person or vehicle.

13 **Sec. 17-91 – Unlawful acts.**

14 In addition to any other acts prohibited by this chapter, it shall be unlawful:

15 (a) For any person to be in possession of a weapon as defined in D.R.M.C. 38-116(23) while
16 performing secure transportation services;

17 (b) For any licensee to hinder or interfere with any investigation under the jurisdiction of the
18 police department or other public law enforcement agency;

19 (c) For any licensee to violate any rules, regulations, or standards promulgated by the board;

20 (d) To transport more than one (1) patient per vehicle except under the limited circumstances
21 provided by the State Board of Health pursuant to C.R.S. § 25-3.5-311;

22 (e) For any person to equip vehicles used to perform secure transportation services in any
23 manner resembling an emergency vehicle including, but not limited to, the use of lights or sirens, in
24 violation of any state or local laws;

25 (f) For any person, while performing secure transportation services, to wear a uniform or
26 badge similar to that worn by any law enforcement agency, including but not limited to the police
27 department, sheriff's department, or officers of the state patrol;

28 (g) For any person to operate any secure transportation business license, provider license,
29 or vehicle permit in violation of any state or local law, rule, or regulation;

30 (h) To refuse to provide additional documentation as requested by the director pursuant to
31 the requirements in this article IV;

32 (i) To administer chemical restraint during secure transportation services;

33 (j) For any licensee to engage in any conduct constituting abuse as defined in this chapter

1 17;

2 (k) For any licensee to engage in any conduct constituting exploitation as defined in this
3 chapter 17;

4 (l) For any licensee to fail to comply with the reporting requirements found in section 17-96
5 of this article IV;

6 (m) For any person to operate as an independent secure transportation provider;

7 (n) For any person to knowingly fail to comply with any order of the manager; and

8 (o) For any person to violate a rule or regulation adopted by the board or the director pursuant
9 to this section.

10 **Sec. 17-92 – Term license, renewal.**

11 (a) *Secure transportation business licenses.* Secure transportation business licenses shall
12 expire three (3) years from issuance unless surrendered, revoked or the secure transportation
13 business changes ownership.

14 (b) *Secure transportation provider licenses.* Secure transportation provider licenses shall
15 expire one (1) year from issuance unless surrendered or revoked.

16 (c) *Secure transportation vehicle permits.* Secure transportation vehicle permits shall expire
17 one (1) year from issuance unless surrendered, revoked or the vehicle changes ownership.

18 (d) *Renewal application materials and deadlines.* Applications to renew a secure
19 transportation business, secure transportation provider license, and vehicle permit shall be made in
20 the manner provided by the director.

21 (1) Applications for renewal of secure transportation business license shall include:

22 (i) An affidavit attesting that each of its employees who provide secure
23 transportation services are licensed pursuant to this article IV;

24 (ii) Proof of insurance showing the minimum amounts required pursuant to this
25 article IV; and

26 (iii) Any additional information as required by the director.

27 (2) Application for renewal of secure transportation provider license shall include:

28 (i) A statement whether the applicant has been convicted of any federal, state,
29 or municipal law violations, including traffic infractions, within the previous twelve months;

30 (ii) A CBI individual records check from the Colorado Bureau of Investigation
31 completed no more than sixty (60) days before the renewal application date; and

32 (iv) Any additional information as required by the director.

33 (3) Application for renewal of secure transportation vehicle permit shall include:

1 (i) Verification of a successful vehicle inspection, in the form required by the
2 manager, that the secure transportation vehicle to be used by the applicant complies with the
3 provisions with this article IV and the requirements established by the State Board of Health
4 pursuant to C.R.S. § 25-3.5-311. The director shall not accept verification of a successful inspection
5 if the verification is not within ninety (90) days of the renewal application date.

6 (ii) Proof of insurance showing the minimum amounts required pursuant to
7 this article IV; and

8 (iii) Current and valid vehicle registration.

9 (d) *Denial of renewal.* An application to renew a secure transportation business and provider
10 license and vehicle permit may be denied if there are causes for denial, suspension, revocation,
11 non-renewal or other licensing sanctions as provided in Chapter 32 of this Code, this article IV, or
12 any rules and regulations promulgated thereto.

13 **Sec. 17-93 – Investigation, suspension, revocation, and other sanctions.**

14 In addition to the grounds provided in chapter 32 of this Code, for investigation, revocation,
15 suspension, or other sanction of a license, the director may suspend or permanently revoke any
16 license under this article if the director finds that there are grounds for denial as set forth in this
17 article IV.

18 **Sec. 17-94 – Summary suspension.**

19 Where the director has objective and reasonable grounds to believe and finds, upon a
20 reasonable ascertainment of the underlying facts, that the licensee has been guilty of deliberate and
21 willful violation or that the public health, safety, or welfare imperatively requires emergency action
22 and incorporates the findings in its order, the director may summarily suspend the license and/or
23 vehicle permit for no longer than thirty days pending proceeding for suspension or revocation which
24 shall be promptly instituted as provided in chapter 32 of this Code. The licensee shall receive written
25 notice of the temporary suspension and a hearing no later than ten (10) days after the temporary
26 suspension begins.

27 **Sec. 17-95 – Rules and regulations.**

28 (a) The board may adopt such rules and regulations as may be necessary for the protection
29 of public health related to the operation of secure transportation services.

30 (b) The manager may issue orders to any licensee to comply with this article IV and the rules
31 and regulations of the board.

(c) The director may adopt such rules and regulations as may be necessary for the purpose of administering and enforcing the provision of this article IV and any other ordinances or laws relating to and affecting the licensing and operation of secure transportation services.

Sec. 17-96 – Reporting Requirements.

(a) When a secure transportation provider, or a manager or administrator of a secure transportation business is convicted of any crime specified under the causes for denial in this article they shall notify the director within seventy-two (72) hours of such conviction.

(b) When a secure transportation provider, or a manager or administrator of a secure transportation business uses force that results in bodily harm to another person, they shall immediately contact the local police department where such force was used and shall notify the director within seventy-two (72) hours of such use of force.

(c) When a Secure transportation provider's employment is terminated, whether voluntary or involuntary, both the provider and the secure transportation business shall report the departure to the department within seventy-two (72) hours. The report shall be made in the manner determined by the director.

Secs. 17-xx-17xx. – Reserved.

Section 4. Article II of Chapter 32 shall be amended by adding the language underlined and deleting the language stricken to read as follows:

Sec. 32-129 – Secure transportation license and vehicle permit fees.

Secure transportation providers are subject to the following fees beginning on January 1, 2023:

(a) Application fee:

- (1) Secure Transportation Business License \$50
- (2) Secure Transportation Provider License \$25
- (3) Vehicle Permit \$25

(b) License fee, per term:

- (1) Secure Transportation Business License \$250
- (2) Secure Transportation Provider License \$50
- (3) Vehicle Permit \$100

1 COMMITTEE APPROVAL DATE:
2 MAYOR-COUNCIL DATE:
3 PASSED BY THE COUNCIL: _____, 2023
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____, 2023
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2023; _____, 2023
10 PREPARED BY: Gennevieve St. Leger, Assistant City Attorney
11 DATE: _____, 2023
12 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
15 3.2.6 of the Charter.
16 Kerry Tipper, Denver City Attorney
17 BY: _____, Assistant City Attorney DATE: _____, 2023
18