

## **988 Suicide Prevention and Mental Health Crisis Hotline; House Sub. for SB 19**

**House Sub. for SB 19** creates the Living, Investing in Values, and Ending Suicide (LIVES) Act (Act). The Act implements the established 988 Suicide Prevention and Mental Health Crisis Hotline (Hotline) in Kansas. The bill outlines the responsibilities of the Kansas Department for Aging and Disability Services (KDADS), Hotline centers, and service providers. The bill establishes the 988 Suicide Prevention and Mental Health Crisis Hotline Fund (Hotline Fund) and directs State General Fund moneys to be transferred to the Hotline Fund. Additionally, the bill provides certain protections from liability for services providers, creates the 988 Coordinating Council (Council), and requires an annual report from the Council to select Legislative standing committees.

### ***Definitions (Section 2)***

The bill defines terms used in the Act, including:

- “Crisis stabilization services” means short-term services for up to 72 hours, with capacity for diagnosis, initial management, observation, crisis stabilization, and follow-up referral services;
- “Hotline” means the 988 Suicide Prevention and Mental Health Crisis Hotline or its successor maintained by the federal Assistant Secretary for Mental Health and Substance Use;
- “Hotline center” means a 988 Suicide Prevention and Mental Health Crisis Hotline center, designated by KDADS, participating in the National Suicide Prevention Lifeline network to respond to statewide or regional 988 calls;
- “Mobile crisis team” means a team of behavioral health professionals and peers that provide professional, community-based, crisis intervention services, including, but not limited to, de-escalation and stabilization for individuals who are experiencing a behavioral health crisis. Such services are separate and distinct from 911 emergency responses of emergency medical services or law enforcement; and
- “NSPL” means the National Suicide Prevention Lifeline, the national network of local, certified crisis centers that provide free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours per day, 7 days per week.

## ***Responsibilities of KDADS, Hotline Centers, and Service Providers (Section 3)***

### ***KDADS***

In accordance with provisions of 47 CFR §52.200, the bill requires KDADS, prior to July 16, 2022, to:

- Designate a Hotline center or network of centers to provide crisis intervention services and care coordination to individuals accessing the Hotline 24 hours per day, 7 days per week;
- Create a system for information sharing and communication between crisis and emergency response systems and Hotline centers for the purpose of real-time crisis care coordination including, but not limited to, deployment of crisis and outgoing services specific to a crisis response of 911 emergency responders when necessary;
- Convene mobile crisis teams;
- Develop guidelines for deploying services, including mobile crisis teams, coordinating access to crisis stabilization services or other local resources as appropriate, and providing referrals and follow-ups;
- Coordinate consistent public messaging regarding the Hotline with NSPL, KDADS, and the U.S. Department of Veterans Affairs (VA);
- Require training as established by NSPL for Hotline center staff for servicing, or transferring to appropriate specialized centers, high-risk and specialized populations identified by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA);
- Work with the Kansas Department of Health and Environment (KDHE) and KanCare managed care organizations (MCOs) to develop plans for payment for KanCare members and uninsured services;
- Create an advisory board to provide guidance to the Secretary for Aging and Disability Services (Secretary), gather feedback, and make recommendations for Hotline centers, local counties, and municipalities regarding the planning and implementation of the Hotline;
- Hire a statewide suicide prevention coordinator; and
- Adopt rules and regulations to implement the provisions of the Act.

The bill requires KDADS, after July 16, 2022, to:

- Consult with the advisory board created by the bill to provide guidance to the Secretary, gather feedback, and make recommendations for Hotline centers, local counties, and municipalities regarding usage and services provided in response to calls to the Hotline centers;
- Fund payment for crisis stabilization services provided to an individual in direct response to a Hotline center call if such individual is uninsured or such services are not covered by such individual's insurance; and
- Apply for, receive, administer, and utilize any grants or assistance made available by the federal government, or other public or private sources for the purpose of this Act.

### *Hotline Centers*

The bill requires the Hotline centers, prior to July 16, 2022, to:

- Establish an agreement with NSPL for participation within the network of crisis centers;
- Meet any training requirements for Hotline center staff established by NSPL or KDADS;
- Enter into memorandums of understanding with local service providers to be deployed according to KDADS guidelines;
- Coordinate access to crisis stabilization services or other local resources as appropriate according to KDADS guidelines;
- Provide referrals and follow-ups according to KDADS guidelines;
- Work with the VA to route calls from self-designated veterans for the provision of Veterans Crisis Line services; and
- Meet any Hotline center provisions required to be met after July 16, 2022, if the Hotline center has the capacity to meet such provisions prior to such date.

The bill requires Hotline centers, after July 16, 2022, to:

- Receive all calls initiated by a service user dialing 988 from service providers;
- Deploy crisis services, including mobile crisis teams, according to KDADS guidelines;

- Coordinate access to crisis stabilization services or other local resources as appropriate according to KDADS guidelines;
- Provide referrals and follow-ups according to KDADS guidelines;
- Continue to meet training requirements established by NSPL and KDADS; and
- Continue to work with the VA to route calls from self-designated veterans for the provision of Veterans Crisis Line services.

### *Service Providers*

The bill requires service providers, prior to July 16, 2022, to:

- Establish 988 as the unique number for suicide prevention and mental health crisis;
- Transmit all calls initiated by a service user dialing 988 to the current toll-free access number for NSPL;
- Complete all changes necessary to implement the designation of the 988 dialing code; and
- Prepare for the potential collection and remittance of fees to the Hotline Fund.

The bill requires service providers, after July 16, 2022, to direct all calls initiated by a user dialing 988 to Hotline centers.

### ***Liability Protection (Section 4)***

The bill provides that each service provider and seller, and employees, agents, suppliers, and subcontractors of each service provider and seller, are not liable for the payment of damages resulting directly or indirectly from the total or partial failure of any transmission to an emergency communication service or for damages resulting from the performance of installing, maintaining, or providing 988 service, except as provided by the Kansas Tort Claims Act and for action or inaction that constitutes gross negligence or willful and wanton misconduct.

### ***988 Suicide Prevention and Mental Health Crisis Hotline Fund (Section 5)***

The bill establishes in the State Treasury the Hotline Fund to be administered by the Secretary for Aging and Disability Services (Secretary). The bill requires all moneys received for the purpose of the Hotline Fund to be deposited to the credit of the Hotline Fund.

The bill requires, on or before the 10th of each month, the Director of Accounts and Reports to transfer from the State General Fund (SGF) to the Hotline Fund interest earnings

based on the average daily balance of moneys in the Hotline Fund for the preceding month and the net earnings rate of the Pooled Money Investment Portfolio for the preceding month.

The bill requires moneys credited to the Hotline Fund to be used only to pay expenses that are reasonably attributed to:

- Ensuring the efficient and effective routing of calls made to the Hotline to an appropriate crisis center; and
- Personnel; the provision of acute mental health, crisis outreach, and stabilization services by directly responding to the Hotline; mobile crisis response services, including, but not limited to, services for those persons with intellectual or developmental disabilities and persons with behavioral health needs; public promotion; data collection; and reporting.

The bill prohibits moneys credited to the Hotline Fund from being used to pay expenses that are attributed to persons or entities who are domiciled outside the state.

The bill mandates that moneys in the Hotline Fund be used for the purposes set forth in the bill and for no other governmental purposes.

On July 1, 2022, and on each July 1 thereafter, the Director of Accounts and Reports is required to transfer \$10.0 million from the SGF to the Hotline Fund.

Beginning in FY 2023 and for each subsequent fiscal year, the SGF transfer required will be reduced by the certified unencumbered ending balance of the Hotline Fund for the previous fiscal year. The Secretary, in consultation with the Director of the Budget, is required to certify at the end of each fiscal year the amount of unencumbered ending balance in the Hotline fund and communicate this information to the Director of Accounts and Reports and the Director of Legislative Research.

### ***Annual Report to the Legislature (Section 6)***

On or before the first day of each regular session of the Legislature, the Secretary is required to submit a report to the House Committees on Appropriations; Energy, Utilities and Telecommunications; and Health and Human Services and the Senate Committees on Ways and Means; Utilities; and Public Health and Welfare, or any successor committees, detailing outcomes related to implementation of the Hotline in Kansas. The bill requires the report to include the following key performance indicators:

- Outcomes related to Hotline implementation in Kansas;
- Hotline usage in Kansas;
- Services provided in response to Hotline usage;

- Availability of any federal or other public or private funding sources for the purpose of administering the Act, along with information on any applications that were submitted to receive such financial assistance and the amounts received, if any;
- Estimate of the necessary cost to continue to support and fund the requirements of the Act in the ensuing fiscal year; and
- Recommendations regarding how costs may be funded, including through the collection of fees or charges on telecommunications services, with estimates of such charges.

### ***Hotline Number of Student Identification Cards (Section 7)***

The bill encourages each school district that issues student identification cards to students in grades 6 through 12 to include on such identification cards the 988 Hotline number, or if the Hotline is not in operation, then a local, state, or national suicide prevention hotline telephone number.

### ***988 Coordinating Council (Section 8)***

#### *Purpose*

The bill creates the 988 Coordinating Council (Council) to advise the Secretary on the delivery of 988 services, develop strategies for future enhancements to the 988 system, and distribute funds to organizations providing services as National Suicide Prevention Lifeline Centers (NSPL Centers).

#### *Membership*

The bill requires the Council, to the extent possible, to include individuals with technical expertise regarding mental health crisis delivery services, call center technology and services, and any other relevant subject matter.

The Council consists of the following 11 voting members representing various entities, as indicated:

- Nine voting members appointed by the Governor, with one member from each of the following:
  - Information technology personnel from government units;
  - NSPL Centers located in counties with a population of fewer than 75,000;
  - NSPL Centers located in counties with a population greater than 75,000;
  - Kansas Sheriffs Association;

- Kansas Association of Chiefs of Police;
- Kansas Association of Community Mental Health Centers;
- InterHab; and
- KDADS; and
- A member recommended by the Kansas Commission for the Deaf and Hard of Hearing.
- Two voting legislative members appointed by the Legislative Coordinating Council, as follows:
  - One member of the House Committee on Appropriations; and
  - One member of the Senate Committee on Ways and Means.

The Council also includes six nonvoting members appointed by the Governor:

- A representative of rural telecommunications companies recommended by the Kansas rural independent telephone companies;
- A representative of incumbent local exchange carriers with over 50,000 access lines;
- A representative of large wireless providers;
- A member recommended by the League of Kansas Municipalities;
- A member recommended by the Kansas Association of Counties; and
- A Kansas resident recommended by the Mid-America Regional Council.

### *Terms*

Except as otherwise indicated in the bill, each voting member is appointed for a three-year term and until a successor is appointed and qualified. Of the nine voting members appointed by the Governor, three are appointed to an initial term of two years and three to an initial term of four years, as specified by the Governor.

A voting member is limited to serving no longer than two successive three-year terms, with a voting member appointed as a replacement allowed to finish the term of the predecessor and serve two additional successive terms.

### *Chairperson*

The chairperson of the Council is selected by, and serves at the pleasure of, the Governor. The chairperson serves as the liaison between the Council and the SAMHSA. The

chairperson presides over all meetings of the Council and assist the Council in effectuating the Act.

#### *Payment of Expenses*

The bill requires all expenses related to the Council to be paid from the Hotline Fund.

#### *Member Compensation*

The bill allows members of the Council and other persons appointed to subcommittees by the Council to receive reimbursement for meals and travel expenses but members serve without compensation. Legislative members are paid compensation, subsistence allowance, mileage, and other expenses, as provided in KSA 75-3212, when attending meetings of the Council.

#### *Service Provider Contact Information*

The bill requires every service provider to submit its contact information to the Council, with wireless telecommunications service providers new to providing service in the state required to submit contact information within three months of first offering wireless telecommunications services in the state.

#### *Annual Council Report*

The bill requires the Council to submit an annual report to the House Committee on Energy, Utilities and Telecommunications and the Senate Committee on Utilities, or any successor committees, on or before the first day of each regular session of the Legislature. The bill requires the report to include a detailed description of all expenditures made from 988 fees received by the NSPL Centers.

#### *Sunset*

Provisions of the bill relating to the Council expire July 1, 2026.