

House Substitute for SENATE BILL No. 19

AN ACT concerning public health; relating to the 988 suicide prevention and mental health crisis hotline; implementing such hotline in Kansas; authorizing the Kansas department for aging and disability services to provide oversight and support to Kansas hotline centers; prescribing hotline center duties for provision of services; duties for telecommunications service providers; establishing the 988 suicide prevention and mental health crisis hotline fund and transferring moneys annually thereto from the state general fund; 988 coordinating council.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. Sections 1 through 8, and amendments thereto, shall be known and may be cited as the living, investing in values and ending suicide (LIVES) act.

Sec. 2. As used in sections 1 through 8, and amendments thereto:

(a) "Crisis stabilization services" means short-term services of up to 72 hours with capacity for diagnosis, initial management, observation, crisis stabilization and follow-up referral services.

(b) "Department" means the Kansas department for aging and disability services.

(c) "Exchange telecommunications service" means the same as provided in K.S.A. 12-5363, and amendments thereto.

(d) "Hotline" means the 988 suicide prevention and mental health crisis hotline or its successor maintained by the assistant secretary for mental health and substance use under 42 U.S.C. § 290bb-36c.

(e) "Hotline center" means a 988 suicide prevention and mental health crisis hotline center, designated by the Kansas department for aging and disability services, participating in the national suicide prevention lifeline network to respond to statewide or regional 988 calls.

(f) "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.

(g) "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, seven days per week.

(h) "Peer specialist" means an individual certified by the department to provide supportive services on the basis of such individual's personal, lived experience of mental illness or addiction and recovery.

(i) "Provider" means the same as defined in K.S.A. 12-5363, and amendments thereto.

(j) "Secretary" means the secretary for aging and disability services.

(k) "Services" means behavioral health services.

(l) "Service user" means any person who is provided exchange telecommunications service, wireless telecommunications service, VoIP service, prepaid wireless service or any other service capable of contacting a hotline center by dialing 988.

(m) "VCL" means the veterans crisis line maintained by the United States secretary of veterans affairs under 38 U.S.C. § 1720F(h).

(n) "VoIP service" means the same as provided in K.S.A. 12-5363, and amendments thereto.

(o) "Wireless telecommunications service" means the same as provided in K.S.A. 12-5363, and amendments thereto.

Sec. 3. In accordance with 47 C.F.R. § 52.200:

(a) The Kansas department for aging and disability services shall:

(1) Prior to July 16, 2022:

(A) Designate a hotline center or network of centers to provide crisis intervention services and care coordination to individuals accessing the hotline for 24 hours per day, seven days per week;

(B) 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 or 911 emergency responders when necessary;

(C) convene mobile crisis teams;

(D) 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;

(E) coordinate consistent public messaging regarding the hotline with NSPL, the department and the United States department of veterans affairs;

(F) require training as established by NSPL for hotline center staff for servicing high-risk and specialized populations identified by the substance abuse and mental health services administration within the United States department of health and human services or transferring to appropriate specialized centers;

(G) work with the Kansas department of health and environment and KanCare managed care organizations to develop plans for payment for KanCare members and uninsured services;

(H) create an advisory board to provide guidance to the secretary and gather feedback and make recommendations for hotline centers, local counties and municipalities regarding the planning and implementation of the hotline;

(I) hire a statewide suicide prevention coordinator; and

(J) adopt rules and regulations to implement the provisions of this act.

(2) After July 16, 2022:

(A) Consult with the advisory board to provide guidance to the secretary and 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;

(B) 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

(C) apply for, receive, administer and utilize any grants or financial assistance that the federal government or other public or private sources make available for the purposes of this act.

(b) The hotline centers shall:

(1) Prior to July 16, 2022:

(A) Establish an agreement with the NSPL for participation within the network;

(B) meet any training requirements for hotline center staff established by the NSPL or the department in subsection (a);

(C) enter into memorandums of understanding with local service providers to be deployed according to the guidelines established by the department in subsection (a);

(D) coordinate access to crisis stabilization services or other local resources as appropriate according to the guidelines established by the department in subsection (a);

(E) provide referrals and follow-ups according to the guidelines established by the department in subsection (a);

(F) work with the United States department of veterans affairs to route calls from self-designated veterans for the provision of VCL services; and

(G) meet any requirement set forth in subsection (b)(2), if the center has the capabilities to meet such provisions before July 16, 2022.

(2) After July 16, 2022:

(A) Receive all calls initiated by a service user dialing 988 from

providers;

(B) deploy crisis services, including mobile crisis teams according to the guidelines established by the department in subsection (a);

(C) coordinate access to crisis stabilization services or other local resources as appropriate according to guidelines established by the department in subsection (a);

(D) provide referrals and follow-ups according to the guidelines established by the department in subsection (a);

(E) continue to meet training requirements established by the NSPL and the department in subsection (a); and

(F) continue to work with the United States department of veterans affairs to route calls from self-designated veterans for the provision of VCL services.

(c) Providers shall:

(1) Prior to July 16, 2022:

(A) Establish 988 as the unique number for suicide prevention and mental health crisis;

(B) transmit all calls initiated by a service user dialing 988 to the current toll-free access number for the NSPL;

(C) complete all changes necessary to implement the designation of the 988 dialing code; and

(D) prepare for the potential collection and remittance of fees to the 988 suicide prevention and mental health crisis hotline fund established pursuant to section 5, and amendments thereto.

(2) After July 16, 2022, direct all calls initiated by a user dialing 988 to hotline centers.

Sec. 4. Except as provided by the Kansas tort claims act and except for action or inaction that constitutes gross negligence or willful and wanton misconduct, each provider, and employees, agents, suppliers and subcontractors thereof, and each seller, and employees, agents, suppliers and subcontractors thereof, shall not be 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.

Sec. 5. (a) There is hereby established in the state treasury the 988 suicide prevention and mental health crisis hotline fund to be administered by the secretary for aging and disability services. Moneys received from any public or private entity for the purposes of the fund shall be credited to such fund.

(b) On or before the 10<sup>th</sup> day of each month, the director of accounts and reports shall transfer from the state general fund to the 988 suicide prevention and mental health crisis hotline fund, interest earnings based on:

(1) The average daily balance of moneys in the 988 suicide prevention and mental health crisis hotline fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(c) (1) Moneys credited to the fund shall be used only to pay expenses that are reasonably attributed to:

(A) Ensuring the efficient and effective routing of calls made to the 988 national suicide prevention and mental health crisis hotline to an appropriate crisis center; and

(B) personnel and the provision of acute mental health services, the provision of mobile crisis response services, including, but not limited to, services for those persons with intellectual or developmental disabilities and persons with behavioral health needs, crisis outreach and stabilization services by directly responding to the 988 national

suicide prevention and mental health crisis hotline, public promotion, data collection and reporting.

(2) Moneys credited to the fund shall not be used to pay expenses that are attributed to persons or entities who are domiciled outside of this state.

(d) All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or the secretary's designee.

(e) Moneys in the 988 suicide prevention and mental health crisis hotline fund shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the legislature that the fund shall remain intact and inviolate for the purposes set forth in this section, and moneys in the fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(f) (1) On July 1, 2022, and on each July 1 thereafter, except as provided in paragraph (2), the director of accounts and reports shall transfer \$10,000,000 from the state general fund to the 988 suicide prevention and mental health crisis hotline fund.

(2) For the fiscal year ending June 30, 2023, and each fiscal year thereafter, the secretary for aging and disability services, in consultation with the director of the budget, shall certify at the end of each such fiscal year the amount of the unencumbered ending balance of moneys in the 988 suicide prevention and mental health crisis hotline fund and shall transmit such certification to the director of accounts and reports and the director of legislative research. Upon receipt of such certification, the director of accounts and reports shall reduce the amount of the demand transfer required to be made pursuant to paragraph (1) for the fiscal year following such certification by such certified amount.

Sec. 6. On or before the first day of each regular session of the legislature, the secretary for aging and disability services shall submit a report to the house of representatives standing committees on appropriations, energy, utilities and telecommunications and health and human services and the senate standing committees on ways and means, utilities and public health and welfare, or any successor committees thereto, that provides the following:

(a) Outcomes related to implementation of the 988 suicide prevention and mental health crisis hotline in Kansas, including key performance indicators;

(b) the hotline's usage in the state;

(c) the services provided in response to calls to the hotline centers;

(d) whether any grants or financial assistance has been made available from any federal or other public or private source for the purpose of this act, whether any applications were submitted to receive such grants or financial assistance and the amounts received from any such grants or financial assistance;

(e) an estimate of the costs that will be necessary to continue to support and fund the requirements of this act in the ensuing fiscal year; and

(f) recommendations regarding how such costs may be funded, including through the imposition and collection of fees or charges on telecommunications services with estimates of such fees or charges.

Sec. 7. Each school district that issues student identification cards to students in any of the grades six through 12 is encouraged to include on such student identification cards the 988 suicide prevention and mental health crisis hotline number or, if such hotline is not in operation, then a local, state or national suicide prevention hotline

telephone number.

Sec. 8. (a) (1) There is hereby created the 988 coordinating council.

(2) The 988 coordinating council shall advise the secretary for aging and disability services on the delivery of 988 services, strategies for future enhancements to the 988 system and the distribution of funds to organizations providing services as national suicide prevention lifeline centers. To the extent possible, the council shall include individuals with technical expertise regarding mental health crisis delivery services, call center technology and services and any other relevant subject matter.

(b) (1) The 988 coordinating council shall consist of the following 11 voting members:

(A) Nine voting members appointed by the governor as follows:

(i) One member representing information technology personnel from governmental units;

(ii) one member representing the Kansas sheriff's association;

(iii) one member representing the Kansas association of chiefs of police;

(iv) one member representing the Kansas association of community mental health centers;

(v) one member representing interhab;

(vi) one member from the Kansas department for aging and disability services;

(vii) one member recommended by the Kansas commission for the deaf and hard of hearing;

(viii) one member representing national suicide prevention lifeline centers located in counties with a population of fewer than 75,000; and

(ix) one member representing national suicide prevention lifeline centers located in counties with a population greater than 75,000; and

(B) two voting members appointed by the legislative coordinating council, including one member of the house of representatives standing committee on appropriations and one member of the senate standing committee on ways and means.

(2) The 988 coordinating council shall also include the following nonvoting members appointed by the governor:

(A) One member representing rural telecommunications companies recommended by the Kansas rural independent telephone companies;

(B) one member representing incumbent local exchange carriers with over 50,000 access lines;

(C) one member representing large wireless providers;

(D) one member recommended by the league of Kansas municipalities;

(E) one member recommended by the Kansas association of counties; and

(F) one member recommended by the mid-America regional council who is a resident of Kansas.

(c) (1) Except as otherwise provided in this subsection, each voting member appointed to the council shall be appointed for a three-year term and until a successor is appointed and qualified. Of the nine voting members appointed by the governor, three shall be appointed to an initial term of two years and three shall be appointed to an initial term of four years, as specified by the governor.

(2) A voting member shall not serve longer than two successive three-year terms. A voting member appointed as a replacement for another voting member may finish the term of the predecessor and may serve two additional successive terms.

(d) The governor shall select the chairperson of the 988

coordinating council, who shall serve as chairperson at the pleasure of the governor. The chairperson shall serve subject to the direction of the council and ensure that policies adopted by the council are carried out. The chairperson shall serve as the liaison between the council and the federal substance abuse and mental health services administration. The chairperson shall preside over all meetings of the council and assist the council in effectuating the provisions of this act.

(e) All expenses related to the council shall be paid from the 988 suicide prevention and mental health crisis hotline fund established by section 5, and amendments thereto. Members of the council and other persons appointed to subcommittees by the council may receive reimbursement for meals and travel expenses, but shall serve without other compensation. Legislative members of the council shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of the council.

(f) Every service provider shall submit contact information for the service provider to the council. Any service provider that has not previously provided wireless telecommunications service in this state shall submit contact information for the service provider to the council within three months of first offering wireless telecommunications services in this state.

(g) On or before the first day of each regular session of the legislature, the 988 coordinating council shall make and submit a report to the house of representatives standing committee on energy, utilities and telecommunications and the senate standing committee on utilities, or any successor committees thereto, that includes a detailed description of all expenditures made by the national suicide prevention lifeline centers.

(h) The provisions of this section shall expire on July 1, 2026.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

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SENATE adopted

Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

Passed the HOUSE

as amended \_\_\_\_\_

HOUSE adopted

Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*