

STATE OF NEW YORK

7177--A

2021-2022 Regular Sessions

IN ASSEMBLY

April 26, 2021

Introduced by M. of A. GUNTHER, FRONTUS -- read once and referred to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the county law, in relation to a 9-8-8 suicide prevention and mental health crisis hotline system

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "9-8-8 Suicide Prevention and Mental Health Crisis Act".

3 § 2. The county law is amended by adding a new article 6-B to read as
4 follows:

ARTICLE 6-B

9-8-8 SUICIDE PREVENTION AND MENTAL HEALTH CRISIS ACT

Section 340. Definitions.

8 341. 9-8-8 suicide prevention and mental health crisis hotline
9 system.

10 342. Establishment of fees for system costs.

11 343. Application; limitations; exemptions.

12 § 340. Definitions. As used in this article, unless the context
13 requires otherwise:

14 1. "9-8-8" shall mean the three digit phone number designated by the
15 federal communications commission for the purpose of connecting individ-
16 uals experiencing a mental health crisis with suicide prevention and
17 mental health crisis counselors, mobile crisis teams, and crisis receiv-
18 ing and stabilization services and other mental health crises services
19 through the national suicide prevention lifeline.

20 2. "9-8-8 crisis hotline center" shall mean a state-identified and
21 funded center participating in the National Suicide Prevention Lifeline
22 Network to respond to statewide or regional 9-8-8 calls.

23 3. "Crisis receiving and stabilization services" shall mean facilities
24 providing short-term observation and crisis stabilization services under

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD10757-05-1

1 article thirty-six of the mental hygiene law, or other crisis services
2 approved or licensed by the office of mental health.

3 4. "Mental health professional" shall mean any of the following, but
4 shall not be limited to:

5 (a) a licensed clinical social worker, licensed under article one
6 hundred fifty-four of the education law;

7 (b) a licensed psychologist, licensed under article one hundred
8 fifty-three of the education law;

9 (c) a registered professional nurse, licensed under article one
10 hundred thirty-nine of the education law;

11 (d) a licensed master social worker, licensed under article one
12 hundred fifty-four of the education law, under the supervision of a
13 physician, psychologist or licensed clinical social worker; and

14 (e) a licensed mental health counselor, licensed under article one
15 hundred sixty-three of the education law.

16 5. "Mobile crisis teams" shall mean a team including, but not limited
17 to, mental health professionals, certified alcoholism and substance
18 abuse counselors, and peers, to provide onsite community-based inter-
19 vention for individuals who are experiencing a mental health crisis, or
20 an "approved mobile crisis outreach team" under article nine of the
21 mental hygiene law.

22 6. "National suicide prevention lifeline" or "NSPL" shall mean the
23 national network of local crisis centers that provide free and confiden-
24 tial emotional support to people in suicidal crisis or emotional
25 distress twenty-four hours a day, seven days a week via a toll-free
26 hotline number, which receives calls made through the 9-8-8 system. The
27 toll-free number is maintained by the Assistant Secretary for Mental
28 Health and Substance Use under the United States Substance Abuse and
29 Mental Health Services Administration.

30 7. "Peer" shall mean an individual who is a current or former recipi-
31 ent of mental health or substance use services who provides support for
32 other services users through a model of shared personal experience, and
33 who meet the certification requirements set forth by the New York state
34 peer specialist certification board.

35 8. "Veterans crisis line" or "VCL" shall mean the veterans crisis line
36 maintained by the secretary of veterans affairs of the United States
37 Department of Veterans Affairs.

38 9. "Substance Abuse and Mental Health Services Administration" ("SAMH-
39 SA") shall mean the agency within the United States Department of Health
40 and Human Services.

41 § 341. 9-8-8 suicide prevention and mental health crisis hotline
42 system. 1. The department of public service, in consultation with the
43 commissioners of the office of mental health and the office of addiction
44 services and supports shall, on or before July sixteenth, two thousand
45 twenty-two, designate a 9-8-8 crisis hotline center or centers that
46 shall provide suicide prevention and crisis intervention services to
47 individuals accessing the 9-8-8 suicide prevention and mental health
48 crisis hotline from anywhere within the state twenty-four hours a day,
49 seven days a week. A designated 9-8-8 crisis hotline center shall meet
50 the following requirements:

51 (a) Have an active agreement with the administrator of the National
52 Suicide Prevention Lifeline for participation within the network.

53 (b) Adhere to NSPL policies, requirements and best practices guide-
54 lines for operation and clinical assessment standards.

55 (c) Utilize technology including chat and text that is interoperable
56 between and across crisis and emergency systems used throughout the

1 state, including but not limited to, 911, emergency medical services,
2 and other nonbehavioral health crisis services, and with the administra-
3 tor of the National Suicide Prevention Lifeline.

4 (d) Coordinate with 9-8-8 crisis hotline centers and 911 operators for
5 the appropriate deployment of a mobile crisis team and/or law enforce-
6 ment, and when appropriate emergency medical services or fire services.

7 (e)(i) The department of public service in conjunction with the
8 commissioners of the office of mental health and the office of addiction
9 services and supports shall have joint oversight of suicide prevention
10 and crisis service activities and essential coordination with a desig-
11 nated 9-8-8 hotline center, and shall work in concert with NSPL and VCL
12 networks for the purposes of ensuring consistency of public messaging
13 about 9-8-8 services.

14 (ii) The office of mental health shall establish training guidelines
15 for 9-8-8 crisis hotline center staff, 911 operators, and first respon-
16 ders, to assess callers for suicidal risk, provide crisis counseling and
17 crisis intervention, offer referrals to mental health and/or substance
18 use services, and on providing linguistically and culturally competent
19 care.

20 (f) Meet the requirements set forth by the NSPL for serving high risk
21 and specialized populations including but not limited to: Black, Hispan-
22 ic, Latino, Asian, Pacific Islander, Native American, Alaskan Native;
23 lesbian, gay, bisexual, transgender, nonbinary, queer, and questioning
24 individuals; individuals with intellectual or developmental disabili-
25 ties; individuals experiencing homelessness or housing instability;
26 rural individuals; veterans; immigrants and refugees; children and
27 youth; older adults; and religious communities as identified by the
28 federal Substance Abuse and Mental Health Services Administration,
29 including training requirements and policies for transferring such call-
30 ers to appropriate specialized centers or subnetworks within or outside
31 the NSPL network and for providing linguistically and culturally compe-
32 tent care.

33 (g) May provide follow-up services as needed to individuals accessing
34 the 9-8-8 suicide prevention and mental health crisis hotline consistent
35 with guidance and policies established by the NSPL.

36 2. The commissioner of the office of mental health and the commis-
37 sioner of the office of addiction services and supports shall establish
38 a comprehensive list of reporting metrics to be included in an annual
39 report under this article on the 9-8-8 suicide prevention and mental
40 health crisis hotline's usage, services and impact which shall include,
41 at a minimum:

42 (a) The volume of requests for assistance that the 9-8-8 suicide
43 prevention and mental health crisis hotline received;

44 (b) The average length of time taken to respond to each request for
45 assistance, and the aggregate rates of call abandonment;

46 (c) The types of requests for assistance that the 9-8-8 suicide
47 prevention and mental health crisis hotline received;

48 (d) The number of mobile crisis teams dispatched;

49 (e) The number of individuals contacted by mobile crisis teams;

50 (f) The number of individuals transported by mobile crisis teams to a
51 crisis receiving and stabilization service center or other mental health
52 crisis service;

53 (g) The number of such individuals transferred by mobile crisis team
54 responders to the custody of law enforcement or transported to an emer-
55 gency room or inpatient mental health services;

1 (h) the number of times a mobile crisis team was the first responder
2 to a mental health crisis and had to request deployment of law enforce-
3 ment, including the reason for the request, and the outcome of the law
4 enforcement response; and

5 (i) The age, gender, race, ethnicity, national origin, and high risk
6 category or the individual, if reasonably ascertainable, of individuals
7 contacted, transported, or transferred by each mental health response
8 unit.

9 3. The commissioners of the office of mental health and the office of
10 addiction services and supports shall submit an annual report on or by
11 December thirty-first, two thousand twenty-three and annually thereaft-
12 er, regarding the comprehensive list of reporting metrics to the gover-
13 nor, the temporary president of the senate, the speaker of the assembly,
14 the minority leader of the senate and the minority leader of the assem-
15 bly.

16 § 342. Establishment of fees for system costs. 1. The commissioner of
17 the department of taxation and finance, in consultation with the commis-
18 sioner of the office of mental health and the commissioner of the office
19 of addiction services and supports, shall establish and maintain a 9-8-8
20 trust fund for the purposes of creating and maintaining a 9-8-8 suicide
21 prevention and mental health crisis system pursuant to the National
22 Suicide Hotline Designation Act of 2020 and the Federal Communications
23 Commission's rules adopted July sixteenth, two thousand twenty, and
24 national guidelines for crisis care.

25 2. (a) The fund shall consist of:

26 (i) monies from a 9-8-8 fee assessed on users pursuant to section
27 three hundred forty-three of this article;

28 (ii) appropriations, if any;

29 (iii) grants and gifts intended for deposit in the fund;

30 (iv) interest, premiums, gains, or other earnings on the fund; and

31 (v) any other monies that are deposited in or transferred to the fund.

32 (b) Monies in the fund:

33 (i) do not revert at the end of any fiscal year and remain available
34 for the purposes of the fund in subsequent fiscal years;

35 (ii) are not subject to transfer to any other fund or to transfer,
36 assessment, or reassessment for any other use or purpose outside of
37 those specified in this section; and

38 (iii) are continuously dedicated for the purposes of the fund.

39 3. The commissioner of the department of taxation and finance in
40 conjunction with the commissioner of the office of mental health and the
41 commissioner of the office of addiction services and supports shall
42 submit an annual report of fund deposits and expenditures into the 9-8-8
43 trust fund, to the governor, the temporary president of the senate, the
44 speaker of the assembly, the minority leader of the senate, the minority
45 leader of the assembly, and the chair of the federal communications
46 commission.

47 § 343. Application; limitations; exemptions. 1. The commissioner of
48 public service, consistent with the National Suicide Hotline Designation
49 Act of 2020, shall establish a monthly 9-8-8 fee on each resident that
50 is a subscriber of wireless communication service or voice over internet
51 protocol service, as defined by section three hundred one of this chap-
52 ter at a fixed rate that provides for the creation, operation, and main-
53 tenance of a 9-8-8 suicide prevention and mental health crisis system
54 and the continuum of services provided pursuant to federal guidelines
55 for crisis services.

- 1 2. The 9-8-8 fee shall not be applied to mobile service users who
- 2 receive benefits under the federal Lifeline program as defined in 47 CFR
- 3 54.401.
- 4 § 3. This act shall take effect immediately.