

# STATE OF NEW YORK

7177

2021-2022 Regular Sessions

## IN ASSEMBLY

April 26, 2021

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Mental Health

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. Mobile crisis teams.

11 343. Establishment of fees for system costs.

12 344. Application; limitations; exemptions.

13 § 340. Definitions. When used in this article, the following words and  
14 phrases shall have the following meanings unless the specific context  
15 clearly indicates otherwise:

16 1. "9-8-8" means the three digit phone number designated by the feder-  
17 al communications commission for the purpose of connecting individuals  
18 experiencing a mental health crisis with suicide prevention and mental  
19 health crisis counselors, mobile crisis teams, and crisis receiving and  
20 stabilization services and other mental health crises services through  
21 the national suicide prevention lifeline.

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

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

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1 3. "Crisis receiving and stabilization services" means facilities  
2 providing short-term observation and crisis stabilization services to  
3 all referrals in a home-like environment for no longer than twenty-four  
4 hours.

5 4. "Mental health professional" means any of the following, but not  
6 limited to:

7 (a) a licensed clinical social worker, pursuant to subdivision seven  
8 of section nine hundred twenty-three of the public health law;

9 (b) a licensed psychologist, pursuant to section 10.03 of the mental  
10 hygiene law;

11 (c) a registered professional nurse, pursuant to subdivision one of  
12 section six thousand nine hundred two of the education law; and

13 (d) a licensed marriage and family therapist, pursuant to subdivision  
14 nine of section nine hundred twenty-three of the public health law.

15 5. "Mobile crisis teams" means a team including, but not limited to,  
16 mental health professionals, family advocates, and peers, as defined by  
17 section three hundred forty-two of this article, to provide onsite  
18 community-based intervention for individuals who are experiencing a  
19 mental health crisis.

20 6. "National suicide prevention lifeline" or "NSPL" means the national  
21 network of local crisis centers that provide free and confidential  
22 emotional support to people in suicidal crisis or emotional distress  
23 twenty-four hours a day, seven days a week via a toll-free hotline  
24 number, which receives calls made through the 9-8-8 system. The toll-  
25 free number is maintained by the Assistant Secretary for Mental Health  
26 and Substance Use under Section 50-E-3 of the Public Health Service Act,  
27 Section 290bb-36c of Title 42 of the United States Code.

28 7. "Peers" means individuals employed on the basis of their personal  
29 experience of mental illness, addiction, or both, and recovery there-  
30 from, and who meet the certification requirements set forth by the New  
31 York state peer specialist certification board.

32 8. "Family advocates" means individuals who support person-centered  
33 planning, offer culturally responsive trauma-informed care and support  
34 families and youth with mental health or co-occurring disorders and have  
35 experience working with multiple agencies and providers, including, but  
36 not limited to, mental health, physical health, substance abuse, juve-  
37 nile justice, developmental disabilities, and other state and local  
38 systems of care.

39 9. "Veterans crisis line" or "VCL" means the veterans crisis line  
40 maintained by the secretary of veterans affairs pursuant to section  
41 1720F(h) of Title 38 of the United States Code.

42 10. "Substance Abuse and Mental Health Services Administration"  
43 ("SAMHSA") means the agency of the United States Department of Health  
44 and Human Services.

45 § 341. 9-8-8 suicide prevention and mental health crisis hotline  
46 system. 1. The department of public service, in consultation with the  
47 commissioner of the office of mental health and the commissioner of the  
48 office of addiction services and supports shall, on or before July  
49 sixteenth, two thousand twenty-two, designate a crisis hotline center or  
50 centers to provide crisis intervention services and crisis care coordi-  
51 nation to individuals accessing the 9-8-8 suicide prevention and mental  
52 health crisis hotline from anywhere within the state twenty-four hours a  
53 day, seven days a week.

54 (a) A designated hotline center shall have an active agreement with  
55 the administrator of the National Suicide Prevention Lifeline for  
56 participation within the network.

1 (b) A designated hotline center shall meet NSPL requirements and best  
2 practices guidelines for operation and clinical standards.

3 (c) A designated hotline center shall utilize technology including  
4 chat and text that is interoperable between and across crisis and emer-  
5 gency systems used throughout the state and with the administrator of  
6 the National Suicide Prevention Lifeline.

7 (d) A designated hotline center shall transfer any call made to 9-1-1  
8 pertaining to a mental health crisis to a 9-8-8 crisis hotline center.  
9 If a law enforcement, medical or fire response is also needed, 9-8-8 and  
10 9-1-1 operators shall coordinate the simultaneous deployment of services  
11 with mobile crisis teams.

12 (e) A designated hotline center shall have the authority to deploy  
13 crisis and outgoing services, including mobile crisis teams, and coordi-  
14 nate access to crisis receiving and stabilization services, as appropri-  
15 ate, and according to guidelines and best practices established by the  
16 NSPL.

17 (f) The department of public service in conjunction with the commis-  
18 sioner of the office of mental health and the commissioner of the office  
19 of addiction services and supports shall have joint oversight of suicide  
20 prevention and crisis service activities and essential coordination with  
21 a designated 9-8-8 hotline center, and shall work in concert with NSPL  
22 and VCL networks for the purposes of ensuring consistency of public  
23 messaging about 9-8-8 services.

24 (g) A designated hotline center shall meet the requirements set forth  
25 by the NSPL for serving high risk and specialized populations including  
26 but not limited to: Black, African American, Hispanic, Latino, Asian,  
27 Pacific Islander, Native American, Alaskan Native; Lesbian, gay, bisexual,  
28 transgender, nonbinary, queer, and questioning individuals; individ-  
29 uals with intellectual and developmental disabilities; individuals expe-  
30 riencing homelessness or housing instability; immigrants and refugees;  
31 children and youth; older adults; and religious communities as identi-  
32 fied by the federal Substance Abuse and Mental Health Services Adminis-  
33 tration, including training requirements and policies for transferring  
34 such callers to an appropriate specialized center or subnetworks within  
35 or outside the NSPL network and for providing linguistically and  
36 culturally competent care.

37 (h) A designated hotline center shall provide follow-up services as  
38 needed to individuals accessing the 9-8-8 suicide prevention and mental  
39 health crisis hotline consistent with guidance and policies established  
40 by the NSPL.

41 2. The commissioner of the office of mental health and the commis-  
42 sioner of the office of addiction services and supports shall establish  
43 a comprehensive list of reporting metrics to be included in the annual  
44 report of the 9-8-8 suicide prevention and mental health crisis  
45 hotline's usage, services and impact which shall include, at a minimum:

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

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

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

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

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

54 (f) The number of such individuals transported for care by mobile  
55 crisis teams;

1 (g) The number of such individuals transferred by mobile crisis team  
2 responders to the custody of law enforcement; and

3 (h) The age, gender, race, ethnicity, national origin of individuals  
4 contacted, transported, or transferred by each mental health response  
5 unit.

6 3. The commissioner of the office of mental health and the commis-  
7 sioner of the office of addiction services and supports shall submit an  
8 annual report on or by December thirty-first, two thousand twenty-three  
9 and annually thereafter, regarding the comprehensive list of reporting  
10 metrics to the governor, the temporary president of the senate, the  
11 speaker of the assembly, the minority leader of the senate and the  
12 minority leader of the assembly.

13 § 342. Mobile crisis teams. The commissioner of the office of mental  
14 health and the commissioner of the office of addiction services and  
15 supports shall provide onsite response services for crisis calls utiliz-  
16 ing state or local mobile crisis teams.

17 1. A mobile crisis team shall include, but not be limited to, mental  
18 health professionals, family advocates and peers, as defined by section  
19 three hundred forty of this article;

20 2. A mobile crisis team shall collaborate on data and crisis response  
21 protocols with local law enforcement agencies as co-responders, only as  
22 needed, to respond to high-risk situations that are unmanageable without  
23 law enforcement;

24 3. A mobile crisis team shall collaborate on data and crisis response  
25 protocols with local emergency medical services as co-responders, only  
26 as needed to respond to situations that require such services.

27 § 343. Establishment of fees for system costs. 1. The commissioner of  
28 the department of taxation and finance, in consultation with the commis-  
29 sioner of the office of mental health and the commissioner of the office  
30 of addiction services and supports, shall establish and maintain a 9-8-8  
31 trust fund for the purposes of creating and maintaining a 9-8-8 suicide  
32 prevention and mental health crisis system pursuant to the National  
33 Suicide Hotline Designation Act of 2020 and the Federal Communication  
34 Commission's rules adopted July sixteenth, two thousand twenty, and  
35 national guidelines for crisis care.

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

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

39 (ii) appropriations, if any;

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

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

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

43 (b) Monies in the fund:

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

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

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

50 3. The commissioner of the department of taxation and finance in  
51 conjunction with the commissioner of the office of mental health and the  
52 commissioner of the office of addiction services and supports shall  
53 submit an annual report of fund deposits and expenditures into the 9-8-8  
54 trust fund, to the governor, the temporary president of the senate, the  
55 speaker of the assembly, the minority leader of the senate, the minority

1 leader of the assembly, and the chair of the federal communications  
2 commission.

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

12 2. The 9-8-8 fee shall not be applied to mobile service users who  
13 receive benefits under the federal Lifeline program as defined in 47 CFR  
14 54.401.

15 § 3. This act shall take effect immediately.