# STATE OF NEW YORK

6194

2021-2022 Regular Sessions

# IN SENATE

April 14, 2021

Introduced by Sen. BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:**

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

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

**ARTICLE 6-B**

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

**Section 340. Definitions.**
**341. 9-8-8 suicide prevention and mental health crisis hotline system.**
**342. Mobile crisis teams.**
**343. Establishment of fees for system costs.**
**344. Application; limitations; exemptions.**

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

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

**2. "9-8-8 crisis hotline center" means a state-identified and funded center participating in the National Suicide Prevention Lifeline Network 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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3. "Crisis receiving and stabilization services" means facilities providing short-term observation and crisis stabilization services to all referrals in a home-like environment for no longer than twenty-four hours.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) A designated hotline center shall have the authority to deploy crisis and outgoing services, including mobile crisis teams, and coordinate access to crisis receiving and stabilization services, as appropriate, and according to guidelines and best practices established by the NSPL.

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

(g) A designated hotline center shall meet the requirements set forth by the NSPL for serving high risk and specialized populations including but not limited to: Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Alaskan Native; Lesbian, gay, bisexual, transgender, nonbinary, queer, and questioning individuals; individuals with intellectual and developmental disabilities; individuals experiencing homelessness or housing instability; immigrants and refugees; children and youth; older adults; and religious communities as identified by the federal Substance Abuse and Mental Health Services Administration, including training requirements and policies for transferring such callers to an appropriate specialized center or subnetworks within or outside the NSPL network and for providing linguistically and culturally competent care.

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

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

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

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

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

(d) The number of mobile crisis teams dispatched;

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

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

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

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

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

§ 342. Mobile crisis teams. The commissioner of the office of mental health and the commissioner of the office of addiction services and supports shall provide onsite response services for crisis calls utilizing state or local mobile crisis teams.

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

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

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

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

2. (a) The fund shall consist of:

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

(ii) appropriations, if any;

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

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

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

(b) Monies in the fund:

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

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

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

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

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

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

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

§ 3. This act shall take effect immediately.