

House Substitute for SENATE BILL No. 19

By Committee on Energy, Utilities and Telecommunications

3-17

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

10
11 *Be it enacted by the Legislature of the State of Kansas:*

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

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

16 (a) "Crisis-receiving and stabilization services" means short-term
17 services with capacity for diagnosis, initial management, observation,
18 crisis stabilization and follow-up referral services.

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

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

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

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

30 (f) "Mobile crisis team" means a team of behavioral health
31 professionals and peers that provide professional, community-based, crisis
32 intervention services, including, but not limited to, de-escalation and
33 stabilization for individuals who are experiencing a behavioral health
34 crisis. Such services are separate and distinct from 911 emergency
35 responses of emergency medical services or law enforcement.

36 (g) "NSPL" means the national suicide prevention lifeline, the

1 national network of local, certified crisis centers that provide free and
2 confidential emotional support to people in suicidal crisis or emotional
3 distress 24 hours per day, seven days per week.

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

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

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

10 (k) "Services" means behavioral health services.

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

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

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

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

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

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

23 (1) Prior to July 16, 2022:

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

27 (B) create a system for information sharing and communication
28 between crisis and emergency response systems and hotline centers for the
29 purpose of real-time crisis care coordination, including, but not limited to,
30 deployment of crisis and outgoing services specific to a crisis response or
31 911 emergency responders when necessary;

32 (C) convene mobile crisis teams;

33 (D) develop guidelines for deploying services, including mobile crisis
34 teams, coordinating access to crisis-receiving and stabilization services or
35 other local resources as appropriate, and providing referrals and follow-
36 ups;

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

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

1 specialized centers;

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

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

9 (I) hire a statewide suicide prevention coordinator; and

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

11 (2) After July 16, 2022:

12 (A) Consult with the advisory board to provide guidance to the
13 secretary and gather feedback and make recommendations for hotline
14 centers, local counties and municipalities regarding usage and services
15 provided in response to calls to the hotline centers;

16 (B) fund any uninsured services provided in response to the hotline if
17 an individual receiving the services is uninsured or the services or the
18 facility are not covered by an individual's insurance; and

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

22 (b) The hotline centers shall:

23 (1) Prior to July 16, 2022:

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

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

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

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

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

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

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

41 (2) After July 16, 2022:

42 (A) Receive all calls initiated by a service user dialing 988 from
43 providers;

- 1 (B) deploy crisis services, including mobile crisis teams according to
- 2 the guidelines established by the department in subsection (a);
- 3 (C) coordinate access to crisis-receiving and stabilization services or
- 4 other local resources as appropriate according to guidelines established by
- 5 the department in subsection (a);
- 6 (D) provide referrals and follow-ups according to the guidelines
- 7 established by the department in subsection (a);
- 8 (E) continue to meet training requirements established by the NSPL
- 9 and the department in subsection (a); and
- 10 (F) continue to work with the United States department of veterans
- 11 affairs to route calls from self-designated veterans for the provision of
- 12 VCL services.
- 13 (c) Providers shall:
- 14 (1) Prior to July 16, 2022:
- 15 (A) Establish 988 as the unique number for suicide prevention and
- 16 mental health crisis;
- 17 (B) transmit all calls initiated by a service user dialing 988 to the
- 18 current toll-free access number for the NSPL;
- 19 (C) complete all changes necessary to implement the designation of
- 20 the 988 dialing code; and
- 21 (D) prepare for the potential collection and remittance of fees to the
- 22 988 suicide prevention and mental health crisis hotline fund established
- 23 pursuant to section 5, and amendments thereto.
- 24 (2) After July 16, 2022, direct all calls initiated by a user dialing 988
- 25 to hotline centers.
- 26 Sec. 4. Except as provided by the Kansas tort claims act and except
- 27 for action or inaction that constitutes gross negligence or willful and
- 28 wanton misconduct, each provider, and employees, agents, suppliers and
- 29 subcontractors thereof, and each seller, and employees, agents, suppliers
- 30 and subcontractors thereof, shall not be liable for the payment of damages
- 31 resulting directly or indirectly from the total or partial failure of any
- 32 transmission to an emergency communication service or for damages
- 33 resulting from the performance of installing, maintaining or providing 988
- 34 service.
- 35 Sec. 5. (a) There is hereby established in the state treasury the 988
- 36 suicide prevention and mental health crisis hotline fund to be administered
- 37 by the secretary for aging and disability services. Moneys received from
- 38 any public or private entity for the purposes of the fund shall be credited to
- 39 such fund.
- 40 (b) On or before the 10th day of each month, the director of accounts
- 41 and reports shall transfer from the state general fund to the 988 suicide
- 42 prevention and mental health crisis hotline fund, interest earnings based
- 43 on:

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

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

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

8 (1) Ensuring the efficient and effective routing of calls made to the
9 988 national suicide prevention and mental health crisis hotline to an
10 appropriate crisis center; and

11 (2) personnel and the provision of acute mental health services, the
12 provision of mobile crisis response services, including, but not limited to,
13 services for those persons with intellectual or developmental disabilities
14 and persons with behavioral health needs, crisis outreach and stabilization
15 services by directly responding to the 988 national suicide prevention and
16 mental health crisis hotline, public promotion, data collection and
17 reporting.

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

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

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

33 (2) For the fiscal year ending June 30, 2023, and each fiscal year
34 thereafter, the secretary for aging and disability services, in consultation
35 with the director of the budget, shall certify at the end of each such fiscal
36 year the amount of the unencumbered ending balance of moneys in the
37 988 suicide prevention and mental health crisis hotline fund and shall
38 transmit such certification to the director of accounts and reports and the
39 director of legislative research. Upon receipt of such certification, the
40 director of accounts and reports shall reduce the amount of the demand
41 transfer required to be made pursuant to paragraph (1) for the fiscal year
42 following such certification by such certified amount.

43 Sec. 6. On or before the first day of each regular session of the

1 legislature, the secretary for aging and disability services shall submit a
2 report to the house of representatives standing committees on
3 appropriations, energy, utilities and telecommunications and health and
4 human services and the senate standing committees on ways and means,
5 utilities and public health and welfare, or any successor committees
6 thereto, that provides the following:

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

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

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

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

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

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

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

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

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

36 (b) (1) The 988 coordinating council shall consist of the following 15
37 voting members:

38 (A) 13 voting members appointed by the governor as follows:

39 (i) Two members representing information technology personnel
40 from governmental units;

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

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

- 1 (iv) one member representing the Kansas association of community
2 mental health centers;
- 3 (v) one member representing interhab;
- 4 (vi) one member from the Kansas department for aging and disability
5 services;
- 6 (vii) one member from the Kansas department for children and
7 families;
- 8 (viii) one member recommended by the Kansas commission for the
9 deaf and hard of hearing;
- 10 (ix) two members representing national suicide prevention lifeline
11 centers located in counties with a population of fewer than 75,000; and
- 12 (x) two members representing national suicide prevention lifeline
13 centers located in counties with a population greater than 75,000; and
- 14 (B) two voting members appointed by the legislative coordinating
15 council, including one member of the house of representatives standing
16 committee on appropriations and one member of the senate standing
17 committee on ways and means.
- 18 (2) The 988 coordinating council shall also include the following
19 nonvoting members appointed by the governor:
 - 20 (A) One member representing rural telecommunications companies
21 recommended by the Kansas rural independent telephone companies;
 - 22 (B) one member representing incumbent local exchange carriers with
23 over 50,000 access lines;
 - 24 (C) one member representing large wireless providers;
 - 25 (D) one member representing VoIP providers;
 - 26 (E) one member recommended by the league of Kansas
27 municipalities;
 - 28 (F) one member recommended by the Kansas association of counties;
 - 29 (G) one member recommended by the Kansas geographic
30 information systems policy board;
 - 31 (H) one member recommended by the Kansas office of information
32 technology services; and
 - 33 (I) one member recommended by the mid-America regional council
34 who is a resident of Kansas.
- 35 (c) (1) Except as otherwise provided in this subsection, each voting
36 member appointed to the council shall be appointed for a three-year term
37 and until a successor is appointed and qualified. Of the 13 voting members
38 appointed by the governor, five shall be appointed to an initial term of two
39 years and five shall be appointed to an initial term of four years, as
40 specified by the governor.
- 41 (2) A voting member shall not serve longer than two successive three-
42 year terms. A voting member appointed as a replacement for another
43 voting member may finish the term of the predecessor and may serve two

1 additional successive terms.

2 (d) The governor shall select the chairperson of the 988 coordinating
3 council, who shall serve as chairperson at the pleasure of the governor. The
4 chairperson shall serve subject to the direction of the council and ensure
5 that policies adopted by the council are carried out. The chairperson shall
6 serve as the liaison between the council and the federal substance abuse
7 and mental health services administration. The chairperson shall preside
8 over all meetings of the council and assist the council in effectuating the
9 provisions of this act.

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

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

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

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