

IN THE SENATE

SENATE BILL NO. 1125

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO HEALTH; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW
2 CHAPTER 97, TITLE 39, IDAHO CODE, TO PROVIDE A DECLARATION OF POLICY AND
3 INTENT, TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING RECOGNIZED
4 STATE CRISIS CARE AND SUICIDE HOTLINES, TO PROVIDE FOR MOBILE RESPONSE
5 TEAMS, TO PROVIDE FOR A SUICIDE AND MENTAL HEALTH CRISIS ACCESS FUND,
6 TO PROVIDE FOR A SUICIDE AND MENTAL HEALTH CRISIS ACCESS FEE, TO PROVIDE
7 FOR USE OF THE FEE, TO PROVIDE AUDITING AND REPORTING REQUIREMENTS, AND
8 TO PROVIDE A FEE IMPLEMENTATION DEADLINE.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended
12 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
13 ter 97, Title 39, Idaho Code, and to read as follows:

14 CHAPTER 97

15 SUICIDE AND MENTAL HEALTH CRISIS ACCESS

16 39-9701. DECLARATION OF POLICY AND INTENT. (1) Idaho's rate of sui-
17 cide is consistently higher than the national average and is consistently
18 one of the top ten (10) causes of death in Idaho. Suicide and suicide at-
19 tempts have a devastating emotional and economic impact on individuals, fam-
20 ilies, and communities across Idaho. As much as ninety percent (90%) of in-
21 dividuals who attempt to or die by suicide were living with a diagnosable be-
22 havioral health condition at the time of their attempt or death, although
23 these conditions often go undiagnosed or untreated. Connecting individu-
24 als with mental health services and resources is a vital component in suicide
25 prevention. By offering immediate help through suicide prevention hotlines
26 and post-call crisis and behavioral health services, lives can be saved.

27 (2) The national suicide hotline designation act of 2020, P.L. 116-172,
28 established 988 as a national three (3) digit universal telephone number for
29 a national suicide prevention and mental health crisis hotline and allows
30 for each state to impose and collect a fee for providing 988-related ser-
31 vices. Moneys from the fee will be held in a designated fund to be spent only
32 in support of 988 services.

33 39-9702. DEFINITIONS. As used in this chapter:

34 (1) "988 administrator" means the administrator of the 988 suicide pre-
35 vention and mental health crisis hotline.

36 (2) "988 suicide prevention and mental health crisis hotline" means the
37 national suicide prevention lifeline or its successor maintained by the as-
38 sistant secretary for mental health and substance use under section 520E-3
39 of the public health service act.

1 (3) "Community mental health centers and certified community behav-
2 ioral health centers" means:

3 (a) Community behavioral health organizations as licensed and certi-
4 fied by relevant state agencies; or

5 (b) Behavioral health community crisis centers as defined in section
6 39-9103, Idaho Code.

7 (4) "Crisis receiving and stabilization services" means facilities
8 providing care for less than twenty-four (24) hours with capacity for
9 diagnosis, initial management, observation, crisis stabilization, and fol-
10 low-up referral services to all persons in a homelike environment.

11 (5) "Mobile response teams" means teams of behavioral health profes-
12 sionals and peers that provide professional on-site community-based inter-
13 vention, such as de-escalation and stabilization, for individuals who are
14 experiencing a behavioral health crisis.

15 (6) "National suicide prevention lifeline" or "NSPL" means a national
16 network of local crisis centers providing free and confidential emotional
17 support to people in suicidal crisis or emotional distress. Membership as
18 an NSPL center requires nationally recognized certification, which includes
19 evidence-based training for all staff and volunteers in the management of
20 calls.

21 (7) "Peers" means individuals employed on the basis of their personal
22 lived experience of mental illness or addiction and recovery who meet the
23 state's peer certification requirements where applicable.

24 (8) "Veterans crisis line" or "VCL" means the crisis line maintained by
25 the secretary of veterans affairs under 38 U.S.C. 1720F(h).

26 39-9703. RECOGNIZED STATE CRISIS CARE AND SUICIDE HOTLINES. (1) The
27 state of Idaho recognizes each crisis care and suicide hotline that has an
28 active agreement with the national suicide prevention lifeline. Each recog-
29 nized hotline center shall to the extent possible provide or coordinate cri-
30 sis intervention services and crisis care coordination to individuals ac-
31 ccessing the 988 suicide prevention and behavioral health crisis hotline from
32 any jurisdiction within Idaho twenty-four (24) hours a day, seven (7) days a
33 week. Each hotline center shall satisfy the following criteria:

34 (a) Have an active agreement with the administrator of the national
35 suicide prevention lifeline for participation within the network;

36 (b) Meet NSPL requirements and best practices guidelines for opera-
37 tional and clinical standards;

38 (c) Provide data, report, and participate in evaluations and related
39 quality improvement activities as required by the 988 system adminis-
40 trator; and

41 (d) Utilize technology, including chat and text, that is interoperable
42 among and across crisis and emergency response systems used throughout
43 the state, such as 911, emergency medical services, other nonbehavioral
44 health crisis services, and others as necessary, and with the adminis-
45 trator of the NSPL.

46 (2) Each designated hotline center shall have the authority to coordi-
47 nate, designate, or deploy crisis and outgoing services, including mobile
48 crisis teams, and shall coordinate access to crisis receiving and stabi-
49 lization services or other local resources as appropriate and according to

1 guidelines and best practices established by the NSPL. Each designated cen-
2 ter shall actively collaborate with local community mental health centers,
3 certified community behavioral health clinics, and community behavioral
4 health centers to coordinate linkages for persons contacting 988 with ongo-
5 ing care needs, establishing formal agreements where appropriate.

6 (3) Each designated hotline center shall form a partnership with the
7 Idaho department of health and welfare to ensure the coordination with and
8 access to crisis receiving and stabilization services for individuals ac-
9 cessing the 988 suicide prevention and behavioral health crisis hotline.
10 The partnership shall include appropriate information sharing about the
11 availability of services and operational processes.

12 (4) The Idaho department of health and welfare shall provide primary
13 oversight of suicide prevention and crisis service activities, shall en-
14 sure the essential coordination with each designated 988 hotline center,
15 and shall work with the NSPL and VCL networks for the purposes of ensuring
16 consistency of public messaging about 988 services.

17 (5) Each designated hotline center shall meet the requirements set
18 forth by NSPL for serving high-risk and specialized populations as identi-
19 fied by the federal substance abuse and mental health services administra-
20 tion, including training requirements and policies for transferring such
21 callers to an appropriate specialized center or subnetworks within or exter-
22 nal to the NSPL network.

23 (6) Each designated hotline center, when permissible, shall provide
24 follow-up services to individuals accessing the 988 suicide prevention and
25 behavioral health crisis hotline consistent with guidance and policies es-
26 tablished by the NSPL.

27 39-9704. MOBILE RESPONSE TEAMS. The state of Idaho, through the Idaho
28 department of health and welfare or through agreements with other organiza-
29 tions, government or otherwise, shall provide on-site response services to
30 crisis calls utilizing mobile response teams. Mobile response teams shall:

- 31 (1) Collaborate with local law enforcement agencies; and
32 (2) Include police as co-responders in behavioral health teams only as
33 needed to respond in high-risk situations that cannot be managed without law
34 enforcement.

35 39-9705. SUICIDE AND MENTAL HEALTH CRISIS ACCESS FUND. (1) There is
36 hereby established in the state treasury the suicide and mental health cri-
37 sis access fund. Moneys in the fund shall be used for purposes of this chap-
38 ter and shall consist of:

- 39 (a) Moneys remitted by Idaho counties pursuant to section 39-9706,
40 Idaho Code;
41 (b) Grants and gifts intended for deposit in the fund;
42 (c) Interest, premiums, gains, or other earnings on the fund; and
43 (d) Moneys deposited or transferred into the fund pursuant to legisla-
44 tive appropriation.
45 (2) The state treasurer shall invest idle moneys in the fund, and the
46 interest earned on such investments shall be retained by the fund.

1 39-9706. SUICIDE AND MENTAL HEALTH CRISIS ACCESS FEE. (1) A uniform
2 suicide and mental health crisis access fee shall be imposed on each Idaho
3 resident who is a subscriber of commercial landline, mobile or internet pro-
4 tocol-enabled voice services, and interconnected voice over internet proto-
5 col service lines at a rate per month, per telephone line, by all telecommu-
6 nications providers of such services, not to exceed an equal and equivalent
7 amount set forth in section 31-4804, Idaho Code, and in compliance with the
8 national suicide hotline designation act of 2020, P.L. 116-172.

9 (2) The fee provided in subsection (1) of this section shall be imposed
10 upon and collected from purchasers of access lines, wireless accounts, or
11 interconnected voice over internet protocol service lines with a service
12 address or place of primary use within the county or 911 service area on a
13 monthly basis by all telecommunications providers of such services. The
14 fee may be listed as a separate item on customers' monthly bills. The fee
15 shall be imposed only in counties or 911 service areas where the voters have
16 approved the emergency communications fee authorized in section 31-4803,
17 Idaho Code.

18 (3) The telecommunications providers shall remit such fee to the county
19 treasurer's office from which the fees were collected consistent with the
20 remittance of the emergency communications fee in section 31-4804, Idaho
21 Code. In the event the telecommunications provider remits such fees based on
22 the fee billed to the customer, a deduction shall be allowed for uncollected
23 amounts when such amounts are treated as bad debt for financial reporting
24 purposes.

25 (4) From every remittance to the governing body made on or before the
26 date when the remittance becomes due, the telecommunications provider re-
27 quired to remit shall be entitled to deduct and retain one percent (1%) of the
28 collected amount as the cost of administration for collecting the charge.
29 Telecommunications providers will be allowed to list the surcharge as a sep-
30 arate item on the telephone subscriber's bill and shall have no obligation to
31 take any legal action to enforce the collection of any charge or be held li-
32 able for such uncollected amounts.

33 (5) On a quarterly basis, the county treasurer shall deposit the remit-
34 ted funds collected for each month of the assessed fee to the office of the
35 state treasurer to be deposited in the suicide and mental health crisis ac-
36 cess fund established in section 39-9705, Idaho Code.

37 (6) The fee established by this section may be adjusted as needed to
38 provide for continuous operation, volume increases, and maintenance, but
39 shall not exceed the amount assessed for the 911 emergency communication
40 fee pursuant to section 31-4804, Idaho Code. An annual evaluation of the
41 assessed fee amount shall be conducted by the administrator of each crisis
42 care and suicide hotline allowed for in section 39-9703, Idaho Code, and
43 the director, or the director's designee, of the Idaho department of health
44 and welfare. If an adjustment to the assessed fee is necessary, the 988
45 administrator shall notify all telecommunications providers immediately
46 to allow for appropriate adjustments. Telecommunications providers shall
47 have no more than sixty (60) days to modify the assessed amount for customer
48 billings.

49 (7) If the unobligated and unencumbered cash balance in the fund estab-
50 lished in section 39-9705, Idaho Code, exceeds one hundred million dollars

1 (\$100,000,000) at the close of the fiscal year, then fee collections by
2 telecommunications providers pursuant to this section shall be suspended
3 for future monthly collections not already remitted by the telecommunica-
4 tions providers. The suspension of fee remittance shall remain in effect
5 until the cash balance is reduced to fifty million dollars (\$50,000,000)
6 or less, at which time the 988 administrator shall immediately notify all
7 telecommunications providers to resume collections.

8 39-9707. USE OF MONEYS. (1) Moneys in the suicide and mental health
9 crisis access fund are subject to appropriation and shall be used only to
10 offset costs that are or will be reasonably attributed to:

11 (a) Primarily ensuring the efficient and effective routing of calls
12 made to the 988 suicide prevention and behavioral health crisis hotline
13 to each designated hotline center, including staffing and technologi-
14 cal infrastructure enhancements necessary to achieve operational and
15 clinical standards and best practices set forth by NSPL;

16 (b) Personnel and operating costs related to specialized training
17 to serve at-risk communities, crisis centers, or comparable service
18 providers as defined in section 39-9702, Idaho Code, and costs related
19 to the provision of allowable behavioral health, crisis outreach, and
20 stabilization services for individuals needing support in response to
21 the 988 national suicide prevention and behavioral health crisis hot-
22 line;

23 (c) Onetime capital outlay purchases related to services allowable
24 with the technological requirements provided in section 39-9703, Idaho
25 Code;

26 (d) Provision of data, reporting, and participation in evaluations and
27 related quality improvement activities as required by the 988 adminis-
28 trator; and

29 (e) Administration, oversight, auditing, and evaluation of the fund.

30 (2) Services related to this chapter shall be funded by the fee estab-
31 lished in section 39-9706, Idaho Code, unless comparable services are cov-
32 ered by the individual's health coverage.

33 39-9708. AUDITING AND REPORTING REQUIREMENTS. (1) All fees collected
34 and expended pursuant to this chapter shall be audited in coordination with
35 the auditing of the emergency communications fee established in section
36 31-4804, Idaho Code. The purpose of the audit is to verify the accuracy and
37 completeness of fees collected and costs expended.

38 (2) The designated hotline centers in coordination with the Idaho de-
39 partment of health and welfare shall provide an annual report to the sen-
40 ate and house of representatives health and welfare committees by January
41 31. The report shall include information on 988 suicide prevention and be-
42 havioral health crisis hotline usage, services referred, and services pro-
43 vided.

44 39-9709. FEE IMPLEMENTATION DEADLINE. Telecommunications providers
45 shall begin the collection and remittance of the suicide and mental health
46 crisis access fee imposed in section 39-9706, Idaho Code, no later than Jan-
47 uary 1, 2022.