

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2281

As Amended by House Committee on Health
and Human Services

Brief*

HB 2281, as amended, would create the Living, Investing in Values, and Ending Suicide (LIVES) Act (Act). The Act would establish 988 as the Suicide Prevention and Mental Health Crisis Hotline (Hotline) in Kansas. The bill would outline the responsibilities of the Kansas Department for Aging and Disability Services (KDADS), Hotline centers, and service providers relating to the Act. The bill would also create the 988 and prepaid wireless 988 fees, and the 988 Suicide Prevention and Mental Health Crisis Hotline Fund (Hotline Fund), and the Certified Community Behavioral Health Clinics Fund (CCBHC Fund).

Definitions (Section 2)

The bill would define terms used in the Act, including:

- “Crisis-receiving and stabilization services” would mean short-term services with capacity for diagnosis, initial management, observation, crisis stabilization, and follow-up referral services;
- “Hotline” would mean the 988 Suicide Prevention and Mental Health Crisis Hotline or its successor maintained by the federal Assistant Secretary for Mental Health and Substance Use;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- “Hotline center” would mean a 988 Suicide Prevention and Mental Health Crisis Hotline center, designated by KDADS, participating in the National Suicide Prevention Lifeline network to respond to statewide or regional 988 calls;
- “Mobile crisis team” would mean a team of behavioral health professionals and peers that provide professional, community-based, crisis intervention services, including, but not limited to, de-escalation and stabilization for individuals who are experiencing a behavioral health crisis. Such services are separate and distinct from 911 emergency responses of emergency medical services or law enforcement; and
- “NSPL” would mean the National Suicide Prevention Lifeline, the national network of local, certified crisis centers that provide free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours per day, 7 days per week.

Responsibilities of KDADS, Hotline Centers, and Service Providers (Section 3)

KDADS

The bill would require KDADS, prior to July 16, 2022, to:

- Designate a Hotline center or network of centers to provide crisis intervention services and care coordination to individuals accessing the Hotline 24 hours per day, 7 days per week;
- Create a system for communication between crisis and emergency response systems and Hotline centers for the purpose of real-time crisis care coordination including, but not limited to,

deployment of crisis and outgoing services specific to a crisis response of 911 emergency responders when necessary;

- Convene mobile crisis teams;
- Develop guidelines for deploying services, including mobile crisis teams, coordinating access to crisis-receiving and stabilization services or other local resources as appropriate, and providing referrals and follow-ups;
- Coordinate consistent public messaging regarding the Hotline with NSPL, KDADS, and the U.S. Department of Veterans Affairs (VA);
- Require training as established by NSPL for Hotline center staff for servicing, or transferring to appropriate specialized centers, high-risk and specialized populations identified by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA);
- Work with the Kansas Department of Health and Environment (KDHE) and KanCare managed care organizations (MCOs) to develop plans for payment for uninsured services;
- Create an advisory board to provide guidance to the Secretary for Aging and Disability Services (Secretary), gather feedback, and make recommendations for Hotline centers, local counties, and municipalities regarding the planning and implementation of the hotline;
- Hire a statewide suicide prevention coordinator; and
- Adopt rules and regulations to implement the provisions of the Act.

The bill would require KDADS, after July 16, 2022, to:

- Consult with the advisory board created by the bill to provide guidance to the Secretary, gather feedback, and make recommendations for Hotline centers, local counties, and municipalities regarding usage and services provided in response to calls to the Hotline centers;
- Fund any uninsured services provided in response to the Hotline if an individual receiving the services is uninsured or the services or facility is not covered by an individual's insurance; and
- At the beginning of each legislative session, submit an annual report of the Hotline's usage and services provided in response to calls to the Hotline centers to the House of Representatives Committee on Health and Human Services and the Senate Committee on Public Health and Welfare, or any successor committees.

Hotline Centers

The bill would require the Hotline centers, prior to July 16, 2022, to:

- Establish an agreement with NSPL for participation within the network of crisis centers;
- Meet any training requirements for Hotline center staff established by NSPL or KDADS;
- Enter into memorandums of understanding with local service providers to be deployed according to KDADS guidelines;
- Coordinate access to crisis-receiving and stabilization services or other local resources as appropriate according to KDADS guidelines;

- Provide referrals and follow-ups according to KDADS guidelines; and
- Work with the VA to route calls from self-designated veterans for the provision of Veterans Crisis Line services.

The bill would require Hotline Centers, after July 16, 2022, to:

- Receive all calls initiated by a service user dialing 988 from service providers;
- Deploy crisis services, including mobile crisis teams according to KDADS guidelines;
- Coordinate access to crisis-receiving and stabilization services or other local resources as appropriate according to KDADS guidelines;
- Provide referrals and follow-ups according to KDADS guidelines;
- Continue to meet training requirements established by NSPL and KDADS; and
- Continue to work with the VA to route calls from self-designated veterans for the provision of Veterans Crisis Line services.

Service Providers

The bill would require service providers, prior to July 16, 2022, to:

- Establish 988 as the unique number for suicide prevention and mental health crisis;

- Transmit all calls initiated by a service user dialing 988 to the current toll-free access number for NSPL;
- Complete all changes necessary to implement the designation of the 988 dialing code; and
- Establish a system for collecting fees and remitting such fees to the 988 Hotline Fund.

The bill would require service providers, after July 16, 2022, to:

- Direct all calls initiated by a user dialing 988 to Hotline centers; and
- Collect and remit fees to the Hotline Fund.

Hotline Fund (Section 4)

Fee Collection

The bill would create a 988 fee in the amount of \$0.50 per month per subscriber account of any:

- Exchange telecommunications service;
- Wireless telecommunications service;
- Wireless communications service;
- Voice over Internet Protocol (VoIP) service; or
- Other service capable of contacting a Hotline center.

The bill would require such service providers to collect the 988 fees. Such fees would be added to and could be stated separately in billings for the subscriber account. The fees imposed would be collected in accordance with the

providers' regular billing practices. The provider would be required to provide annually to the Department of Revenue a list of the amount of uncollected fees and the names and addresses of service users that carry unpaid fee balances.

Fee Remittance

The bill would require the fees to be collected monthly and remitted to the Department of Revenue (Department) not more than 15 days after the close of the calendar month. On or before the 15th day of each following calendar month, a provider would be required to file a return for the preceding month with the Department and deliver the return, with the fee remittance, to the Department. The provider would be required to maintain records of the amount of fees collected for a period of three years from the time of collection.

988 Suicide Prevention and Mental Health Crisis Hotline Fund (Section 5)

The bill would establish in the State Treasury the Hotline Fund to be administered by the Secretary for Aging and Disability Services (Secretary). The bill would require the Department to remit all 988 fees to the State Treasurer, who, upon receipt of the remittance, would deposit the entire amount in the State Treasury to the credit of the Hotline Fund.

The bill would stipulate moneys from revenue generated from 988 fees and amounts received from any public or private entity for the purposes of the Hotline Fund would be credited to the Hotline Fund.

The bill would require the Director of Accounts and Reports, on or before the 10th of each month, to transfer from the State General Fund to the Hotline Fund interest earnings based on the average daily balanced of moneys in the Hotline Fund for the preceding month and the net earnings rate of the Pooled Money Investment Portfolio for the preceding month.

The bill would require moneys credited to the Hotline Fund to be used only to:

- Pay all expenses incurred in the administration of the Hotline Fund;
- Provide for the necessary and reasonable costs of implementing and maintaining the Hotline, including:
 - The efficient and effective routing of and response to Hotline calls to the centers, including staffing and technological infrastructure enhancements;
 - Personnel and behavioral health, crisis outreach, and stabilization services with emphasis on expanding the services to rural areas by directly responding to the Hotline;
 - Data collection and reporting, evaluations, and related quality improvement activities as required by the Secretary;
 - A statewide suicide prevention coordinator to be employed by the Department; and
 - Evidence-based suicide prevention and public promotion of the Hotline.
- Provide mobile crisis response services for persons with intellectual or developmental disability; and
- Provide mobile crisis response services for behavioral health needs.

The bill would stipulate that all expenditures from the Hotline Fund would be made in accordance with appropriation acts upon warrants of the Director of Accounts and Reports issued pursuant to vouchers approved by the Secretary or the Secretary's designee. The bill would mandate moneys in the Hotline Fund be used for the

purposes set forth in the bill and for no other governmental purposes.

Prepaid Wireless 988 Fee (Section 6)

The bill would impose a prepaid wireless 988 fee of \$0.50 per retail transaction for prepaid wireless service in Kansas. The prepaid wireless fee would be collected by the seller from the consumer. The bill would require the amount of the prepaid wireless fee to be separately stated on an invoice, receipt, or other similar document this provided to the consumer.

The bill would clarify:

- What retail transactions would be treated as occurring in Kansas;
- Consumer liability for the prepaid wireless fee;
- The prepaid wireless fee must not be included in the base for measuring taxes on the invoice or receipt;
- Prepaid wireless fee applications in transactions combining multiple services and products; and
- Procedures concerning:
 - Payment and remittance of the prepaid wireless fees;
 - Department audits; and
 - Documentation for non-retail sales.

Certified Community Behavioral Health Clinics Fund (Section 7)

The bill would establish in the State Treasury the CCBHC Fund, administered by the Secretary for Aging and

Disability Services (Secretary). The bill would require the Department of Revenue to remit all moneys collected from payment of the prepaid wireless 988 fee to the State Treasurer, who would deposit the moneys into the State Treasury to the credit of the CCBHC Fund. The bill would require moneys in the fund to be used for funding CCBHCs. [Note: CCBHCs, as designated by federal law, provide nine types of comprehensive mental health and substance use disorder services and receive enhanced Medicaid reimbursement rates.]

The bill would stipulate that all expenditures from the CCBHC Fund would be made in accordance with appropriation acts upon warrants of the Director of Accounts and Reports issued pursuant to vouchers approved by the Secretary or the Secretary's designee. The bill would mandate moneys in the CCBHC Fund be used for the purposes set forth in the bill and for no other governmental purposes.

Background

The bill was introduced by the House Committee on Health and Human Services at the request of the Association of Community Mental Health Centers of Kansas, Inc.

[Note: This bill was a recommendation of the 2020 Special Committee on Kansas Mental Health Modernization and Reform.]

House Committee on Health and Human Services

In the House Committee hearing, representatives of the Association of Community Mental Health Centers of Kansas, CTIA, the Greater Kansas Chapter of the American Foundation for Suicide Prevention, Kansas Suicide Prevention HQ, the Kansas Chapter of the National Alliance on Mental Illness, KDADS, KDHE, a school counselor, and a private citizen provided **proponent** testimony.

The KDADS representative stated KDADS applied for and received a grant to assist the State in planning for the implementation of the 988 hotline. The National Suicide Hotline Designation Act of 2020 enabled the 988 hotline, established the authority of states to assess 988 fees on telephone services to fund hotline infrastructure, but did not provide federal funding to states to support those programs. The representative stated SAMHSA expects a significant increase in call volume to the NSPL. According to the representative, KDADS highlighted the need for suicide prevention infrastructure development in its 2020-2025 State Suicide Prevention Plan. The representative noted a more robust crisis service delivery system, beginning with the 988 hotline, would help reduce suicide attempts and deaths.

Written-only **proponent** testimony was provided by a representative of Arcare, Inc.; a representative of the Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association; a former middle school principal; a former member of the Kansas House of Representatives; a child and adolescent psychiatrist; and three private citizens.

Written-only neutral testimony was provided by the Kansas Youth Suicide Prevention Coordinator.

No **opponent** testimony was provided.

The House Committee amended the bill to:

- Specify moneys credited to the Hotline Fund would also be required to be used to provide mobile crisis response services for persons with intellectual or developmental disability and behavioral health needs;
- Mandate moneys in the Hotline Fund be used for the purposes set forth in this section and for no other governmental purposes;
- Impose a prepaid wireless 988 fee of \$0.50 per retail transaction for prepaid wireless service in Kansas, clarify how the fee would be collected, and establish procedures related to the fee; and
- Establish the CCBHC Fund and require all moneys collected from payment of the prepaid wireless 988 fee to be used for the CCBHC Fund.

Fiscal Information

According to the revised fiscal note prepared by the Division of the Budget on the bill, as introduced, KDADS indicates enactment of the bill would increase expenditures for salaries, fringe benefits, and operating costs by \$100,000 for 1.00 Program Manager FTE position. This position would be a 988 Program Manager to provide administrative and programmatic support to 988 Centers in Kansas. Based on the planning and start up needed prior to the federally required start date of July 2022, KDADS anticipates increased expenditures of approximately \$1.5 million from the State General Fund (SGF) in the second half of FY 2022 to increase the operational capacity of the current NSPL Centers to meet the anticipated call volume of 988 with a minimum 90.0 percent in-state answer rate. This operational capacity cost would increase to \$3.1 million from the SGF in FY 2023.

KDHE states that it would be difficult to determine how much adding the requirement MCOs provide care coordination services for the uninsured would cost as KanCare members would not qualify as uninsured. The KanCare MCOs are already contractually obligated to provide a number of care coordination services for Medicaid and Children's Health Insurance Program beneficiaries and providing services to the uninsured would be an expansion of current Medicaid services to the uninsured. KDHE indicates the bill would have no fiscal effect on operations of the agency.

The Department of Revenue indicates the bill would implement a \$0.50 fee that is similar to the 911 fee. The Kansas 911 coordinating estimates there are 2.9 million subscriber accounts that would generate \$17.4 million per year to be deposited into the 988 Suicide Prevention and Mental Health Crisis Hotline Fund (2.9 million X \$.50 monthly fee X 12 months = \$17.4 million). The fees would be collected after July 16, 2022, which would provide new revenue in FY 2023. There would be a month delay in receiving the funds and the first month would include fees for one half month. As a result, the FY 2023 revenue would equate to \$15.2 million (\$17.4 million / 12 months X 10.5 months = \$15.2 million). The Department estimates the total administrative effect on expenditures would be \$429,110 from the SGF in FY 2022. These expenditures would include \$3,290 for administrative costs, \$89,420 for systems testing, and \$336,400 for information technology development and management. The original fiscal note did not include the Department of Revenue estimates for revenue or expenditures.

Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

National Suicide Prevention hotline; certified community behavioral health clinics; crisis intervention services; mental health; Living, Investing in Values and Ending Suicide Act