

SENATE BILL 1789

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 29; Title 7; Title 33; Title 63 and Title 68,
relative to 988 Suicide & Crisis Lifeline.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 86, is amended by adding the following as a new part:

7-86-501. Part definitions.

As used in this part:

(1) "988" means the 988 Suicide & Crisis Lifeline, or its successor, maintained under 42 U.S.C. § 290bb-36c;

(2) "Behavioral health condition" includes mental health conditions, substance use disorders, co-occurring disorders, and co-existing conditions;

(3) "Behavioral health crisis" means a situation in which an individual, because of the individual's actual or perceived behavioral health condition, is at risk of causing or experiencing harm absent the provision of appropriate treatment and services;

(4) "Behavioral health crisis intervention services surcharge" or "surcharge" means the amount imposed by a provider or collected by a prepaid wireless seller under this part;

(5) "Board" means the behavioral health crisis intervention services board created by this part;

(6) "Business telephone service" means network access telephone service where the use of the service is primarily for business purposes;

(7) "Certified peer recovery specialist" means an individual with a valid certification as a certified peer recovery specialist;

(8) "Co-existing conditions" means the co-existence of a co-occurring disorder and a physical health condition;

(9) "Co-occurring disorders" means the co-existence of both a mental health condition and a substance use disorder;

(10) "Department" means the department of health;

(11) "Fund" means the behavioral health crisis intervention services fund created by this part;

(12) "Individual in crisis" means an individual experiencing a behavioral health crisis;

(13) "Mental health condition" means a substantial psychiatric disorder of thought, mood, perception, or orientation;

(14) "Mobile crisis team" means a group of trained health professionals, such as qualified mental health professionals and certified peer recovery specialists, that respond on-site to an individual in crisis;

(15) "Provider" means a telecommunications service provider, including a wireless provider, any other provider that is required to or opts to provide 988 service, or any intermediate entity or pass through agent providing telecommunications services;

(16) "Public safety answering point" or "PSAP" means a facility that has been designated to receive 911 phone calls and route them to emergency services personnel pursuant to § 7-86-107;

(17) "Qualified mental health professional" means a person who is licensed in this state, if required for the profession, and who is a psychiatrist;

physician with expertise in psychiatry as determined by training, education, or experience; psychologist with health service provider designation; psychological examiner or senior psychological examiner; licensed master's social worker with two (2) years of mental health experience or licensed clinical social worker; marital and family therapist; nurse with a master's degree in nursing who functions as a psychiatric nurse; professional counselor; or if the person is providing service to service recipients who are children, any of the above educational credentials plus mental health experience with children;

(18) "Residential telephone service" means network access telephone service where the use of the service is primarily for social or domestic purposes;

(19) "Wholesale services" means services that a provider furnishes to another provider, rather than to end-use customers;

(20) "Wireless provider" has the same meaning as the term "commercial mobile radio service provider" is defined in § 7-86-103; and

(21) "Wireless service" has the same meaning as the term "commercial mobile radio service" is defined in § 7-86-103.

7-86-502. Behavioral health crisis intervention services.

(a) The department, in collaboration with the department of mental health and substance abuse services, shall administer the provision of behavioral health crisis intervention services in this state.

(b) The department, in collaboration with the department of mental health and substance abuse services, shall establish operational standards, procedures, and protocols to administer the provision of behavioral health crisis intervention services in this state.

(c) The department may employ individuals qualified by appropriate ability, education, and experience to administer the provision of crisis intervention services in this state.

7-86-503. Crisis intervention services board.

(a) There is created in the department a behavioral health crisis intervention services board.

(b) The board shall:

(1) Develop and recommend a comprehensive statewide behavioral health crisis intervention services plan, including all information required by § 7-86-507, and annually review and update the recommended plan. The board shall submit the recommended plan no later than December 31, 2024, and by each December 31 thereafter, to the governor, the chair of the health and welfare committee of the senate, the chair of the health committee of the house of representatives, and the legislative librarian;

(2) Within three (3) years of the initial convening of the board, and every three (3) years thereafter, the board shall review the provision of crisis intervention services in this state, the system of care of crisis intervention services in this state, and the crisis intervention services needs of residents of this state, and make a written report of the board's findings and recommendations. The board shall submit the report not later than December 31 of each year that it is due to the governor, the chair of the health and welfare committee of the senate, the chair of the health committee of the house of representatives, and the legislative librarian; and

(3) Report on each expenditure made under the fund in the previous fiscal year and to what extent the expenditure accomplished the intended

purpose of the expenditure and make recommendations, consistent with the purposes for expenditures under this part, for appropriating moneys expected to be received in the next fiscal year. The board shall submit the recommendations no later than December 31, 2024, and by December 31 each year thereafter, to the governor, the chair of the health and welfare committee of the senate, the chair of the health committee of the house of representatives, and the legislative librarian.

(c) The board is composed of eleven (11) members as follows:

(1) The comptroller of the treasury or the comptroller's designee;

(2) The commissioner of commerce and insurance, or the commissioner's designee;

(3) The president of the Tennessee Association of Chiefs of Police, or the president's designee;

(4) The director of the department of mental health and substance abuse services, or the director's designee;

(5) The director of TennCare, or the director's designee;

(6) Three (3) members, appointed by the governor, each of whom is either a current director of an emergency communications district or a current member of an emergency communications district board of directors at the time of their appointment. The members appointed pursuant to this subdivision (c)(6) must each reside in a separate grand division of the state;

(7) One (1) member, appointed by the governor, who is a qualified mental health professional who provides crisis intervention services;

(8) One (1) member, appointed by the governor, who is a representative of a behavioral health treatment program providing crisis intervention services; and

(9) One (1) member, appointed by the governor, who is a certified peer recovery specialist.

(d) Members appointed in accordance with subdivisions (c)(1)-(5) shall serve three-year terms, to begin on July 1 and terminate on June 30, three (3) years thereafter.

(e) Members appointed in accordance with subdivisions (c)(6)-(9) shall serve two-year terms, to begin on July 1 and terminate on June 30, two (2) years thereafter.

(f) Members must not be selected to serve on the board for more than two (2) successive terms.

(g) The board shall elect a chair and other officers as it may deem necessary and appropriate. The officers shall be elected for two-year terms.

(h) The board shall meet quarterly, and at the call of the chair.

(i) A quorum consists of six (6) or more members; and all official action of the board requires a quorum.

(j) Any member of the board who fails to attend at least fifty percent (50%) of the regularly scheduled meetings of the board within any twelve-month period must automatically be removed from the board and a successor member must be appointed by the appointing authority to serve out the remaining term of the member being replaced.

7-86-504. Behavioral health crisis intervention services fund.

(a) There is created a fund within the state treasury, known as the "Behavioral Health Crisis Intervention Services Fund," to support the operation and maintenance of

the behavioral health crisis intervention services system known as the 988 Suicide & Crisis Lifeline, and the continuum of behavioral health services.

(b) Unless otherwise specified in this part, moneys collected pursuant to this part must be deposited in the fund and used only to implement and administer the purposes set forth in this part. In addition to appropriations made to the fund, the board may accept other funds, public or private, by way of gift or grant to the fund. Any such gift or grant must be deposited into the fund to be expended in accordance with this part.

(c) The state treasurer shall invest moneys in the fund for the benefit of the fund in accordance with § 9-4-603. Interest accruing on investments and deposits of the fund must be credited to and remain part of the fund.

(d) Any unencumbered moneys and any unexpended balance of the fund remaining at the end of a fiscal year do not revert to the general fund, but must be carried forward until expended in accordance with this part. No part of the fund may be diverted to the general fund or any other public fund.

(e) The board shall administer the fund, and moneys in the fund must be expended and obligated only in accordance with this part and in accordance with appropriations made by the general assembly.

(f) All expenditures from the fund are subject to review and audit by the comptroller of the treasury.

7-86-505. Disbursements from the fund.

Moneys in the fund may be expended for any of the following purposes in furtherance of the administration of this part:

- (1) Establishing, operating, maintaining, and improving 988 or crisis intervention services, including personnel costs, technology, and infrastructure

enhancements necessary to achieve operational and clinical standards and evidence-based best practices;

(2) Establishing, operating, or contracting for crisis teams;

(3) Recruiting and retaining qualified personnel;

(4) Providing specialized training related to serving at-risk communities, including providing culturally and linguistically competent services;

(5) Raising public awareness of 988, behavioral health crisis intervention services available in this state, and education on behavioral health conditions;

(6) Data collection and analysis, reporting, evaluation participation, and related quality improvement activities;

(7) Administration, oversight, and evaluation of the fund; and

(8) Reimbursement of money appropriated by the general assembly to implement this part.

7-86-506. Surcharges on residential, business, and wireless service.

(a) The fund is to be funded by means of a behavioral health crisis intervention services surcharge of sixty cents (\$0.60) per month imposed by providers on subscribers of telecommunications services in this state.

(b) The surcharge must be imposed by each provider providing residential telephone service on all residential subscribers per residence exchange access line in this state.

(c) The surcharge must be imposed by each provider providing business telephone service on all business subscribers per business exchange access line in this state.

(d) The surcharge must be imposed by each wireless provider on all wireless service customers for each wireless telephone number for which the wireless service customers are billed by the provider.

(e) The surcharge must be imposed by each provider of nontraditional communications service on subscribers of such services where the provider is required to or opts to provide 988 service.

(f) A provider shall impose the surcharge on the person purchasing the service but shall collect the surcharge on behalf of this state. The surcharge collected by a provider is not subject to taxes or charges levied by the state, or any political subdivision of the state, and the surcharge is not considered revenue of the provider for any purpose.

(g) Each provider imposing the surcharge shall state the surcharge as a clearly identifiable, separate item on all subscriber invoices rendered on or after the effective date of this act.

(h) The surcharge under this section does not apply to wholesale services or to a state government entity.

(i) The surcharge imposed by this section must be collected by providers from subscribers to telecommunications service with each invoice for service and must be paid by providers on a monthly basis to the department of finance and administration no later than the last day of the month following the surcharge's collection. The surcharge imposed by this section must be deposited into the fund on a monthly basis and must be used to support the implementation and long-term solvency of behavioral health crisis intervention services in this state, as well as reasonable and necessary administrative and operational expenses of the board and fund.

(j) Each provider collecting the surcharge is entitled to recover the actual incremental costs of billing, collecting, and remitting the surcharge.

(k) A provider collecting the surcharge is not responsible for uncollectable surcharges.

(l) Each provider collecting the surcharge is fulfilling a governmental function and in so doing is immune from suit for damages of any kind and is not liable for refunds except to the extent that the provider has failed to collect or remit surcharges to the fund in accordance with the requirements of this section.

7-86-507. Behavioral health crisis intervention services plan.

(a) The board shall develop and recommend a plan, as required by § 7-86-503(b)(1) for establishing, operating, and maintaining a behavioral health crisis communications center, which must receive calls from individuals experiencing a behavioral health crisis or persons requesting assistance for an individual in crisis, provide appropriate crisis intervention services, deliver quality coordination of behavioral health crisis care, and conduct follow-up to ensure appropriate connection to treatment and services.

(b) The plan must include recommendations that:

(1) Ensure the behavioral health crisis communications center operates twenty-four (24) hours every day and answers each call made to the behavioral health crisis communications center;

(2) Create a system able to receive calls via telephone, text message, internet-based chat, and other similar methods;

(3) Ensure that all individuals are served regardless of age, behavioral health condition, or location within this state;

(4) Consider 988 Suicide & Crisis Lifeline and Substance Abuse and Mental Health Services Administration (SAMHSA) requirements, best practices, and guidelines for operational and clinical standards;

(5) Establish how the behavioral health crisis communications center will coordinate mobile crisis teams and other outgoing services as well as access to crisis receiving and stabilization services for individuals experiencing a behavioral health crisis;

(6) Evaluate how to conduct follow-up services for individuals who contact the behavioral health crisis communications center;

(7) Create an operational and technological system that:

(A) Has interoperability with other crisis and emergency response systems, including systems used by public safety organizations;

(B) Has the capability to one-button transfer call data to a public safety answering point;

(C) Includes an integrated referral ability to provide information to other entities involved in behavioral health care;

(D) Provides access to real-time information relevant to the coordination of behavioral health crisis services, including bed availability for behavioral health treatment programs and services;

(E) Facilitates dispatching of mobile crisis teams and allows for tracking mobile crisis teams using global positioning technology;

(F) Includes a mobile application for mobile crisis teams and others responding to an individual in crisis;

(G) Automatically collects data related to calls and provides real-time reporting; and

(H) Allows for the integration of case management, quality assurance, and billing software.

7-86-508. Rulemaking.

The department, in collaboration with the department of finance and administration, is authorized to promulgate rules to effectuate this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Section 4-29-248(a), is amended by adding the following as a new subdivision:

() Behavioral health crisis intervention services board, created by § 7-86-503;

SECTION 3. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 4. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 31, 2025, the public welfare requiring it.