

# ASSEMBLY, No. 5496

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 17, 2021

**Sponsored by:**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

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**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblymen Mukherji and Calabrese**

**SYNOPSIS**

Establishes Core Behavioral Health Crisis Services System.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/8/2021)**

1 AN ACT preventing suicidality and addressing mental health and  
2 substance use disorder crises and supplementing Title 26 of the  
3 Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. The Legislature finds and declares that the purpose of this act  
9 shall be to:

10 a. improve the quality of and access to behavioral health crisis  
11 services;

12 b. reduce the stigma surrounding suicide and mental health and  
13 substance use conditions;

14 c. further equity in addressing mental health and substance use  
15 conditions;

16 d. ensure a culturally and linguistically competent response to  
17 behavioral health crises;

18 e. save lives;

19 f. build a new system of equitable behavioral crisis services;

20 g. recognize that historically, crisis response placed  
21 marginalized communities, including those experiencing mental  
22 health crises, at disproportionate risk of poor outcomes; and

23 h. comply with the National Suicide Hotline Designation Act of  
24 2020 and the Federal Communication Commission’s rules adopted  
25 on July 16, 2020 to assure that all citizens and visitors of the State  
26 of New Jersey receive a consistent level of 9-8-8 and crisis  
27 behavioral health services regardless of where such person live,  
28 work, or travel in the State.

29

30 2. As used in this act:

31 “9-8-8 Crisis Hotline Center” or “hotline center” means a State-  
32 identified and funded center participating in the National Suicide  
33 Prevention Lifeline Network to respond to Statewide or regional 9-  
34 8-8 calls.

35 “9-8-8 Suicide Prevention and Mental Health Crisis Hotline”  
36 means the National Suicide Prevention Lifeline (NSPL) or its  
37 successor maintained by the Assistant Secretary for Mental Health  
38 and Substance Use under section 520E–3 of the federal Public  
39 Health Service Act.

40 “Crisis receiving and stabilization services” means facilities  
41 providing short-term observation and crisis stabilization services to  
42 all referrals in a home-like environment for no longer than 24 hours.

43 “Mobile crisis teams” means a team providing professional  
44 onsite community-based intervention for individuals who are  
45 experiencing a behavioral health crisis.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 “National Suicide Prevention Lifeline” or “NSPL” means a  
2 national network of local crisis centers that provide free and  
3 confidential emotional support to people in suicidal crisis or  
4 emotional distress 24 hours a day, 7 days a week.

5 “Peers” means individuals employed on the basis of their  
6 personal experience of mental illness, addiction, or both, and  
7 recovery therefrom, and who meet the State’s peer certification  
8 requirements. “Veterans Crisis Line” or “VCL” means the Veterans  
9 Crisis Line maintained by the Secretary of Veterans Affairs  
10 pursuant to section 1720F(h) of Title 38 of the United States Code.

11  
12 3. The Commissioner of Human Services shall, on or before July  
13 16, 2022, designate a crisis hotline center or centers to provide  
14 crisis intervention services and crisis care coordination to  
15 individuals accessing the 9-8-8 suicide prevention and behavioral  
16 health crisis hotline from anywhere within the State 24 hours a day,  
17 seven days a week.

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

21 b. A designated hotline center shall meet NSPL requirements  
22 and best practices guidelines for operational and clinical standards.

23 c. To ensure cohesive and coordinated crisis care, a designated  
24 hotline center shall utilize technology that is interoperable between  
25 and across crisis and emergency response systems used throughout  
26 the State and with the Administrator of the National Suicide  
27 Prevention Lifeline.

28 (1) Departments within the executive branch shall promulgate  
29 rules and regulations in accordance with the “Administrative  
30 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as are  
31 necessary to allow appropriate information sharing and  
32 communication between and across crisis and emergency response  
33 systems for the purpose of real-time crisis care coordination  
34 including, but not limited to, deployment of crisis and outgoing  
35 services and linked, flexible services specific to crisis response.

36 d. A designated hotline center shall have the authority to deploy  
37 crisis and outgoing services, including mobile crisis teams, and  
38 coordinate access to crisis receiving and stabilization services as  
39 appropriate and according to guidelines and best practices  
40 established by the NSPL.

41 e. A designated hotline center shall coordinate access to crisis  
42 receiving and stabilization services for individuals accessing the 9-  
43 8-8 suicide prevention and behavioral health crisis hotline through  
44 appropriate information sharing regarding availability of services.

45 f. The Commissioner of Human Services shall have primary  
46 oversight of suicide prevention and crisis service activities and  
47 essential coordination with a designated 9-8-8 hotline center, and  
48 shall work in concert with NSPL and VCL networks for the

1 purposes of ensuring consistency of public messaging about 9-8-8  
2 services.

3 g. A designated hotline center shall meet the requirements set  
4 forth by NSPL for serving high risk and specialized populations as  
5 identified by the Substance Abuse and Mental Health Services  
6 Administration, including training requirements and policies for  
7 transferring such callers to an appropriate specialized center or  
8 subnetworks within or outside the NSPL network and for providing  
9 linguistically and culturally competent care.

10 h. A designated hotline center shall provide follow-up services  
11 to individuals accessing the 9-8-8 suicide prevention and behavioral  
12 health crisis hotline consistent with guidance and policies  
13 established by the NSPL.

14 i. An annual report of the 9-8-8 suicide prevention and  
15 behavioral health crisis hotline's usage and services provided shall  
16 be transmitted to the Legislature and the Substance Abuse and  
17 Mental Health Services Administration.

18

19 4. The Commissioner of Human Services shall provide onsite  
20 response services for crisis calls utilizing State or local mobile  
21 crisis teams.

22 a. A mobile crisis team shall include a behavioral health team,  
23 licensed behavioral health professionals, and peers, or a behavioral  
24 health team and peers embedded within an emergency medical  
25 services entity.

26 b. A mobile crisis team shall collaborate on data and crisis  
27 response protocols with local law enforcement agencies and include  
28 police as co-responders in behavioral health teams, and licensed  
29 behavioral health professionals and peers, only as needed to  
30 respond to high-risk situations that are unmanageable without law  
31 enforcement.

32 c. A mobile crisis team shall be designed in partnership with  
33 community members, including people with experience utilizing  
34 crisis services.

35

36 5. Crisis receiving and stabilization services as related to crisis  
37 calls shall be funded by the Commissioner of Human Services with  
38 available funds if the individual that is the subject of the crisis call  
39 lacks health insurance or if the crisis stabilization service is not a  
40 covered service under the individual's health coverage, as  
41 determined by the commissioner.

42

43 6. The Commissioner of Human Services shall establish and  
44 maintain a 9-8-8 trust fund for the purposes of creating and  
45 maintaining a Statewide 9-8-8 suicide prevention and mental health  
46 crisis system pursuant to the National Suicide Hotline Designation  
47 Act of 2020 and the Federal Communication Commission's rules  
48 adopted July 16, 2020, and national guidelines for crisis care.

- 1 a. The fund shall consist of:
  - 2 (1) monies from a Statewide 9-8-8 fee assessed on users
  - 3 pursuant to section 8 of this act;
  - 4 (2) appropriations, if any;
  - 5 (3) grants and gifts intended for deposit in the fund;
  - 6 (4) interest, premiums, gains, or other earnings on the fund; and
  - 7 (5) any other monies that are deposited in or transferred to the
  - 8 fund.
- 9 b. Monies in the fund:
  - 10 (1) do not revert at the end of any fiscal year and remain
  - 11 available for the purposes of the fund in subsequent fiscal years;
  - 12 (2) are not subject to transfer to any other fund or to transfer,
  - 13 assignment, or reassignment for any other use or purpose outside of
  - 14 those specified in section 7 of this act; and
  - 15 (3) are continuously dedicated for the purposes of the fund.
- 16 c. An annual report of fund deposits and expenditures shall be
- 17 to the transmitted to the Legislature and the Federal
- 18 Communications Commission.
- 19
- 20 7. The Commissioner of Human Services, consistent with the
- 21 National Suicide Hotline Designation Act of 2020, shall establish a
- 22 monthly Statewide 9-8-8 fee on each resident that is a subscriber of
- 23 commercial mobile services or IP-enabled voice services at a fixed
- 24 rate that provides for the creation, operation, and maintenance of a
- 25 Statewide 9-8-8 suicide prevention and behavioral health crisis
- 26 system and the continuum of services provided pursuant to federal
- 27 guidelines for crisis services. The 9-8-8 fee shall not be applied to
- 28 mobile service users who receive benefits under the federal Lifeline
- 29 program as defined in 47 CFR 54.401.
- 30 a. Revenue generated by the 9-8-8 fee shall be expended only in
- 31 support of 9-8-8 services or enhancements of such services.
- 32 b. The revenue generated by a 9-8-8 fee shall only be used to
- 33 offset costs that are reasonably attributed to:
  - 34 (1) ensuring efficient and effective routing of calls made to the
  - 35 9-8-8 suicide prevention and behavioral health crisis hotline to a
  - 36 designated hotline center, including staffing and technological
  - 37 infrastructure enhancements necessary to achieve operational and
  - 38 clinical standards and best practices set forth by NSPL;
  - 39 (2) personnel; specialized training of staff to serve at-risk
  - 40 communities, including culturally and linguistically competent
  - 41 services for LGBTQ+, racially, ethnically, and linguistically diverse
  - 42 communities; and the provision of acute behavioral health, crisis
  - 43 outreach and stabilization services by directly responding to the 9-
  - 44 8-8 national suicide prevention and behavioral health crisis hotline;
  - 45 and
  - 46 (3) administration, oversight, and evaluation of the fund.



1 Under the bill, the commissioner is to provide onsite response  
2 services for crisis calls utilizing State or local mobile crisis teams.  
3 A mobile crisis team is to include a behavioral health team, licensed  
4 behavioral health professionals, and peers, or a behavioral health  
5 team and peers embedded within an emergency medical services  
6 entity. A mobile crisis team is to collaborate on data and crisis  
7 response protocols with local law enforcement agencies and include  
8 police as co-responders in behavioral health teams, and licensed  
9 behavioral health professionals and peers, only as needed to  
10 respond to high-risk situations that are unmanageable without law  
11 enforcement. A mobile crisis team is to be designed in partnership  
12 with community members, including people with experience  
13 utilizing crisis services.

14 The commissioner is to establish and maintain a 9-8-8 trust fund  
15 for the purposes of creating and maintaining a Statewide 9-8-8  
16 suicide prevention and mental health crisis system pursuant to the  
17 National Suicide Hotline Designation Act of 2020 and the Federal  
18 Communication Commission's rules adopted July 16, 2020, and  
19 national guidelines for crisis care. The fund is to consist of:

- 20 (1) monies from a Statewide 9-8-8 fee assessed on users  
21 pursuant to the bills provisions;  
22 (2) appropriations, if any;  
23 (3) grants and gifts intended for deposit in the fund;  
24 (4) interest, premiums, gains, or other earnings on the fund; and  
25 (5) any other monies that are deposited in or transferred to the  
26 fund.

27 Under the bill, monies in the fund:

- 28 (1) do not revert at the end of any fiscal year and remain  
29 available for the purposes of the fund in subsequent fiscal years;  
30 (2) are not subject to transfer to any other fund or to transfer,  
31 assignment, or reassignment for any other use or purpose outside of  
32 those specified in the bill; and  
33 (3) are continuously dedicated for the purposes of the fund.

34 The bill provides that the commissioner, consistent with the  
35 National Suicide Hotline Designation Act of 2020, shall establish a  
36 monthly Statewide 9-8-8 fee on each resident that is a subscriber of  
37 commercial mobile services or IP-enabled voice services at a fixed  
38 rate that provides for the creation, operation, and maintenance of a  
39 Statewide 9-8-8 suicide prevention and behavioral health crisis  
40 system and the continuum of services provided pursuant to federal  
41 guidelines for crisis services.

42 Under the bill, the 9-8-8 fee is not to be applied to mobile service  
43 users who receive benefits under the federal Lifeline program as  
44 defined in 47 CFR 54.401.