WEST VIRGINIA CODE CHAPTER 16 ARTICLE 42

WV Legislature

§16-42-1. Definitions.

In this article the following words have the meanings indicated:

"988 Crisis Hotline Center" or "hotline center" means a state-identified center participating in the National Suicide Prevention Lifeline Network to respond to statewide or regional 988 calls.

"Commercial mobile radio service provider" or "CMRS provider" means cellular licensees, broadband personal communications services (PCS) licensees, and specialized mobile radio (SMR) providers, as those terms are defined by the Federal Communications Commission, which offer on a post-paid or prepaid basis or via a combination of those two methods, real-time, two-way switched voice service that is interconnected with the public switched network and includes resellers of any commercial mobile radio service.

"Crisis receiving and stabilization services" means facilities providing short-term (under 24 hours) with capacity for diagnosis, initial management, observation, crisis stabilization, and follow- up referral services to all persons in a home-like environment.

"Department" means the West Virginia Department of Human Services.

"Federal Communications Commission" or "FCC" means the federal governmental agency that regulates interstate and international communications by radio, television, wire, satellite, and cable in all 50 states, the District of Columbia, and U.S. territories. An independent U.S. government agency overseen by Congress, the Commission is the United States' primary authority for communications law, regulation, and technological innovation.

"National Suicide Prevention Lifeline" or "NSPL" means the national network of local crisis centers that provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, seven days a week. Membership as an NSPL center requires nationally recognized certification which includes evidence-based training for all staff and volunteers in the management of calls.

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

"Secretary" means the Secretary of the West Virginia Department of Health.

"Substance Abuse and Mental Health Services Administration" means the agency within the U.S. Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation.

"988 Suicide Prevention and Mental Health Crisis Hotline" means the National Suicide Prevention Lifeline (NSPL) or its successor maintained by the Assistant Secretary for Mental Health and Substance Use under section 520E–3 of the Public Health Service Act.

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"Veterans Crisis Line" or "VCL" means Veterans Crisis Line maintained by the Secretary of Veterans Affairs under section 1720F(h) of Title 38, United States Code.

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§16-42-2. Designation of crisis hotline centers.

(a) Prior to July 1, 2022, the secretary shall designate a crisis hotline center or centers to provide crisis intervention services and crisis care coordination to individuals accessing the 988 suicide prevention and behavioral health crisis hotline from any jurisdiction within the state 24 hours a day, seven days a week.

(b) Designated hotline center(s) shall:

(1) Have an active agreement with the administrator of the National Suicide Prevention Lifeline (NSPL) for participation within the network;

(2) Meet NSPL requirements and best practices guidelines for operational and clinical standards;

(3) Utilize technology including chat and text that is interoperable between and across crisis and emergency response systems used throughout the state (911, EMS, other non-behavioral health crisis services, etc.);

(4) Have the authority to deploy crisis and outgoing services, and coordinate access to crisis receiving and stabilization services or other local resources as appropriate and according to guidelines and best practices established by the NSPL;

(5) Coordinate access to crisis receiving and stabilization services for individuals accessing the 988 suicide prevention and behavioral health crisis hotline through appropriate information sharing regarding availability of services; and

(6) Provide follow-up services to individuals accessing the 988 suicide prevention and behavioral health crisis hotline consistent with guidance and policies established by the NSPL.

(c) The department shall work in concert with the NSPL and VCL networks for the purposes of ensuring consistency of public messaging about 988 services.

(d) Designated hotline center(s) shall meet the requirements set forth by NSPL for serving high risk and specialized populations as identified by the Substance Abuse and Mental Health Services Administration, including training requirements and policies for transferring such callers to an appropriate specialized center or subnetworks within or external to the NSPL network.

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§16-42-3. Reimbursement of treatment for crisis receiving and stabilization services.

(a) Crisis receiving and stabilization services as related to the call shall be reimbursed by the department if the individual for whom services were provided meets the definition of an uninsured person or if the crisis stabilization service is not a covered service by the individual's health coverage.

(b) The department's Bureau for Medical Services shall work with the entity responsible for the development of crisis receiving and stabilization services to explore options for appropriate coding of and payment for crisis management services.

(c) The department shall determine how payment will be made to the provider of service.

(d) The department's Bureau for Behavioral Health shall be responsible for all costs and expenses related to the administration and operation of the Core Behavioral Health Crisis Services System.

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§16-42-4. Duties and powers of the secretary.

The secretary at his or her discretion may hire employees, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this article, make and sign any agreements, and may do and perform any acts necessary to accomplish the planning required for implementation or ongoing oversight of this article in coordination with designated hotline center(s), 9-1-1 centers, the state mental health authority, and the National Suicide Prevention Lifeline.

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§16-42-5. Time frame for implementation.

The secretary shall establish time frames to accomplish the provisions of this article consistent with the time frames required by the National Suicide Hotline Designation Act of 2020 and the Federal Communication Commission's rules adopted on July 16, 2020.

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§16-42-6. Rulemaking.

(a) The secretary may propose legislative rules for promulgation in accordance with §29A-3-1 *et seq*. of this code to implement the provisions of this article, including, but not limited to, allowing appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination, deployment of crisis and outgoing services, and linked, flexible services specific to crisis response.

(b) The Legislature finds that for the purposes of §29A-3-15 of this code, an emergency exists requiring the promulgation of emergency rules to preserve the public peace, health, safety, or welfare and to prevent substantial harm to the public interest.

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§16-42-7. Annual report.

The secretary shall submit an annual report to the Governor, Legislature, the Substance Abuse and Mental Health Services Administration, and the Federal Communications Commission that includes: The usage of the 988 suicide prevention and behavioral health crisis hotline and the revenue diverted for the administration and operation of the Core Behavioral Health Crisis Services System.

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