

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2036

STATE OF NEW JERSEY
220th LEGISLATURE

ADOPTED MARCH 7, 2022

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblyman HERB CONAWAY, JR.

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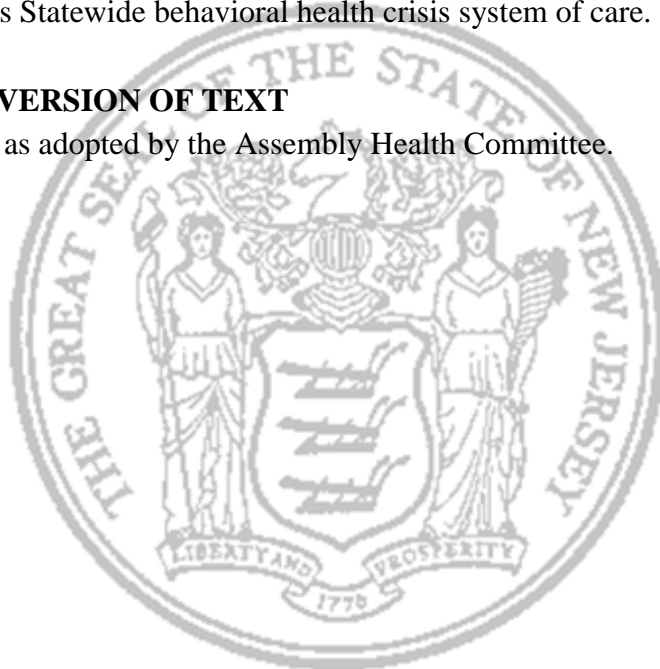
**Assemblymen Mukherji, Calabrese, Greenwald, Assemblywomen Haider,
Reynolds-Jackson, Assemblymen Danielsen, Stanley, Assemblywomen
Speight and Chaparro**

SYNOPSIS

Establishes Statewide behavioral health crisis system of care.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Health Committee.



(Sponsorship Updated As Of: 5/2/2022)

1 AN ACT concerning behavioral health crises and supplementing
2 Title 26 of the Revised Statutes and P.L.1997, c.192 (C.26:2S-
3 1 et seq.).
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:

9 a. The current health care system in New Jersey does not
10 always fully address the specific needs of people with behavioral
11 health issues, including mental health conditions and substance use
12 disorders.

13 b. Frequently, people with behavioral health issues are
14 compelled to access care through primary care providers or hospital
15 emergency departments, neither of which are typically equipped to
16 handle the specialized care needed by people with behavioral health
17 issues. Often, people are discharged from these treatment settings
18 without receiving the care or referrals to services needed to treat the
19 individual's particular behavioral health condition.

20 c. Similarly, law enforcement are frequently called upon to
21 respond to acute behavioral health crises. In many cases, the
22 responding law enforcement officers do not possess the specialized
23 training needed to respond to an acute behavioral health crisis, and
24 so are not equipped to adequately assess the situation, de-escalate
25 and resolve the immediate crisis, and access appropriate behavioral
26 health care services.

27 d. Historically, the lack of a comprehensive behavioral health
28 crisis response system has placed marginalized communities,
29 including those experiencing mental health crises, at
30 disproportionate risk of poor outcomes.

31 e. When a behavioral health condition is not appropriately
32 treated by a qualified behavioral health specialist, the condition may
33 worsen over time. In some cases, such as with an individual who
34 has a substance use disorder, the longer the person goes without
35 appropriate treatment, the greater the risk the person will experience
36 a fatal overdose, contract a bloodborne virus and other
37 communicable diseases, or experience other adverse health
38 consequences resulting from the person's continuing substance use.
39 In cases involving a person experiencing suicide ideation, the
40 longer the person goes without treatment, the greater the risk the
41 person will engage in self-harm.

42 f. Additionally, untreated behavioral health conditions can
43 significantly detract from the quality of life of the person with the
44 behavioral health condition and the person's family and friends,
45 who frequently feel helpless watching a loved one struggle with the
46 burdens of an untreated mental health condition or substance use
47 disorder.

1 g. Steps have been taken at both the State and federal level to
2 better meet the needs of people with behavioral health conditions.
3 At the federal level, the “National Suicide Hotline Designation Act
4 of 2020,” Pub.L.116-172, and rules adopted by the Federal
5 Communication Commission’s on July 16, 2020 take steps to
6 improve access to crisis resources through a dedicated hotline,
7 similar to 9-1-1, specific to behavioral health crises. At the State
8 level, New Jersey has taken steps to improve access to behavioral
9 health care by streamlining the process for dual licensure for
10 primary and behavioral health care providers, issuing licenses for
11 additional treatment beds, promoting measures to improve access to
12 substance use disorder treatment and support services, and working
13 to expand ready access to behavioral health treatment providers for
14 all New Jerseyans.

15 h. It is now necessary for New Jersey to take the steps required
16 to implement the new national behavioral health crisis hotline in
17 this State.

18 i. It is the intent of the Legislature to support the operations of
19 the national behavioral health crisis hotline in the State, and foster
20 improved behavioral health treatment resources, through the
21 establishment a comprehensive Statewide mobile behavioral health
22 crisis response system, the goals of which will be: improving
23 access to, and the quality of, behavioral health crisis services
24 through, among other measures, a “no wrong door” model of
25 access; reducing the stigma associated with suicide, mental health
26 conditions, and substance use disorders; improving equity in
27 diagnosing and treating mental health conditions and substance use
28 disorders; promoting equity in services for all individuals,
29 regardless of cultural background, race, age, ethnicity, gender,
30 socioeconomic status, or sexual orientation; promoting full access
31 to behavioral health care services across rural, urban, and tribal
32 communities; and ensuring a culturally and linguistically competent
33 response to behavioral health crises.

34
35 2. a. No later than six months after the effective date of this
36 act, the Commissioner of Human Services shall conduct a public
37 solicitation and procurement process to contract for the services of
38 one or more crisis hotline centers to provide crisis intervention
39 services and crisis care coordination to individuals accessing the 9-
40 8-8 suicide prevention and behavioral health crisis hotline. In
41 contracting for the services of crisis hotline centers pursuant to this
42 subsection, the commissioner shall ensure that the selected centers
43 will provide a comprehensive, Statewide network of access 24
44 hours per day, seven days per week.

45 b. The commissioner shall not contract with a crisis hotline
46 center pursuant to subsection a. of this section unless the center
47 meets the standards of the National Suicide Prevention Lifeline and

1 participates in, or has the demonstrated ability to obtain an
2 agreement with, the National Suicide Prevention Hotline network.

3 c. A contracted crisis hotline center shall be responsible for
4 receiving 9-8-8 calls and providing crisis intervention services to 9-
5 8-8 callers, including, as appropriate:

- 6 (1) requesting the dispatch of mobile crisis teams;
- 7 (2) coordinating crisis care responses and interventions;
- 8 (3) referring callers to crisis stabilization services; and
- 9 (4) providing, or facilitating and coordinating, the provision of
10 appropriate follow-up services.

11 d. A contracted crisis hotline center shall comply with all
12 standards, operational and equipment requirements, training and
13 qualification requirements for crisis hotline center staff,
14 requirements concerning interoperability with other emergency
15 contact lines, requirements concerning geolocation capacity, best
16 practices, and other standards and requirements as are established
17 under the “National Suicide Hotline Designation Act of 2020,”
18 Pub.L.116-172, as are established under rules and regulations
19 adopted by the Federal Communications Commission and by any
20 other federal authority having jurisdiction, and as are established
21 under rules and regulations promulgated by the Commissioner of
22 Human Services.

23 e. A contracted crisis hotline center shall seek to utilize
24 technology that is interoperable with crisis and emergency response
25 systems used in New Jersey and in neighboring states, to the extent
26 that the use of such systems is reasonable, technologically feasible,
27 and consistent with the requirements of subsection d. of this section.

28 f. The commissioner shall collaborate with other State
29 executive branch departments, offices, and agencies to ensure full
30 communication, information sharing, and coordination among crisis
31 and emergency response systems throughout the State for the
32 purpose of ensuring real-time crisis care coordination including, but
33 not limited to, the deployment of linked, flexible services specific
34 to each crisis response. Executive branch departments, offices, and
35 agencies shall issue any waivers as shall be necessary to implement
36 the provisions of this subsection.

37 g. The commissioner shall develop an informational campaign
38 to promote awareness of the nature and availability of the 9-8-8
39 hotline to respond to behavioral health crises. The commissioner
40 shall consult with the National Suicide Prevention Lifeline and the
41 Veterans Crisis Line networks to foster consistency in public
42 messaging concerning 9-8-8 services.

43

44 3. a. The Commissioner of Human Services shall establish a
45 comprehensive Statewide mobile behavioral health crisis response
46 system, which shall, at a minimum:

- 1 (1) be capable of providing behavioral health crisis response
2 services throughout the State 24 hours per day, seven days per
3 week;
- 4 (2) respond to behavioral health crisis dispatch requests made
5 by crisis hotline centers that have contracted with the Department of
6 Human Services pursuant to subsection a. of section 2 of this act
7 and other dispatch centers using mobile crisis response teams and
8 other appropriate resources and services;
- 9 (3) provide behavioral health crisis stabilization services,
10 including, but not limited to, referrals to appropriate behavioral
11 health services providers for additional care following resolution of
12 the immediate behavioral health crisis; and
- 13 (4) provide follow-up services for people who contact a crisis
14 response center to ensure continuity of care and provide additional
15 referrals or other services as may be appropriate to the person's
16 ongoing treatment needs.
- 17 b. In establishing the Statewide mobile behavioral health crisis
18 response system pursuant to this section, the commissioner shall
19 hold at least one public hearing in each of the northern, central, and
20 southern regions of the State.
- 21 c. The Commissioner of Human Services shall adopt rules and
22 regulations, pursuant to the "Administrative Procedure Act,"
23 P.L.1968, c.410 (C.52:14B-1 et seq.), establishing:
- 24 (1) qualification, training, and experience requirements for crisis
25 hotline center and mobile crisis response team staff;
- 26 (2) composition requirements for mobile crisis response teams,
27 which, at a minimum, shall include at least one licensed or certified
28 behavioral health care professional and at least one certified peer;
29 and
- 30 (3) the scope of practice, operational protocols, and vehicle and
31 equipment requirements for mobile crisis response teams, which
32 requirements may provide for the establishment of crisis response
33 teams capable of providing specialized responses to behavioral
34 health crises involving particular types of mental health conditions.
- 35 d. Mobile crisis response teams shall be community based and
36 may incorporate the use of: emergency medical technicians and
37 other health care providers, to the extent a medical response is
38 needed; law enforcement personnel, to the extent that the crisis
39 cannot be resolved without the presence of law enforcement,
40 provided that, whenever possible, the mobile crisis response team
41 shall seek to engage the services of law enforcement personnel who
42 have completed training in behavioral health crisis response; and
43 other professionals as may be necessary and appropriate to provide
44 a comprehensive response to a behavioral health crisis.
- 45 e. Notwithstanding the requirement that mobile crisis response
46 teams be community based, nothing in this section shall be
47 construed to prohibit the provision of crisis intervention services via
48 telephone, video chat, or other appropriate communications media,

1 if the use of these media are necessary to provide access to a needed
2 service in response to a particular behavioral health crisis, and the
3 provision of services using telephone, video chat, or other media is
4 consistent with the needs of the person experiencing the behavioral
5 health crisis.

6
7 4. a. Each crisis hotline center that has contracted with the
8 Department of Human Services pursuant to subsection a. of section
9 2 of this act shall submit a monthly report to the Department of
10 Human Services identifying, for the preceding month: the number
11 of 9-8-8 calls received; the number of calls made directly to the 9-8-
12 8 number and the number of calls that were transferred or referred
13 from a 9-1-1 call center; the number of mobile crisis response teams
14 dispatched; the number of referrals made to services and the types
15 of services for which referrals were made; the number and type of
16 follow-up services provided or facilitated and coordinated by the
17 crisis hotline center; and any other information as shall be required
18 by the Commissioner of Human Services.

19 b. Each mobile crisis response team shall submit a monthly
20 report to the Department of Human Services identifying, for the
21 preceding month: the number of dispatch calls the team received;
22 the number of dispatch calls the team responded to; the number of
23 dispatch calls that included a response by emergency medical
24 services providers, law enforcement, or both; the proportion of total
25 services that were provided in person, via telephone, via video call,
26 and via other means; and any other information as shall be required
27 by the Commissioner of Human Services.

28 c. The Commissioner of Human Services shall designate the
29 form and manner by which the reports required under subsections a.
30 and b. of this section shall be submitted.

31 d. Commencing 24 months after the effective date of this act,
32 and annually thereafter, the Commissioner of Human Services shall
33 prepare and submit to the Governor and, pursuant to section 2 of
34 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a report
35 concerning the Statewide behavioral health crisis system of care,
36 including, for the preceding year: the total number of calls received
37 by crisis hotline centers that have contracted with the Department of
38 Human Services pursuant to subsection a. of section 2 of this act,
39 including the number of direct 9-8-8 calls and the number of calls
40 referred from a 9-1-1 call center; the total number of mobile crisis
41 response teams dispatched; the number of crisis interventions that
42 involved emergency medical services, law enforcement, or both; the
43 proportion of total mobile crisis response services that were
44 provided in person, via telephone, via video call, and via other
45 means; the number of referrals made to services, including the
46 number of referrals made to each type of service; the nature of
47 behavioral health crisis stabilization services provided and an
48 analysis of the effects of providing behavioral health crisis

1 stabilization services in lieu of a response by law enforcement or
2 services provided through a hospital emergency department or other
3 medical care provider; the nature of follow-up services provided
4 and an analysis of the effects of providing follow-up services;
5 deposits into, and expenditures from, the 9-8-8 trust fund
6 established pursuant to section 5 of this act; the commissioner's
7 assessment of the benefits and limitations of the Statewide
8 behavioral health crisis system of care and the commissioner's
9 recommendations for legislative or administrative action to support
10 and improve the Statewide behavioral health crisis system of care;
11 and any other information the commissioner deems necessary and
12 appropriate.

13

14 5. a. There is established in the Department of the Treasury
15 within the General Fund a special account to be known as the "9-8-
16 8 System and Response Trust Fund Account." Funds credited to the
17 account shall include:

18 (1) monies from a Statewide 9-8-8 fee assessed pursuant to
19 subsection a. of section 6 of this act;

20 (2) monies appropriated to the fund;

21 (3) grants and gifts intended for deposit in the fund;

22 (4) interest, premiums, gains, or other earnings on the fund; and

23 (5) any other monies that are deposited in or transferred to the
24 fund.

25 b. The Commissioner of Human Services shall seek out and
26 apply for all sources of federal funding as may be available to
27 support the Statewide behavioral health crisis system of care,
28 including, but not limited to, applying for such State plan
29 amendments or waivers as may be necessary to secure federal
30 financial participation for State Medicaid expenditures under the
31 federal Medicaid program.

32 c. Monies in the trust fund account shall be dedicated to the
33 costs incurred in establishing, administering, and maintaining the
34 Statewide behavioral health crisis system of care pursuant to this
35 act. Monies in the trust fund account:

36 (1) shall not revert to the General Fund at the end of any fiscal
37 year, and shall remain available for the purposes of the trust fund
38 account in subsequent fiscal years;

39 (2) shall not be subject to transfer to any other fund or account,
40 or to transfer, assignment, or reassignment for any use or purpose
41 other than those described in paragraph (3) of this subsection; and

42 (3) subject to the provisions of paragraph (2) of subsection d. of
43 section 6 of this act, shall be continuously appropriated to the
44 Department of Human Services for the purposes of supporting the
45 provision of acute behavioral health care, crisis outreach, and
46 stabilization services in response to calls received by the 9-8-8
47 national suicide prevention and behavioral health crisis hotline, as

1 well as establishing, administering, maintaining, and evaluating the
2 Statewide behavioral health crisis system of care.

3
4 6. a. Consistent with the provisions of the “National Suicide
5 Hotline Designation Act of 2020,” Pub.L.116-172, there shall be
6 imposed on each resident of New Jersey who is a subscriber of
7 commercial mobile services or IP-enabled voice services, a monthly
8 Statewide 9-8-8 fee on any periodic bill received by the customer
9 for the commercial mobile service or IP-enabled voice service. The
10 amount of the fee shall be established by the Commissioner of
11 Human Services on an annual basis in an amount that is
12 commensurate with the costs of supporting the operations of crisis
13 hotline centers that have contracted with the Department of Human
14 Services pursuant to subsection a. of section 2 of this act, including
15 personnel, equipment, maintenance, and related costs. The fee
16 established pursuant to this subsection shall not be applied to
17 mobile service users who receive benefits under the federal Lifeline
18 program as defined in 47 CFR 54.401.

19 b. The fee imposed under subsection a. of this section shall be
20 collected by the mobile telecommunications company or the
21 telecommunications company providing the applicable service to its
22 customers upon payment of any periodic bill for such service. This
23 section shall not be deemed as extending to a mobile
24 telecommunications company or a telecommunications company
25 that provides IP-enabled services any obligation or authority
26 otherwise not provided pursuant to law, to take legal action to
27 enforce the collection of the fee imposed upon the customer. Any
28 such action shall be brought by the State against the customer with
29 any cooperation requested by the State of the mobile
30 telecommunications company or the telecommunications company
31 that provides IP-enabled services as the State deems necessary.

32 c. (1) The fees collected pursuant to subsection a. of this
33 section shall be collected monthly and reported and paid to the
34 Director of the Division of Taxation in the Department of the
35 Treasury on a quarterly basis in a manner prescribed by the director,
36 which, notwithstanding the provisions of subsection b. of section 1
37 of P.L.1992, c.140 (C.54:48-4.1) if any, to the contrary, shall be
38 subject to the provisions of section 1 of P.L.1992, c.140 (C.54:48-
39 4.1) as the director shall prescribe, and the State Treasurer shall
40 credit the fee revenue to the "9-8-8 System and Response Trust
41 Fund Account" established pursuant to section 5 of this act.

42 (2) Each mobile telecommunications company and
43 telecommunications company that provides IP-enabled services
44 shall be liable for the fee imposed, collected, or required to be paid,
45 collected, or remitted under the provisions of subsection a. of this
46 section. Any such company shall have the same right in respect to
47 collecting the fee from that company's customer or in respect to
48 non-payment of the fee by the customer as if the fee were a part of

1 the purchase price of the applicable telecommunications service and
2 payable at the same time; provided however, that the director shall
3 be joined as a party in any action or proceeding brought to collect
4 the fee.

5 d. (1) Revenue from the 9-8-8 fee shall be dedicated to
6 supporting the implementation of the provisions of section 2 of this
7 act, including offsetting costs that are reasonably attributed to:

8 (a) ensuring efficient and effective routing of calls made to the
9 9-8-8 suicide prevention and behavioral health crisis hotline to a
10 crisis hotline center that has contracted with the Department of
11 Human Services pursuant to subsection a. of section 2 of this act;

12 (b) staffing and other personnel costs, including specialized
13 training for staff to serve at-risk communities with culturally and
14 linguistically competent services designed to meet the needs of
15 diverse communities, including racial and ethnic minorities, diverse
16 socioeconomic populations, and the LGBTQ+ community; and

17 (c) supporting technological infrastructure enhancements
18 necessary to achieve operational and clinical standards and best
19 practices set forth by the National Suicide Prevention Lifeline.

20 (2) Revenue from the 9-8-8 fee shall not be utilized for any
21 purpose other than those provided in paragraph (1) of this
22 subsection.

23 (3) To assist the Commissioner of Human Services in
24 implementing the provisions of this subsection, the State Treasurer
25 shall annually certify to the Commissioner of Human Services the
26 total revenue generated from the 9-8-8 fee as opposed to other
27 sources of revenue deposited in the "9-8-8 System and Response
28 Trust Fund Account" established pursuant to section 5 of this act.

29 e. As used in this section, "commercial mobile services" and
30 "IP-enabled voice services" mean the same as those terms are
31 defined in section 4 of the "National Suicide Hotline Designation
32 Act of 2020," Pub.L.116-172 (47 U.S.C. s.251a).

33
34 7. The Commissioner of Human Services shall implement the
35 provisions of this act in a manner that is consistent with timeframes
36 required by the "National Suicide Hotline Designation Act of
37 2020," Pub.L.166-172, and the Federal Communication
38 Commission's rules adopted on July 16, 2020.

39
40 8. Each executive branch department, office, and agency
41 having authority over a crisis and emergency response system shall,
42 in consultation with the Commissioner of Human Services,
43 promulgate rules and regulations, pursuant to the "Administrative
44 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as shall be
45 necessary to implement the provisions of this act, including as are
46 necessary to ensure full communication, information sharing, and
47 coordination among crisis and emergency response systems

1 throughout the State for the purpose of ensuring real-time crisis care
2 coordination as provided in subsection f. of section 2 of this act.

3

4 9. A carrier that offers a health benefits plan in this State shall
5 ensure that the plan provides comprehensive coverage for
6 behavioral health crisis intervention services provided pursuant to
7 section 3 of P.L. , c. (C.) (pending before the Legislature
8 as this bill) under the same terms and conditions as provided for any
9 other sickness under the plan and shall meet the requirements of the
10 federal Paul Wellstone and Pete Domenici Mental Health Parity and
11 Addiction Equity Act of 2008, 42 U.S.C. s.18031(j), and any
12 amendments to, and federal guidance or regulations issued under
13 that act, including 45 C.F.R. Parts 146 and 147 and
14 45 C.F.R. s.156.115(a)(3).

15

16 10. This act shall take effect immediately.