Chapter 70

988 SUICIDE PREVENTION

Original House Bill No. 65

AN ACT relating to suicide prevention; establishing the 988 system for suicide prevention and mental health crises; providing requirements for the 988 system; establishing duties of the department of health; providing rulemaking authority; providing for an advisory board; establishing the 988 trust fund and a related reserve account; providing for allocation of funds within and between the accounts; specifying immunity for telecommunications providers; specifying confidentiality of information; providing for implementation of the act; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-25-501 through 35-25-509 are created to read:

ARTICLE 5
988 SUICIDE AND CRISIS LIFELINE

35-25-501. Definitions.

(a) As used in this article:

(i) "988" or "988 system" means the universal telephone number for the national suicide prevention and mental health crisis hotline system within the United States, operating through the national suicide prevention lifeline or its successor, maintained by the assistant secretary for mental health and substance abuse under 42 U.S.C. § 290bb-36c;

(ii) "Administrator" means the administrator of the 988 system;

(iii) "Contact" means a communication with the 988 system including a call, text or chat;

(iv) "Crisis center" or "crisis hotline center" means a center designated by the state to respond to statewide or regional 988 contacts;

(v) "Crisis facility" means a behavioral health center as defined by W.S. 35-1-613(a)(xvi), other provider under W.S. 35-1-611 through 35-1-627 or an equivalently staffed and equipped student health service;

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

(vii) "Mobile crisis team" means a team providing services outside of a hospital or facility setting:

(A) That includes not less than one (1) behavioral health care professional who is capable of conducting an assessment of a person having a behavioral health crisis, in accordance with the professional's permitted scope of practice under state law, and other professionals or paraprofessionals with appropriate expertise in behavioral health or mental health crisis response, including nurses, social workers, peer support specialists and others;

(B) Whose members are trained in trauma-informed care, de-escalation

strategies and harm reduction;

(C) That is able to respond in a timely manner and, where appropriate, provide screening, assessment, health services, stabilization, de-escalation and referrals to health, social and other services and supports as needed;

(D) That maintains relationships with relevant community partners, including medical and behavioral health providers, primary care providers, community health centers and crisis centers; and

(E) That maintains the privacy and confidentiality of patient information consistent with federal and state requirements.

35-25-502. Crisis center designation; powers and duties of the department; rulemaking; report.

(a) Not later than July 1, 2023, the department shall designate one (1) or more crisis centers to provide crisis intervention services and crisis care coordination to persons accessing the 988 system from anywhere in Wyoming, twenty-four (24) hours per day and seven (7) days per week.

(b) A crisis center designated under this section shall:

(i) Have an agreement with the national suicide prevention lifeline or its successor for participation within the 988 system;

(ii) Meet all requirements and best practices guidelines of the national suicide prevention lifeline;

(iii) Provide data and reports and participate in evaluations and quality improvement activities as required by the administrator;

(iv) Have authority to deploy crisis services, including mobile crisis teams and coordinate access to crisis services or other local resources as appropriate, consistent with guidelines or best practices established by the national suicide prevention lifeline;

(v) Meet requirements established by the national suicide prevention lifeline for serving at-risk and specialized populations identified by the substance abuse and mental health services including those with co-occurring substance use by providing linguistically and culturally competent care including training and policies for transferring a 988 contact to an appropriate specialized center or subnetwork within the national suicide prevention lifeline network;

(vi) Provide follow-up services to persons accessing the 988 system consistent with policies and guidelines of the national suicide prevention lifeline.

(c) The department shall:

(i) Implement and provide oversight of the 988 system as provided in this article;

(ii) Promulgate rules to allow appropriate information sharing between and across crisis and emergency response systems for the purpose of real-time crisis care coordination including deployment of linked crisis services specific to the crisis response;

(iii) Coordinate active collaborations, including facilitating formal agreements and establishing appropriate information sharing procedures, between any crisis center designated under this section and appropriate community partners including mental health and substance abuse disorder treatment providers, primary care providers, community mental health centers, community behavioral health centers, mobile crisis teams, hospitals, inpatient psychiatric facilities and crisis facilities;

(iv) In consultation with the national suicide prevention lifeline, veteran's crisis line and other networks approved by the substance abuse and mental health services administration, ensure consistent public messaging about the 988 system;

(v) Provide an annual report on the usage of and services provided by the 988 system to the joint labor, health and social services interim committee and the substance abuse and mental health services administration;

(vi) Review its practices under this article not less than every four (4) years to ensure that the services provided are and remain best evidence-based practices for suicide prevention.

35-25-503. Mobile crisis teams.

(a) The department may provide onsite response services to address 988 system contact through state or locally funded mobile crisis teams. A mobile crisis team under this section shall:

(i) Be designed in partnership with community members;

(ii) To the extent practical, be staffed by personnel that reflect the demographics of the community to be served;

(iii) Collect any data required by the substance abuse and mental health services administration and consistent with any requirements of the department.

35-25-504. Payment for crisis services.

(a) The department may provide payment for the provision of crisis services of a contact to the 988 system if:

(i) The person is not insured or the service is not covered by the person's health coverage; and

(ii) The service is not covered by another entity including municipal or county programs or funding.

(b) The department may explore options for appropriate coding of and

payment for crisis services through the Medicaid program.

35-25-505. Advisory body.

The governor shall create an advisory body or designate an existing advisory body to provide guidance to the department, gather feedback and make recommendations regarding the planning and implementation of the 988 system under this article. The advisory body may include representatives of a designated crisis center, 911 call center, law enforcement, hospital emergency department, individuals or family members of individuals with lived experience with suicide prevention or behavioral health crisis service usage and behavioral health crisis service providers and may include members of the judicial branch appointed by the chief justice of the supreme court.

35-25-506. 988 system trust fund; reserve account spending policy.

(a) The 988 system trust fund account is created. The trust account shall consist of those funds designated to the account by law and all monies collected from federal grants and other appropriations, contributions, grants, gifts, bequests and donations to the trust fund account. The trust fund account is specifically empowered to accept grants, gifts, transfers, bequests and donations. Funds deposited within the trust fund account are intended to be inviolate and constitute a permanent and perpetual trust fund which shall be invested by the state treasurer as authorized by law and in a manner to obtain the highest return possible consistent with preservation of the trust account corpus.

(b) During each fiscal year beginning July 1, 2024, the earnings from the 988 system trust fund account are appropriated to the department for expenditure as provided in subsection (d) of this section in an amount equal to five percent (5%) of the previous five (5) year average market value of the 988 system trust fund account, calculated from the first day of the fiscal year. For purposes of making the calculation under this subsection, until the 988 system trust fund account has existed for five (5) years, the average market value of the trust fund shall be the average market value during the years that the trust fund has existed. The calculation required by this subsection shall constitute the spending policy for the 988 system trust fund account.

(c) Earnings from the 988 system trust fund account in excess of the spending policy amount established by subsection (b) of this section in any fiscal year shall be deposited by the state treasurer to the 988 system trust fund reserve account, which is hereby created. Except for monies appropriated to the department and monies deposited back to the 988 system trust fund pursuant to this subsection, funds deposited in the reserve account are intended to be inviolate and constitute a permanent and perpetual trust fund which shall be invested by the state treasurer as authorized by law. Interest and other earnings on funds within the reserve account shall be credited to the reserve account. Beginning July 1, 2024 for fiscal year 2023 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from the reserve account to the

988 system trust fund account as necessary to ensure that an amount equal to the spending policy amount established in subsection (b) of this section is available to the department, pursuant to subsection (b) of this section, for expenditure during the fiscal year. As soon as possible after the end of each fiscal year, revenues in this account in excess of four hundred twenty percent (420%) of the spending policy amount in subsection (b) of this section shall be credited to the 988 system trust fund account.

(d) Funds available to the department shall be prioritized to the extent practicable to first fund those services representing the best evidence-based practices for the prevention of suicide, which may include the following:

(i) Creating and maintaining a statewide 988 system pursuant to this article and in accordance with the National Suicide Hotline Designation Act of 2020 and the federal communication commission's rules adopted July 16, 2020 and in accordance with national guidelines for crisis care;

(ii) Supporting or enhancing the 988 system including providing for state designated crisis centers as provided in W.S. 35-25-502, providing for mobile crisis teams as provided in W.S. 35-25-503 and providing payment for crisis services as provided in W.S. 35-25-504;

(iii) Taking other actions necessary related to the administration of the 988 system as provided by this article;

(iv) Providing other goods or services, including health care services, that do not infringe on fundamental individual liberties and that, according to best evidence-based practices, are likely to lead to the prevention of suicide.

35-25-507. Immunity for telecommunications providers.

(a) A telecommunications provider shall not be liable to any person for any damages caused by any act or omission relating to the origination, transmission or termination of a contact with the 988 system unless the act or omission constitutes willful or wanton misconduct or gross negligence.

(b) As used in this section, "telecommunications provider" means any person that provides commercial landline telephone service, mobile telephone service or internet protocol enabled voice service and includes any agent or employee of the service provider.

35-25-508. Confidentiality of information.

The information obtained through the 988 system shall be considered a public record under W.S. 16-4-201(a)(v) and access to the information may be denied according to law.

35-25-509. Sunset.

This article is repealed effective July 1, 2028.

Section 2. The department of health shall establish timeframes to accomplish the provisions of this act that are consistent with the timeframes required by the National Suicide Hotline Designation Act of 2020 and the federal communication commission's rules adopted on July 16, 2020.

Section 3. It is the intent of the legislature that the department of health requests an appropriation for purposes of implementing this act in their next standard budget request for the immediately succeeding fiscal biennium. The department shall make reasonable efforts, and may work with charitable foundations and other similar organizations, to secure donations to support as large a portion of the costs of implementing and maintaining this act as possible and shall report on the results of these efforts to the joint appropriations committee as part of its standard budget request.

Section 4. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 23, 2023.

Chapter 71

LICENSED PROFESSIONAL COUNSELOR COMPACT

Original Senate File No. 10

AN ACT relating to professions and occupations; entering into a compact with other states to allow licensed professional counselors licensed in one compact state to exercise a multistate licensure privilege in other states that are party to the compact; retaining authority to license counselors only in Wyoming; approving and specifying terms of the compact; making conforming amendments; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 33-38-201 and 33-38-202 are created to read:

ARTICLE 2
INTERSTATE COMPACT FOR LICENSED PROFESSIONAL COUNSELORS

33-38-201. Short title.

This article shall be known and may be cited as the "Interstate Compact for Licensed Professional Counselors."

33-38-202. Interstate compact for licensed professional counselors.

The Interstate Compact for Licensed Professional Counselors as contained herein is hereby enacted into law and entered into on behalf of this state with any and all other states legally joining therein in a form substantially as follows: