

COMMITTEE ON HEALTH, HOSPITALS, AND HUMAN
SERVICES

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BILL NO. 35-0224

Thirty-Fifth Legislature of the Virgin Islands

January 18, 2024

An Act amending title 19, part V, chapter 45, subchapter VI to increase access to behavioral health services, with a focus on a Psychiatric Emergency Response Team to provide mobile crisis intervention services, and the 9-8-8 telecommunication system

PROPOSED BY: Senators: Diane T. Capehart and Ray Fonseca

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 19 Virgin Islands Code, part V, chapter 45, is amended as follows:

(a) Section 1001 is amended by adding the following definitions:

(1) “9-8-8” 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, and maintained by the Assistant Secretary for Mental Health and Substance Use under section 520E–3 of the Public Health Service Act.

(2) “9-8-8 Administrator” means the Administrator of the 9-8-8 national suicide prevention and mental health crisis hotline system maintained by the Assistant Secretary for Mental Health and Substance Use under section 520E–3 of the Public Health Service Act.

1 (3) “9-8-8 Crisis Hotline Center” or “Crisis center” means a territory-designated
2 center participating in the National Suicide Prevention Lifeline Network to respond to
3 territory-wide 9-8-8 contacts via modalities offered, including call, chat, or text.

4 (4) “9-8-8 fee” means the surcharge assessed on commercial landline, mobile
5 service, prepaid wireless voice service, and interconnected voice over internet protocol
6 service lines established under in section 1020(c).

7 (5) "9-8-8 Trust Fund" means the 9-8-8 suicide prevention and mental health
8 crisis hotline system fund established in section 1020a.

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

13 (7) “Federal Communications Commission” means the federal agency that
14 regulates interstate and international communications by radio, television, wire, satellite,
15 and cable in all 50 states, the District of Columbia, and United States territories. An
16 independent United States government agency overseen by Congress, the Commission is
17 the federal agency responsible for implementing and enforcing America’s
18 communications law and regulations.

19 (8) “National Suicide Prevention Lifeline” means a national network of local
20 crisis centers providing free and confidential emotional support to people in suicidal crisis
21 or emotional distress 24 hours a day, 7 days a week.

22 (9) “Peers” means individuals employed based on their personal lived experience
23 of a mental health condition or substance use disorder and recovery who have
24 successfully completed a state or nationally recognized peer support training program.

1 (10) “Psychiatric Emergency Response Team” (PERT) means a mobile crisis
2 intervention and multidisciplinary behavioral health team as defined in the American
3 Rescue Plan Act of 2021 (Section 1947(b)(2) of Public Law 117-2), that provides acute
4 behavioral health, crisis outreach, and receiving and stabilization services by directly
5 responding to the 9-8-8 national suicide prevention and behavioral health crisis hotline.

6 (11) “Substance Abuse and Mental Health Services Administration” (SAMHSA)
7 means the agency within the U.S. Department of Health and Human Services that leads
8 public health efforts to advance the behavioral health of the nation.

9 (12) “Veterans Crisis Line” means the crisis hotline for veterans maintained by
10 the Secretary of Veterans Affairs under Title 38 United States Code, section 1720F(h).

11 (b) Section 1020, subsection (b) is amended by striking paragraph (3) and inserting a
12 new paragraph (3) that reads:

13 “(3) A crisis hotline center to provide crisis intervention services and crisis care
14 coordination to individuals accessing the 9-8-8 suicide prevention and behavioral health
15 crisis hotline from any district within the territory, twenty-four hours a day, seven days a
16 week.”

17 (c) Section 1020 is further amended by adding subsections (c), (d), (e), and (f) to read
18 as follows:

19 “(c) (1) The designated crisis hotline center must:

20 (A) have an active agreement with the National Suicide Prevention Lifeline
21 for participation within the Lifeline network;

22 (B) meet National Suicide Prevention Lifeline requirements and best
23 practices guidelines for operational, performance and clinical standards; and

24 (C) must provide data, report, and participate in evaluations and related
25 quality improvement activities as required by the 9-8-8 Administrator.

1 (2) The designated hotline center may deploy crisis and outgoing services,
2 including Psychiatric Emergency Response Teams, and coordinate access to crisis
3 receiving and stabilization services or other local resources as appropriate, consistent
4 with any guidelines and best practices that may be established by the National Suicide
5 Prevention Lifeline.

6 (3) The designated hotline center shall meet the requirements set forth by the
7 National Suicide Prevention Lifeline for serving at-risk and specialized populations as
8 identified by the Substance Abuse and Mental Health Services Administration, including,
9 but not be limited to, LGBTQ, youth, minorities, rural individuals, veterans, American
10 Indians, Alaskan Natives, and other high-risk populations well as those with co-occurring
11 substance use; provide linguistically and culturally competent care; and include training
12 requirements and policies for transferring a 9-8-8 contact to an appropriate specialized
13 center or subnetwork within the National Suicide Prevention Lifeline network.

14 (4) The designated hotline center must provide follow-up services to individuals
15 accessing the 9-8-8 suicide prevention and behavioral health crisis hotline consistent with
16 guidance and policies established by the National Suicide Prevention Lifeline.

17 (5) To facilitate the ongoing care needs of persons contacting 9-8-8,
18 Department's Behavioral Health Division shall assure active collaborations and
19 coordination of service linkages between the designated center, mental health and
20 substance use disorder treatment providers, local community mental health centers,
21 behavioral health clinics, Psychiatric Emergency Response Teams, and community-
22 based, as well as hospital emergency departments and inpatient psychiatric settings,
23 establishing formal agreements and appropriate information sharing procedures where
24 appropriate.

1 (6) The Department's Behavioral Health Division shall assure active
2 collaborations and coordination of service linkages between the designated center and
3 crisis receiving and stabilization services for individuals accessing the 9-8-8 suicide
4 prevention and behavioral health crisis hotline through appropriate information sharing
5 regarding availability of services.

6 (7) The Department's Behavioral Health Division, having primary oversight of
7 suicide prevention and crisis service activities and essential coordination with the
8 designated 9-8-8 hotline center, shall work with the National Suicide Prevention Lifeline
9 and Veterans Crisis Line and other SAMHSA-approved networks for the purposes of
10 ensuring consistency of public messaging about 9-8-8 services and provide an annual
11 report of the 9-8-8 suicide prevention and mental health crisis hotline's usage and the
12 services to the Legislature and the Substance Abuse and Mental Health Services
13 Administration.

14 (8) VITEMA shall collaborate with the Department of Health, the Virgin Islands
15 Police Department, and Fire/EMS to establish policies and procedures related to the
16 proper routing of calls.

17 (9) The Department of Health shall promulgate regulations to allow appropriate
18 information sharing and communication between and across crisis and emergency
19 response systems for the purpose of real-time crisis care coordination including, but not
20 limited to, deployment of crisis and outgoing services and linked, flexible services
21 specific to crisis response.

22 (d) (1) In compliance with the National Suicide Hotline Designation Act of 2020, the
23 Department of Health may impose a monthly territory-wide 9-8-8 fee on each resident that is a
24 subscriber of commercial landline telephone, mobile telephone or IP-enabled voice services,
25 and a point-of-sale 9-8-8 fee on each purchaser of a prepaid telephone service, at a rate that

1 provides for the robust creation, operation, and maintenance of a territory-wide 9-8-8 suicide
2 prevention and behavioral health crisis system and the continuum of services provided pursuant
3 to national guidelines for crisis services.

4 (2) The revenue generated by a 9-8-8 fee must be sequestered in a fund as
5 specified in section 1020a to be obligated or expended only in support of 9-8-8 services,
6 or enhancements of such services.

7 (3) Consistent with 47 U.S.C. § 251a, the revenue generated by a 9-8-8 fee must
8 be used only to offset costs that are or will be reasonably attributed to:

9 (A) ensuring the efficient and effective routing and handling of calls, chats
10 and texts made to the 9-8-8 suicide prevention and mental health crisis hotline to
11 the designated hotline center, including staffing and technological infrastructure
12 enhancements necessary to achieve operational, performance and clinical standards
13 and best practices set forth by the National Suicide Prevention Lifeline; and

14 (B) personnel and the provision of acute mental health, crisis outreach and
15 stabilization services by directly responding to the 9-8-8 national suicide prevention
16 and mental health crisis hotline.

17 (4) The revenue generated by 9-8-8 fees may be used only for expenses that are
18 not:

19 (A) reimbursable through Medicaid, Medicare, federal or state-regulated
20 health insurance plans, and disability insurers;

21 (B) a covered service by the individual's health coverage; or

22 (C) covered because the service recipient's name and health coverage
23 information cannot be obtained or billed.

24 (5) The 9-8-8 fee revenue must be used to supplement, not supplant, any federal,
25 territory or local funding for suicide prevention or behavioral health crisis services.

1 (6) The 9-8-8 fee amount must be adjusted as needed to provide for continuous
2 operation, volume increases and maintenance.

3 (7) The Commissioner of the Department of Health shall prepare an annual report
4 on the revenue generated by the 9-8-8 fee to the Legislature of the Virgin Islands and the
5 Federal Communications Commission.

6 (e) The Department's Behavioral Health Division shall provide primary oversight and
7 direction on the territory's implementation and operation of the 9-8-8 suicide prevention and
8 mental health crisis hotline. The Governor shall create an advisory body or require an existing
9 advisory body to provide guidance to the Division of Behavioral Health, to gather feedback,
10 and make recommendations regarding the planning and implementation of the 9-8-8 suicide
11 prevention and behavioral health crisis hotline. The advisory body must include representatives
12 of the designated 9-8-8 crisis center, 9-1-1 call centers, the Department's Behavioral Health
13 Division, territorial substance abuse providers, law enforcement, hospital emergency
14 departments, Department of Health enforcement officers with peace officer status, individuals
15 with lived experience with suicide prevention or behavioral health crisis services usage, family
16 members and caregivers, and behavioral health crisis services providers.

17 (f) The Department of Health shall establish timeframes to accomplish the provisions
18 of this section that are consistent with the timeframes required by the National Suicide Hotline
19 Designation Act of 2020 and the Federal Communication Commission's rules adopted on July
20 16, 2020.

21 (d) Section 1021 is amended by striking the entire section and replacing it with:

22 **“§ 1021. Psychiatric Emergency Response Team established**

23 (a) The Department's Behavioral Health Division shall establish and operate one
24 Psychiatric Emergency Response Team (PERT) in each district, to provide crisis intervention
25 on a 24-hour, 7-day-a-week basis to persons who suffer from behavioral health challenges or

1 mental health disorders and to provide crisis intervention training. The PERT shall work in
2 conjunction with the support of PERT-trained law enforcement officers and must be district-
3 based behavioral health teams, including licensed behavioral health professionals through the
4 Division of Behavioral Health, or behavioral health teams embedded in Emergency Medical
5 Services (EMS), including peers.

6 (b) The Psychiatric Emergency Response Teams shall collaborate with local first
7 responder and behavioral health agencies and licensed behavioral health professionals and
8 peers, to include police as co-responders in behavioral health teams, only as needed to respond
9 in high-risk situations that cannot be managed without law enforcement.

10 (c) The Virgin Islands Police Department Officers will respond to and address criminal
11 activity being committed and maintain the public order and peace. However, PERT-trained
12 law enforcement officer shall response to behavioral episodes that disturb the public peace.

13 (d) Psychiatric Emergency Response Teams and crisis stabilization services provided
14 must:

15 (1) be designed in partnership with community members, including people with
16 lived experience utilizing crisis services;

17 (2) be staffed by personnel that reflect the demographics of the community
18 served; and

19 (3) collect customer service data from individuals served by demographic
20 requirements, including race and ethnicity, set forth by SAMHSA and consistent with
21 requirements for continuous evaluation and quality improvement.

22 (e) The Psychiatric Emergency Response Teams must be composed of qualified
23 behavioral health professionals with training and experience in assessment and intervention
24 with persons who suffer from behavioral health challenges, mental health disorders, and

1 substance use disorders in a crisis. The team members must have a working knowledge of
2 intake, case management, behavioral and mental health systems, and local resources.

3 (e) Section 1022 is amended:

4 (1) in subsection (b) by adding “and the Police Officer Standards and Training
5 Council” after “Department” in the first sentence, and by striking “biennially” and
6 inserting “annually”; and

7 (2) by adding subsection (d) to read: “(d) Crisis intervention training must consist
8 of 40 hours of specialized training initially and a minimum of 4 hours of continuing
9 education annually.”

10 (3) The Bureau of Corrections shall create and execute behavioral training
11 courses for corrections officers and staff so that they are qualified to serve inmates with
12 behavioral health needs and meet professional industry standards on behavioral response
13 techniques. The training must also be provided to the Virgin Islands Police Department
14 officers who are assigned to respond with the Psychiatric Emergency Response Team.

15 (f) Section 1020a is added and reads as follows:

16 **“§ 1020a. 9-8-8 Trust Fund**

17 (a) The 9-8-8 Trust Fund is established as a separate and distinct non-lapsing
18 fund in the Treasury of the Government of the Virgin Islands. The funds must be used to
19 maintain a territory-wide 9-8-8 suicide prevention and mental health crisis system pursuant to
20 the National Suicide Hotline Designation Act of 2020, the Federal Communication
21 Commission’s rules adopted July 16, 2020, and national guidelines for crisis care and to support
22 or enhance 9-8-8 services, including territory designated 9-8-8 hotline centers, the Psychiatric
23 Emergency Response Teams, and crisis receiving and stabilization services.

1 (b) The Fund consists of the territory wide 9-8-8 fee revenue assessed on users
2 under title 3 Virgin Islands Code, chapter 3, section 58, and appropriations made by the
3 Legislature of the Virgin Islands.

4 (c) The Public Service Commission shall collaborate with the local service
5 providers to gather information and data relevant to the annual reporting of Emergency Services
6 Surcharge and 9-8-8 Trust Fund deposits and expenditures and provide the information to the
7 Office of Management and Budget and the Department of Health for budgetary purposes. An
8 annual report of fund deposits and expenditures must be submitted to the Legislature of the
9 Virgin Islands and the Federal Communications Commission.

10 **SECTION 2.** The Virgin Islands Code is amended as follows:

11 (a) Title 19, chapter 45, subchapter VI, section 1021 is amended as follows:

12 (1) by striking the section heading and inserting a new section heading that reads:

13 “Psychiatric Emergency Response Team; qualifications”;

14 (2) subsection (a) is amended by striking “crisis intervention team” and inserting
15 “Psychiatric Emergency Response Team (PERT)”;

16 and by striking “CIT-trained law enforcement officers” and inserting “all first responders”;

17 (3) subsection (b) is amended by striking “The team” in the two instances it
18 appears and insert “PERT”.

19 (b) title 33 Virgin Islands Code, subtitle 1, part I, chapter 3, section 58 is amended as
20 follows:

21 (1) subsection (a) (10) is amended by adding “and dial E988 to access the E988
22 system” after the second instance of “E911”; and

23 (2) subsection (f) is amended by striking the language “as follows:” and
24 inserting:

1 “(1) 25% to the Virgin Islands Police Department to fund Community
2 Service Officer positions and related crisis intervention;

3 (2) 30% to the Department of Health to execute its mandate to address
4 behavioral challenges in the Virgin Islands and related costs;

5 (3) 10% to the Virgin Islands Fire and Emergency Medical Services as a
6 first responding agency and EMS for crisis intervention services and related costs;

7 (4) 15% to the Governor Juan F. Luis Hospital and Medical Center to
8 fund the purchase of hospital beds and as a contribution to the salaries for
9 behavioral health nurses;

10 (5) 15% to the Roy Lester Schneider Hospital and Medical Center to fund
11 the purchase of hospital beds and as a contribution to the salaries for behavioral
12 health nurses; and

13 (6) 5% to the Virgin Islands Bureau of Corrections for the training of
14 behavioral health officers and leadership training.

15 **BILL SUMMARY**

16 This Bill amends title 19, part V, chapter 45, subchapter VI to increase access to
17 behavioral health services, with a focus on a Psychiatric Emergency Response Team to provide
18 mobile crisis intervention services, and the 9-8-8 telecommunication system.

19 **BR23-0412/December 12, 2023/HLF**