

IN THE SENATE

SENATE BILL NO. 1352

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO BEHAVIORAL HEALTH; AMENDING TITLE 39, IDAHO CODE, BY THE ADDI-
2 TION OF A NEW CHAPTER 91, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE,
3 TO DECLARE POLICY AND INTENT, TO DEFINE TERMS, TO PROVIDE FOR GOVERNANCE
4 FOR CRISIS CENTERS, TO PROVIDE FOR EVALUATION, TO AUTHORIZE FUNDING,
5 TO AUTHORIZE CONTRIBUTIONS FROM COMMUNITIES, TO PROVIDE THAT SERVICES
6 SHALL BE NONDISCRIMINATORY, TO AUTHORIZE FEES AND TO PROVIDE RULEMAKING
7 AUTHORITY.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended
11 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
12 ter 91, Title 39, Idaho Code, and to read as follows:

13 CHAPTER 91

14 BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS

15 39-9101. SHORT TITLE. This chapter shall be known and may be cited as
16 the "Behavioral Health Community Crisis Centers Act."

17 39-9102. DECLARATION OF POLICY AND INTENT. (1) Citizens of Idaho ex-
18 periencing a behavioral health crisis are often incarcerated, hospitalized
19 or treated in hospital emergency departments because an appropriate level of
20 care to meet their needs is not available.

21 (2) Hospital emergency departments, jails and law enforcement agen-
22 cies in Idaho have become the default providers of crisis intervention to
23 Idaho citizens with behavioral health disorders. Extensive resources are
24 being unnecessarily expended by law enforcement and hospitals on behavioral
25 health crisis services.

26 (3) It is the policy of this state that citizens with behavioral health
27 disorders should not be needlessly incarcerated when no crime has been per-
28 petrated or the crime is of a minor nature arising from a behavioral health
29 disorder, crisis or incident.

30 (4) Therefore, it is the intent of the legislature that behavioral
31 health community crisis centers, hereinafter referred to as crisis centers,
32 be developed and operated, as funding is appropriated, to provide the appro-
33 priate level of care to meet the needs of Idahoans experiencing behavioral
34 health crises.

35 (5) The crisis centers shall be available on a voluntary basis to indi-
36 viduals experiencing a behavioral health crisis. The centers shall provide
37 transitional de-escalation, stabilization and community referral services
38 only, and the centers shall not serve as inpatient or residential facili-
39 ties.

1 (6) This chapter and any subsequent administrative rules shall not as-
2 sume authority over other community efforts to assist Idahoans experiencing
3 behavioral health crises.

4 39-9103. DEFINITIONS. (1) "Behavioral health" means an integrated or
5 combined system for evaluation and treatment of mental health and substance
6 use disorders.

7 (2) "Behavioral health community crisis center" or "crisis center"
8 means a voluntary outpatient facility operated twenty-four (24) hours a
9 day, seven (7) days a week and three hundred sixty-five (365) days a year to
10 provide evaluation, intervention and referral for individuals experiencing
11 a crisis due to a behavioral health condition. The facility may not provide
12 services to a client for more than twenty-three (23) hours and fifty-nine
13 (59) minutes in a single episode of care.

14 (3) "Department" means the department of health and welfare.

15 (4) "Director" means the director of the department of health and wel-
16 fare.

17 (5) "Region" means the administrative regions as defined by the depart-
18 ment of health and welfare. Two (2) or more regions may consolidate for the
19 purposes of this chapter. For the purposes of this chapter, regions will be
20 consistent with judicial districts.

21 39-9104. GOVERNANCE OF BEHAVIORAL HEALTH COMMUNITY CRISIS CEN-
22 TERS. (1) Crisis centers shall be directed by a board of directors. The board
23 of directors shall guide the organization, implementation and operation of
24 the crisis center.

25 (2) The board shall consist of no fewer than five (5) members and shall
26 include, at a minimum, a local behavioral health consumer, a physician, law
27 enforcement and a county commissioner from within the region.

28 (3) If the organization contracted for operation of the crisis centers
29 is already governed by a board of directors, the board shall establish an ad-
30 visory committee to advise it on the organization, implementation and opera-
31 tion of the crisis center.

32 (4) If the organization contracted for operation of the crisis center
33 develops an advisory committee, the committee shall have no fewer than five
34 (5) members and shall include a local behavioral health consumer, a physi-
35 cian, law enforcement and a county commissioner from within the region.

36 (5) The term of board or advisory committee membership, appointment au-
37 thority for members and organizational structures shall be guided by bylaws,
38 articles of incorporation or other policy directives established by the en-
39 tity operating the facility.

40 (6) The department, as the state behavioral health authority estab-
41 lished by section 39-3123, Idaho Code, shall oversee the crisis centers to
42 ensure compliance with the intent of this chapter, application of the model,
43 associated administrative rules and patient safety. The department shall
44 be authorized to perform annual audits of crisis centers as necessary to
45 fulfill its oversight responsibility.

46 39-9105. BEHAVIORAL HEALTH COMMUNITY CRISIS CENTER EVALUATION. Each
47 crisis center shall annually evaluate the effectiveness and cost efficacy of

1 its center and submit a report of findings to the department of health and
2 welfare by August 1 of each year. The department shall annually report find-
3 ings of the crisis center evaluations to germane committees of the Idaho leg-
4 islature.

5 39-9106. BEHAVIORAL HEALTH COMMUNITY CRISIS CENTER FUNDING. Subject
6 to appropriation by the legislature, the department shall be responsible for
7 administering, allocating and distributing all appropriations from the leg-
8 islature for crisis centers.

9 39-9107. COMMUNITY CONTRIBUTION. Communities that receive state
10 funding to establish a crisis center shall, to the maximum extent possible,
11 contribute financial or in-kind support to the development and operation of
12 the crisis center.

13 39-9108. SERVICES TO BE NONDISCRIMINATORY -- FEES. No regional crisis
14 center shall refuse service to any person because of race, color, religion or
15 because of inability to pay. Persons receiving services may be charged fees
16 for the services they receive. The crisis center fee determination schedule
17 shall be approved by the department of health and welfare. Fees collected
18 by the crisis centers shall become part of their budget and utilized at the
19 direction of the crisis center's board or governance committee.

20 39-9109. RULEMAKING AUTHORITY. The director is authorized to promul-
21 gate rules necessary to implement the provisions of this chapter that are
22 consistent with its provisions.