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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 585 Session of  
2023

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INTRODUCED BY KINSEY, CEPHAS, MADDEN, HOHENSTEIN, SANCHEZ, HILL-  
EVANS, KINKEAD, STURLA, D. WILLIAMS, OTTEN, N. NELSON, KHAN  
AND SCOTT, MARCH 20, 2023

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REFERRED TO COMMITTEE ON HUMAN SERVICES, MARCH 20, 2023

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, providing for behavioral health  
3 response unit and crisis call center programs; establishing  
4 the County and Regional Behavioral Health Response Unit and  
5 Crisis Call Center Fund and the County and Regional  
6 Behavioral Health Response Unit and Crisis Call Center Grant  
7 Program.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Title 35 of the Pennsylvania Consolidated  
11 Statutes is amended by adding a chapter to read:

12 CHAPTER 83

13 BEHAVIORAL HEALTH RESPONSE UNIT AND

14 CRISIS CALL CENTER PROGRAMS

15 Sec.

16 8301. Scope of chapter.

17 8302. Legislative intent.

18 8303. Definitions.

19 8304. Powers and duties of department.

20 8305. Behavioral Health Consumer Advisory Board.

1 8306. Counties.

2 8307. Plan.

3 8308. County and Regional Behavioral Health Response Unit and  
4 Crisis Call Center Fund.

5 8309. County and Regional Behavioral Health Response Unit and  
6 Crisis Call Center Grant Program.

7 § 8301. Scope of chapter.

8 This chapter relates to behavioral health response unit and  
9 crisis call center programs.

10 § 8302. Legislative intent.

11 It is the intent of the General Assembly to authorize the  
12 Department of Human Services to administer county and regionally  
13 operated, non-law-enforcement-administered crisis call centers  
14 and behavioral health mobile crisis response units to respond to  
15 calls regarding crises that arise due to mental health disorder,  
16 substance use disorder or homelessness.

17 § 8303. Definitions.

18 The following words and phrases when used in this chapter  
19 shall have the meanings given to them in this section unless the  
20 context clearly indicates otherwise:

21 "Behavioral health consumer." An individual who:

22 (1) Has received mental health or substance use disorder  
23 treatment services.

24 (2) Has a mental health disorder or substance use  
25 disorder diagnosis.

26 (3) Has experienced a mental health disorder or  
27 substance use disorder.

28 (4) Is a peer specialist.

29 "Behavioral health response unit." The behavioral health  
30 response units established under this chapter.

1 "Behavioral health response unit and crisis call center." A  
2 county or regional behavioral health response unit and crisis  
3 call center program established under this chapter.

4 "Board." The Behavioral Health Consumer Advisory Board  
5 established under section 8305 (relating to Behavioral Health  
6 Consumer Advisory Board).

7 "Coordinator." A behavioral health response unit and crisis  
8 call center coordinator.

9 "County and regional program." County and regional  
10 behavioral health response unit and crisis call center programs  
11 established under this chapter.

12 "Crisis call center." The crisis call centers utilized under  
13 this chapter.

14 "Department." The Department of Human Services of the  
15 Commonwealth.

16 "Emergency medical services" or "EMS." As defined in section  
17 8103 (relating to definitions).

18 "First responder." Fire, rescue or emergency medical service  
19 personnel or law enforcement personnel.

20 "Fund." The County and Regional Behavioral Health Response  
21 Unit and Crisis Call Center Fund established under section 8308  
22 (relating to County and Regional Behavioral Health Response Unit  
23 and Crisis Call Center Fund).

24 "Harm reduction services." Public health services designed  
25 to empower an individual to mitigate the potential harm of risk-  
26 associated behavior. The term includes:

27 (1) Distribution of sterile syringes and other sterile  
28 injection-related equipment.

29 (2) Distribution of naloxone and training in overdose  
30 response.

1           (3) Collection of used syringes and other biohazard  
2 waste.

3           (4) Rapid testing for HIV, the Hepatitis C virus and  
4 other infectious diseases.

5           (5) Wound care.

6           (6) Referral to social services, health care services,  
7 treatment for substance use disorders and other forms of  
8 mutual aid.

9           "Law enforcement." The term shall have the same meaning as  
10 "police department" under 53 Pa.C.S. § 2162 (relating to  
11 definitions).

12           "Mental health disorder." A mental disorder, not including a  
13 substance use disorder, defined in the Diagnostic and  
14 Statistical Manual of Mental Disorders, Fifth Edition.

15           "Mental health disorder crisis counselor." A mental health  
16 disorder professional with expertise or training in crisis  
17 intervention theory and therapeutic practices.

18           "Peer specialist." An individual certified or qualified as a  
19 peer specialist or as a recovery specialist by the department.

20           "Plan." A behavioral health response unit and crisis call  
21 center plan.

22           "Program." County and regional behavioral health response  
23 unit and crisis call center programs established under this  
24 chapter.

25           "Regional" or "region." A geographic area that includes more  
26 than one county.

27           "Sexual minorities." An individual who identifies as  
28 lesbian, gay, bisexual, transgender, nonbinary, third gender,  
29 intersex or any other nonheterosexual identification.

30           "Substance use disorder." A substance use disorder defined

1 in the Diagnostic and Statistical Manual of Mental Disorders,  
2 Fifth Edition.

3 "Treatment." The treatment for substance use disorder or  
4 mental health disorder with a licensed or certified  
5 professional. The term includes an individualized assessment,  
6 diagnosis, counseling, the prescription of medication, recovery  
7 support services, hospitalization, nonhospital residential  
8 services and withdrawal management.

9 § 8304. Powers and duties of department.

10 The department shall have the following powers and duties:

11 (1) To adopt rules and regulations as necessary to  
12 enforce this chapter. Rules and regulations proposed under  
13 the authority of this section shall be subject to review by  
14 the General Counsel and the Attorney General in the manner  
15 provided for the review of proposed rules and regulations  
16 under the act of October 15, 1980 (P.L.950, No.164), known as  
17 the Commonwealth Attorneys Act, and the act of June 25, 1982  
18 (P.L.633, No.181), known as the Regulatory Review Act.

19 (2) To publish guidelines and application procedures for  
20 counties developing and implementing a single county or  
21 regional program under this chapter.

22 (3) To receive, review and approve or disapprove all  
23 county and regional program plans in accordance with the  
24 standards developed in consultation with the board.

25 (4) To designate a State coordinator who shall be an  
26 employee of the department.

27 (5) To provide administrative and support staff to the  
28 board as necessary.

29 (6) To establish and publish annually uniform standards  
30 relating to administration and operation of county and

1 regional programs in consultation with the board.

2 (7) To prescribe the applications and forms necessary to  
3 enforce this chapter.

4 (8) No later than December 1 of each year, to report to  
5 the General Assembly and the Governor on the administration  
6 of the county and regional programs together with  
7 recommendations for executive or legislative action necessary  
8 for the improvement of the department's ability to meet the  
9 department's goals. Additionally, the report should contain  
10 summaries of the information collected by the county and  
11 regional programs as detailed under this chapter.

12 (9) To adopt, in consultation with the board, minimum  
13 training, certification and quality assurance standards for  
14 behavioral health response units and crisis call center  
15 staff.

16 (10) To take other actions necessary to implement and  
17 enforce this chapter.

18 § 8305. Behavioral Health Consumer Advisory Board.

19 (a) Establishment.--The Behavioral Health Consumer Advisory  
20 Board is established within the department, consisting of at  
21 least 10 members as follows:

22 (1) A majority of individuals from the following areas:

23 (i) Behavioral health consumers.

24 (ii) Individuals who have experienced homelessness.

25 (iii) Members of local immigrant communities.

26 (iv) Sexual minorities.

27 (v) Individuals with disabilities.

28 (vi) Individuals who are of racial or ethnic  
29 minorities.

30 (2) The State coordinator as provided under section

1 8304(4) (relating to powers and duties of department), who  
2 shall serve as chairperson.

3 (3) The Deputy Secretary of the Office of Mental Health  
4 and Substance Abuse Services or a designee.

5 (4) The coordinator of a city of the first class.

6 (5) The coordinator of a county of the second class.

7 (6) The coordinator of a county of the second class A.

8 (7) The coordinator of a county of the third or fourth  
9 class.

10 (8) Two coordinators of a county of the fifth, sixth,  
11 seventh or eighth class.

12 (9) The remainder of the board shall be determined by  
13 the department.

14 (b) Quorum.--The department shall determine the number of  
15 members of the board that shall constitute a quorum. If a quorum  
16 is present, the consent of three-fourths of the members present  
17 is required for any action of the board.

18 (c) Meetings.--The board shall meet at least once quarterly  
19 and at any special session called by the chairperson. All  
20 meetings of the board shall be conducted in accordance with 65  
21 Pa.C.S. Ch. 7 (relating to open meetings).

22 (d) Compensation.--The members of the board shall serve  
23 without compensation but shall be reimbursed for actual and  
24 necessary travel and other expenses in connection with  
25 attendance at meetings called by the chairperson.

26 (e) Powers and duties of board.--The board shall have the  
27 following powers and duties:

28 (1) To advise the department on regulations and  
29 guidelines relating to the administration and operation of  
30 county and regional programs in this Commonwealth on the

1 following:

2 (i) Standards for performance reviews and methods of  
3 quality assurance programs to ensure public safety and  
4 maintain and improve the performance of county and  
5 regional programs.

6 (ii) Measures to ensure the compliance of county and  
7 regional programs with best practice and applicable  
8 Federal, State and local statute and regulations.

9 (iii) Measures to promote regionalization of  
10 programs when the board deems it reasonable.

11 (iv) Training standards for county and regional  
12 program staff.

13 (2) To promote effective communication and information  
14 sharing between the department and county coordinators and  
15 develop recommendations to improve county and regional  
16 programs in this Commonwealth.

17 § 8306. Counties.

18 Each county shall have the following powers and duties in  
19 relation to a program:

20 (1) To ensure the provision of a program in the county  
21 or region's respective jurisdiction. With the permission of  
22 the department and the board, a county may utilize existing  
23 partnerships with public and private entities to meet the  
24 requirements of this section. A county may provide behavioral  
25 health response unit and crisis call center coverage to the  
26 county's jurisdiction through participation in a regional  
27 program.

28 (2) To develop, maintain or adopt a plan for the county  
29 and submit the plan to the department for review. The  
30 following apply:



1           (i) The plan shall be reviewed and updated at a  
2           frequency prescribed by the board.

3           (ii) A county may adopt the plan of a regional  
4           program if the county is a participating member of that  
5           region.

6           (3) To cooperate with the department and the board,  
7           comply with the guidelines, standards and reporting  
8           requirements established by the department and execute all  
9           contracts, agreements, mutual aid agreements, cross-service  
10           agreements and all other documents necessary to implement the  
11           county's or region's program.

12           (4) To designate a program coordinator for the county  
13           who shall develop and submit a plan for the implementation,  
14           operation and maintenance of a program.

15 § 8307. Plan.

16           (a) Minimum standards.--Upon the agreement of a county to  
17           establish a program as a regional or single county program, a  
18           plan shall be adopted that meets the minimum standards  
19           promulgated by the department. The county may obtain technical  
20           assistance from the department and the board in formulating the  
21           plan. Each plan shall be designed to meet the individual  
22           circumstances of each community and public agency participating  
23           in the program. Each plan shall consider efficiencies to be  
24           achieved from regionalization and consolidation. At a minimum,  
25           each plan must involve the following elements:

26           (1) Notwithstanding any other provision of law to the  
27           contrary, law enforcement may not be dispatched to a call  
28           alongside a behavioral health response unit dispatched from a  
29           crisis call center involving crises that do not require law  
30           enforcement response, including homelessness, intoxication,

1 disorientation, substance use disorder, a mental health  
2 disorder crisis and wellness checks. Other first responders  
3 shall accompany a behavioral health response unit as  
4 required.

5 (2) Law enforcement and the Department of Corrections  
6 shall cooperate with county programs and provide access to  
7 information available on the history of danger or potential  
8 danger caused by clients to which a behavioral health  
9 response unit is responding.

10 (3) Each behavioral health response unit responding to a  
11 call shall consist of at least three members, consisting of  
12 at least one emergency medical services provider, one trained  
13 mental health disorder crisis counselor and one peer  
14 specialist.

15 (4) Behavioral health response unit and crisis call  
16 center staff shall undergo background investigations to  
17 determine the individual's suitability for employment as a  
18 staff member. This investigation shall be completed prior to  
19 the employment of the staff member and shall include a  
20 criminal history check as provided under 18 Pa.C.S. Ch. 91  
21 (relating to criminal history record information), a credit  
22 check, personal interviews and any other applicable means of  
23 determining eligibility as determined by the department. An  
24 applicant who has been convicted of a felony is not eligible  
25 for employment as a behavioral health response unit or crisis  
26 call center staff member.

27 (5) Each behavioral health response unit shall carry  
28 overdose reversal medication when responding to a call.

29 (6) Each program shall collect a standardized set of  
30 minimum data, including demographic information on program

1 participants, the general nature of the calls received and  
2 the services provided. This data shall be reported to the  
3 board and the department on a monthly basis once in  
4 operation.

5 (7) Behavioral health response units shall provide  
6 immediate stabilization in cases of urgent medical need or  
7 psychological crisis, assessment, information, referral,  
8 advocacy and, if requested by the affected individual,  
9 transportation to the next step in treatment.

10 (8) Programs shall be operational and available to  
11 provide services 24 hours every day.

12 (9) County and regional plans shall include a plan to  
13 market the crisis call center's telephone number to the  
14 crisis call center's jurisdiction to raise awareness of the  
15 program.

16 (b) Confidentiality.--All services provided by the crisis  
17 call centers and behavioral health response units shall remain  
18 confidential and comply with Federal and State law governing the  
19 confidentiality of health information, including the Health  
20 Insurance Portability and Accountability Act of 1996 (Public Law  
21 104-191, 110 Stat. 1936) and related rules and regulations.

22 (c) Information provided.--An individual using the services  
23 of a behavioral health response unit shall be provided  
24 information on accessing local harm reduction services,  
25 substance use disorder treatment services, mental health  
26 disorder services, housing assistance resources, health care  
27 services and any other services that are deemed appropriate.  
28 Each behavioral health response unit shall follow the principle  
29 of least restrictive setting for any follow-up care.

30 (d) Substance use disorder treatment information.--If an

1 individual with a substance use disorder requests or agrees to  
2 be provided with information on treatment options, a behavioral  
3 health response unit shall provide the individual with  
4 information on accessing various types of treatment, including  
5 outpatient treatment and medication for treatment of substance  
6 use disorders.

7 (e) Regional systems.--Nothing in this chapter shall be  
8 construed to prohibit the formation of multijurisdictional or  
9 multiregional programs.

10 § 8308. County and Regional Behavioral Health Response Unit and  
11 Crisis Call Center Fund.

12 (a) Establishment.--The County and Regional Behavioral  
13 Health Response Unit and Crisis Call Center Fund is established  
14 in the State Treasury as a nonlapsing restricted interest-  
15 bearing account. Money in the fund and the interest the money  
16 accrues is appropriated to the department to be disbursed by the  
17 department.

18 (b) Composition of fund.--The following money shall be  
19 deposited into the fund:

- 20 (1) Money appropriated by the General Assembly.  
21 (2) Money from any other public or private source.  
22 (3) Interest accrued by the fund.

23 (c) Transfer by Secretary of the Budget.--No later than 30  
24 days after the effective date of this subsection, the Secretary  
25 of the Budget shall transfer to the fund \$5,000,000 of the  
26 unexpended, unencumbered prior year funds that were originally  
27 appropriated from the General Fund to an executive branch agency  
28 which is subject to the policy, supervision and control of the  
29 Governor. The Secretary of the Budget may only make the transfer  
30 of funds if the transfer will not result in a deficit in any

1 appropriation from which the funds are transferred. No less than  
2 10 days prior to the transfer, the Secretary of the Budget shall  
3 send notification of the transfer in writing to the chairperson  
4 and minority chairperson of the Appropriations Committee of the  
5 Senate and the chairperson and minority chairperson of the  
6 Appropriations Committee of the House of Representatives.

7 (d) Appropriation by General Assembly.--Beginning with the  
8 2024-2025 fiscal year, the General Assembly may appropriate  
9 money to the fund.

10 (e) Use.--Money in the fund:

11 (1) Shall be used for reasonably necessary costs that  
12 enhance, operate, administer or maintain programs in this  
13 Commonwealth in accordance with this chapter and guidelines  
14 set by the department. For the purposes of this paragraph,  
15 reasonably necessary costs shall be determined by the  
16 department, in consultation with the board, consistent with  
17 the following:

18 (i) The department shall establish factors for  
19 reasonably necessary costs.

20 (ii) The department shall provide the factors under  
21 subparagraph (i) annually through department guidelines.

22 (iii) Notwithstanding guidelines provided by the  
23 department, use of the fund by a county or regional  
24 program or the department to establish, enhance, operate  
25 or maintain Statewide interconnectivity and  
26 administration of a behavioral health response unit and  
27 crisis call center shall be deemed reasonably necessary.

28 (2) May not be expended on a program that does not  
29 conform to the standards and guidance published by the  
30 department.

1           (3) May not be transferred for General Fund use by the  
2           Commonwealth or counties.

3           (f) Audits.--Audits shall be in accordance with the  
4           following:

5           (1) The fund shall be audited in a manner and frequency  
6           consistent with other restricted receipts accounts  
7           administered by the Commonwealth.

8           (2) The department shall require a biennial performance  
9           audit of the use of the disbursements received from the fund,  
10           including amounts placed in capital or operating reserve  
11           consistent with published guidelines established by the  
12           department.

13   § 8309. County and Regional Behavioral Health Response Unit and  
14           Crisis Call Center Grant Program.

15           (a) Establishment.--The County and Regional Behavioral  
16           Health Response Unit and Crisis Call Center Grant Program is  
17           established within the department to provide grants to counties  
18           and regional partnerships establishing or operating a program  
19           under this chapter.

20           (b) Applications.--An application for a grant under this  
21           chapter shall be submitted by an eligible applicant in the form  
22           and manner prescribed by the department.

23           (c) Initial application period.--No later than March 1,  
24           2024, the department shall begin to accept applications from  
25           eligible applicants for grant money available during the fiscal  
26           year. The department shall provide notice of the application  
27           period on the department's publicly accessible Internet website.

28           (d) Additional application period.--If money is available in  
29           the fund, no later than October 1, 2024, and each October 1  
30           thereafter, the department shall provide notice of a new

1 application period on the department's publicly accessible  
2 Internet website. The department shall accept applications from  
3 eligible applicants during the fiscal year.

4 (e) Review process.--The department, in consultation with  
5 the board, shall review applications and make awards subject to  
6 subsections (f) and (g) on a rolling basis. No later than 90  
7 days after a completed application is received from an eligible  
8 applicant, the department shall review and approve or deny the  
9 application. An eligible applicant may revise and resubmit a  
10 denied application to the department.

11 (f) Allocation.--An eligible applicant may not receive more  
12 than the following amounts in a fiscal year:

13 (1) Subject to paragraphs (2), (3) and (4):

14 (i) The minimum grant amount awarded shall be no  
15 less than \$10,000.

16 (ii) The maximum grant amount awarded may not be  
17 more than \$250,000.

18 (2) The department may not require non-State financial  
19 participation from an eligible applicant for a grant request  
20 that is \$50,000 or less.

21 (3) The department may award a grant between \$50,001 and  
22 \$75,000 if the eligible applicant provides non-State  
23 financial participation equal to 25% of the requested grant  
24 amount.

25 (4) The department may award a grant between \$75,001 and  
26 \$150,000 if the eligible applicant provides non-State  
27 financial participation equal to 33% of the requested grant  
28 amount.

29 (5) The department may award a grant between \$150,001  
30 and \$250,000 if the eligible applicant provides non-State

1 financial participation equal to 50% of the requested grant  
2 amount.

3 (g) Limitations.--The following shall apply to grant  
4 applications:

5 (1) The department may not provide grants in excess of  
6 the amount in the fund.

7 (2) The department may prorate the grant amount to an  
8 eligible applicant.

9 (3) The department shall only make grants available to  
10 eligible applicants as long as available funds have not been  
11 expended.

12 (h) Eligible projects.--The department may only award grants  
13 from the fund for programs that have been approved by the  
14 department. Applicants may only expend grant money received from  
15 the fund on programs that have been approved by the department.

16 Section 2. Any regulation inconsistent with the provisions  
17 of this act is abrogated to the extent of any inconsistency with  
18 the addition of 35 Pa.C.S. Ch. 83.

19 Section 3. This act shall take effect in 180 days.