
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2905 Session of
2022

INTRODUCED BY KINSEY, CEPHAS, HOHENSTEIN, HOWARD, MADDEN, KIM,
KENYATTA, PARKER, N. NELSON, HILL-EVANS, D. WILLIAMS, SIMS
AND SANCHEZ, OCTOBER 26, 2022

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, OCTOBER 26, 2022

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.

1 8305. Behavioral Health Consumer Advisory Board.

2 8306. Counties.

3 8307. Plan.

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

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

8 § 8301. Scope of chapter.

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

11 § 8302. Legislative intent.

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

18 § 8303. Definitions.

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

22 "Behavioral health consumer." An individual who:

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

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

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

29 (4) Is a peer specialist.

30 "Behavioral health response unit." The behavioral health

1 response units established under this chapter.

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

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

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

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

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

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

17 "Emergency medical services" or "EMS." As defined in section
18 8103 (relating to definitions).

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

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

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

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

30 (2) Distribution of naloxone and training in overdose

1 response.

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

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

6 (5) Wound care.

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

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

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

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

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

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

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

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

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

1 "Substance use disorder." A substance use disorder defined
2 in the Diagnostic and Statistical Manual of Mental Disorders,
3 Fifth Edition.

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

10 § 8304. Powers and duties of department.

11 The department shall have the following powers and duties:

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

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

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

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

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

30 (6) To establish and publish annually uniform standards

1 relating to administration and operation of county and
2 regional programs in consultation with the board.

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

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

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

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

19 § 8305. Behavioral Health Consumer Advisory Board.

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

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

24 (i) Behavioral health consumers.

25 (ii) Individuals who have experienced homelessness.

26 (iii) Members of local immigrant communities.

27 (iv) Sexual minorities.

28 (v) Individuals with disabilities.

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

1 (2) The State coordinator as provided under section
2 8304(4) (relating to powers and duties of department), who
3 shall serve as chairperson.

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

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

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

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

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

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

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

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

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

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

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

29 (1) To advise the department on regulations and
30 guidelines relating to the administration and operation of

1 county and regional programs in this Commonwealth on the
2 following:

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

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

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

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

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

18 § 8306. Counties.

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

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

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

1 following apply:

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

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

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

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

16 § 8307. Plan.

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

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

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

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

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

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

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

30 (6) Each program shall collect a standardized set of

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

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

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

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

17 (b) Confidentiality.--All services provided by the crisis
18 call centers and a behavioral response units shall remain
19 confidential and comply with Federal and State law governing the
20 confidentiality of health information, including the Health
21 Insurance Portability and Accountability Act of 1996 (Public Law
22 104-191, 110 Stat. 1936) and related rules and regulations.

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

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

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

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

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

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

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

24 (c) Transfer by Secretary of the Budget.--No later than 30
25 days after the effective date of this section, the Secretary of
26 the Budget shall transfer to the fund \$5,000,000 of the
27 unexpended, unencumbered prior year funds that were originally
28 appropriated from the General Fund to an executive branch agency
29 which is subject to the policy, supervision and control of the
30 Governor. The Secretary of the Budget may only make the transfer

1 of funds if the transfer will not result in a deficit in any
2 appropriation from which the funds are transferred. No less than
3 10 days prior to the transfer, the Secretary of the Budget shall
4 send notification of the transfer in writing to the chairperson
5 and minority chairperson of the Appropriations Committee of the
6 Senate and the chairperson and minority chairperson of the
7 Appropriations Committee of the House of Representatives.

8 (d) Appropriation by General Assembly.--Beginning with the
9 2023-2024 fiscal year, the General Assembly may appropriate
10 money to the fund.

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

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

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

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

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

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

1 department.

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

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

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

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

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

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

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

24 (c) Initial application period.--No later than March 1,
25 2023, the department shall begin to accept applications from
26 eligible applicants for grant money available during the fiscal
27 year. The department shall provide notice of the application
28 period on the department's publicly accessible Internet website.

29 (d) Additional application period.--If money is available in
30 the fund, no later than October 1, 2023, and each October 1

1 thereafter, the department shall provide notice of a new
2 application period on the department's publicly accessible
3 Internet website. The department shall accept applications from
4 eligible applicants during the fiscal year.

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

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

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

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

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

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

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

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

30 (5) The department may award a grant between \$150,001

1 and \$250,000 if the eligible applicant provides non-State
2 financial participation equal to 50% of the requested grant
3 amount.

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

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

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

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

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

17 Section 2. Any regulation inconsistent with the provisions
18 of this act is abrogated to the extent of any inconsistency with
19 this act.

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