

TITLE 39
HEALTH AND SAFETY

CHAPTER 91
BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS

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

[39-9101, added 2014, ch. 131, sec. 1, p. 365.]

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

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

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

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

(5) The crisis centers shall be available on a voluntary basis to individuals experiencing a behavioral health crisis. The centers shall provide transitional de-escalation, stabilization and community referral services only, and the centers shall not serve as inpatient or residential facilities.

(6) This chapter and any subsequent administrative rules shall not assume authority over other community efforts to assist Idahoans experiencing behavioral health crises.

[39-9102, added 2014, ch. 131, sec. 1, p. 365.]

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

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

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

(4) "Director" means the director of the department of health and welfare.

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

[39-9103, added 2014, ch. 131, sec. 1, p. 365.]

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

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

(3) If the organization contracted for operation of the crisis centers is already governed by a board of directors, the board shall establish an advisory committee to advise it on the organization, implementation and operation of the crisis center.

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

(5) The term of board or advisory committee membership, appointment authority for members and organizational structures shall be guided by bylaws, articles of incorporation or other policy directives established by the entity operating the facility.

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

[39-9104, added 2014, ch. 131, sec. 1, p. 366.]

39-9105. BEHAVIORAL HEALTH COMMUNITY CRISIS CENTER EVALUATION. Each crisis center shall annually evaluate the effectiveness and cost efficacy of its center and submit a report of findings to the department of health and welfare by August 1 of each year. The department shall annually report findings of the crisis center evaluations to germane committees of the Idaho legislature.

[39-9105, added 2014, ch. 131, sec. 1, p. 366.]

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

[39-9106, added 2014, ch. 131, sec. 1, p. 366.]

39-9107. COMMUNITY CONTRIBUTION. Communities that receive state funding to establish a crisis center shall, to the maximum extent possible, con-

tribute financial or in-kind support to the development and operation of the crisis center.

[39-9107, added 2014, ch. 131, sec. 1, p. 366.]

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

[39-9108, added 2014, ch. 131, sec. 1, p. 366.]

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

[39-9109, added 2014, ch. 131, sec. 1, p. 367.]