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To: The Attorney General's Youth Suicide Prevention Task Force
From: Lauren Mendoza, Principal Research Analyst
Re: Current Law and Recent Legislative Action Related to Suicide Prevention

This memorandum summarizes current Kansas law related to suicide prevention, as well as other recent legislative efforts on this and other mental health-related issues.

Current Law

Criminal and Civil Penalties for Assisted Suicide

KSA 2017 Supp. 21-5407 defines and provides penalties for the crime of assisting suicide. Pursuant to this statute, it is a severity level 3 person felony to knowingly, by force or duress, cause another person to commit or attempt to commit suicide. Further, it is a severity level 9, person felony to intentionally assist another person to commit or attempt to commit suicide by either providing the physical means or participating in a physical act by which another person commits or attempts to commit suicide. Civil penalties were established in 1998 as part of the Prevention of Assisted Suicide Act (KSA 60-4401 through 60-4407). KSA 2017 Supp. 60-4404 provides grounds for injunctive relief against any person reasonably believed to be about to violate or who is in the course of violating the crime of assisting suicide. Additionally, KSA 2017 Supp. 60-4405 establishes a cause of action for civil damages against a person who commits or attempts to commit the crime of assisting suicide. KSA 60-4406 allows reasonable attorney fees to a prevailing plaintiff in either of these civil actions.

Several statutes provide for revocation of the licensure of medical professionals for assisting suicide (e.g., nurses [KSA 2017 Supp. 65-1120], dentists or dental hygienists [KSA 2017 Supp. 65-1436], pharmacists [KSA 2017 Supp. 65-1627], physician assistants [KSA 2017 Supp. 65-28a05], or persons required to be licensed by the Board of Healing Arts [KSA 2017 Supp. 65-2836]).

Prevention in Schools

KSA 2017 Supp. 72-6284, known as the Jason Flatt Act, was enacted in 2016 and requires the board of education of each school district to provide suicide awareness and prevention programming to all school staff. Such programming must include at least one hour of training each calendar year based on programs approved by the Kansas State Board of Education, which can be satisfied through independent self-review of suicide prevention training

materials. Programming also must include a building crisis plan developed for each school building, including steps for recognizing suicide ideation, appropriate methods of interventions, and a crisis recovery plan. School districts also must notify parents or legal guardians of students enrolled in such district that the training materials provided under such programming are available.

The law prohibits a cause of action from being brought for any loss or damage caused by an act or omission resulting from the implementation of the provisions of the Act, or resulting from any training or lack of training it requires. Further, the Act states it should not be construed to impose any specific duty of care.

Exception to Confidentiality of Peer Support Counseling Session for Threats of Suicide

KSA 2017 Supp. 60-473 was enacted as part of 2015 HB 2025 and provides for the confidentiality of communications within a “peer support counseling session,” which is defined as a session conducted by a peer support specialist that is called or requested in response to a critical incident or traumatic event involving the personnel of a law enforcement agency or emergency services provider. The law states, however, confidentiality does not apply to any threat of suicide made by a participant or any information conveyed in a peer support counseling session relating to the threat of suicide.

Recent Legislative Efforts

The table below summarizes recent legislation on suicide prevention and mental health services.

Bill Number	Summary
2018 H. Sub. for SB 179 (enacted)	Created and amended law to establish juvenile crisis intervention centers and procedures for admission of juveniles to such centers; centers provide short-term observation, assessment, treatment and case management, and referral for any juvenile who is experiencing a mental health crisis and is likely to cause harm to self or others.
2018 SB 333 (hearing in Senate Committee on Education; no action)	Would have amended the Jason Flatt Act to: <ul style="list-style-type: none"> • Require each local school board to develop a written plan to provide suicide awareness and prevention programming to selected school staff (rather than to all staff); • Require the written plan to be published on the school district’s website and to include identification of the training materials to be used and identification of the school staff required to participate in such training, which would be based on the extent of staff members’ interaction with students; • Require local school boards to provide notice to parents and legal guardians of students enrolled in the district of the school staff required to participate in the training; and • Remove the one-hour requirement but retain the requirement for training to occur each year.
2018 Sub. for SB 423 (enacted)	Created the Mental Health Intervention Team pilot program between participating school districts and Community Mental Health Centers (CMHCs) for FY 2019; mental health intervention teams will be composed of school liaisons employed by the school district, and clinical therapists and case managers employed by the CMHC.

Bill Number	Summary
	<p>The following will participate in the program:</p> <ul style="list-style-type: none"> • 23 schools in the Wichita school district (USD 259); • 28 schools in the Topeka school district (USD 501); • 10 schools in the Kansas City school district (USD 500); • 5 schools in the Parsons school district (USD 503); • 4 schools in the Garden City school district (USD 457); and • 9 schools served by the Central Kansas Cooperative in Education. [<i>Note:</i> House Sub. for SB 61 replaced the Central Kansas Cooperative in Education with the Abilene school district (USD 435).]
2018 Sub. for HB 2194 (enacted)	Authorized transfers from the Lottery Operating Fund to the Community Crisis Stabilization Centers Fund (75.0 percent) and the Clubhouse Model Program Fund of the Kansas Department for Aging and Disability Services (KDADS) (25.0 percent); transfers are limited to \$4.0 million in FY 2019 and \$8.0 million for FY 2020 and subsequent years.
2018 HB 2688 (passed over by the House Committee of the Whole)	Would have established the Behavioral Health Task Force and required the Task Force and each working group convened by the Task Force to study the increasing number of suicides in Kansas.
2017 H. Sub. for SB 42 (enacted)	Charged the Juvenile Justice Oversight Committee to study and create a plan to address the disparate treatment of and availability of resources for juveniles with mental health needs in the juvenile justice system.
2017 S. Sub. for HB 2002 (enacted)	<p>Required KDADS to establish the Mental Health Task Force (Task Force) to:</p> <ul style="list-style-type: none"> • Study, among other topics, the Kansas mental health delivery system; the most effective ways to deliver mental health services, including the varied services required for individuals of varying ages; a comprehensive strategy for delivery of mental health services; maximization of federal and other funding sources for mental health services; and the statewide absence of crisis stabilization centers to provide short-term mental health crisis care of 48 hours or less; and • Submit a report on the Task Force's findings to the Senate standing committees on Ways and Means and Public Health and Welfare and the House of Representatives standing committees on Appropriations and Health and Human Services on or before January 8, 2018. <p>[<i>Note:</i> Enacted 2018 House Sub. for SB 109 authorized the Task Force to meet during the 2018 Interim to study various mental health topics, including the creation of a strategic plan addressing the recommendations of the 2017 Task Force and recommending the number and location of additional psychiatric beds.]</p>
2017 Senate Sub. for HB 2053 (enacted)	Created the Crisis Intervention Act, which allows for detention and provides for emergency observation and treatment at a crisis intervention center for a person believed to be a mentally ill person, a person with an alcohol or substance abuse problem, or a person with co-occurring conditions and likely to cause harm to self or others if not immediately retained.
2017 HB 2308 (amended by the House Committee of the Whole, passed 124-0, no Senate action)	Would have been known as "Gordy's Gift" and required a suicide evaluation upon inpatient admission to certain behavioral health treatment facilities.

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