

Subject: 988 Regulation Comments

I am writing in strong support of the State Board of Health adopting the provisions of the 988 Fee Regulation regarding NRS 439.150 and NRS 433 as amended by Section 5 of Senate Bill 390 (2021) **to impose a surcharge in the full amount of 35 cents** on each access line of each customer of a company that provides commercial mobile communication services or IP-enabled voice services in this State in accordance with 47 U.S.C. § 251a and each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in Nevada. Those companies and providers should **collect the full 35 cent surcharge** from their customers and transfer the entire amount of the money collected to the Division of Public and Behavioral Health pursuant to the adopted regulations.

The amount of the surcharge must be at least the statutory authorized 35 cents in order to be sufficient enough to support the 988 mental health and suicide crisis lifeline, and for the dedicated line to be connected to accessible community resources when activated.

I appreciate your consideration of my comments concerning this most critical matter for persons in Nevada with mental illness and their families.

Sincerely,

Donald (Don) O. Williams
Member, National Alliance on Mental Illness (NAMI)
Chair, NAMI Nevada Public Policy and Advocacy Committee
Member, Board of Directors NAMI Western Nevada



SENT VIA ELECTRONIC MAIL

May 19, 2022

Veronica Portillo-Bradford
Health Program Specialist
Division of Public and Behavioral Health
Bureau of Behavioral Health Wellness and Prevention
4126 Technology Way, Suite 200
Carson City, NV 89706

Dear Ms. Portillo-Bradford:

On behalf of CTIA®, the trade association for the wireless communications industry, I submit the following comments raising concerns with the Department's proposed regulation governing the 988 fee. CTIA is concerned that the proposed regulation would set the initial rate of the 988 fee at the maximum allowed by statute – 35 cents per line per month. Our understanding of the legislative intent in passing SB390 with a rate cap was that the fee would be initially set at a lower rate that reflected the availability of significant federal funding for start-up costs. Over time, as the program was fully implemented, the Board would have the option to incrementally increase the fee up to the maximum allowed by statute. Most states that have begun 988 implementation have chosen the path of utilizing federal funding and excess state revenues to fund start-up costs.

Colorado is the only other state that has enacted a 988 statute with a similar fee cap structure. The Colorado law caps the 988 fee at 30 cents and empowers the state Public Utilities Commission (PUC) to set the fee. The Colorado PUC chose to set the initial fee at 18 cents - well below the 30 cent cap. We think it would be prudent for Nevada to follow suit and set an initial fee well below the 35-cent cap while engaging in further efforts to determine whether other funding sources are available to meet the initial needs of the 988 program. We, therefore, respectfully request that the amount of the initial fee be set no higher than 20 cents.

Amendments to the Proposed Regulation

The proposed regulation lacks the specificity needed for wireless providers to implement the new fee. Several very important terms are undefined, and the law and regulation fail to incorporate the provisions of the federal Mobile Telecommunications



Sourcing Act, which prescribes how taxes and fees may be imposed on commercial mobile radio service (“wireless service”).

The goal of these proposed changes is to make the collection of the 988 fee as consistent as possible with the 911 surcharge permitted by NRS244A.7643. This consistency will allow wireless providers to piggyback upon existing collections processes, reducing administrative and compliance costs.

We respectfully request the following specific amendments be incorporated into the final regulation:

1. To sufficiently support the uses set forth in subsection 2 of Section 5 of Senate Bill 390 (2021) and produce the revenue projected in the budget for the Division approved by the Legislature, a surcharge of ~~35~~ 20 cents is imposed on the following, per month:
 - a. Each access line of each customer of a company that provides commercial mobile services or IP-enabled voice services in this State in accordance with 47 U.S.C. § 251. For the purposes of this section, a commercial mobile services access line shall mean a voice service capable of dialing the digits 988 to access the National Suicide Prevention Lifeline, provided to each customer of that service whose place of primary use is in Nevada. The term “place of primary use” shall have the meaning as specified in the federal Mobile Telecommunications Sourcing Act (4 U.S.C. 116-126) and the provisions of such Act are hereby incorporated by reference; and
 - b. Each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in this State.
2. The companies and providers shall collect the surcharge as described in subsection 1 each month from their customers ~~per month~~ and transfer remit the money collected to the Crisis Response Account within the Division of Public and Behavioral Health:
 - a. Telecommunications providers will;
 - i. Request account and routing information, which will only be given verbally over the phone.
 - ii. Establish use of CCD Plus format for ACH payment.
 - iii. Transfer the funds via ACH payment to the treasurer’s office with Addenda field complete by the 15th of every month.



iv. Addenda field can contain up to eighty (80) characters and should include information that will be needed to identify payment;

1. Division of Public and Behavioral Health
2. Crisis Response Account
3. Account Number
4. Billing Period

Please contact me at [REDACTED] if you have questions or need more information.
Thank you for your consideration.

Sincerely,

Gerard Keegan
Vice President
State Legislative Affairs

March 10, 2022

Veronica Portillo-Bradford
Nevada Department of Health and Human Services
Division of Public and Behavioral Health | Crisis Prevention
4126 Technology Way, Ste. 200 | Carson City, NV, 89701

[REDACTED]

Nevada Telecommunications Association
PO Box 34449
Reno, NV 89533
Rusty Shaffer, Executive Director

[REDACTED]

Dear Ms. Portillo-Bradford,

I have solicited comments on this issue from our members and we have the following remarks:

SB 390 was passed under the 2021 legislative session in Nevada. The legislation allows the PUC to assess a surcharge on users of mobile communications, VOIP communications, and landline communications services for the purposes of supporting the activities directed under the legislation. The surcharge will be applied to customer bills, collected by companies and remitted to the fund. The good news in that statement is that it isn't a tax on communications companies, but a tax on the users of communications services. However, it is still another surcharge that the NTA companies, as well as other telecommunication companies not in the Association, must apply to customer bills, collect, and remit to the fund.

While we think the legislation is well intentioned, it is still unclear how a state 988 service and hotline will function in the presence of a federal 988 hotline. The legislation has already passed so I think it is only a matter of time before the actions of the state answer that question for us all. We believe what they are wanting to know is 'what burdens on small carriers will be created by the actions of assessing, collecting and remitting the surcharge that are applied to our customer's lines'?

The NTA is generally against the inclination of legislators to view telecommunications customers as an endless source of revenue to fund state wish list programs – essentially making the telecommunication companies' the *de facto* state tax collector. The fundamental question, as stated above, is how the imposition of this surcharge will affect small companies? For some, this may only add a small programming charge from the billing vendor, but it will add an additional burden and for the employees of those companies to reconcile the collected revenue and remit it to the state. Again, we still question why communication providers must bear the cost of this program. The NTA companies have already made changes to implement the 988 dialing, however, we'd like to understand how suicide prevention is related to telecommunications?

Another question was raised by our members, and we don't see a provision in the proposed rule, for disconnect-for-non pay. Suppose a company bills a subscriber for 3 months and they fail to pay? The process at that point for most companies is to disconnect the line/account and write it off. However, who then is responsible for the 988 surcharge that never actually got collected?

In conclusion, the NTA feels that it is not an ideal situation - the state collecting a tax to fund a state program. It could be ripe for state government misuse, similar to what's happened in some states around E-911 state surcharges where that money is collected but *not* used for 911 network services and is subsequently transferred to the state's general fund where it's used to pay for unrelated projects.

I hope these questions and concerns are helpful to you and the Department of Health and Human Services. Please feel free to contact me regarding any further discussion on the matter.

Thank you.

A handwritten signature in black ink, appearing to read "Rusty Shaffer". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Rusty Shaffer
Executive Director
Nevada Telecommunications Association

988 Fee Regulation for Adoption by State Board of Health

PROPOSED BY: Shelly Capurro
Kaempfer Crowell

CONTACT INFORMATION: [REDACTED]
[REDACTED]

Charter Communications supports the designation of 988 as the three-digit dial for a Suicide Prevention Lifeline. Charter is committed to implementing network changes to ensure Nevadans can dial 988 when in crisis.

Charter is in agreeance with CTIA's concern that the proposed regulation would set the initial rate of the 988 fee at the maximum allowed by statute – 35 cents per line per month.

In addition, we are suggesting the following language be included in Section 2 in regards to trunk lines that are not outbound calling, taxing lines that are unable to be used to dial 988 does not make sense to us.

We would like to see more clarity regarding the remittance process and we would prefer that the department create standardized electronic forms for the remittance process: Specifically we would clarification to the following:

It would be helpful if the state could provide a sample addenda. Many times the payments are rejected if they do not match the required format exactly. We are requesting the ability to run a penny test before the first payment is due. We do not typically send an email before transmitting our payments, and we would prefer to have this provision removed. We are requesting clarification if there is a requirement related to providing additional information similar to a tax filing separate from the payment. Clarification if there will be a specific form created by the Division or if the layout of the report is determined by each taxpayer. We would prefer the Division to create a form for us to use each month. Is the report paper or electronic?

988 Fee Regulation for Adoption by State Board of Health

Authority: NRS 439. 150 and NRS 433 as amended by Section 5 of Senate Bill 390 (2021) as follows:

Senate Bill 390 Sec. 5.

1. The State Board of Health shall adopt regulations to impose a surcharge on each access line of each customer of a company that provides commercial mobile communication services or IP-enabled voice services in this State in accordance with 47 U.S.C. § 251a and each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in this State. Those companies and providers shall collect the surcharge from their customers and transfer the money collected to the Division pursuant to regulations adopted by the State Board of Health. The amount of the surcharge must be sufficient to support the uses set forth in subsection 2, except that the amount of the surcharge must not exceed 35 cents for each access line or trunk line.

Proposed Regulation of the State Board of Health

LCB FILE NO. RXXX-

Section 1. Chapter 433 of NAC is hereby amended by adding thereto the provisions set forth as section 2, inclusive, of this regulation.

Section 2.

1. **To sufficiently support the uses set forth in subsection 2 of Section 5 of Senate Bill 390 (2021) and produce the revenue projected in the budget for the Division approved by the Legislature, a surcharge of 35 cents is imposed on the following, per month:**
 - a. **Each access line of each customer of a company that provides commercial mobile services or IP-enabled voice services in this State in accordance with 47 U.S.C. § 251a; and**
 - b. Each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in this State.**
 - b.c. The surcharge must be uniform for each access line and may be levied only on the number of access lines on an account that are capable of simultaneous unrestricted outbound calling to the public switched telephone network. A direct inward dialing assignment or phone number that routes in-bound calls is not an access line.**
2. **The companies and providers shall collect the surcharge as described in subsection 1 from their customers per month and transfer the money collected to the Crisis Response Account within the Division of Public and Behavioral Health.:**
 - a. **Telecommunications providers will:**
 - i. **Request account and routing information, which will only be given verbally over the phone, for the Crisis Response Account. The telephone number to reach personnel to obtain this information shall be posted on the website of the Department of Health and Human Services.**
 - ii. **Establish use of CCD Plus format for ACH credit payment.**
 - iii. **Transfer the funds via ACH payment to the treasurer's office with Addenda field complete by the 15th of every month following the month the funds were billed.**
 - iv. **Addenda field can contain up to eighty (80) characters and should include information that will be needed to identify payment;**
 1. **Division of Public and Behavioral Health**
 2. **Crisis Response Account**
 3. **Account Number**
 4. **Billing Period (Use YYDDMM format; for example 233101 for January 31,2023)**
 - ail-Division notification that an incoming funds transfer is ready to be sent, prior to transfer.**
 - v. **Provide a monthly written report at the time of electronic transfer to the Division of Public and Behavioral Health to include total amount of surcharge collected on total amount of lines.**

May 20, 2022

TO: Veronica Portillo-Bradford
Health Program Specialist
Division of Public and Behavioral Health

FROM: Sandra K. Stamates
Board Member Washoe Regional Behavioral Health Policy Board
Volunteer – NAMI (National Alliance on Mental Illness)

I support the Proposed Regulation of the State Board of Health to amend Section 1. Chapter 433 of NAC. I urge the Board of Health to levy the full 35 cents per phone line as approved by the 2021 Legislature in Senate Bill 390.

As a family member of an individual living with mental illness, I have had to call the crisis call center, now run by Crisis Support Services of Nevada. They were so helpful to me by listening to my concerns and enabling a three-way call between the crisis operator, my ill loved one and myself. Unfortunately, over the years of my loved one's illness, calls have also been made to 911. Our family has experienced police response numerous times over the last 20 years. Although there have been officers who have been helpful, what my loved one needed was someone who understood mental illness and was able to deescalate the situation and provide the correct help needed to get the crisis under control.

Being able to have an easy to remember three-digit number to call and reach someone who understands mental illness and behavioral crises, help deescalate the situation, make a decision if more response is needed and then coordinate the response to successful conclusion will make a significant difference for families and individuals living with mental illness. The new 988 number has been approved at the national level and will begin on July 16th.

Fully trained operators in a crisis call center who can act as air traffic controllers in a fully functioning crisis response system, which includes 24/7 Mobile Outreach Safety Teams, and Crisis Stabilization Centers must be the standard Nevada pursues and implements. A fully functioning crisis response system will save money and save lives. To be implemented, money must be expended, and the 35-cent cap approved by the Legislature must be fully used to ensure the system is viable and sustainable.

Subject: 988 Regulation Comments

I fully support the regulations as proposed.

Caren Cafferata-Jenkins, Esq.



Subject: 988 Regulation Comments

To Whom it may concern:

My name is Leah Clark and I have mental health conditions and there have been times that I have needed the crisis line. I honestly think that 988 would be very beneficial to have. Being able to simply dial three numbers would bring down wait times and get a person in crisis help sooner. If you had a loved one in crisis would you not want speedier access to help? I know my family would. So please make it possible for the people of Nevada to have 988 access.

Thank You,

Leah Clark