



# Supporting Mental Health: Addressing a New Public Health Crisis



## Legislative Overview Series: 2023 Public Health Spotlight

### Introduction

Mental illness is prevalent across the lifespan in the United States, with an estimated one in five adults and nearly one in three young adults experiencing a mental illness.<sup>1</sup> Youth mental health needs continue to grow across the United States, with almost half of high school students in 2021 reporting feeling persistently sad or hopeless in the past year.<sup>2</sup> In addition, estimates suggest that half of youth with a mental illness do not receive treatment.<sup>3</sup>

State legislatures continue to pursue a wide array of policies to improve mental health access and outcomes, including suicide prevention and education, investments in youth mental health, and expanded access to mental health professionals through telehealth and licensing flexibilities.

### Legislative Trends

#### Suicide Prevention

Suicide continues to be among the leading causes of death for young people and is disproportionately more prevalent in certain populations, including men, Native American/Alaska Native people, veterans and those living in rural areas.<sup>4,5,6</sup> Disparities in the rate of suicide are also growing among non-Hispanic Black people, and recent data suggests that LGBT individuals experience higher rates of suicide attempt while individuals with disabilities report higher rates of suicidal ideation.<sup>7</sup>

During the 2022 legislative sessions, many state legislatures considered bills to educate the public about the resources available to those experiencing a mental health crisis. This included laws supporting the implementation and operation of 988, which offers phone, chat or text support from a trained crisis counselor for those experiencing or witnessing a mental health or substance use crisis.<sup>8</sup> At least 13 states (California, Connecticut, Illinois, Indiana, Kansas, Maryland, Massachusetts, Mississippi, New Jersey, New York, Rhode Island, Vermont, and West Virginia) enacted laws related to 988 implementation or oversight and related crisis support services. Some states also chose to incorporate information about 988 in different locations throughout the state, with Washington state requiring signage in specified locations and Oklahoma requiring it on certain student identification cards.

State legislatures also considered updating suicide prevention curriculum in schools. A new California law requires local education agencies to review and update policies on suicide prevention, encouraging teacher training on suicide awareness and prevention in upcoming school years. Similarly, Louisiana law now requires that youth suicide prevention programs include instruction on student safety, preventing violence and social isolation, identifying certain signs and signals in themselves and their peers, and how to get help.

Some states enacted laws to address needs of other at-risk populations. West Virginia passed a law aimed at addressing the high rate of suicide among veterans, directing its Department of Veterans Assistance to implement programs and develop partnerships to support veterans at risk of suicide.

#### Youth Mental Health

Poor mental health continues to be an issue for young people in the United States, with some youth affected more than others.<sup>9</sup> For example, while racial and ethnic minorities and marginalized groups were disproportionately affected by the COVID-19 pandemic and its negative mental health impacts, these same populations may also experience higher levels of stress, discrimination, trauma, and violence.<sup>10</sup> In 2022, at least eight states (Alabama, Colorado, Connecticut, Delaware, Florida, Maryland, Nebraska, and Rhode Island) enacted laws to support youth mental health in schools. Noting that youth with access to school-based health centers are much more likely to seek care than those without access, the Delaware legislature passed a law aimed at funding mental health services through the hiring of school counselors, social workers, and psychologists in middle schools throughout the state. Nebraska will require behavioral health points of contact, with knowledge of service providers and other resources, to coordinate access to services and be a resource at each school building or other division determined by the school district.

States also took other actions to address unmet mental health needs among youth. Connecticut passed a package of bills aimed at improving the mental health of children in the state that included additional resources for different school-based interventions and expanded access to mental health providers in the state. At least five states passed laws regarding trauma-informed training programs initiatives, including Rhode Island, which enacted a law requiring trauma-informed practices in all elementary and secondary schools in the state.

## Telehealth and Licensure Flexibilities

The COVID-19 pandemic drove a rapid and significant expansion of telehealth, with one study showing a 63-fold increase in the share of certain Medicare Part B telehealth visits in 2020.<sup>11</sup> Similarly, a 2021 survey of U.S. households found that more than 20% had a telehealth visit within the last four weeks.<sup>12</sup> Temporary changes to state and federal law during the COVID-19 pandemic supported this increase, and while some flexibilities have changed over time, telehealth is likely to remain a popular modality for healthcare delivery. It also continues to be a focus of state legislatures, with several enacting laws to address reimbursement for telehealth or to support or further regulate telehealth services.

In 2022, at least nine states enacted laws related to telehealth delivery or reimbursement. A new Ohio law allows school psychologists to provide services via telehealth and expands the scope of healthcare professionals permitted to practice telemedicine while setting specific standards for that practice. A new Kentucky law prohibits regulatory agencies from limiting telehealth practice in a number of ways, which may support expanded coverage of telehealth services and increased flexibility for telehealth practitioners. Several states also adopted the Professional Counseling Licensure Compact in 2022. This compact will ease the process for multistate licensure for counselors in these states once applications for compact privileges open in 2023 or 2024 and is expected to make telehealth practice easier and increase access to mental health providers.<sup>13</sup>

## Looking Ahead

ASTHO expects state and territorial legislatures to continue supporting mental and behavioral healthcare access in 2023. These actions may include:

- Initiatives to increase mental health providers and support additional physical spaces—such as residential treatment facilities or other inpatient treatment options—for individuals to receive mental health services.
- Continuing to support and operate the national 988 crisis helpline.
- Further supporting telehealth options for mental health needs, including adopting interstate compacts and additional licensure flexibilities for mental health professionals.
- Growing Medicaid school-based services, consistent with the investment and technical assistance expected from the federal Bipartisan Safer Communities Act.

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The Bipartisan Safer Communities Act requires the federal government to develop guidance to support the delivery of services to Medicaid and CHIP beneficiaries in schools, and includes grant funding for states to provide assistance through school-based entities.

Illinois passed a law establishing a safe gun storage public awareness campaign—which calls for a time-limited, three-phase plan and requires a focus on suicide prevention—along with other safe storage and education-related initiatives.

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