

By: Price

H.B. No. 19

A BILL TO BE ENTITLED

AN ACT

relating to mental health and substance use resources for certain school districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 8, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. MENTAL HEALTH AND SUBSTANCE USE RESOURCES FOR SCHOOL DISTRICT PERSONNEL

Sec. 8.151. DEFINITIONS. In this subchapter, "local mental health authority" and "non-physician mental health professional" have the meanings assigned by Section 571.003, Health and Safety Code.

Sec. 8.152. EMPLOYMENT OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL AS MENTAL HEALTH AND SUBSTANCE USE RESOURCE. (a) A local mental health authority shall employ a non-physician mental health professional to serve as a mental health and substance use resource for school districts located in the region served by a regional education service center and in which the local mental health authority provides services.

(b) If two or more local mental health authorities provide services in a region served by a regional education service center, the local mental health authority that primarily operates in the county in which the center is located shall employ the non-physician mental health professional and, in making any hiring

1 decision, consult with other local mental health authorities  
2 providing services in that region.

3 Sec. 8.153. INTERAGENCY COLLABORATION; MEMORANDUM OF  
4 UNDERSTANDING. (a) A local mental health authority that employs a  
5 non-physician mental health professional under Section 8.152 and  
6 the regional education service center shall collaborate in carrying  
7 out this subchapter.

8 (b) Each regional education service center shall provide  
9 for a non-physician mental health professional employed for the  
10 region served by the center with a space for the professional to  
11 carry out the professional's duties under Section 8.155. The local  
12 mental health authority that employs the professional shall pay the  
13 center a reasonable administrative cost for providing the space.

14 (c) A local mental health authority and a regional education  
15 service center may enter into a memorandum of understanding for the  
16 administration of this section.

17 Sec. 8.154. SUPERVISION OF NON-PHYSICIAN MENTAL HEALTH  
18 PROFESSIONAL. The local mental health authority that employs a  
19 non-physician mental health professional under Section 8.152  
20 shall:

21 (1) supervise the professional in carrying out the  
22 professional's duties under Section 8.155; and

23 (2) consult with any other local mental health  
24 authorities in the region in supervising the professional.

25 Sec. 8.155. DUTIES OF NON-PHYSICIAN MENTAL HEALTH  
26 PROFESSIONAL. (a) A non-physician mental health professional  
27 employed under Section 8.152 shall act as a resource for school

1 district personnel by:

2 (1) helping personnel gain awareness and a better  
3 understanding of mental health and co-occurring mental health and  
4 substance use disorders;

5 (2) assisting personnel to implement initiatives  
6 related to mental health or substance use under state law or agency  
7 rules;

8 (3) ensuring personnel are aware of:

9 (A) the list of recommended best practice-based  
10 programs and research-based practices developed under Section  
11 161.325, Health and Safety Code; and

12 (B) other treatment programs available in the  
13 school district, including evidence-based programs provided by a  
14 local mental health authority and other public and private mental  
15 health providers;

16 (4) on a monthly basis, facilitate mental health first  
17 aid training;

18 (5) on a monthly basis, facilitate training regarding  
19 the effects of grief and trauma and providing support to children  
20 with intellectual or developmental disabilities who suffer from  
21 grief or trauma; and

22 (6) on a monthly basis, facilitate training on  
23 prevention and intervention programs that have been shown to be  
24 effective in helping students cope with pressures to:

25 (A) use alcohol, cigarettes, or illegal drugs; or

26 (B) misuse prescription drugs.

27 (b) A non-physician mental health professional employed

1 under Section 8.152 may not treat or provide counseling to a student  
2 or provide specific advice to school district personnel regarding a  
3 student.

4 Sec. 8.156. PARTICIPATION BY SCHOOL DISTRICT NOT REQUIRED.  
5 This subchapter does not require a school district to participate  
6 in training provided by a non-physician mental health professional  
7 or otherwise use the professional as a resource.

8 Sec. 8.157. DISTRIBUTION OF FUNDING. A state agency to  
9 which money is appropriated to carry out this subchapter shall  
10 ensure that the money is distributed equally among the local mental  
11 health authorities that employ and supervise non-physician mental  
12 health professionals under this subchapter.

13 Sec. 8.158. REPORT. (a) Before the last business day of  
14 each calendar year, each local mental health authority that employs  
15 and supervises a non-physician mental health professional under  
16 this subchapter shall prepare and submit a report to the Health and  
17 Human Services Commission regarding the outcomes for school  
18 districts and students resulting from services provided by the  
19 non-physician mental health professional.

20 (b) Not later than January 31 of the following calendar  
21 year, the commission shall compile the information submitted under  
22 this section and prepare and submit a report to the lieutenant  
23 governor, the speaker of the house of representatives, each  
24 standing committee of the legislature having primary jurisdiction  
25 over mental health, and each standing committee of the legislature  
26 having primary jurisdiction over public education.

27 SECTION 2. This Act takes effect September 1, 2019.