

By: Price, Thompson of Harris, Guillen,
Lujan, Allison

H.B. No. 2361

Substitute the following for H.B. No. 2361:

By: King of Uvalde

C.S.H.B. No. 2361

A BILL TO BE ENTITLED

AN ACT

relating to the qualifications for a person to provide services as a
mental health and substance use resource for school districts.

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

SECTION 1. Section 8.151, Education Code, is amended to
read as follows:

Sec. 8.151. DEFINITIONS. In this subchapter:

(1) "Executive commissioner" means the executive
commissioner of the Health and Human Services Commission.

(2) "Local[~~, "local~~] mental health authority" and
"non-physician mental health professional" have the meanings
assigned by Section 571.003, Health and Safety Code.

SECTION 2. Section 8.152, Education Code, is amended by
adding Subsections (c) and (d) to read as follows:

(c) If a local mental health authority is unable to employ a
professional who qualifies as a non-physician mental health
professional, the authority may request a waiver from the executive
commissioner for approval to employ, for purposes of performing the
functions and duties of a non-physician mental health professional
under this subchapter, a person who:

(1) is a licensed master social worker, as defined by
Section 505.002, Occupations Code; or

(2) has been issued a licensed professional counselor
associate license by the Texas State Board of Examiners of

1 Professional Counselors.

2 (d) A person approved under a waiver under Subsection (c)
3 shall carry out the functions and duties required of a
4 non-physician mental health professional under this subchapter in
5 the same manner as a non-physician mental health professional
6 employed under Subsection (a) or (b).

7 SECTION 3. Not later than November 1, 2024, the executive
8 commissioner of the Health and Human Services Commission shall by
9 rule establish the process for requesting a waiver under Section
10 8.152(c), Education Code, as added by this Act.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2023.