By: Price

H.B. No. 2361

A BILL TO BE ENTITLED

1   AN ACT

2 relating to the qualifications for a person to provide services as a

3 mental health and substance use resource for school districts and

4 the reporting of certain information regarding outcomes of those

5 services.

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

7   SECTION 1. Section 8.151, Education Code, is amended to

8 read as follows:

9   Sec. 8.151. DEFINITIONS. In this subchapter:

10   (1) "Executive commissioner" means the executive

11 commissioner of the Health and Human Services Commission.

12   (2) "Local[, "local] mental health authority" and

13 "non-physician mental health professional" have the meanings

14 assigned by Section 571.003, Health and Safety Code.

15   SECTION 2. Section 8.152, Education Code, is amended by

16 adding Subsections (c) and (d) to read as follows:

17   (c) If a local mental health authority is unable to fill an

18 open position for a non-physician mental health professional due to

19 a shortage of qualified applicants, the authority may request a

20 waiver from the executive commissioner for approval to employ, for

21 purposes of performing the functions and duties of a non-physician

22 mental health professional under this subchapter, a person who:

23   (1) is a licensed master social worker, as defined by

24 Section 505.002, Occupations Code; or

H.B. No. 2361

1 (2) has been issued a licensed professional counselor
2 associate license by the Texas State Board of Examiners of
3 Professional Counselors.
4 (d) A person approved under a waiver under Subsection (c)
5 shall carry out the functions and duties required of a
6 non-physician mental health professional under this subchapter in
7 the same manner as a non-physician mental health professional
8 employed under Subsection (a) or (b).
9 SECTION 3. Section 8.158, Education Code, is amended to
10 read as follows:
11 Sec. 8.158. REPORT. (a) Before the last business day of
12 each odd-numbered [calendar] year, each local mental health
13 authority that employs and supervises a non-physician mental health
14 professional under this subchapter shall prepare and submit a
15 report to the Health and Human Services Commission regarding the
16 outcomes for school districts and students resulting from services
17 provided by the non-physician mental health professional.
18 (b) Not later than July [January] 31 of each even-numbered
19 year [the following calendar year], the Health and Human Services
20 Commission shall compile the information submitted under this
21 section and prepare and submit a report to the lieutenant governor,
22 the speaker of the house of representatives, each standing
23 committee of the legislature having primary jurisdiction over
24 mental health, each standing committee of the legislature having
25 primary jurisdiction over public education, and the agency. Before
26 submitting the report under this subsection, the commission shall
27 provide the agency a reasonable opportunity to review and provide

1 input on the contents of the report.

2 (c) Not later than July [January] 31 of each even-numbered

3 [calendar] year, the Health and Human Services Commission shall

4 submit the report prepared under Subsection (b) to the

5 Collaborative Task Force on Public School Mental Health Services

6 established under Section 38.302. This subsection expires December

7 1, 2025.

8 SECTION 4. Not later than November 1, 2023, the executive

9 commissioner of the Health and Human Services Commission shall by

10 rule establish the process for requesting a waiver under Section

11 8.152(c), Education Code, as added by this Act.

12 SECTION 5. This Act takes effect immediately if it receives

13 a vote of two-thirds of all the members elected to each house, as

14 provided by Section 39, Article III, Texas Constitution. If this

15 Act does not receive the vote necessary for immediate effect, this

16 Act takes effect September 1, 2023.