

By: Springer

S.B. No. 1282

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the establishment of the Texas Mental Health Care
3 Enterprise Fund and the granting of license reciprocity to certain
4 mental health professionals.

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

6 SECTION 1. Subtitle E, Title 7, Health and Safety Code, is
7 amended by adding Chapter 616 to read as follows:

8 CHAPTER 616. TEXAS MENTAL HEALTH CARE ENTERPRISE FUND

9 Sec. 616.001. DEFINITIONS. In this chapter:

10 (1) "Commission" means the Health and Human Services
11 Commission.

12 (2) "Fund" means the Texas Mental Health Care
13 Enterprise Fund established under this chapter.

14 (3) "Mental health professional" means:

15 (A) a physician certified in psychiatry that is
16 licensed under Subtitle B, Title 3, Occupations Code;

17 (B) a clinical psychologist licensed under
18 Chapter 501, Occupations Code;

19 (C) a behavior analyst licensed under Chapter
20 506, Occupations Code;

21 (D) a clinical social worker licensed under
22 Chapter 505, Occupations Code;

23 (E) a licensed professional counselor licensed
24 under Chapter 503, Occupations Code;

1 (F) a marriage and family therapist licensed
2 under Chapter 502, Occupations Code;

3 (G) an advanced practice registered nurse, as
4 defined by Section 301.152, Occupations Code, certified in
5 psychiatry; and

6 (H) a nurse licensed under Chapter 301,
7 Occupations Code, with a master's or doctoral degree in psychiatric
8 nursing.

9 Sec. 616.002. TEXAS MENTAL HEALTH CARE ENTERPRISE FUND.

10 (a) The Texas Mental Health Care Enterprise Fund is an account in
11 the general revenue fund that may be used only for making payments
12 under this chapter and to pay costs of administering this chapter.

13 (b) The fund includes:

14 (1) amounts appropriated by the legislature to the
15 fund for purposes of this chapter;

16 (2) interest or other returns earned on the investment
17 of money in the fund; and

18 (3) gifts, grants, and other donations received for
19 the purposes of the fund.

20 (c) The commission shall award from the fund bonus payments
21 to eligible mental health professionals for the purpose of
22 recruiting and retaining those professionals to provide services in
23 this state.

24 Sec. 616.003. ELIGIBILITY; AWARD. (a) A mental health
25 professional is eligible to receive a bonus payment under this
26 chapter only if the professional is employed by or is under contract
27 with:

1 (1) a local mental health authority, as defined by
2 Section 531.002;

3 (2) a local behavioral health authority designated by
4 the commission under Section 533.0356;

5 (3) a state hospital, as defined by Section 552.0011;

6 (4) the Waco Center for Youth; or

7 (5) a public hospital licensed under Chapter 241 that
8 employs:

9 (A) medical and nursing professionals who
10 provide 24-hour professional monitoring, supervision, and
11 assistance in an environment designed to provide safety and
12 security during an acute behavioral health crisis; and

13 (B) staff who provide intensive interventions
14 designed to relieve acute symptomatology and restore the patient's
15 ability to function in a less restrictive setting.

16 (b) The commission may award bonus payments in different
17 amounts based on:

18 (1) the mental health professional's specific mental
19 health role; and

20 (2) whether the mental health professional works in an
21 urban or rural area.

22 (c) The commission may not award bonus payments to an
23 individual mental health professional:

24 (1) more than once in a calendar year;

25 (2) in an amount that exceeds \$15,000 for a single
26 payment; and

27 (3) in a total amount of more than \$30,000.

1 Sec. 616.004. RULES. The executive commissioner shall
2 adopt rules to implement this chapter.

3 SECTION 2. Chapter 112, Occupations Code, is amended by
4 adding Subchapter C to read as follows:

5 SUBCHAPTER C. RECIPROCITY FOR CERTAIN MENTAL HEALTH PROFESSIONALS

6 Sec. 112.101. DEFINITIONS. In this subchapter:

7 (1) "Licensing entity" means a department,
8 commission, board, office, authority, or other agency of this state
9 that regulates a mental health professional.

10 (2) "Mental health professional" has the meaning
11 assigned by Section 616.001, Health and Safety Code.

12 Sec. 112.102. RECIPROCITY. (a) A licensing entity shall
13 issue a license to a person who is currently licensed as a mental
14 health professional from another state or jurisdiction that imposes
15 licensure requirements similar to those specified in this chapter.

16 (b) An applicant for a reciprocal license shall:

17 (1) submit evidence to the licensing entity that the
18 applicant:

19 (A) is in good standing as determined by the
20 licensing entity;

21 (B) holds a valid license from another state or
22 jurisdiction; and

23 (C) is in compliance with other requirements
24 established by the licensing entity; and

25 (2) pay the required fees, if applicable.

26 SECTION 3. As soon as practicable after the effective date
27 of this Act, the executive commissioner of the Health and Human

1 Services Commission shall adopt rules necessary to implement
2 Chapter 616, Health and Safety Code, as added by this Act.

3 SECTION 4. Section 112.102, Occupations Code, as added by
4 this Act, applies only to an application for a license submitted to
5 a licensing entity to which that section applies on or after the
6 effective date of this Act. An application for a license submitted
7 before the effective date of this Act is governed by the law in
8 effect on the date the application was submitted, and the former law
9 is continued in effect for that purpose.

10 SECTION 5. This Act takes effect September 1, 2023.