

By: Van de Putte

S.B. No. 1194

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the provision of behavioral health services by
3 school-based health centers.

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

5 SECTION 1. Section 38.051(a), Education Code, is amended to
6 read as follows:

7 (a) A school district in this state may, if the district
8 identifies the need, design a model in accordance with this
9 subchapter for the delivery of cooperative health care programs for
10 students and their families and may compete for grants awarded
11 under this subchapter. The model may provide for the delivery of
12 conventional health and behavioral health services and disease
13 prevention of emerging health threats that are specific to the
14 district.

15 SECTION 2. Sections 38.054 and 38.057, Education Code, are
16 amended to read as follows:

17 Sec. 38.054. CATEGORIES OF SERVICES. The permissible
18 categories of services are:

- 19 (1) family and home support;
- 20 (2) health care, including immunizations;
- 21 (3) dental health care;
- 22 (4) health education; [~~and~~]
- 23 (5) preventive health strategies; and
- 24 (6) behavioral health care.

1 Sec. 38.057. IDENTIFICATION OF HEALTH-RELATED CONCERNS.

2 (a) The staff of a school-based health center and the person whose
3 consent is obtained under Section 38.053 shall jointly identify any
4 health-related or behavioral health-related concerns of a student
5 that may be interfering with the student's well-being or ability to
6 succeed in school.

7 (b) If it is determined that a student is in need of a
8 referral for mental health or behavioral health services, the staff
9 of the center shall notify the person whose consent is required
10 under Section 38.053 verbally and in writing of the basis for the
11 referral. The referral may not be provided unless the person
12 provides written consent for the type of service to be provided and
13 provides specific written consent for each treatment occasion.

14 SECTION 3. Section 38.058(b), Education Code, is amended to
15 read as follows:

16 (b) A majority of the members of the council must be parents
17 of students enrolled in the district. In addition to the appointees
18 who are parents of students, the board of trustees shall also
19 appoint at least one person from each of the following groups:

- 20 (1) teachers;
- 21 (2) school administrators;
- 22 (3) licensed health care professionals;
- 23 (4) licensed behavioral health care providers;
- 24 (5) the clergy;
- 25 (6) [~~5~~] law enforcement;
- 26 (7) [~~6~~] the business community;
- 27 (8) [~~7~~] senior citizens; and

1 (9) [~~(8)~~] students.

2 SECTION 4. Section 38.060(b), Education Code, is amended to
3 read as follows:

4 (b) If a school-based health center is located in an area
5 described by Subsection (a), the school district and the advisory
6 council established under Section 38.058 shall make a good faith
7 effort to identify and coordinate with existing providers to
8 preserve and protect existing health care and behavioral health
9 care systems and medical relationships in the area.

10 SECTION 5. Section 38.061(b), Education Code, is amended to
11 read as follows:

12 (b) The staff of a school-based health center shall, before
13 delivering a medical service or behavioral health care service to a
14 person with a primary care physician under the state Medicaid
15 program, a state children's health plan program, or a private
16 health insurance or health benefit plan, notify the physician for
17 the purpose of sharing medical information and obtaining
18 authorization for delivering the medical service.

19 SECTION 6. Section 38.063(f), Education Code, is amended to
20 read as follows:

21 (f) The commissioner of public health shall adopt rules
22 establishing standards for health care centers funded through
23 grants that:

24 (1) place primary emphasis on delivery of health
25 services and behavioral health services; and

26 (2) place secondary emphasis on population-based
27 models that prevent emerging health threats.

1 SECTION 7. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2005.