

1-1 By: Van de Putte S.B. No. 1194
1-2 (In the Senate - Filed March 9, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Education; May 4, 2005,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 6, Nays 2; May 4, 2005, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1194 By: Van de Putte

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the provision of behavioral health services by
1-10 school-based health centers.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (a), Section 38.051, Education Code,
1-13 is amended to read as follows:

1-14 (a) A school district in this state may, if the district
1-15 identifies the need, design a model in accordance with this
1-16 subchapter for the delivery of cooperative health care programs for
1-17 students and their families and may compete for grants awarded
1-18 under this subchapter. The model may provide for the delivery of
1-19 conventional health and behavioral health services and disease
1-20 prevention of emerging health threats that are specific to the
1-21 district.

1-22 SECTION 2. Sections 38.054 and 38.057, Education Code, are
1-23 amended to read as follows:

1-24 Sec. 38.054. CATEGORIES OF SERVICES. The permissible
1-25 categories of services are:

- 1-26 (1) family and home support;
- 1-27 (2) health care, including immunizations;
- 1-28 (3) dental health care;
- 1-29 (4) health education; ~~and~~
- 1-30 (5) preventive health strategies; and
- 1-31 (6) behavioral health care.

1-32 Sec. 38.057. IDENTIFICATION OF HEALTH-RELATED CONCERNS.

1-33 (a) The staff of a school-based health center and the person whose
1-34 consent is obtained under Section 38.053 shall jointly identify any
1-35 health-related or behavioral health-related concerns of a student
1-36 that may be interfering with the student's well-being or ability to
1-37 succeed in school.

1-38 (b) If it is determined that a student is in need of a
1-39 referral for mental health or behavioral health services, the staff
1-40 of the center shall notify the person whose consent is required
1-41 under Section 38.053 verbally and in writing of the basis for the
1-42 referral. The referral may not be provided unless the person
1-43 provides written consent for the type of service to be provided and
1-44 provides specific written consent for each treatment occasion.

1-45 SECTION 3. Subsection (b), Section 38.058, Education Code,
1-46 is amended to read as follows:

1-47 (b) A majority of the members of the council must be parents
1-48 of students enrolled in the district. In addition to the appointees
1-49 who are parents of students, the board of trustees shall also
1-50 appoint at least one person from each of the following groups:

- 1-51 (1) teachers;
- 1-52 (2) school administrators;
- 1-53 (3) licensed health care professionals;
- 1-54 (4) licensed behavioral health care providers;
- 1-55 (5) the clergy;
- 1-56 (6) ~~(5)~~ law enforcement;
- 1-57 (7) ~~(6)~~ the business community;
- 1-58 (8) ~~(7)~~ senior citizens; and
- 1-59 (9) ~~(8)~~ students.

1-60 SECTION 4. Subsection (b), Section 38.060, Education Code,
1-61 is amended to read as follows:

1-62 (b) If a school-based health center is located in an area
1-63 described by Subsection (a), the school district and the advisory

2-1 council established under Section 38.058 shall make a good faith
2-2 effort to identify and coordinate with existing providers to
2-3 preserve and protect existing health care and behavioral health
2-4 care systems and medical relationships in the area.

2-5 SECTION 5. Subsection (b), Section 38.061, Education Code,
2-6 is amended to read as follows:

2-7 (b) The staff of a school-based health center shall, before
2-8 delivering a medical service or behavioral health care service to a
2-9 person with a primary care physician under the state Medicaid
2-10 program, a state children's health plan program, or a private
2-11 health insurance or health benefit plan or with an advanced
2-12 practice nurse listed as the primary care provider under such a
2-13 program or plan, notify the physician or advanced practice nurse
2-14 for the purpose of sharing medical and behavioral health
2-15 information and obtaining authorization for delivering the medical
2-16 or behavioral health service.

2-17 SECTION 6. Subsection (f), Section 38.063, Education Code,
2-18 is amended to read as follows:

2-19 (f) The commissioner of public health shall adopt rules
2-20 establishing standards for health care centers funded through
2-21 grants that:

2-22 (1) place primary emphasis on delivery of health
2-23 services and behavioral health services; and

2-24 (2) place secondary emphasis on population-based
2-25 models that prevent emerging health threats.

2-26 SECTION 7. This Act takes effect immediately if it receives
2-27 a vote of two-thirds of all the members elected to each house, as
2-28 provided by Section 39, Article III, Texas Constitution. If this
2-29 Act does not receive the vote necessary for immediate effect, this
2-30 Act takes effect September 1, 2005.

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