

BILL ANALYSIS

C.S.S.B. 955
By: Schwertner
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Mental health first aid is an evidence-based, 12-hour training program that educates non-medical professionals about strategies and resources to respond to an individual who is developing a mental health problem or experiencing a crisis. Participants learn how to assess risk, listen to and support the individual in crisis, and identify professional resources and supports. Interested parties explain that the program can be taught to anyone, though it is especially relevant for key community professionals such as teachers, health care workers, police officers, and faith leaders who regularly interact with Texas youth. The parties also contend that such a program could the state. C.S.S.B. 955 seeks to amend current law relating to the training of employees and contractors of local mental health authorities and certain educators in mental health first aid, the establishment of the mental health first aid fund, and the liability of certain persons providing assistance to persons experiencing a mental health crisis.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 and to the State Board of Educator Certification in SECTION 2 of this bill.

ANALYSIS

C.S.S.B. 955 amends the Health and Safety Code to require the Department of State Health Services (DSHS), to the extent funds are appropriated to DSHS for that purpose, to establish a request for proposals process to select providers and award funds to those providers to train individuals as mental health first aid and assistance trainers. The bill requires DSHS to award each provider whose proposal is accepted an amount equal to \$1,000 times the number of individuals the provider will train as mental health first aid or assistance trainers. The bill caps, for each state fiscal year, the total amount DSHS may award to providers whose proposals are accepted for the training in a single local mental health authority's local service area at the lesser of \$30,000 or three percent of the funds appropriated to DSHS for selecting and awarding funds to providers under the bill's provisions.

C.S.S.B. 955 requires the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules to establish the requirements for a provider to be selected by DSHS to train individuals as mental health first aid and assistance trainers and requires the rules to ensure that a provider who is selected by DSHS has experience in providing and is qualified to provide certain types of training. The bill authorizes two or more providers to collaborate and share resources to provide the mental health first aid and assistance training.

C.S.S.B. 955 requires DSHS, to the extent funds are appropriated to DSHS for that purpose, to establish a request for proposals process to select providers and award funds to those providers to provide an approved mental health first aid or assistance training program or other evidence-based mental health assistance program, administered by mental health first aid or assistance trainers, at no cost to educators. The bill caps, for each state fiscal year, the total amount DSHS

may award to providers whose proposals are accepted for the provision of a mental health first aid or assistance training program in a single local mental health authority's local service area at the lesser of \$40,000 or three percent of the funds appropriated to DSHS for selecting and awarding funds to providers under the bill's provisions. The bill requires DSHS, out of the funds appropriated to DSHS for selecting and awarding funds to providers, to award \$100 to a provider for each educator who successfully completes a mental health first aid or assistance training program provided by the provider.

C.S.S.B. 955 requires the executive commissioner to adopt rules to establish the requirements for a provider to be selected by DSHS to provide a mental health first aid or assistance training program and requires the rules to ensure that a provider who is selected by DSHS has experience providing a mental health first aid or assistance training program. The bill sets out requirements for and contents of a mental health first aid or assistance training program; authorizes a provider to contract with a regional education service center to provide the training program to educators; and authorizes two or more providers to collaborate and share resources to develop and operate the program.

C.S.S.B. 955 requires a provider, not later than October 1 of each state fiscal year for which the provider will submit an educator training proposal to DSHS, to submit to DSHS a plan demonstrating the manner in which any funds awarded to the provider will be used to train individuals in the program; to meet the greatest needs of the local service area where the provider will provide the training; and to complement existing resources and not duplicate established mental health first aid or assistance training efforts. The bill prohibits DSHS from selecting an educator training proposal submitted by a provider under the bill's provisions.

C.S.S.B. 955 requires a provider, not later than July 1 of each year, to provide to DSHS the number of individuals who were trained as mental health first aid or assistance trainers; educators who completed a mental health first aid or assistance training program offered by the provider during the preceding calendar year; and individuals who are not educators who completed a mental health first aid or assistance training program offered by the provider during the preceding calendar year. The bill requires DSHS, not later than August 1 of each year, to compile the information submitted by those providers and to submit a report to the legislature containing that compiled information. The bill specifies that a person who has completed a mental health first aid or assistance training program offered by a provider under the bill's provisions and who in good faith attempts to assist an individual experiencing a mental health crisis is not liable in civil damages for an act performed in attempting to assist the individual unless the act is willfully or wantonly negligent.

C.S.S.B. 955 requires the State Board of Educator Certification to adopt rules that allow an educator to fulfill up to 12 hours of continuing education by participating in a mental health first aid or assistance training program offered by a provider and limits the number of hours of continuing education an educator may fulfill to the number of hours the educator actually spends participating in such a program.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 955 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

HOUSE COMMITTEE SUBSTITUTE

83R 30412

13.137.1101

Substitute Document Number: 83R 28923

SECTION 1. Chapter 1001, Health and Safety Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. MENTAL HEALTH FIRST AID TRAINING

Sec. 1001.201. DEFINITIONS. In this subchapter:

(1) "Educator" means a person who is required to hold a certificate issued under Subchapter B, Chapter 21, Education Code.

(2) "Local mental health authority" has the meaning assigned by Section 531.002 and includes the local behavioral health authority for the NorthSTAR Behavioral Health Program.

(3) "Regional education service center" means a regional education service center established under Chapter 8, Education Code.

Sec. 1001.202. GRANTS FOR TRAINING OF MENTAL HEALTH FIRST AID TRAINERS.

(a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to local mental health authorities to contract with persons approved by the department to train employees or contractors of the authorities as mental health first aid trainers.

(b) Except as provided by Subsection (c), the department shall make each grant to a local mental health authority under this section in an amount equal to \$1,000 times the number of employees or contractors of the authority whose training as mental health first aid trainers will be paid by the grant.

(c) For each state fiscal year, the total amount the department may grant to a local mental health authority under this section may not exceed the lesser of \$30,000 or three percent of the funds appropriated to the department for making grants under this section.

(d) The executive commissioner shall adopt rules to establish the requirements for a person to be approved by the department to train employees or contractors of a local

SECTION 1. Chapter 1001, Health and Safety Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. MENTAL HEALTH FIRST AID AND ASSISTANCE TRAINING

Sec. 1001.201. DEFINITIONS. In this subchapter:

(1) "Educator" means a person who is required to hold a certificate issued under Subchapter B, Chapter 21, Education Code.

(2) "Local mental health authority" has the meaning assigned by Section 531.002.

(3) "Regional education service center" means a regional education service center established under Chapter 8, Education Code.

Sec. 1001.202. REQUEST FOR PROPOSALS FOR TRAINING OF MENTAL HEALTH FIRST AID AND ASSISTANCE TRAINERS.

(a) To the extent funds are appropriated to the department for that purpose, the department shall establish a request for proposals process to select providers and award funds to those providers to train individuals as mental health first aid and assistance trainers.

(b) Except as provided by Subsection (c), the department shall award each provider whose proposal is accepted under this section an amount equal to \$1,000 times the number of individuals the provider will train as mental health first aid or assistance trainers.

(c) For each state fiscal year, the total amount the department may award to providers whose proposals are accepted under this section for the training of mental health first aid and assistance trainers in a single local mental health authority's local service area may not exceed the lesser of \$30,000 or three percent of the funds appropriated to the department for selecting and awarding funds to providers under this section.

(d) The executive commissioner shall adopt rules to establish the requirements for a provider to be selected by the department to train individuals as mental health first aid

mental health authority as mental health first aid trainers. The rules must ensure that a person who is approved by the department is qualified to provide training in:

(1) the potential risk factors and warning signs for various mental illnesses, including depression, anxiety, trauma, psychosis, eating disorders, substance abuse disorders, and self-injury;

(2) the prevalence of various mental illnesses in the United States and the need to reduce the stigma associated with mental illness;

(3) an action plan for use by the employees or contractors that involves the use of skills, resources, and knowledge to assess a situation and develop and implement an appropriate intervention to help an individual experiencing a mental health crisis obtain appropriate professional care; and

(4) the evidence-based professional, peer, social, and self-help resources available to help individuals with mental illness.

(e) Two or more local mental health authorities may collaborate and share resources to provide training for employees or contractors of the authorities under this section.

Sec. 1001.203. GRANTS FOR TRAINING CERTAIN EDUCATORS IN MENTAL HEALTH FIRST AID.

(a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to local mental health authorities to provide an approved mental health first aid training program, administered by mental health first aid trainers, at no cost to educators.

(b) For each state fiscal year, the total amount the department may grant to a local mental health authority under this section may not exceed the lesser of \$40,000 or three percent of the funds appropriated to the department for making grants under this section.

and assistance trainers. The rules must ensure that a provider who is selected by the department has experience in providing and is qualified to provide training in:

(1) the potential risk factors and warning signs for various mental illnesses, including depression, anxiety, trauma, psychosis, eating disorders, substance abuse disorders, and self-injury;

(2) the prevalence of various mental illnesses in the United States and the need to reduce the stigma associated with mental illness;

(3) an action plan for use by the individuals being trained that involves the use of skills, resources, and knowledge to assess a situation and develop and implement an appropriate intervention to help an individual experiencing a mental health crisis obtain appropriate professional care; and

(4) the evidence-based professional, peer, social, and self-help resources available to help individuals with mental illness.

(e) Two or more providers may collaborate and share resources to provide training under this section.

Sec. 1001.203. REQUEST FOR PROPOSALS FOR TRAINING CERTAIN EDUCATORS IN MENTAL HEALTH FIRST AID AND ASSISTANCE.

(a) To the extent funds are appropriated to the department for that purpose, the department shall establish a request for proposals process to select providers and award funds to those providers to provide an approved mental health first aid or assistance training program or other evidence-based mental health assistance program, administered by mental health first aid or assistance trainers, at no cost to educators.

(b) For each state fiscal year, the total amount the department may award to providers whose proposals are accepted under this section for the provision of a mental health first aid or assistance training program in a single local mental health authority's local service area may not exceed the lesser of \$40,000 or three percent of the funds appropriated to the department for selecting and awarding funds to providers under this section.

(c) Subject to the limit provided by Subsection (b), out of the funds appropriated to the department for making grants under this section, the department shall grant \$100 to a local mental health authority for each educator who successfully completes a mental health first aid training program provided by the authority under this section.

(d) A mental health first aid training program provided by a local mental health authority under this section must:

(1) be conducted by a person trained as a mental health first aid trainer;

(2) provide participants with the skills necessary to help an individual experiencing a mental health crisis until the individual is able to obtain appropriate professional care; and

(3) include:

(A) instruction in a five-step strategy for helping an individual experiencing a mental health crisis, including assessing risk, listening respectfully to and supporting the individual, and identifying professional help and other supports for the individual;

(B) an introduction to the risk factors and warning signs for mental illness and substance abuse problems;

(C) experiential activities to increase participants' understanding of the impact of mental illness on individuals and families; and

(D) a presentation of evidence-supported treatment and self-help strategies.

(e) A local mental health authority may contract with a regional education service center to provide a mental health first aid training program to educators under this section.

(f) Two or more local mental health authorities may collaborate and share resources to develop and operate a mental health first aid training program under this section.

Sec. 1001.204. PLANS FOR MENTAL

(c) Subject to the limit provided by Subsection (b), out of the funds appropriated to the department for selecting and awarding funds to providers under this section, the department shall award \$100 to a provider for each educator who successfully completes a mental health first aid or assistance training program provided by the provider under this section.

(d) The executive commissioner shall adopt rules to establish the requirements for a provider to be selected by the department to provide a mental health first aid or assistance training program. The rules must ensure that a provider who is selected by the department has experience providing a mental health first aid or assistance training program.

(e) A mental health first aid or assistance training program provided under this section must:

(1) be conducted by an individual trained as a mental health first aid or assistance trainer;

(2) provide participants with the skills necessary to help an individual experiencing a mental health crisis until the individual is able to obtain appropriate professional care; and

(3) include:

(A) instruction in a five-step strategy for helping an individual experiencing a mental health crisis, including assessing risk, listening respectfully to and supporting the individual, and identifying professional help and other supports for the individual;

(B) an introduction to the risk factors and warning signs for mental illness and substance abuse problems;

(C) experiential activities to increase participants' understanding of the impact of mental illness on individuals and families; and

(D) a presentation of evidence-supported treatment and self-help strategies.

(f) A provider may contract with a regional education service center to provide a mental health first aid or assistance training program to educators under this section.

(g) Two or more providers may collaborate and share resources to develop and operate a mental health first aid or assistance training program under this section.

Sec. 1001.204. PLANS FOR MENTAL

HEALTH FIRST AID TRAINING PROGRAMS. (a) Not later than October 1 of each state fiscal year for which a local mental health authority will seek a grant from the department under Section 1001.203, the authority shall submit to the department a plan demonstrating the manner in which grants made to the authority under that section will be used:

(1) to train individuals in mental health first aid throughout the authority's local service area to maximize the number of children who have direct contact with an individual who has successfully completed a mental health first aid training program provided by the authority;

(2) to meet the greatest needs of the authority's local service area, as identified by the authority; and

(3) to complement existing resources and not duplicate established mental health first aid training efforts.

(b) The department may not make a grant to a local mental health authority under Section 1001.203 unless the department has evaluated a plan submitted by the authority under this section.

Sec. 1001.205. REPORTS. (a) Not later than July 1 of each year, a local mental health authority shall provide to the department the number of:

(1) employees and contractors of the authority who were trained as mental health first aid trainers under Section 1001.202;

(2) educators who completed a mental health first aid training program offered by the authority under Section 1001.203 during the preceding calendar year; and

(3) individuals who are not educators who completed a mental health first aid training program offered by the authority during the preceding calendar year.

(b) Not later than August 1 of each year, the department shall compile the information submitted by local mental health authorities as required by Subsection (a) and submit a report to the legislature containing the number of:

(1) authority employees and contractors trained as mental health first aid trainers;

(2) educators who completed a mental health first aid training program provided by an authority during the preceding calendar

HEALTH FIRST AID OR ASSISTANCE TRAINING PROGRAMS. (a) Not later than October 1 of each state fiscal year for which a provider will submit a proposal to the department under Section 1001.203, the provider shall submit to the department a plan demonstrating the manner in which any funds awarded to the provider under that section will be used:

(1) to train individuals in mental health first aid or assistance to maximize the number of children who have direct contact with an individual who has successfully completed a mental health first aid or assistance training program provided by the provider;

(2) to meet the greatest needs of the local service area where the provider will provide the training, as identified by the provider; and

(3) to complement existing resources and not duplicate established mental health first aid or assistance training efforts.

(b) The department may not select a proposal submitted by a provider under Section 1001.203 unless the department has evaluated a plan submitted by the provider under this section.

Sec. 1001.205. REPORTS. (a) Not later than July 1 of each year, a provider shall provide to the department the number of:

(1) individuals who were trained as mental health first aid or assistance trainers under Section 1001.202;

(2) educators who completed a mental health first aid or assistance training program offered by the provider under Section 1001.203 during the preceding calendar year; and

(3) individuals who are not educators who completed a mental health first aid or assistance training program offered by the provider during the preceding calendar year.

(b) Not later than August 1 of each year, the department shall compile the information submitted by providers as required by Subsection (a) and submit a report to the legislature containing the number of:

(1) individuals trained as mental health first aid or assistance trainers;

(2) educators who completed a mental health first aid or assistance training program provided by a provider during the

year; and

(3) individuals who are not educators who completed a mental health first aid training program provided by an authority during the preceding calendar year.

Sec. 1001.206. LIABILITY. A person who has completed a mental health first aid training program offered by a local mental health authority under this subchapter and who in good faith attempts to assist an individual experiencing a mental health crisis is not liable in civil damages for an act performed in attempting to assist the individual unless the act is wilfully or wantonly negligent.

SECTION 2. Section 21.054, Education Code, is amended by adding Subsection (d) to read as follows:

(d) The board shall adopt rules that allow an educator to fulfill up to 12 hours of continuing education by participating in a mental health first aid training program offered by a local mental health authority under Section 1001.203, Health and Safety Code. The number of hours of continuing education an educator may fulfill under this subsection may not exceed the number of hours the educator actually spends participating in a mental health first aid training program.

SECTION 3. The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2013.

preceding calendar year; and

(3) individuals who are not educators who completed a mental health first aid or assistance training program provided by a provider during the preceding calendar year.

Sec. 1001.206. LIABILITY. A person who has completed a mental health first aid ~~or assistance~~ training program offered by a provider under this subchapter and who in good faith attempts to assist an individual experiencing a mental health crisis is not liable in civil damages for an act performed in attempting to assist the individual unless the act is wilfully or wantonly negligent.

SECTION 2. Section 21.054, Education Code, is amended by adding Subsection (d) to read as follows:

(d) The board shall adopt rules that allow an educator to fulfill up to 12 hours of continuing education by participating in a mental health first aid ~~or assistance~~ training program offered by a provider under Section 1001.203, Health and Safety Code. The number of hours of continuing education an educator may fulfill under this subsection may not exceed the number of hours the educator actually spends participating in a mental health first aid or assistance training program.

SECTION 3. Same as engrossed version.

SECTION 4. Same as engrossed version.