

By: Schwertner, et al.

S.B. No. 955

A BILL TO BE ENTITLED

AN ACT

relating to the training of employees and contractors of local mental health authorities and certain educators in mental health first aid, the funding of mental health first aid training, and the liability of certain persons providing assistance to persons experiencing a mental health crisis.

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

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

1 authorities as mental health first aid trainers.

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

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

12 (d) The executive commissioner shall adopt rules to
13 establish the requirements for a person to be approved by the
14 department to train employees or contractors of a local mental
15 health authority as mental health first aid trainers. The rules
16 must ensure that a person who is approved by the department is
17 qualified to provide training in:

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

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

25 (3) an action plan for use by the employees or
26 contractors that involves the use of skills, resources, and
27 knowledge to assess a situation and develop and implement an

1 appropriate intervention to help an individual experiencing a
2 mental health crisis obtain appropriate professional care; and

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

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

9 Sec. 1001.203. GRANTS FOR TRAINING CERTAIN EDUCATORS IN
10 MENTAL HEALTH FIRST AID. (a) To the extent funds are appropriated
11 to the department for that purpose, the department shall make
12 grants to local mental health authorities to provide an approved
13 mental health first aid training program, administered by mental
14 health first aid trainers, at no cost to educators.

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

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

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

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

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

6 (3) include:

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

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

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

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

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

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

25 Sec. 1001.204. PLANS FOR MENTAL HEALTH FIRST AID TRAINING
26 PROGRAMS. (a) Not later than October 1 of each state fiscal year
27 for which a local mental health authority will seek a grant from the

1 department under Section 1001.203, the authority shall submit to
2 the department a plan demonstrating the manner in which grants made
3 to the authority under that section will be used:

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

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

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

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

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

19 (1) employees and contractors of the authority who
20 were trained as mental health first aid trainers under Section
21 1001.202;

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

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

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

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

7 (2) educators who completed a mental health first aid
8 training program provided by an authority during the preceding
9 calendar year; and

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

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

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

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

1 educator actually spends participating in a mental health first aid
2 training program.

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

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