

By: Schwertner, et al.  
(Kolkhorst)

S.B. No. 955

Substitute the following for S.B. No. 955:

By: Cortez

C.S.S.B. No. 955

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the training of certain persons in mental health first  
3 aid and assistance, the funding of mental health first aid and  
4 assistance training, and the liability of certain persons providing  
5 assistance to persons experiencing a mental health crisis.

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

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

9 SUBCHAPTER H. MENTAL HEALTH FIRST AID AND ASSISTANCE TRAINING

10 Sec. 1001.201. DEFINITIONS. In this subchapter:

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

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

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

18 Sec. 1001.202. REQUEST FOR PROPOSALS FOR TRAINING OF MENTAL  
19 HEALTH FIRST AID AND ASSISTANCE TRAINERS. (a) To the extent funds  
20 are appropriated to the department for that purpose, the department  
21 shall establish a request for proposals process to select providers  
22 and award funds to those providers to train individuals as mental  
23 health first aid and assistance trainers.

24 (b) Except as provided by Subsection (c), the department

1 shall award each provider whose proposal is accepted under this  
2 section an amount equal to \$1,000 times the number of individuals  
3 the provider will train as mental health first aid or assistance  
4 trainers.

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

12 (d) The executive commissioner shall adopt rules to  
13 establish the requirements for a provider to be selected by the  
14 department to train individuals as mental health first aid and  
15 assistance trainers. The rules must ensure that a provider who is  
16 selected by the department has experience in providing and 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 individuals being  
26 trained that involves the use of skills, resources, and knowledge  
27 to assess a situation and develop and implement an appropriate

1 intervention to help an individual experiencing a mental health  
2 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 providers may collaborate and share  
7 resources to provide training under this section.

8 Sec. 1001.203. REQUEST FOR PROPOSALS FOR TRAINING CERTAIN  
9 EDUCATORS IN MENTAL HEALTH FIRST AID AND ASSISTANCE. (a) To the  
10 extent funds are appropriated to the department for that purpose,  
11 the department shall establish a request for proposals process to  
12 select providers and award funds to those providers to provide an  
13 approved mental health first aid or assistance training program or  
14 other evidence-based mental health assistance program,  
15 administered by mental health first aid or assistance trainers, at  
16 no cost to educators.

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

24 (c) Subject to the limit provided by Subsection (b), out of  
25 the funds appropriated to the department for selecting and awarding  
26 funds to providers under this section, the department shall award  
27 \$100 to a provider for each educator who successfully completes a

1 mental health first aid or assistance training program provided by  
2 the provider under this section.

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

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

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

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

16 (3) include:

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

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

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

27 (D) a presentation of evidence-supported

1 treatment and self-help strategies.

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

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

8 Sec. 1001.204. PLANS FOR MENTAL HEALTH FIRST AID OR  
9 ASSISTANCE TRAINING PROGRAMS. (a) Not later than October 1 of  
10 each state fiscal year for which a provider will submit a proposal  
11 to the department under Section 1001.203, the provider shall submit  
12 to the department a plan demonstrating the manner in which any funds  
13 awarded to the provider under that section will be used:

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

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

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

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

27 Sec. 1001.205. REPORTS. (a) Not later than July 1 of each

1 year, a provider shall provide to the department the number of:

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

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

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

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

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

16 (2) educators who completed a mental health first aid  
17 or assistance training program provided by a provider during the  
18 preceding calendar year; and

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

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

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

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

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

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