

1-1 By: Schwertner, et al. S.B. No. 955  
 1-2 (In the Senate - Filed February 28, 2013; March 12, 2013,  
 1-3 read first time and referred to Committee on Health and Human  
 1-4 Services; April 16, 2013, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
 1-6 April 16, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 955 By: Schwertner

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the training of employees and contractors of local  
 1-22 mental health authorities and certain educators in mental health  
 1-23 first aid, the funding of mental health first aid training, and the  
 1-24 liability of certain persons providing assistance to persons  
 1-25 experiencing a mental health crisis.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Chapter 1001, Health and Safety Code, is amended  
 1-28 by adding Subchapter H to read as follows:

1-29 SUBCHAPTER H. MENTAL HEALTH FIRST AID TRAINING

1-30 Sec. 1001.201. DEFINITIONS. In this subchapter:

1-31 (1) "Educator" means a person who is required to hold a  
 1-32 certificate issued under Subchapter B, Chapter 21, Education Code.

1-33 (2) "Local mental health authority" has the meaning  
 1-34 assigned by Section 531.002 and includes the local behavioral  
 1-35 health authority for the NorthSTAR Behavioral Health Program.

1-36 (3) "Regional education service center" means a  
 1-37 regional education service center established under Chapter 8,  
 1-38 Education Code.

1-39 Sec. 1001.202. GRANTS FOR TRAINING OF MENTAL HEALTH FIRST  
 1-40 AID TRAINERS. (a) To the extent funds are appropriated to the  
 1-41 department for that purpose, the department shall make grants to  
 1-42 local mental health authorities to contract with persons approved  
 1-43 by the department to train employees or contractors of the  
 1-44 authorities as mental health first aid trainers.

1-45 (b) Except as provided by Subsection (c), the department  
 1-46 shall make each grant to a local mental health authority under this  
 1-47 section in an amount equal to \$1,000 times the number of employees  
 1-48 or contractors of the authority whose training as mental health  
 1-49 first aid trainers will be paid by the grant.

1-50 (c) For each state fiscal year, the total amount the  
 1-51 department may grant to a local mental health authority under this  
 1-52 section may not exceed the lesser of \$30,000 or three percent of the  
 1-53 funds appropriated to the department for making grants under this  
 1-54 section.

1-55 (d) The executive commissioner shall adopt rules to  
 1-56 establish the requirements for a person to be approved by the  
 1-57 department to train employees or contractors of a local mental  
 1-58 health authority as mental health first aid trainers. The rules  
 1-59 must ensure that a person who is approved by the department is  
 1-60 qualified to provide training in:

2-1 (1) the potential risk factors and warning signs for  
 2-2 various mental illnesses, including depression, anxiety, trauma,  
 2-3 psychosis, eating disorders, substance abuse disorders, and  
 2-4 self-injury;

2-5 (2) the prevalence of various mental illnesses in the  
 2-6 United States and the need to reduce the stigma associated with  
 2-7 mental illness;

2-8 (3) an action plan for use by the employees or  
 2-9 contractors that involves the use of skills, resources, and  
 2-10 knowledge to assess a situation and develop and implement an  
 2-11 appropriate intervention to help an individual experiencing a  
 2-12 mental health crisis obtain appropriate professional care; and

2-13 (4) the evidence-based professional, peer, social,  
 2-14 and self-help resources available to help individuals with mental  
 2-15 illness.

2-16 (e) Two or more local mental health authorities may  
 2-17 collaborate and share resources to provide training for employees  
 2-18 or contractors of the authorities under this section.

2-19 Sec. 1001.203. GRANTS FOR TRAINING CERTAIN EDUCATORS IN  
 2-20 MENTAL HEALTH FIRST AID. (a) To the extent funds are appropriated  
 2-21 to the department for that purpose, the department shall make  
 2-22 grants to local mental health authorities to provide an approved  
 2-23 mental health first aid training program, administered by mental  
 2-24 health first aid trainers, at no cost to educators.

2-25 (b) For each state fiscal year, the total amount the  
 2-26 department may grant to a local mental health authority under this  
 2-27 section may not exceed the lesser of \$40,000 or three percent of the  
 2-28 funds appropriated to the department for making grants under this  
 2-29 section.

2-30 (c) Subject to the limit provided by Subsection (b), out of  
 2-31 the funds appropriated to the department for making grants under  
 2-32 this section, the department shall grant \$100 to a local mental  
 2-33 health authority for each educator who successfully completes a  
 2-34 mental health first aid training program provided by the authority  
 2-35 under this section.

2-36 (d) A mental health first aid training program provided by a  
 2-37 local mental health authority under this section must:

2-38 (1) be conducted by a person trained as a mental health  
 2-39 first aid trainer;

2-40 (2) provide participants with the skills necessary to  
 2-41 help an individual experiencing a mental health crisis until the  
 2-42 individual is able to obtain appropriate professional care; and

2-43 (3) include:

2-44 (A) instruction in a five-step strategy for  
 2-45 helping an individual experiencing a mental health crisis,  
 2-46 including assessing risk, listening respectfully to and supporting  
 2-47 the individual, and identifying professional help and other  
 2-48 supports for the individual;

2-49 (B) an introduction to the risk factors and  
 2-50 warning signs for mental illness and substance abuse problems;

2-51 (C) experiential activities to increase  
 2-52 participants' understanding of the impact of mental illness on  
 2-53 individuals and families; and

2-54 (D) a presentation of evidence-supported  
 2-55 treatment and self-help strategies.

2-56 (e) A local mental health authority may contract with a  
 2-57 regional education service center to provide a mental health first  
 2-58 aid training program to educators under this section.

2-59 (f) Two or more local mental health authorities may  
 2-60 collaborate and share resources to develop and operate a mental  
 2-61 health first aid training program under this section.

2-62 Sec. 1001.204. PLANS FOR MENTAL HEALTH FIRST AID TRAINING  
 2-63 PROGRAMS. (a) Not later than October 1 of each state fiscal year  
 2-64 for which a local mental health authority will seek a grant from the  
 2-65 department under Section 1001.203, the authority shall submit to  
 2-66 the department a plan demonstrating the manner in which grants made  
 2-67 to the authority under that section will be used:

2-68 (1) to train individuals in mental health first aid  
 2-69 throughout the authority's local service area to maximize the

3-1 number of children who have direct contact with an individual who  
3-2 has successfully completed a mental health first aid training  
3-3 program provided by the authority;

3-4 (2) to meet the greatest needs of the authority's local  
3-5 service area, as identified by the authority; and

3-6 (3) to complement existing resources and not duplicate  
3-7 established mental health first aid training efforts.

3-8 (b) The department may not make a grant to a local mental  
3-9 health authority under Section 1001.203 unless the department has  
3-10 evaluated a plan submitted by the authority under this section.

3-11 Sec. 1001.205. REPORTS. (a) Not later than July 1 of each  
3-12 year, a local mental health authority shall provide to the  
3-13 department the number of:

3-14 (1) employees and contractors of the authority who  
3-15 were trained as mental health first aid trainers under Section  
3-16 1001.202;

3-17 (2) educators who completed a mental health first aid  
3-18 training program offered by the authority under Section 1001.203  
3-19 during the preceding calendar year; and

3-20 (3) individuals who are not educators who completed a  
3-21 mental health first aid training program offered by the authority  
3-22 during the preceding calendar year.

3-23 (b) Not later than August 1 of each year, the department  
3-24 shall compile the information submitted by local mental health  
3-25 authorities as required by Subsection (a) and submit a report to the  
3-26 legislature containing the number of:

3-27 (1) authority employees and contractors trained as  
3-28 mental health first aid trainers;

3-29 (2) educators who completed a mental health first aid  
3-30 training program provided by an authority during the preceding  
3-31 calendar year; and

3-32 (3) individuals who are not educators who completed a  
3-33 mental health first aid training program provided by an authority  
3-34 during the preceding calendar year.

3-35 Sec. 1001.206. LIABILITY. A person who has completed a  
3-36 mental health first aid training program offered by a local mental  
3-37 health authority under this subchapter and who in good faith  
3-38 attempts to assist an individual experiencing a mental health  
3-39 crisis is not liable in civil damages for an act performed in  
3-40 attempting to assist the individual unless the act is wilfully or  
3-41 wantonly negligent.

3-42 SECTION 2. Section 21.054, Education Code, is amended by  
3-43 adding Subsection (d) to read as follows:

3-44 (d) The board shall adopt rules that allow an educator to  
3-45 fulfill up to 12 hours of continuing education by participating in a  
3-46 mental health first aid training program offered by a local mental  
3-47 health authority under Section 1001.203, Health and Safety Code.  
3-48 The number of hours of continuing education an educator may fulfill  
3-49 under this subsection may not exceed the number of hours the  
3-50 educator actually spends participating in a mental health first aid  
3-51 training program.

3-52 SECTION 3. The change in law made by this Act applies only  
3-53 to a cause of action that accrues on or after the effective date of  
3-54 this Act. A cause of action that accrues before the effective date  
3-55 of this Act is governed by the law in effect immediately before that  
3-56 date, and that law is continued in effect for that purpose.

3-57 SECTION 4. This Act takes effect September 1, 2013.

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