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H.B. No. 19

A BILL TO BE ENTITLED

AN ACT

relating to mental health and substance use resources for certain
school districts.

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

SECTION 1. Chapter 8, Education Code, is amended by adding
Subchapter E to read as follows:

SUBCHAPTER E. MENTAL HEALTH AND SUBSTANCE USE RESOURCES FOR
SCHOOL DISTRICT PERSONNEL

Sec. 8.151. DEFINITIONS. In this subchapter, "local mental
health authority" and "non-physician mental health professional"
have the meanings assigned by Section 571.003, Health and Safety
Code.

Sec. 8.152. EMPLOYMENT OF NON-PHYSICIAN MENTAL HEALTH
PROFESSIONAL AS MENTAL HEALTH AND SUBSTANCE USE RESOURCE. (a) A
local mental health authority shall employ a non-physician mental
health professional to serve as a mental health and substance use
resource for school districts located in the region served by a
regional education service center and in which the local mental
health authority provides services.

(b) If two or more local mental health authorities provide
services in a region served by a regional education service center,
the local mental health authority that primarily operates in the
county in which the center is located shall employ the
non-physician mental health professional and, in making any hiring

1 decision, consult with other local mental health authorities
2 providing services in that region.

3 Sec. 8.153. INTERAGENCY COLLABORATION; MEMORANDUM OF
4 UNDERSTANDING. (a) A local mental health authority that employs a
5 non-physician mental health professional under Section 8.152 and
6 the regional education service center shall collaborate in carrying
7 out this subchapter.

8 (b) Each regional education service center shall provide
9 for a non-physician mental health professional employed for the
10 region served by the center with a space for the professional to
11 carry out the professional's duties under Section 8.155. The local
12 mental health authority that employs the professional shall pay the
13 center a reasonable administrative cost for providing the space.

14 (c) A local mental health authority and a regional education
15 service center may enter into a memorandum of understanding for the
16 administration of this section.

17 Sec. 8.154. SUPERVISION OF NON-PHYSICIAN MENTAL HEALTH
18 PROFESSIONAL. The local mental health authority that employs a
19 non-physician mental health professional under Section 8.152
20 shall:

21 (1) supervise the professional in carrying out the
22 professional's duties under Section 8.155; and

23 (2) consult with any other local mental health
24 authorities in the region in supervising the professional.

25 Sec. 8.155. DUTIES OF NON-PHYSICIAN MENTAL HEALTH
26 PROFESSIONAL. (a) A non-physician mental health professional
27 employed under Section 8.152 shall act as a resource for school

1 district personnel by:

2 (1) helping personnel gain awareness and a better
3 understanding of mental health and co-occurring mental health and
4 substance use disorders;

5 (2) assisting personnel to implement initiatives
6 related to mental health or substance use under state law or agency
7 rules;

8 (3) ensuring personnel are aware of:

9 (A) the list of recommended best practice-based
10 programs and research-based practices developed under Section
11 161.325, Health and Safety Code; and

12 (B) other treatment programs available in the
13 school district, including evidence-based programs provided by a
14 local mental health authority and other public or private mental
15 health providers;

16 (4) on a monthly basis, facilitating mental health
17 first aid training;

18 (5) on a monthly basis, facilitating training
19 regarding the effects of grief and trauma and providing support to
20 children with intellectual or developmental disabilities who
21 suffer from grief or trauma; and

22 (6) on a monthly basis, facilitating training on
23 prevention and intervention programs that have been shown to be
24 effective in helping students cope with pressures to:

25 (A) use alcohol, cigarettes, or illegal drugs; or

26 (B) misuse prescription drugs.

27 (b) A non-physician mental health professional employed

1 under Section 8.152 may not treat or provide counseling to a student
2 or provide specific advice to school district personnel regarding a
3 student.

4 Sec. 8.156. PARTICIPATION BY SCHOOL DISTRICT NOT REQUIRED.
5 This subchapter does not require a school district to participate
6 in training provided by a non-physician mental health professional
7 or otherwise use the professional as a resource.

8 Sec. 8.157. DISTRIBUTION OF FUNDING. A state agency to
9 which money is appropriated to carry out this subchapter shall
10 ensure that the money is distributed equally among the local mental
11 health authorities that employ and supervise non-physician mental
12 health professionals under this subchapter.

13 Sec. 8.158. REPORT. (a) Before the last business day of
14 each calendar year, each local mental health authority that employs
15 and supervises a non-physician mental health professional under
16 this subchapter shall prepare and submit a report to the Health and
17 Human Services Commission regarding the outcomes for school
18 districts and students resulting from services provided by the
19 non-physician mental health professional.

20 (b) Not later than January 31 of the following calendar
21 year, the Health and Human Services Commission shall compile the
22 information submitted under this section and prepare and submit a
23 report to the lieutenant governor, the speaker of the house of
24 representatives, each standing committee of the legislature having
25 primary jurisdiction over mental health, and each standing
26 committee of the legislature having primary jurisdiction over
27 public education.

1 SECTION 2. This Act takes effect September 1, 2019.