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:
(1) employ the non-physician mental health
professional;

(2) in making a hiring decision, consult with other
local mental health authorities providing services in that region;
and

(3) before making the final hiring decision, consult
with the center.

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

(b) Each regional education service center shall provide
for a non-physician mental health professional employed for the
region served by the center with a space for the professional to
carry out the professional's duties under Section 8.155. The local
mental health authority that employs the professional shall pay the
center a reasonable, negotiated cost-recovery fee for providing the
space and administrative support as outlined in the memorandum of
understanding entered into under Subsection (c). The cost-recovery
fee may not exceed $15,000 per year unless the local mental health
authority and center agree to a higher amount.

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

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

1. (1) supervise the professional in carrying out the professional's duties under Section 8.155; and
2. (2) consult with any other local mental health authorities in the region and the regional education service center for input on supervising the professional.

Sec. 8.155. DUTIES OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL. (a) A non-physician mental health professional employed under Section 8.152 shall, to the greatest extent possible, work collaboratively with the regional education service center and shall act as a resource for the center and school district personnel by:

1. (1) helping personnel gain awareness and a better understanding of mental health and co-occurring mental health and substance use disorders;
2. (2) assisting personnel to implement initiatives related to mental health or substance use under state law or agency rules, interagency memorandums of understanding, and related programs;
3. (3) ensuring personnel are aware of:

   (A) the list of recommended best practice-based programs and research-based practices developed under Section 161.325, Health and Safety Code;
   (B) other public and private mental health and substance use prevention, treatment, and recovery programs available in the school district, including evidence-based programs provided by a local mental health authority and other
public or private mental health providers; and

(C) other available public and private mental health and substance use prevention, treatment, and recovery program resources administered by the local mental health authority or the Health and Human Services Commission to support school districts, students, and families;

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

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

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

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

(B) misuse prescription drugs.

(b) A non-physician mental health professional employed under Section 8.152 may not treat or provide counseling to a student or provide specific advice to school district personnel regarding a student.

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

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

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

(b) Not later than January 31 of the following calendar
year, the Health and Human Services Commission shall compile the
information submitted under this section and prepare and submit a
report to the lieutenant governor, the speaker of the house of
representatives, each standing committee of the legislature having
primary jurisdiction over mental health, each standing committee of
the legislature having primary jurisdiction over public education,
and the agency. Before submitting the report under this
subsection, the commission shall provide the agency a reasonable
opportunity to review and provide input on the contents of the
report.

SECTION 2. A local mental health authority is required to
implement a provision of this Act only if the legislature
appropriates money specifically for that purpose. If the
legislature does not appropriate money specifically for that
purpose, a local mental health authority may, but is not required
to, implement a provision of this Act using other appropriations
available for that purpose.

SECTION 3. This Act takes effect September 1, 2019.
H.B. No. 19

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President of the Senate Speaker of the House

I certify that H.B. No. 19 was passed by the House on April 16, 2019, by the following vote: Yeas 127, Nays 19, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 19 on May 23, 2019, by the following vote: Yeas 134, Nays 7, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 19 was passed by the Senate, with amendments, on May 17, 2019, by the following vote: Yeas 28, Nays 3.

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Secretary of the Senate

APPROVED: __________________
Date

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Governor