

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

1 professional;

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

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

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

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

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

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

1 shall:

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

4 (2) consult with any other local mental health
5 authorities in the region and the regional education service center
6 for input on supervising the professional.

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

13 (1) helping personnel gain awareness and a better
14 understanding of mental health and co-occurring mental health and
15 substance use disorders;

16 (2) assisting personnel to implement initiatives
17 related to mental health or substance use under state law or agency
18 rules, interagency memorandums of understanding, and related
19 programs;

20 (3) ensuring personnel are aware of:

21 (A) the list of recommended best practice-based
22 programs and research-based practices developed under Section
23 161.325, Health and Safety Code;

24 (B) other public and private mental health and
25 substance use prevention, treatment, and recovery programs
26 available in the school district, including evidence-based
27 programs provided by a local mental health authority and other

1 public or private mental health providers; and

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

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

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

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

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

17 (B) misuse prescription drugs.

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

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

26 Sec. 8.157. DISTRIBUTION OF FUNDING. A state agency to
27 which money is appropriated to carry out this subchapter shall

1 ensure that the money is distributed equally among the local mental
2 health authorities that employ and supervise non-physician mental
3 health professionals under this subchapter.

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

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

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

1 available for that purpose.

2 SECTION 3. This Act takes effect September 1, 2019.

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.

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.

Secretary of the Senate

APPROVED: _____

Date

Governor