

1-1 By: Price, et al. (Senate Sponsor - Watson) H.B. No. 19
 1-2 (In the Senate - Received from the House April 16, 2019;
 1-3 April 17, 2019, read first time and referred to Committee on Health
 1-4 & Human Services; May 15, 2019, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 May 15, 2019, 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 H.B. No. 19 By: Perry

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

1-21 relating to mental health and substance use resources for certain
 1-22 school districts.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 8, Education Code, is amended by adding
 1-25 Subchapter E to read as follows:

1-26 SUBCHAPTER E. MENTAL HEALTH AND SUBSTANCE USE RESOURCES FOR
 1-27 SCHOOL DISTRICT PERSONNEL

1-28 Sec. 8.151. DEFINITIONS. In this subchapter, "local mental
 1-29 health authority" and "non-physician mental health professional"
 1-30 have the meanings assigned by Section 571.003, Health and Safety
 1-31 Code.

1-32 Sec. 8.152. EMPLOYMENT OF NON-PHYSICIAN MENTAL HEALTH
 1-33 PROFESSIONAL AS MENTAL HEALTH AND SUBSTANCE USE RESOURCE. (a) A
 1-34 local mental health authority shall employ a non-physician mental
 1-35 health professional to serve as a mental health and substance use
 1-36 resource for school districts located in the region served by a
 1-37 regional education service center and in which the local mental
 1-38 health authority provides services.

1-39 (b) If two or more local mental health authorities provide
 1-40 services in a region served by a regional education service center,
 1-41 the local mental health authority that primarily operates in the
 1-42 county in which the center is located shall:

1-43 (1) employ the non-physician mental health
 1-44 professional;

1-45 (2) in making a hiring decision, consult with other
 1-46 local mental health authorities providing services in that region;
 1-47 and

1-48 (3) before making the final hiring decision, consult
 1-49 with the center.

1-50 Sec. 8.153. INTERAGENCY COLLABORATION; MEMORANDUM OF
 1-51 UNDERSTANDING. (a) A local mental health authority that employs a
 1-52 non-physician mental health professional under Section 8.152 and
 1-53 the regional education service center shall collaborate in carrying
 1-54 out this subchapter.

1-55 (b) Each regional education service center shall provide
 1-56 for a non-physician mental health professional employed for the
 1-57 region served by the center with a space for the professional to
 1-58 carry out the professional's duties under Section 8.155. The local
 1-59 mental health authority that employs the professional shall pay the
 1-60 center a reasonable, negotiated cost-recovery fee for providing the

2-1 space and administrative support as outlined in the memorandum of
2-2 understanding entered into under Subsection (c). The cost-recovery
2-3 fee may not exceed \$15,000 per year unless the local mental health
2-4 authority and center agree to a higher amount.

2-5 (c) A local mental health authority and a regional education
2-6 service center shall enter into a memorandum of understanding for
2-7 the administration of this section.

2-8 Sec. 8.154. SUPERVISION OF NON-PHYSICIAN MENTAL HEALTH
2-9 PROFESSIONAL. A local mental health authority that employs a
2-10 non-physician mental health professional under Section 8.152
2-11 shall:

2-12 (1) supervise the professional in carrying out the
2-13 professional's duties under Section 8.155; and

2-14 (2) consult with any other local mental health
2-15 authorities in the region and the regional education service center
2-16 for input on supervising the professional.

2-17 Sec. 8.155. DUTIES OF NON-PHYSICIAN MENTAL HEALTH
2-18 PROFESSIONAL. (a) A non-physician mental health professional
2-19 employed under Section 8.152 shall, to the greatest extent
2-20 possible, work collaboratively with the regional education service
2-21 center and shall act as a resource for the center and school
2-22 district personnel by:

2-23 (1) helping personnel gain awareness and a better
2-24 understanding of mental health and co-occurring mental health and
2-25 substance use disorders;

2-26 (2) assisting personnel to implement initiatives
2-27 related to mental health or substance use under state law or agency
2-28 rules, interagency memorandums of understanding, and related
2-29 programs;

2-30 (3) ensuring personnel are aware of:

2-31 (A) the list of recommended best practice-based
2-32 programs and research-based practices developed under Section
2-33 161.325, Health and Safety Code;

2-34 (B) other public and private mental health and
2-35 substance use prevention, treatment, and recovery programs
2-36 available in the school district, including evidence-based
2-37 programs provided by a local mental health authority and other
2-38 public or private mental health providers; and

2-39 (C) other available public and private mental
2-40 health and substance use prevention, treatment, and recovery
2-41 program resources administered by the local mental health authority
2-42 or the Health and Human Services Commission to support school
2-43 districts, students, and families;

2-44 (4) on a monthly basis, facilitating mental health
2-45 first aid training;

2-46 (5) on a monthly basis, facilitating training
2-47 regarding the effects of grief and trauma and providing support to
2-48 children with intellectual or developmental disabilities who
2-49 suffer from grief or trauma; and

2-50 (6) on a monthly basis, facilitating training on
2-51 prevention and intervention programs that have been shown to be
2-52 effective in helping students cope with pressures to:

2-53 (A) use alcohol, cigarettes, or illegal drugs; or

2-54 (B) misuse prescription drugs.

2-55 (b) A non-physician mental health professional employed
2-56 under Section 8.152 may not treat or provide counseling to a student
2-57 or provide specific advice to school district personnel regarding a
2-58 student.

2-59 Sec. 8.156. PARTICIPATION BY SCHOOL DISTRICT NOT REQUIRED.
2-60 This subchapter does not require a school district to participate
2-61 in training provided by a non-physician mental health professional
2-62 or otherwise use the professional as a resource.

2-63 Sec. 8.157. DISTRIBUTION OF FUNDING. A state agency to
2-64 which money is appropriated to carry out this subchapter shall
2-65 ensure that the money is distributed equally among the local mental
2-66 health authorities that employ and supervise non-physician mental
2-67 health professionals under this subchapter.

2-68 Sec. 8.158. REPORT. (a) Before the last business day of
2-69 each calendar year, each local mental health authority that employs

3-1 and supervises a non-physician mental health professional under
3-2 this subchapter shall prepare and submit a report to the Health and
3-3 Human Services Commission regarding the outcomes for school
3-4 districts and students resulting from services provided by the
3-5 non-physician mental health professional.

3-6 (b) Not later than January 31 of the following calendar
3-7 year, the Health and Human Services Commission shall compile the
3-8 information submitted under this section and prepare and submit a
3-9 report to the lieutenant governor, the speaker of the house of
3-10 representatives, each standing committee of the legislature having
3-11 primary jurisdiction over mental health, each standing committee of
3-12 the legislature having primary jurisdiction over public education,
3-13 and the agency. Before submitting the report under this
3-14 subsection, the commission shall provide the agency a reasonable
3-15 opportunity to review and provide input on the contents of the
3-16 report.

3-17 SECTION 2. A local mental health authority is required to
3-18 implement a provision of this Act only if the legislature
3-19 appropriates money specifically for that purpose. If the
3-20 legislature does not appropriate money specifically for that
3-21 purpose, a local mental health authority may, but is not required
3-22 to, implement a provision of this Act using other appropriations
3-23 available for that purpose.

3-24 SECTION 3. This Act takes effect September 1, 2019.

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