

By: Dominguez

H.B. No. 4033

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the employment of certain mental health professionals  
3 at a public school campus.

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

5 SECTION 1. Section 21.003(b), Education Code, is amended to  
6 read as follows:

7 (b) Except as otherwise provided by this subsection, a  
8 person may not be employed by a school district as an audiologist,  
9 occupational therapist, physical therapist, physician, nurse,  
10 school psychologist, associate school psychologist, licensed  
11 professional counselor, marriage and family therapist, social  
12 worker, psychiatric or mental health advanced practice nurse,  
13 chemical dependency counselor, or speech language pathologist  
14 unless the person is licensed by the state agency that licenses that  
15 profession and may perform specific services within those  
16 professions for a school district only if the person holds the  
17 appropriate credential from the appropriate state agency. As long  
18 as a person employed by a district before September 1, 2011, to  
19 perform marriage and family therapy, as defined by Section 502.002,  
20 Occupations Code, is employed by the same district, the person is  
21 not required to hold a license as a marriage and family therapist to  
22 perform marriage and family therapy with that district.

23 SECTION 2. Subchapter Z, Chapter 33, Education Code, is  
24 amended by adding Section 33.911 to read as follows:

1       Sec. 33.911. LICENSED MENTAL HEALTH PROFESSIONAL. (a) In  
2 this section, "mental health professional" has the meaning assigned  
3 by Section 61.601.

4       (b) A school district with 500 or more students in average  
5 daily attendance shall employ a mental health professional for  
6 every 500 students in the district.

7       (c) A school district with fewer than 500 students in  
8 average daily attendance shall provide mental health services to  
9 students by:

10           (1) employing a part-time mental health professional;

11           (2) employing a part-time teacher licensed as a mental  
12 health professional; or

13           (3) entering into a shared services arrangement  
14 agreement with one or more school districts to share the services of  
15 a mental health professional.

16       (d) A mental health professional employed by a school  
17 district is subject to the professional standard of care applicable  
18 to the mental health professional's licensure.

19       (e) A mental health professional may provide services to a  
20 student only if the district obtains the written consent of the  
21 student's parent or guardian or another person having legal control  
22 of the student on a consent form developed by the district. The  
23 student's parent or guardian or another person having legal control  
24 of the student may give consent for a student to receive ongoing  
25 services or may limit consent to one or more services provided on a  
26 single occasion.

27       (f) The consent form must be in a format that complies with

1 all applicable state and federal laws and allows a person to consent  
2 to one or more categories of services.

3 SECTION 3. A school district shall employ or obtain the  
4 services of a mental health professional, as required by Section  
5 33.911, Education Code, as added by this Act, as soon as practicable  
6 after the effective date of this Act.

7 SECTION 4. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2019.