

House Bill 19
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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.

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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.

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(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 administrative cost for providing the space.

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

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

- (1) supervise the professional in carrying out the professional's duties under Section 8.155; and
- (2) consult with any other local mental health authorities in the region in 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 act as a resource for school district personnel by:

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

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(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) supervise the professional in carrying out the professional's duties under Section 8.155; and
- (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) helping personnel gain awareness and a better understanding of mental health and co-occurring mental health and substance use disorders;

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

(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; and

(B) other treatment 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;

(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

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(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) 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

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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, and each standing committee of the legislature having primary jurisdiction over public education.

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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.

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No equivalent provision.

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

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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. Same as House version.

CONFERENCE