

BILL ANALYSIS

C.S.H.B. 2059
By: Price
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Mental health first aid (MHFA) is an interactive, skills-based training course that helps individuals identify, understand, and respond to signs of mental illnesses and substance use disorders. Local mental health authorities (LMHAs) and local behavioral health authorities (LBHAs) provide this training. The MHFA legislative initiative was enacted during the 83rd Legislature and authorized grants for LMHAs to train school district educators. Through subsequent legislation, the program was expanded to include other school district employees, school resource officers, and university employees. However, limitations under current law do not permit the Health and Human Services Commission to maximize the use of funds allocated for the MHFA program. Additionally, statute limits who can participate in the state's program. With the rise in mental health concerns throughout Texas, expanding the eligibility of individuals who can participate in the state's program should increase awareness of and response to signs of mental illness and substance use disorders. C.S.H.B. 2059 seeks to maximize the use of funds allocated for the MHFA program and to allow for reimbursements to be made for a wider range of individuals, including youth, first responders, and military service members and veterans who want to participate in a MHFA program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2059 amends the Health and Safety Code to transfer duties relating to mental health first aid training programs from the Department of State Health Services to the Health and Human Services Commission (HHSC), applicable to the grants for training mental health first aid trainers and the grants for those trainers to train certain individuals.

C.S.H.B. 2059 includes local behavioral health authorities among recipients of program grants, subjects a local behavioral health authority to the same program requirements and authorizations established in state law and by the bill for local mental health authorities, and provides that a person who has completed a mental health first aid training program offered by a local behavioral health authority and who in good faith attempts to assist an individual experiencing a mental health crisis is not liable in civil damages for an act performed in attempting to assist the individual unless the act is wilfully or wantonly negligent. The bill also includes rules adopted by the executive commissioner of HHSC regarding approval requirements for employees or contractors of local behavioral health authorities among the rules the executive

commissioner adopts for the approval requirements for employees or contractors of local mental health authorities.

C.S.H.B. 2059 removes the requirement that the amount of a grant for training mental health first aid trainers be based on the number of employees or contractors of the authority whose training is paid for by a grant, repeals certain provisions capping the amount of those grants and authorizing supplemental grants, and requires HHSC instead to determine the amount necessary to cover the costs of training mental health first aid trainers.

C.S.H.B. 2059, with respect to the university employees, school district employees, and school resource officers who may be trained by mental health first aid trainers at no cost to the individual, retains district employees' and school resources officers' eligibility for such training, specifies that the university employees are employees of an institution of higher education, and extends eligibility for no-cost training to all first responders, whereas only school resource officers currently qualify for that training. The bill also extends eligibility for the no-cost training to the following at the discretion of the authorities:

- employees and contractors of an open-enrollment charter school or private school;
- employees and contractors of a child-care facility;
- youth;
- individuals with direct and recurring contact with students;
- military service members, veterans, or immediate family members of military service members or veterans;
- judges and attorneys, as applicable based on the practice of law of the judge or attorney; and
- contractors of an institution of higher education or a school district.

The bill changes the amount of the grant made to an authority for providing this training from \$100 for each applicable individual who successfully completes a training program to an amount HHSC determines necessary to cover the costs of training each applicable individual who completes the training.

C.S.H.B. 2059 changes the deadline for submission by an authority of a plan demonstrating the manner in which grants for training the applicable individuals will be used for the purposes, as set out in statute, to maximize the number of children having recurring contact with a trained individual, to meet the local service area's greatest needs, and to complement existing resources. This plan must be submitted on July 1 of each even-numbered year rather than annually on July 1.

C.S.H.B. 2059 revises the provisions specifying certain details to be included in the annual report submitted by HHSC to the legislature that contains the number of individuals, by category, who completed a training program. Accordingly, the bill does the following:

- updates that requirement to reflect the types of individuals eligible for no-cost training under a grant as provided under the bill's provisions and removes the specification that the report include the number of individuals completing a program provided by an authority who are not university employees, school district employees, or school resource officers; and
- with respect to the reported number of military service members, veterans, and their immediate family members, additionally requires the report to include whether those individuals completed the standard version of a program or the veterans module.

C.S.H.B. 2059 repeals the following provisions of the Health and Safety Code:

- Section 1001.2015, which limits the amount of grants given to a local mental health authority for mental health first aid training to three percent of the total amount appropriated for making grants or \$70,000, whichever is less; and
- Section 1001.2031, which authorizes supplemental grants for such training out of allocations from unobligated money appropriated for making mental health first aid

training grants if a local mental health authority submits a revised plan demonstrating how the additional grant money would be used if available.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2059 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced did not retain school resource officers' eligibility for mental health first aid training, the substitute retains their eligibility.

Whereas the introduced made active military service members and their immediate family members eligible to receive mental health first aid training at no cost under a training program, the substitute makes any military service members and their immediate family members eligible to receive such training.

The substitute includes a provision absent from the introduced that includes contractors of an institution of higher education, charter school, private school, or public school district among the individuals who are eligible for the training at no cost.

Whereas the introduced included individuals with direct and continuous contact with students among the individuals eligible for the training at no cost, the substitute includes individuals with direct and recurring contact with students among those individuals.

The substitute includes a provision absent from the introduced clarifying that the training is provided to eligible individuals at the discretion of a local mental health authority or local behavioral health authority.