

## **BILL ANALYSIS**

Senate Research Center

S.B. 532  
By: West  
Education  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas is currently in severe mental health professional shortage. As a stark example of the state's mental health professional shortage, Texas' ratio of public school students to counselors is 390-to-1, while the American School Counselor Association recommends a ratio of 250-to-1.

During this time of mental health professional shortage, the state is embarking on one of its greatest periods of growth in recent memory as it relates to state-supported or operated mental health care facilities. In addition to the construction of a new state mental hospital in Dallas approved by the 87th Texas Legislature during its Third Called Session, the Health and Human Services Commission is looking at further state hospital expansion or creation, including in rural areas of Texas and in other urban centers, including Fort Worth.

Texas cannot fill its unmet need for mental health professionals without drastic improvements in methods of recruitment and loan repayment for mental health professionals.

S.B. 532 will reduce from five years to three years the number of years required for a person to participate in the state's Mental Health Professional Loan Repayment Program and see the program through to completion. Currently, mental health professionals have deemed the five-year completion horizon detrimental to the overall success of the program. It is believed that decreasing the time period required for the program from five years to three will increase participation in the program, and incentivize more students to pursue mental health professions, knowing that a relatively simple pathway exists for them to pay off their student loans through service in high-need areas.

The committee substitute for this legislation will add local mental health authorities and state psychiatric hospitals as being eligible places to work for participants in the program, even if those areas are not located specifically in a mental health professional shortage area.

S.B. 532 amends current law relating to providing mental health services information to certain higher education students and to the repayment of certain higher education loans.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Higher Education Coordinating Board is modified in SECTION 6 (Section 61.9831, Education Code), SECTION 7 (Section 61.9832, Education Code) and SECTION 8 (Section 61.9839, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 51.9194, Education Code, as follows:

Sec. 51.9194. REQUIRED INFORMATION FOR ENTERING STUDENTS REGARDING MENTAL HEALTH AND SUICIDE PREVENTION SERVICES. (a) Defines "institution of higher education."

(b) Requires an institution of higher education to provide certain information to each entering undergraduate, graduate, or professional student, including each undergraduate, graduate, or professional student who transfers to the institution.

Deletes existing text requiring a general academic institution to provide certain information to each entering full-time undergraduate, graduate, or professional student, including full-time undergraduate, graduate, or professional student who transfers to the institution.

(c) Redesignates existing Subsection (b) as Subsection (c). Provides that the information required under this section:

(1)-(2) makes nonsubstantive changes to these subdivisions; and

(3) is required to include a campus map identifying any location at which mental health services are provided to students on campus and information regarding how to access the services.

(d) Provides that if an institution of higher education provides a tour during an on-campus orientation for entering students, the tour is required to identify at least one location described by Subsection (c)(3) that is available for use by all students of the institution.

SECTION 2. Amends Section 61.603, Education Code, as follows:

Sec. 61.603. ELIGIBILITY. (a) Requires a mental health professional, except as provided by Subsection (b), to be eligible to receive repayment assistance under Subchapter K (Repayment of Certain Mental Health Professional Education Loans), to meet certain requirements, including having completed one, two, or three, rather than one, two, three, four, or five, consecutive years of practice in a mental health professional shortage area designated by the Department of State Health Services.

(b) Authorizes a mental health professional to also establish eligibility for the repayment assistance under this subchapter by satisfying the requirements of this subsection. Requires the mental health professional, to establish eligibility under this subsection, to:

(1) apply to the Texas Higher Education Coordinating Board (THECB);

(2) provide mental health services to:

(A) patients in a state hospital, as defined by Section 552.0011 (Definitions), Health and Safety Code; or

(B) individuals receiving community-based mental health services from a local mental health authority that provides the services in accordance with Subchapter B (Community-Based Mental Health Services), Chapter 534, Health and Safety Code; and

(3) have completed one, two, or three consecutive years of practice in this state as described by Subdivision (2).

Deletes existing text requiring a licensed physician, in addition to satisfying the requirements under Subsection (a), to be eligible to receive repayment assistance under this subchapter after the physician's third consecutive year of practice described under Subsection (a)(2), to be certified in psychiatry by certain entities.

SECTION 3. Amends Section 61.604(a), Education Code, to authorize a mental health professional to receive repayment assistance under this subchapter for not more than three years, rather than not more than five years.

SECTION 4. Amends Section 61.607(a), Education Code, as follows:

(a) Authorizes a mental health professional to receive repayment assistance under this subchapter for each year the mental health professional establishes eligibility for the assistance in an amount determined by applying the following applicable percentage to the maximum total amount of assistance allowed for the mental health professional under Subsection (b) (relating to prohibiting the total amount of repayment assistance received by certain mental health professionals from exceeding certain amounts):

- (1) for the first year, 33.33 percent, rather than 10 percent;
- (2) for the second year, 33.33 percent, rather than 15 percent; and
- (3) for the third year, 33.33 percent, rather than 20 percent.

Deletes existing text authorizing a mental health professional to receive repayment assistance for the fourth and fifth years by applying certain percentages to the maximum total amount of assistance allowed for the mental health professional under Subsection (b). Makes nonsubstantive changes.

SECTION 5. Amends Section 61.608, Education Code, by adding Subsection (e), as follows:

(e) Requires THECB to administer the program under this subchapter in a manner that, as program openings occur, allows for the continuous approval or disapproval of applications, determination of applicant eligibility, and acceptance of eligible applicants into the program.

SECTION 6. Amends Section 61.9831, Education Code, as follows:

Sec. 61.9831. LOAN REPAYMENT ASSISTANCE AUTHORIZED. Requires THECB to provide, in accordance with Subchapter KK (Math and Science Scholars Loan Repayment Program) and THECB rules, assistance in the repayment of eligible student loans for eligible persons who agree to teach mathematics or science for a specified period in public schools, rather than schools that receive federal funding under Title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.).

SECTION 7. Amends Sections 61.9832(a) and (c), Education Code, as follows:

(a) Makes a conforming change to this subsection.

(c) Requires a person, to receive loan repayment assistance under this subchapter, to enter into an agreement with THECB that includes the following provisions:

- (1) makes a conforming change to this subdivision;
- (2) the person will complete four consecutive years of employment in any public school as a full-time classroom teacher, rather than employment as a full-time classroom teacher in a school described by Subdivision (1), whose primary duty is to teach mathematics or science, as applicable, based on the person's certification; and
- (3)-(4) makes no changes to these subdivisions.

SECTION 8. Amends Section 61.9839(a), Education Code, as follows:

(a) Authorizes an eligible person, subject to Sections 61.9833(b) (relating to requiring THECB to take certain steps to ensure that assistance payments made by THECB do not exceed the principal and interest due on a person's eligible loans) and 61.9838(c) (relating to requiring THECB to establish criteria to determine which eligible applicants will be provided repayment assistance should the demand of eligible applicants exceed the funds available), to continue to receive the same amount of loan repayment assistance received during the first four consecutive years of teaching service required under Section

61.9832(c)(2) if the person continues to teach in a public school in accordance with THECB rules for the prescribed number of consecutive school years occurring immediately after those first four years.

Deletes existing text authorizing an eligible person to continue to receive loan repayment assistance if the person continues to teach in a public school that receives funding under Title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.), after the first four years of teaching service required under Section 61.9832(c)(2).

SECTION 9. Repealer: Section 61.9839(b) (relating to the amount of continued assistance received under a certain loan repayment assistance program for a person that transfers to a public school that does not meet certain federal funding criteria), Education Code.

SECTION 10. Provides that Section 51.9194, Education Code, as amended by this Act, applies beginning with entering students at public institutions of higher education for the 2023 fall semester.

SECTION 11. Makes application of the changes in law made by this Act to Sections 61.603, 61.604(a), and 61.607(a), Education Code, prospective.

SECTION 12. (a) Requires THECB, as soon as practicable after the effective date of this Act, to adopt rules necessary to administer Sections 61.9831, 61.9832, and 61.9839, Education Code, as amended by this Act.

(b) Makes application of Sections 61.9831, 61.9832, and 61.9839, Education Code, as amended by this Act, prospective.

SECTION 13. Effective date: September 1, 2023.