

BILL ANALYSIS

Senate Research Center

S.B. 646
By: West
Education K-16
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In fiscal year 2024, the Mental Health Professionals Loan Repayment Program (MHPLRP) saw an increase in participants 15 times higher than the previous fiscal year. Yet and still, that only resulted in 29 mental health professionals entering the program in 2023, and 452 applicants accepted into the program in fiscal year 2024. In fiscal year 2024, the Texas Higher Education Coordinating Board (THECB) reports that 398 persons were denied entry into MHPLRP.

In the general appropriations act for 2023–2024, thanks to the wisdom of Texas' leadership realizing that MHPLRP, a record sum of \$28 million was appropriated to the program. More than \$15 million of that remains unspent in the current biennium, and Senate Bill 1 (89R) appropriates \$28 million toward the program again in 2025–2026. The larger amount was requested in the 2023–2024 general appropriations act by legislators as part of the overall mental health response to the Uvalde massacre, in which 21 people, mostly school children, were murdered.

The tremendous increase in the number of applicants to the program is the result of close work between the legislature, state leadership, and THECB to ensure the maximum number of persons are covered under MHPLRP. This close collaboration has included encouraging THECB to do more and better advertising of the MHPLRP, and coordinate closely with licensing agencies and the Behavioral Health Advisory Committee of the Texas Health and Human Services Commission.

Nevertheless, the program is not helping the number of mental health professionals needed given Texas' stark shortage of mental health professionals. The mental health professional shortage in Texas remains critical:

- 168 of Texas 254 counties did not have any licensed psychiatrists;
- 147 counties did not have any licensed psychologists;
- 91 counties did not have any licensed clinical social workers;
- 78 counties did not have any licensed chemical dependency counselors;
- 41 counties did not have any licensed professional counselors;
- 211 counties did not have any psychiatric-mental health advanced practice registered nurses as of 2019; and
- 148 school districts did not have any school counselors.

In order to ensure the program is helping more mental health professionals, stakeholders and legislators have spent the last 18 months working to propose changes to the program to increase utilization in the areas of greatest need, and by adjusting the amounts of available loan repayment to account for significant inflation in the cost of mental-health related higher education. S.B. 646 represents the outcome of this work.

First, a number of professionals in areas of need are added to the program under S.B. 646. These include:

- licensed master social workers;
- licensed professional counselor associates;
- licensed marriage and family therapist associates; and
- school counselors certified under Subchapter B, Chapter 21, Education Code, who have earned at least a master's degree related to counseling from any public or accredited private institution of higher education.

Second, S.B. 646 makes some changes to eligibility criteria related to the workplace or work field of the potential applicant, including adding students enrolled in a public school in this state.

S.B. 646 also increases the amount of loan repayment for eligible professionals to the following amounts, subject to other qualifications:

- licensed physician psychiatrist: \$180,000;
- psychologist, licensed clinical social worker with a doctorate in a related field; licensed professional counselor if the counselor has a doctorate related to counseling; licensed marriage and family therapist with a doctorate in a related field: \$100,000;
- advanced practice registered nurses: \$80,000;
- licensed clinical social worker; licensed marriage and family therapist; licensed professional counselor, licensed specialist in school psychology, licensed master social worker, licensed professional counselor associate, licensed marriage and family therapist associate; certified school counselor: \$60,000; and
- licensed chemical dependency counselor with at least an associate's degree related to chemical dependency counseling or behavioral health: \$15,000.

Additionally, S.B. 646 empowers THECB to make additional awards to professionals in the program as follows:

- A one-time adder of \$5,000 if the practitioner speaks a language of need in the practice in which they are employed;
- \$10,000 for those practitioners practicing in a rural county of a population of 150,000 or less; and
- \$15,000 per year to create fourth and fifth additional years of the program.

S.B. 646 caps the amount of total assistance a practitioner may receive at 10 percent of the total amount listed in the section of the bill outlining the amounts for which each profession is eligible.

Finally, S.B. 646 gives THECB the authority to spend up to \$1 million appropriated to the MHPLRP for the purposes of advertising the program, and allows THECB to contract with a third party for this purpose.

S.B. 646 amends current law relating to repayment of certain mental health professional education loans.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Higher Education Coordinating Board is modified in SECTION 5 (Section 61.608, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.601, Education Code, to redefine "mental health professional."

SECTION 2. Reenacts Section 61.603, Education Code, as amended by Chapters 678 (H.B. 1211), 705 (H.B. 2100), and 1069 (S.B. 532), Acts of the 88th Legislature, Regular Session, 2023, and amends it, as follows:

Sec. 61.603. ELIGIBILITY. (a) Makes no changes to this subsection.

(b) Requires a mental health professional, to establish eligibility under this subsection, to fulfill certain conditions, including providing mental health services to students enrolled in a public school in this state. Makes nonsubstantive changes.

SECTION 3. Amends Section 61.604(d), Education Code, as follows:

(d) Authorizes the Texas Higher Education Coordinating Board (THECB), notwithstanding Subsection (c) (relating to authorizing not more than 30 percent of repayment assistance grants paid each year to be awarded to certain mental health professionals), if in a state fiscal year not all funds available for purposes of the program are used, to allocate any unused funds to award repayment assistance grants to mental health professionals in any of the professions listed in Section 61.601. Deletes existing text providing that THECB is authorized to award a grant under Subchapter K (Repayment of Certain Mental Health Professional Education Loans) to a licensed marriage and family therapist only in accordance with Subsection (e) (relating to authorizing THECB, under certain conditions, to allocate unused funds to award repayment assistance grants to certain mental health professionals). Makes a nonsubstantive change.

SECTION 4. Amends Section 61.607, Education Code, by amending Subsections (a) and (b) and adding Subsections (b-1) and (b-2), 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 certain applicable percentages to the amount, rather than the maximum total amount, of assistance allowed for the mental health professional under Subsection (b).

(b) Prohibits the amount, rather than the total amount, of repayment assistance received by a mental health professional under this subchapter, subject to Subsection (b-2), from exceeding:

(1) \$180,000, rather than \$160,000, for assistance from the state received by a licensed physician;

(2) \$100,000, rather than \$80,000, for assistance from the state received by certain mental health professionals;

(3) \$80,000, rather than \$60,000, for assistance from the state received by an advanced practice registered nurse;

(4) \$60,000, rather than \$40,000, for assistance from the state received by certain mental health professionals including a licensed master social worker, a person who holds a licensed professional counselor associate license issued by the Texas State Board of Examiners of Professional Counselors, a licensed marriage and family therapist associate, or a certified school counselor described by Section 61.601(12) (relating to including a certified school counselor who has earned at least a master's degree related to counseling from any public or accredited private institution of higher education in the definition of "mental health professional");

(5) \$50,000, for assistance from the state received by a licensed chemical dependency counselor, if the chemical dependency counselor has received within the same 12-month period the counselor's license and most recent degree applicable to the counselor's licensing eligibility requirements; and

(6) \$15,000, rather than \$10,000, for assistance from the state received by a licensed chemical dependency counselor, if the chemical dependency counselor has received at least an associate degree related to chemical dependency counseling or behavioral science and if the counselor is not otherwise described by Subdivision (5).

Makes nonsubstantive changes to this subsection.

(b-1) Provides that a mental health professional who receives repayment assistance under this subchapter, notwithstanding Subsection (a) or (b), is eligible to receive repayment assistance in addition to the amount specified by Subsection (b) as follows:

(1) a one-time amount of \$5,000 for a mental health professional who is fluent in a language of need in the professional's practice area as determined by THECB;

(2) a one-time amount of \$10,000 for a mental health professional who practices in a county with a population of 150,000 or less; and

(3) notwithstanding Section 61.604(a) (relating to authorizing a mental health professional to receive repayment assistance for not more than three years), \$15,000 per year for a mental health professional who practices in the manner described by Section 61.603 for a fourth and fifth consecutive year.

(b-2) Prohibits the total amount of repayment assistance issued to a mental health professional under Subsections (b) and (b-1) from exceeding the amount described by Subsection (b) for the applicable profession plus 10 percent of that amount.

SECTION 5. Amends Section 61.608, Education Code, by amending Subsection (c) and adding Subsection (f), as follows:

(c) Requires THECB to adopt rules establishing a process for allocating any unused funds under the program in a state fiscal year in accordance with Section 61.604(d), rather than 61.604(e).

(f) Authorizes THECB to use funds, in an amount not to exceed \$1 million appropriated for purposes of this subchapter, to market the program to students enrolled in postsecondary institutions, mental health professionals, and mental health professional organizations and associations and to contract with a third party for the purpose. Authorizes THECB or third party to develop marketing plans or promotional materials to market the program.

SECTION 6. Repealer: Section 61.604(e) (relating to authorizing THECB, under certain conditions, to allocate unused funds to award repayment assistance grants to certain mental health professionals), Education Code.

SECTION 7. (a) Makes application of Sections 61.603 and 61.607 (Amount of Repayment Assistance), Education Code, prospective.

(b) Provides that the changes in law made by this Act to Section 61.604 (Limitations), Education Code, apply beginning with the state fiscal year beginning September 1, 2025.

SECTION 8. Effective date: September 1, 2025.