

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 19
By: Price et al. (Watson)
Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

One of the findings of Governor Abbott's School and Firearm Safety Action Plan was the importance of mental health first aid training for school staff. The plan also found that while Local Mental Health Authorities (LMHA) have trained some staff in our schools in mental health first aid, there are barriers to expanding the number of teachers who can be trained under this program.

To address this problem, H.B. 19 provides a resource for schools that will allow for more school staff to receive mental health first aid training and/or other training to increase awareness and understanding of mental health and co-occurring mental health and substance use disorders. Under the bill, a non-physician mental health professional employed by an LMHA will be housed at the educational service center to facilitate or provide training or other assistance in mental health awareness and steps that can be taken to address these issues in schools. This individual will not provide any clinical services, including treating or counseling a student, but is rather solely charged with training and other assistance in increasing awareness at our schools, as recommended by the governor's plan. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 19 amends current law relating to mental health and substance use resources for certain school districts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 8, Education Code, by adding Subchapter E, as follows:

SUBCHAPTER E. MENTAL HEALTH AND SUBSTANCE USE RESOURCES FOR SCHOOL DISTRICT PERSONNEL

Sec. 8.151. DEFINITIONS. Defines "local mental health authority" and "non-physician mental health professional."

Sec. 8.152. EMPLOYMENT OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL AS MENTAL HEALTH AND SUBSTANCE USE RESOURCE. (a) Requires a local mental health authority to 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 (ESC) and in which the local mental health authority provides services.

(b) Requires the local mental health authority that primarily operates in the county in which an ESC is located, if two or more local mental health authorities provide services in a region served by an ESC, to:

(1) employ the non-physician mental health professional;

(2) in making any 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 ESC.

Sec. 8.153. INTERAGENCY COLLABORATION; MEMORANDUM OF UNDERSTANDING. (a) Requires a local mental health authority that employs a non-physician mental health professional under Section 8.152 and the ESC to collaborate in carrying out this subchapter.

(b) Requires each ESC to provide for a non-physician mental health professional employed for the region served by the ESC with a space for the professional to carry out the professional's duties under Section 8.155. Requires the local mental health authority that employs the professional to pay the ESC a reasonable, negotiated cost-recovery fee for providing the administrative support as outlined in the memorandum of understanding entered into under Subsection (c). Prohibits the cost-recovery fee from exceeding \$15,000 per year unless the local mental health authority and the ESC agree to a higher amount.

(c) Requires a local mental health authority and an ESC to enter into a memorandum of understanding for the administration of this section.

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

(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 ESC for input on supervising the professional.

Sec. 8.155. DUTIES OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL. (a) Requires a non-physician mental health professional employed under Section 8.152, to the greatest extent possible, to work collaboratively with the ESC and to 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;

(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 (Mental Health Promotion and Intervention, Substance Abuse Prevention and Intervention, and Suicide Prevention), 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 (HHSC) 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 use alcohol, cigarettes, or illegal drugs, or to misuse prescription drugs.

(b) Prohibits a non-physician mental health professional employed under Section 8.152 from treating or providing counseling to a student or providing specific advice to school district personnel regarding a student.

Sec. 8.156. PARTICIPATION BY SCHOOL DISTRICT NOT REQUIRED. Provides that 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. Requires a state agency to which money is appropriated to carry out this subchapter to 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) Requires each local mental health authority that employs and supervises a non-physician mental health professional under this subchapter, before the last business day of each calendar year, to prepare and submit a report to HHSC regarding the outcomes for school districts and students resulting from services provided by the non-physician mental health professional.

(b) Requires HHSC, not later than January 31 of the following calendar year, to 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 Texas Education Agency (TEA). Requires HHSC, before submitting the report under this subsection, to provide TEA a reasonable opportunity to review and provide input on the contents of the report.

SECTION 2. Provides that a local mental health authority is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, a local mental health authority, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 3. Effective date: September 1, 2019.