

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 955
By: Schwertner et al.
Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Mental health first aid is an evidence-based, 12-hour training program that educates non-medical professionals about strategies and resources to respond to an individual who is developing a mental health problem or experiencing a crisis. Participants learn how to assess risk, listen to and support the individual in crisis, and identify professional resources and supports. The program can be taught to anyone, though it is especially relevant for key community professionals such as teachers, health care workers, police officers, and faith leaders who regularly interact with Texas youth.

Under C.S.S.B. 955, the Department of State Health Services (DSHS) will award up to \$30,000 to each of Texas's 39 local mental health authorities (LMHAs) and the North Star Program, contingent on appropriations, for the purpose of training mental health professionals to administer mental health first aid training. Training must be administered via an accredited mental health first aid provider.

Additional funds will be used to provide voluntary, no-cost training to educators, administrators, and other school faculty and staff. The bill adds language authorizing this training to fulfill up to 12 hours of continuing professional education required by the Texas Education Agency. An annual report regarding the trainees is to be sent to DSHS and the Texas Legislature.

C.S.S.B. 955 amends current law relating to the training of employees and contractors of local mental health authorities and certain educators in mental health first aid, the establishment of the mental health first aid fund, and the liability of certain persons providing assistance to persons experiencing a mental health crisis.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 1001.202, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the State Board for Educator Certification in SECTION 2 (Section 21.054, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 1001, Health and Safety Code, by adding Subchapter H, as follows:

SUBCHAPTER H. MENTAL HEALTH FIRST AID TRAINING

Sec. 1001.201. DEFINITIONS. Defines "educator," "local mental health authority," and "regional education service center" in this subchapter.

Sec. 1001.202. GRANTS FOR TRAINING OF MENTAL HEALTH FIRST AID TRAINERS. (a) Requires the Department of State Health Services (DSHS), to the extent funds are appropriated to DSHS for that purpose, to make grants to local mental health

authorities to contract with persons approved by DSHS to train employees or contractors of the authorities as mental health first aid trainers.

(b) Requires DSHS, except as provided by Subsection (c), to make each grant to a local mental health authority under this section in an amount equal to \$1,000 times the number of employees or contractors of the authority whose training as mental health first aid trainers will be paid by the grant.

(c) Prohibits the total amount DSHS is authorized to grant to a local mental health authority under this section, for each state fiscal year, from exceeding the lesser of \$30,000 or three percent of the funds appropriated to DSHS for making grants under this section.

(d) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules to establish the requirements for a person to be approved by DSHS to train employees or contractors of a local mental health authority as mental health first aid trainers. Requires that the rules ensure that a person who is approved by DSHS is qualified to provide training in:

(1) the potential risk factors and warning signs for various mental illnesses, including depression, anxiety, trauma, psychosis, eating disorders, substance abuse disorders, and self-injury;

(2) the prevalence of various mental illnesses in the United States and the need to reduce the stigma associated with mental illness;

(3) an action plan for use by the employees or contractors that involves the use of skills, resources, and knowledge to assess a situation and develop and implement an appropriate intervention to help an individual experiencing a mental health crisis obtain appropriate professional care; and

(4) the evidence-based professional, peer, social, and self-help resources available to help individuals with mental illness.

(e) Authorizes two or more local mental health authorities to collaborate and share resources to provide training for employees or contractors of the authorities under this section.

Sec. 1001.203. GRANTS FOR TRAINING CERTAIN EDUCATORS IN MENTAL HEALTH FIRST AID. (a) Requires DSHS, to the extent funds are appropriated to DSHS for that purpose, to make grants to local mental health authorities to provide an approved mental health first aid training program, administered by mental health first aid trainers, at no cost to educators.

(b) Prohibits the total amount DSHS is authorized to grant to a local mental health authority under this section, for each state fiscal year, from exceeding the lesser of \$40,000 or three percent of the funds appropriated to DSHS for making grants under this section.

(c) Requires DSHS, subject to the limit provided by Subsection (b), out of the funds appropriated to DSHS for making grants under this section, to grant \$100 to a local mental health authority for each educator who successfully completes a mental health first aid training program provided by the authority under this section.

(d) Requires a mental health first aid training program provided by a local mental health authority under this section to:

(1) be conducted by a person trained as a mental health first aid trainer;

(2) provide participants with the skills necessary to help an individual experiencing a mental health crisis until the individual is able to obtain appropriate professional care; and

(3) include instruction in a five-step strategy for helping an individual experiencing a mental health crisis, including assessing risk, listening respectfully to and supporting the individual, and identifying professional help and other supports for the individual; an introduction to the risk factors and warning signs for mental illness and substance abuse problems; experiential activities to increase participants' understanding of the impact of mental illness on individuals and families; and a presentation of evidence-supported treatment and self-help strategies.

(e) Authorizes a local mental health authority to contract with a regional education service center to provide a mental health first aid training program to educators under this section.

(f) Authorizes two or more local mental health authorities to collaborate and share resources to develop and operate a mental health first aid training program under this section.

Sec. 1001.204. PLANS FOR MENTAL HEALTH FIRST AID TRAINING PROGRAMS. (a) Requires a local mental health authority, not later than October 1 of each state fiscal year for which the authority will seek a grant from DSHS under Section 1001.203, to submit to DSHS a plan demonstrating the manner in which grants made to the authority under that section will be used:

(1) to train individuals in mental health first aid throughout the authority's local service area to maximize the number of children who have direct contact with an individual who has successfully completed a mental health first aid training program provided by the authority;

(2) to meet the greatest needs of the authority's local service area, as identified by the authority; and

(3) to complement existing resources and not duplicate established mental health first aid training efforts.

(b) Prohibits DSHS from making a grant to a local mental health authority under Section 1001.203 unless DSHS has evaluated a plan submitted by the authority under this section.

Sec. 1001.205. REPORTS. (a) Requires a local mental health authority, not later than July 1 of each year, to provide to DSHS the number of employees and contractors of the authority who were trained as mental health first aid trainers under Section 1001.202; educators who completed a mental health first aid training program offered by the authority under Section 1001.203 during the preceding calendar year; and individuals who are not educators who completed a mental health first aid training program offered by the authority during the preceding calendar year.

(b) Requires DSHS, not later than August 1 of each year, to compile the information submitted by local mental health authorities as required by Subsection (a) and submit a report to the legislature containing the number of authority employees and contractors trained as mental health first aid trainers; educators who completed a mental health first aid training program provided by an authority during the preceding calendar year; and individuals who are not educators who completed a mental health first aid training program provided by an authority during the preceding calendar year.

Sec. 1001.206. LIABILITY. Provides that a person who has completed a mental health first aid training program offered by a local mental health authority under this subchapter 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.

SECTION 2. Amends Section 21.054, Education Code, by adding Subsection (d), as follows:

(d) Requires the State Board for Educator Certification to adopt rules that allow an educator to fulfill up to 12 hours of continuing education by participating in a mental health first aid training program offered by a local mental health authority under Section 1001.203, Health and Safety Code. Prohibits the number of hours of continuing education an educator is authorized to fulfill under this subsection from exceeding the number of hours the educator actually spends participating in a mental health first aid training program.

SECTION 3. Provides that the change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. Provides that a cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 4. Effective date: September 1, 2013.