

1 SB116  
2 204032-2  
3 By Senator Jones  
4 RFD: Children, Youth and Human Services  
5 First Read: 04-FEB-20

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8       SYNOPSIS:               This bill would establish the position of  
9                               community mental health counselor for the purpose  
10                              of providing counseling, support programs, or  
11                              equivalent services to educational institutions,  
12                              including K-12 public schools, public community  
13                              colleges, or public institutions of higher  
14                              education.

15                            This bill would require the State Board of  
16                            Education, the Board of Trustees of the Alabama  
17                            Community College System, and the Alabama  
18                            Commission on Higher Education to collaborate with  
19                            the Department of Mental Health in adopting rules  
20                            pertaining to required qualifications for  
21                            individuals wishing to work as community mental  
22                            health counselors in their respective educational  
23                            institutions.

24                            This bill would also provide for qualified  
25                            immunity for a community mental health counselor  
26                            and for nonprofit organizations that sponsor them.  
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1 A BILL  
2 TO BE ENTITLED  
3 AN ACT  
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5 Relating to mental health; to establish the position  
6 of community mental health counselor for the purpose of  
7 providing counseling, support programs, or equivalent services  
8 to educational institutions, including K-12 public schools,  
9 public community colleges, or public institutions of higher  
10 education; to require the State Board of Education, the Board  
11 of Trustees of the Alabama Community College System, and the  
12 Alabama Commission on Higher Education to adopt rules  
13 pertaining to required qualifications for individuals wishing  
14 to work as community mental health counselors in their  
15 respective educational institutions; and to provide for  
16 qualified immunity for a community mental health counselor and  
17 for nonprofit organizations that sponsor them.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) For the purposes of this act, the  
20 term "community mental health counselor" means a person who  
21 works as a volunteer for or is regularly employed by a  
22 nonprofit organization to provide counseling, support  
23 programs, or equivalent services to educational institutions,  
24 including K-12 public schools, public community colleges, or  
25 public institutions of higher education.

26 (b) A public K-12 school, a community or technical  
27 college, or a public institute of higher education may use the

1 services of a community mental health counselor to the extent  
2 allowable under rules adopted pursuant to Section 2.

3 (c) A community mental health counselor is not  
4 civilly liable for damages as a result of his or her acts or  
5 omissions in fulfilling his or her work-related duties, unless  
6 the act or omission was the result of his or her unreasonable,  
7 intentional, or willful or wanton misconduct.

8 (d) A nonprofit organization sponsoring a community  
9 mental health counselor is not civilly liable for damages as a  
10 result of acts or omissions of a sponsored community mental  
11 health counselor in fulfilling his or her work-related duties,  
12 unless the act or omission was the result of his or her  
13 unreasonable, intentional, or willful or wanton misconduct.

14 Section 2. (a) (1) The State Board of Education  
15 shall, in collaboration with the Department of Mental Health,  
16 adopt rules pertaining to guidelines for the operation of  
17 community mental health counselors within public K-12 schools.

18 (2) The State Board of Education shall design and  
19 provide to local boards of education an application form  
20 template for use by nonprofit organizations that wish to  
21 provide the services of sponsored community mental health  
22 counselors in public K-12 schools.

23 (b) (1) The Board of Trustees of the Alabama  
24 Community College System shall, in collaboration with the  
25 Department of Mental Health, adopt rules pertaining to  
26 guidelines for the operation of community mental health

1 counselors within community and technical colleges of the  
2 state.

3 (2) The Board of Trustees of the Alabama Community  
4 College System shall design and provide to community and  
5 technical colleges of the state an application form template  
6 for use by nonprofit organizations that wish to provide the  
7 services of sponsored community mental health counselors in  
8 community and technical colleges of the state.

9 (c) (1) The Alabama Commission on Higher Education  
10 shall, in collaboration with the Department of Mental Health,  
11 adopt rules pertaining to guidelines for the operation of  
12 community mental health counselors within public institutions  
13 of higher education.

14 (2) The Alabama Commission on Higher Education shall  
15 design and provide to public institutions of higher education  
16 an application form template for use by nonprofit  
17 organizations that wish to provide the services of sponsored  
18 community mental health counselors in public institutions of  
19 higher education.

20 Section 3. Nothing in this act shall be construed to  
21 set any licensure requirements for individuals wishing to work  
22 as a community mental health counselor.

23 Section 4. It is the intent of the Legislature that  
24 constitutionally created boards of trustees comply with the  
25 requirements of this act.

1                   Section 5. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.