

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: SB 11

VERSION: AMENDED JULY 13, 2023

AUTHOR: MENJIVAR

SPONSORS: • CALIFORNIA FACULTY ASSOCIATION
• SEIU CALIFORNIA

PREVIOUS POSITION: SUPPORT

SUBJECT: CALIFORNIA STATE UNIVERSITY: MENTAL HEALTH COUNSELING

Summary:

This bill would require the California State University (CSU) system to have a minimum of one full-time mental health counselor per 1,500 students at each of its campuses. The bill also establishes a noncompetitive grant program to provide qualifying CSU students with grants, if the student agrees to complete the required supervised clinical training hours to obtain licensure in California with the Board of Behavioral Sciences or the Board of Psychology.

Existing Law:

- 1) Establishes the Donahoe Higher Education Act, specifying that public higher education consists of the California Community Colleges, the California State University (CSU), and the University of California. (Education Code (EC) §66010)

This Bill:

- 1) Defines “mental health counselor” for purposes of the bill, as a person who provides individual or group counseling, crisis intervention, emergency services, referrals, or outreach and consultation interventions to the campus community, and who is licensed in the State of California by the applicable licensing entity. (EC §89360(d))
- 2) Defines “licensure” as a license granted by the Board of Psychology or the Board of Behavioral Sciences to practice mental health counseling in this state. (EC §89360(c))
- 3) Requires each CSU campus to have a minimum of one full-time equivalent mental health counselor per 1,500 students. Where possible states these mental health counselors should be full-time staff and should reflect the diversity of the student body. (EC §89361(a) and (b))

- 4) Requires the CSU trustees to report every 3 years to the Legislature how the funding was spent, the number of mental health counselors employed per CSU campus, and student wait times for mental health counseling. (EC §89361(c)(1))
- 5) Requires each CSU campus to conduct a campus survey and focus groups every 3 years, in accordance with state and federal privacy law, including groups with students of color and LGBTQ+ students, to understand student needs and challenges about mental health and emotional well-being, sense of belonging on campus, and academic success. This data shall be included in the reports to the Legislature, without any personally identifiable information. (EC §89361(c)(2))
- 6) Requires each CSU campus to collect data on attempted suicides, which shall be included in the reports to the Legislature without any personally identifiable information. (EC §89361(c)(3))
- 7) Establishes the CSU Mental Health Professionals Act, with a goal of providing CSU students with incentives to become mental health counselors in California. (EC §89362(a))
- 8) Tasks the Department of Health Care Access and Information (HCAI) with administering a noncompetitive grant program to provide qualifying students with grants, if the student agrees to complete the required supervised clinical training hours to obtain licensure. (EC §89362(b))
- 9) Requires the CSU system to prioritize hiring grant recipients who obtain licensure as mental health counselors. (EC §89362(b))
- 10) Establishes the Mental Health Professionals Fund for money appropriated or received for the grant program and requires HCAI to disburse the moneys in the fund for the grant program upon appropriation by the Legislature. (EC §89632(c))
- 11) Provides that the grant program only becomes operational upon appropriation of one-time funds by the Legislature. (EC §89362(d))

Comment:

- 1) **Author's Intent.** The author's office is seeking to improve the counselor-to-student ratio on CSU campuses. Additionally, the author is also seeking to provide incentives for CSU students to pursue licensure in the mental health professions.
- 2) **Previous Board Position.** The Board considered a previous version of this bill at its May 5, 2023 meeting. It took a "support" position, and separately provided the following feedback to the author:
 - a) ***Mental Health Counselor Definition.*** *EC Section 89360(b) of the bill provides a definition of a "mental health counselor." The definition states that the mental health counselor needs to be licensed in California, but it does not specify which license types are acceptable. The Board suggests that it may*

be helpful to specifically state which license types are acceptable per the definition. Additionally, the Board suggests consideration of including its registered associates and trainees in the definition.

- *Registered associate marriage and family therapists, associate clinical social workers, and associate professional clinical counselors are individuals who have completed their master's degree program, and have registered with the Board to gain their required experience toward licensure under the supervision of a licensed professional.*
- *Trainees (social work interns, marriage and family therapist trainees, and professional clinical counselor trainees) are individuals who are currently enrolled in their master's degree program and have completed at least 12 semester units, and they must also be under supervision at all times.*

The Board believes that allowing trainees and registered associates to meet the ratio requirement may make it more feasible for colleges to employ a higher number of mental health professionals, while allowing these individuals some of the experience under supervision that they need to become licensed professionals.

b) Funding to Increase Students in the Mental Health Counselor Pipeline.

Section 89362(d) of the bill notes that funds to create incentives for students to become mental health counselors in the state may be used to support recruitment efforts to enroll students. During the Board's discussion of the bill, it was noted that it would be helpful if the funds could also be used to help grow the CSU mental health programs so that they could accommodate additional students. One stakeholder who works in the CSU system as an educator in a master's mental health degree program noted that a major issue is that they have numerous applicants, but limited space in the programs.

Since the time the above feedback was given, there have been some substantive amendments made to the bill. The author has not opted to revise the definition of a "mental health counselor." However, they have added a definition of "Licensure" which serves to make clear that those eligible for the grant program must be seeking licensure with this board or the Board of Psychology.

3) Staff Comments on Current Bill Version. The most recent version of the bill includes substantive amendments, mainly to create a grant program for qualifying students in order to invest in the mental health pipeline. Staff notes the following about the current bill text:

- **EC §89362(b)(3):** This paragraph states that before receiving a grant, a student must agree to complete the supervised clinical training hours required to obtain licensure. While some required practicum hours must be completed in-degree while still a student, the large majority of supervised experience hours must be

completed post-degree. It may be helpful to further specify what the student's licensure commitment must be before receiving the grant, and the timeline for completing that commitment.

- **No Funding Provided.** Staff notes that the grant program created by this bill is contingent on funding from the Legislature, and at this time an appropriation for funding has not been made.

4) Previous Legislation.

SB 660 (Pan, as introduced February 22, 2019) proposed requiring the California community colleges and schools in the California State University system to hire one full-time equivalent mental health counselor per 1,500 students enrolled at each campus. The Board took a "support" position on this bill.

SB 968 (Pan, 2018) was very similar to SB 660 and proposed requiring same ratio of mental health counselors at CSU and community college campuses. At that time, the Board took a "support if amended" position on the May 2, 2018 version of the bill, and requested that in addition to its licensees, trainees and registered associates also be permitted to be hired to meet the ratio requirement.

Governor Jerry Brown vetoed SB 986 in September 2018. In his veto message, Governor Brown stated the following:

"...Investing greater resources in student mental health is an understandable goal. Such investments, however, should be actively considered and made within the budget process. Moreover, specific ratios should remain within the purview of the boards or with local campuses, rather than dictated by the state."

5) Support and Opposition.

Support:

California Faculty Association, cosponsor
Service Employees International Union, California, cosponsor
Black Small Business Association of California
Board of Behavioral Sciences
California State Association of Psychiatrists
California State Council of Service Employees International Union
California State University Employees Union
California Youth Empowerment Network
College of Health and Human Services Joint Council
Depression and Bipolar Support Alliance California
Ensuring Native Indian Traditions
Faculty Association of California Community Colleges
GENup
Girl Gains at Sacramento State

Indivisible CA StateStrong
Mental Health America of California
National Association of Social Workers, California Chapter
Padres Organized Community
Payments for Placements, San Diego State University
Sacramento State Center on Race, Immigration, and Social Justice

Opposition:

California State University, Office of the Chancellor (Oppose Unless Amended)

6) History.

07/13/23 Read second time and amended. Re-referred to Com. on APPR.
07/12/23 From committee: Do pass as amended and re-refer to Com. on APPR.
(Ayes 15. Noes 0.) (July 11).
06/28/23 From committee: Do pass and re-refer to Com. on HEALTH. (Ayes 11.
Noes 0.) (June 27). Re-referred to Com. on HEALTH.
06/08/23 Referred to Coms. on HIGHER ED. and HEALTH.
05/31/23 In Assembly. Read first time. Held at Desk.
05/30/23 Read third time. Passed. (Ayes 40. Noes 0. Page 1356.) Ordered to the
Assembly.
05/22/23 Read second time. Ordered to third reading.
05/18/23 Read second time and amended. Ordered to second reading.
05/18/23 From committee: Do pass as amended. (Ayes 7. Noes 0. Page 1157.)
(May 18).
05/16/23 Set for hearing May 18.
05/15/23 May 15 hearing: Placed on APPR suspense file.
05/05/23 Set for hearing May 15.
05/01/23 Read second time and amended. Re-referred to Com. on APPR.
04/27/23 From committee: Do pass as amended and re-refer to Com. on APPR.
(Ayes 10. Noes 0.) (April 26).
04/12/23 Set for hearing April 26.
04/10/23 Read second time and amended. Re-referred to Com. on HEALTH.
03/30/23 From committee: Do pass as amended and re-refer to Com. on HEALTH.
(Ayes 7. Noes 0.) (March 29).
03/08/23 Set for hearing March 29.
03/01/23 Re-referred to Coms. on ED. and HEALTH.
02/22/23 From committee with author's amendments. Read second time and
amended. Re-referred to Com. on RLS.
01/18/23 Referred to Com. on RLS.
12/06/22 From printer. May be acted upon on or after January 5.
12/05/22 Introduced. Read first time. To Com. on RLS. for assignment. To print.

AMENDED IN ASSEMBLY JULY 13, 2023

AMENDED IN SENATE MAY 18, 2023

AMENDED IN SENATE MAY 1, 2023

AMENDED IN SENATE APRIL 10, 2023

AMENDED IN SENATE FEBRUARY 22, 2023

SENATE BILL

No. 11

Introduced by Senator Menjivar

(Principal coauthors: Assembly Members Cervantes and Schiavo)

(Coauthor: Senator Stern)

December 5, 2022

An act to add Article 6 (commencing with Section 89360) to Chapter 3 of Part 55 of Division 8 of Title 3 of the Education Code, relating to the California State University.

legislative counsel's digest

SB 11, as amended, Menjivar. California State University: mental health counseling.

Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in the state. The California State University comprises 23 institutions of higher education located throughout the state.

This bill would require the trustees to comply with various requirements on mental health counseling at CSU, including having one full-time equivalent California-licensed mental health counselor per 1,500 students enrolled at each CSU campus. The bill, contingent upon appropriation by the Legislature, would establish the CSU Mental

Health Professionals Act to provide one-time grants to certain CSU students to become mental health counselors in the state. The bill, contingent upon appropriation by the Legislature, would establish the Mental Health Professionals Fund as the depository of moneys appropriated or otherwise received for the program, and upon appropriation by the Legislature, would require the Department of Health Care Access and Information to disburse moneys in the fund under the act. The bill would define “mental health counselor” for purposes of these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) The California State University (CSU) serves an incredibly
4 diverse student population. One-half of CSU students are from
5 historically marginalized or underrepresented communities, nearly
6 one-half of CSU students receive a federal Pell Grant, and nearly
7 one-third of CSU students are the first in their family to attend
8 college.
- 9 (b) Suicide is the second leading cause of death among college
10 students, claiming more than 1,100 lives every year nationally.
- 11 (c) One in four students has a diagnosable mental illness and
12 40 percent of students do not seek mental health services when
13 they need it.
- 14 (d) For students of color, these challenges may be even more
15 acute.
- 16 (e) Among the many benefits of mental health counseling are
17 lower college dropout rates, improved academic performance, and
18 reduced legal liability for campuses.
- 19 (f) Currently, there is a shortage of licensed mental health
20 counselors in California.
- 21 (g) The CSU system in particular is woefully understaffed with
22 mental health counselors to address the needs of their campuses.
- 23 (h) Due to the lack of adequate staffing, wait times for students
24 to secure appointments for mental health services can range
25 between four to eight weeks on some CSU campuses.

1 (i) CSU students deserve trauma-informed, culturally competent
2 care from mental health professionals that will understand the
3 unique experiences that they are facing.

4 (j) Investing in a pipeline that improves graduation rates and
5 helps solve the mental health counselor workforce shortage is
6 necessary to solve the student mental health crisis.

7 SEC. 2. Article 6 (commencing with Section 89360) is added
8 to Chapter 3 of Part 55 of Division 8 of Title 3 of the Education
9 Code, to read:

10
11 Article 6. Mental Health Counseling

12
13 89360. As used in this chapter, the following definitions apply:

14 (a) “CSU” means the California State University.

15 (b) “Grant” means a one-time grant awarded pursuant to Section
16 89362.

17 (c) “Licensure” means a license granted by the Board of
18 Psychology or the Board of Behavioral Sciences to practice mental
19 health counseling in the state.

20 (d) “Mental health counselor” means a person who provides
21 individual counseling, group counseling, crisis intervention,
22 emergency services, referrals, or outreach and consultation
23 interventions to the campus community, or any combination of
24 these, and who is licensed in the State of California by the
25 applicable licensing entity.

26 89361. (a) (1) The trustees shall have one full-time equivalent
27 mental health counselor per 1,500 students enrolled at each CSU
28 ~~campus to the fullest extent consistent with state and federal law.~~
29 *campus.*

30 (2) Where possible, mental health counselors hired pursuant to
31 paragraph (1) shall be full-time staff and should reflect the diversity
32 of the student body.

33 (b) The number of mental health counselors as computed
34 pursuant to subdivision (a) shall constitute the minimum number
35 of mental health counselors to be hired on a campus based on the
36 campus student population. Additional mental health counselors
37 may be hired in accordance with additional needs identified on a
38 campus.

39 (c) (1) On or before January 1, 2025, and every three years
40 thereafter, the trustees shall report to the Legislature, pursuant to

1 Section 9795 of the Government Code, on how funding was spent,
2 the number of mental health counselors employed on each CSU
3 campus, and student wait times for mental health counseling
4 appointments.

5 (2) (A) On or before November 1, 2024, and every three years
6 thereafter, each CSU campus shall conduct a campus survey and
7 focus groups, including groups with students of color and LGBTQ+
8 students, to understand student needs and challenges about their
9 mental health and emotional well-being, sense of belonging on
10 campus, and academic success.

11 (B) The campus surveys and data collection pursuant to this
12 paragraph shall be conducted in accordance with state and federal
13 privacy law, including, but not limited to, the Confidentiality of
14 Medical Information Act (Part 2.6 (commencing with Section 56)
15 of Division 1 of the Civil Code), the federal Family Educational
16 Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g), and the
17 federal Health Insurance Portability and Accountability Act of
18 1996 (Public Law 104-191).

19 (C) The data collected, without any personally identifiable
20 information, pursuant to this paragraph shall be included in the
21 reports to the Legislature pursuant to paragraph (1).

22 (3) Each CSU campus shall collect data on attempted suicides
23 through self-reporting, mental health counselor records, and known
24 hospitalizations. This data, without any personally identifiable
25 information, shall be included in the reports to the Legislature
26 pursuant to paragraph (1).

27 89362. (a) This section shall be known, and may be cited, as
28 the CSU Mental Health Professionals Act. The goal of this section
29 is to provide incentives for CSU students to become mental health
30 counselors in the state.

31 (b) (1) The Department of Health Care Access and Information
32 shall administer a noncompetitive grant program to provide
33 qualifying students with grants.

34 (2) A qualifying student shall apply directly to the Department
35 of Health Care Access and Information to receive a grant.

36 (3) Before receiving a grant, a qualifying student shall agree to
37 complete in California the supervised clinical training hours
38 required to obtain licensure.

39 (4) The California State University shall prioritize hiring, as
40 mental health counselors, grant recipients who obtain licensure.

1 (c) The Mental Health Professionals Fund is hereby established
2 as the depository of moneys appropriated or otherwise received
3 for the program. Upon appropriation by the Legislature, the
4 Department of Health Care Access and Information shall disburse
5 moneys in the fund pursuant to this section.

6 (d) This section shall become operational only upon
7 appropriation of one-time funds by the Legislature in the annual
8 Budget Act or another statute for its purposes.

O