

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: SB 11

VERSION: AMENDED MAY 1, 2023

AUTHOR: MENJIVAR

SPONSORS:

- CALIFORNIA FACULTY ASSOCIATION
- SEIU CALIFORNIA

RECOMMENDED POSITION: NONE

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 requires the CSU system to create a pipeline to incentivize interested students to become mental health counselors in the state.

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(b))
- 2) 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))
- 3) 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))
- 4) 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))

- 5) 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))
- 6) 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))
- 7) Requires the CSU trustees to create a pipeline for interested students to become mental health counselors in the state. (EC §89362(b))
- 8) Provides that appropriated funds may be used to provide paid internships for CSU students who need to complete supervised professional experience to become licensed by the Board of Psychology or the Board of Behavioral Sciences. (EC §89362(c))
- 9) Also provides that appropriated funds may be used to support recruitment efforts for students to enroll in graduate degree programs that lead to licensure with the Board of Psychology or the Board of Behavioral Sciences. (EC §89362(d))
- 10) Provides that the incentives listed in in Items 10 and 11 above only become operational upon appropriation of one-time funds by the Legislature. (EC §89362(e))

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) **Definition of a "Mental Health Counselor."** The Board may wish to discuss whether the bill's definition of a "mental health counselor" in EC §89360(b) is adequate, or if it would be clearer to specify which licensing boards are considered "applicable licensing entities."
- 3) **Providing Funds for Paid Internships for Students. (EC §89362(c))** This subdivision permits funds allocated to the CSU Mental Health Professionals Act, which this bill creates in order to encourage CSU students to become mental health counselors, to be used to provide paid internships for CSU students who are completing supervised professional experience to become licensed.

While some supervised professional experience is completed while enrolled in a master's degree program (via practicum), the majority of the required supervised experience hours to become licensed with the Board must be completed post-degree. Therefore, while it may be helpful to provide paid internships during school,

it would be helpful to offer this incentive for post-degree graduates as well, to ensure they are able to continue pursuing licensure.

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 (Sponsor)
- California State Council of Service Employees International Union (SEIU California)
- College of Health and Human Services Joint Council
- Depression and Bipolar Support Alliance (DBSA) California
- Faculty Association of California Community Colleges
- Girl Gains at Sacramento State
- National Association of Social Workers, California Chapter
- Sacramento State Center on Race, Immigration, and Social Justice
- One Individual
- California State Association of Psychiatrists
- California State University Employees Union
- California Youth Empowerment Network
- Ensuring Native Indian Traditions Club
- Indivisible CA: StateStrong
- Mental Health America of California
- Padres Organized Community

Opposition:

- Black Small Business Association of California
- CA African American Chamber of Commerce
- Cal State Student Association
- California State University, Office of the Chancellor
- California State University (Unless amended)

6) History.

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 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 author: *coauthors: Assembly Member 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 incentives for CSU students to

become mental health counselors in the state. 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.

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

29 ~~(j) The contracting out for mental health services that have~~
30 ~~traditionally been performed by permanent, union represented~~
31 ~~mental health counselors to out of state organizations hiring~~
32 ~~nonunion counselors is detrimental to the goal of solving the~~

1 ~~student mental health crisis and antithetical to the values of the~~
2 ~~State of California regarding equity, inclusion, and diversity.~~

3 ~~(k)~~

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

21 89361. (a) (1) The trustees shall have one full-time equivalent
22 mental health counselor per 1,500 students enrolled at each CSU
23 campus to the fullest extent consistent with state and federal law.

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

27 (b) The number of mental health counselors as computed
28 pursuant to subdivision (a) shall constitute the minimum number
29 of mental health counselors to be hired on a campus based on the
30 campus student population. Additional mental health counselors
31 may be hired in accordance with additional needs identified on a
32 campus.

33 (c) (1) On or before January 1, 2025, and every three years
34 thereafter, the trustees shall report to the Legislature, pursuant to
35 Section 9795 of the Government Code, on how funding was spent,
36 the number of mental health counselors employed on each CSU
37 campus, and student wait times for mental health counseling
38 appointments.

39 (2) (A) On or before November 1, 2024, and every three years
40 thereafter, each CSU campus shall conduct a campus survey and

1 focus groups, including groups with students of color and LGBTQ+
2 students, to understand student needs and challenges about their
3 mental health and emotional well-being, sense of belonging on
4 campus, and academic success.

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

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

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

21 89362. (a) This section shall be known, and may be cited, as
22 the CSU Mental Health Professionals Act. The goal of this section
23 is to provide incentives for CSU students to become mental health
24 counselors in the state.

25 (b) The trustees shall create a pipeline for interested CSU
26 students to become mental health counselors in the state.

27 (c) Funds appropriated to the CSU for purposes of this section
28 may be used to provide paid internships for CSU students who
29 need to complete supervised professional experience in order to
30 be mental health counselors licensed by the Board of Psychology
31 or the Board of Behavioral Sciences.

32 (d) Funds appropriated to the CSU for purposes of this section
33 may be used to support recruitment efforts for students to enroll
34 in graduate degree programs that lead to licensure by the Board
35 of Psychology or the Board of Behavioral Sciences to practice
36 mental health counseling in the state.

- 1 (e) This section shall become operational only upon
- 2 appropriation of one-time funds by the Legislature in the annual
- 3 Budget Act or another statute for its purposes.

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