

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: AB 465 **VERSION:** AMENDED *TBD*

AUTHOR: EGGMAN **SPONSOR:** AUTHOR

RECOMMENDED POSITION: NONE

SUBJECT: MENTAL HEALTH WORKERS: SUPERVISION

Summary: This bill would require a licensed mental health professional to supervise any program where mental health professionals respond to emergency calls related to mental health crises in collaboration with, or in place of, law enforcement.

Existing Law:

- 1) Acknowledges that sufficient community-based resources need to be available to meet the mental health needs of eligible individuals, and creates intent language to fund increased capacity for mobile crisis support, crisis intervention, crisis stabilization services, crisis residential treatment, and specified personnel resources through the budget process. (Welfare and Institutions Code (WIC) §5848.5)

This Bill:

- 1) Requires that any program or pilot program where mental health professionals respond to emergency calls related to mental health crises in collaboration with, or in place of, law enforcement personnel, must ensure that the program is supervised by a licensed mental health professional. (WIC §5848.7(a))
- 2) Does not prohibit the supervising licensed mental health professional from also responding to calls and providing care. (WIC §5848.7(a))
- 3) States that if law enforcement collaborates with county behavioral health agencies, supervision of mental health professionals must be consistent with the county behavioral health agency standards and requirements for supervision. (WIC §5848.7(b))
- 4) Defines a licensed mental health professional, for purposes of the required supervision, as one of the following (WIC §5848.7(c)):
 - A licensed clinical social worker;
 - A licensed professional clinical counselor;

- A licensed marriage and family therapist;
 - A licensed psychologist;
 - A licensed physician who is either a board-certified psychiatrist or has completed a residency in psychiatry; or
 - A licensed registered nurse with a master's degree in psychiatric-mental health nursing who is listed as a psychiatric-mental health nurse by the Board of Registered Nursing, or an advanced practice registered nurse certified as a clinical nurse specialist and who participates in expert clinical practice in the specialty of psychiatric-mental health nursing.
- 5) States that this law does not alter the scope of practice for health care professionals, or authorize the delivery of health care services in a setting or manner that is not authorized by the Business and Professions Code or the Health and Safety Code. (WIC §5848.7(d))

Comments:

- 1) **Author's Intent.** In their fact sheet, the author's office states the following:

“Following the killing of George Floyd, nationwide protests have asked us to reevaluate the role of police in public safety and the range of issues in which they intervene. Programs around the country are looking at improving response to emergency calls related to mental health crises, including sending mental health workers along with, or in place of, law enforcement. While these programs show a lot of promise, it is important to ensure that mental health professionals that respond are properly supervised by licensed clinicians to maintain the quality of care and safety of the person in crisis.”

The author cites the Cahoots program (Crisis Assistance Helping Out on the Street) in Eugene, Oregon as an example of mental health workers working with law enforcement. They state that Cahoots, a nonprofit that responds to non-criminal calls around homelessness, substance use, and mental health, is tied directly into the 911 system and can respond to calls without police. In 2017, Cahoots handled 17 percent of police calls. They also note that the City of Oakland is pursuing their own version of this model for a pilot program in the fall of 2020 based the principle of having mental health workers respond to mental health issues.

- 2) **Discussion with Author's Office.** While preparing the analysis for this bill, staff reached out to the author's office for clarification about the following concern:
- **Concern:** The Board's licensing law requires individuals providing psychotherapeutic services to hold a license unless they are working in an exempt setting (an exempt setting is defined as a school, college, university, government agency, or an institution that is both nonprofit and charitable). It appears likely that the mental health professionals referenced in this bill, if they are unlicensed, would be working in an exempt setting (either for a nonprofit, or a

police department (which is a government agency)). However, if this is not the case, it seems possible this bill might imply that someone could provide psychotherapeutic services in any setting as long as they are supervised by a licensee (which is contrary to the Board's licensing law).

Author's Response: Due to this concern, in the most recent amendments the author added WIC §5848.7(d), in order to to clarify that the bill does not change the scope of practice for health care professionals or authorize any delivery of services that in a manner not authorized by the Business and Professions Code.

3) Support and Opposition.

Support:

- Contra Costa County
- National Association of Social Workers – California

Opposition:

- None at this time.

4) History.

08/03/20	Read second time. Ordered to Consent Calendar.
08/01/20	From committee: Do pass. To Consent Calendar. (Ayes 7. Noes 0.) (July 31).07/02/20 Re-referred to Com. on PUB. S.
07/02/20	Re-referred to Com. on RLS. pursuant to Senate Rule 29.10(c).
07/01/20	Read second time. Ordered to third reading.
06/30/20	Read second time and amended. Ordered returned to second reading.
06/30/20	Ordered to second reading.
06/30/20	From inactive file.
09/12/19	Ordered to inactive file at the request of Senator Rubio.
09/12/19	Read second time. Ordered to third reading.
09/11/19	From committee: Do pass. (Ayes 8. Noes 0.) (September 11).
09/11/19	From committee: Do pass and re-refer to Com. on JUD. (Ayes 6. Noes 0.) (September 11). Re-referred to Com. on JUD.
09/10/19	Re-referred to Coms. on PUB. S. and JUD.
09/10/19	Joint Rules 61 and 62 suspended. (Ayes 29. Noes 8. Page 2745.)
08/30/19	Re-referred to Com. on RLS. pursuant to Senate Rule 29.10(c).
08/29/19	Read second time. Ordered to third reading.
08/28/19	Read third time and amended. Ordered to second reading.
06/24/19	Ordered to third reading.
06/24/19	From Consent Calendar.
06/20/19	Read second time. Ordered to Consent Calendar.
06/19/19	From committee: Do pass. To Consent Calendar. (Ayes 9. Noes 0.) (June 18).

06/11/19 From committee: Do pass and re-refer to Com. on JUD. (Ayes 5. Noes 0.) (June 10). Re-referred to Com. on JUD.

05/29/19 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on HUMAN S.

05/08/19 Referred to Coms. on HUMAN S. and JUD.

04/25/19 In Senate. Read first time. To Com. on RLS. for assignment.

04/25/19 Read third time. Passed. Ordered to the Senate. (Ayes 76. Noes 0. Page 1359.)

04/11/19 Read second time. Ordered to Consent Calendar.

04/10/19 From committee: Do pass. To Consent Calendar. (Ayes 8. Noes 0.) (April 9).

03/19/19 From committee: Do pass and re-refer to Com. on HUM. S. with recommendation: To Consent Calendar. (Ayes 12. Noes 0.) (March 19). Re-referred to Com. on HUM. S.

02/21/19 Referred to Coms. on JUD. and HUM. S.

02/12/19 From printer. May be heard in committee March 14.

02/11/19 Read first time. To print.

Resources:

1. **'CAHOOTS': How Social Workers And Police Share Responsibilities In Eugene, Oregon (NPR, June 10, 2020):**
<https://www.npr.org/2020/06/10/874339977/cahoots-how-social-workers-and-police-share-responsibilities-in-eugene-oregon>
2. **In Cahoots: How the unlikely pairing of cops and hippies became a national model (The Register Guard (Eugene, OR) October 20, 2019):**
<https://www.registerguard.com/news/20191020/in-cahoots-how-unlikely-pairing-of-cops-and-hippies-became-national-model>

Amended Mock-up for 2019-2020 AB-465 (Eggman (A))

**Mock-up based on Version Number 96 - Amended Senate 6/30/20
Submitted by: Lilliana Udang, Asm. Eggman**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5848.7 is added to the Welfare and Institutions Code, to read:

5848.7. (a) Except as described in paragraph (b), any program or pilot program in which mental health professionals respond in collaboration with law enforcement personnel, or in place of law enforcement personnel, to emergency calls related to mental health crises shall ensure that the program is supervised by a licensed mental health professional. This section does not prohibit the licensed mental health professional supervising the program from also responding to calls and providing care. ~~Any program or pilot program in which mental health professionals respond in collaboration with law enforcement personnel, or in place of law enforcement personnel, to emergency calls related to mental health crises shall ensure that mental health professionals participating in the program are supervised by a licensed mental health professional.~~

(b) If law enforcement collaborates with county behavioral health agencies, supervision of mental health professionals shall be consistent with existing county behavioral health agency standards and requirements for supervision.

~~(b)~~ **(c)** For the purposes of this section, a licensed mental health professional means one of the following:

(1) A licensed clinical social worker, pursuant to Chapter 14 (commencing with Section 4991) of Division 2 of the Business and Professions Code.

(2) A licensed professional clinical counselor, pursuant to Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code.

(3) A licensed marriage and family therapist, pursuant to Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code.

(4) A licensed psychologist, pursuant to Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.

(5) A licensed physician under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code and either is a board certified psychiatrist or has completed a residency in psychiatry.

Staff name
Office name
07/31/2020
Page 1 of 2

(6) A registered nurse licensed pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code who possesses a master's degree in psychiatric- mental health nursing and is listed as a psychiatric-mental health nurse by the Board of Registered Nursing, or any advanced practice registered nurse certified as a clinical nurse specialist pursuant to Article 9 (commencing with Section 2838) of Chapter 6 of Division 2 of the Business and Professions Code who participates in expert clinical practice in the specialty of psychiatric-mental health nursing.

(d) This section does not alter the scope of practice for a health care professional or authorize the delivery of health care services in a setting or manner that is not authorized pursuant to the Business and Professions Code or the Health and Safety Code.