

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: AB 465 **VERSION:** AMENDED JUNE 30, 2020

AUTHOR: EGGMAN **SPONSOR:** AUTHOR

RECOMMENDED POSITION: NONE

SUBJECT: MENTAL HEALTH WORKERS: SUPERVISION

Summary: This bill would require a licensed mental health professional to supervise mental health professionals in 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 participating mental health professionals are supervised by a licensed mental health professional. (WIC §5848.7(a))
- 2) Defines a licensed mental health professional, for purposes of the required supervision, as one of the following (WIC §5848.7(b)):
 - A licensed clinical social worker;
 - A licensed professional clinical counselor;
 - A licensed marriage and family therapist; or
 - A licensed psychologist

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 two concerns:

- **Concern #1 - Settings:** 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: The author’s office was receptive to this concern and indicated that they would work on an amendment to clarify that psychotherapeutic services in non-exempt settings can only be performed by licensees.

- **Concern #2 - Availability of Licensed Professionals:** Assuming these professionals are working in an exempt setting, would there be enough licensed professionals available to act as supervisors? Additionally, would the supervisor need to be on site at the time services are rendered, or just overseeing a group of mental health professionals generally (i.e. available to provide general rules/direction and respond if an issue, but not necessarily working the same hours or at the same site?)

Author’s Response: The author responded that right now, there is no real way of knowing if there will be enough licensed mental health professionals to act as

supervisors. However, they are considering expanding the list of licensed professionals who could act in a supervisory position. In addition, they are working on better defining “supervision,” possibly to clarify that the term is referring to supervising the program as a whole, rather than the individual mental health professionals.

3) Support and Opposition.

Support:

- None at this time.

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 (April 9).	From committee: Do pass. To Consent Calendar. (Ayes 8. Noes 0.)
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 IN SENATE JUNE 30, 2020
AMENDED IN SENATE AUGUST 28, 2019
AMENDED IN SENATE MAY 29, 2019
california legislature—2019–20 regular session

ASSEMBLY BILL

No. 465

**Introduced by Assembly Member Eggman
(Coauthor: Assembly Member Blanca Rubio)
(Coauthor: Senator Rubio)**

February 11, 2019

~~An act to amend Section 3044 of, and to add Section 6390 to, the Family Code, and to add Section 136.4 to the Penal Code, relating to firearms. An act to add Section 5848.7 to the Welfare and Institutions Code, relating to mental health.~~

legislative counsel's digest

AB 465, as amended, Eggman. ~~Firearm relinquishment: persons under protective orders. Mental health workers: supervision.~~

Existing law regulates provision of programs and services relating to mental health and requires the creation of community programs to increase access to, and quality of, community-based mental health services.

This bill would require any program permitting mental health professionals to respond to emergency mental health crisis calls in collaboration with law enforcement to ensure the mental health professionals participating in the program are supervised by a licensed mental health professional.

~~(1) Existing law prohibits a person subject to a protective order, as defined, from owning, possessing, purchasing, or receiving a firearm~~

~~or ammunition while the protective order is in effect. Existing law requires a court, upon issuing a protective order, to order the respondent to relinquish any firearm in the respondent's immediate control and makes a violation of that order a crime. Existing law requires the respondent, upon request of any law enforcement officer, or within 24 hours of being served with the order, to surrender or sell the firearm, as specified, and file with the court a receipt showing the firearm was surrendered or sold.~~

~~This bill would require a court, when issuing a protective order, to determine whether the restrained person has possession or control of a firearm or ammunition in violation of the requirement to relinquish that firearm or ammunition. The bill would require the court, upon making this determination, to set a review hearing, as specified, to determine whether the person continues to possess or control a firearm or ammunition in violation of the provisions described above.~~

~~(2) Existing law requires a family court to determine the best interest of the child for the purpose of deciding child custody in specified proceedings, including proceedings under the Domestic Violence Prevention Act. In making that determination, existing law requires the court to consider specified factors, including whether the perpetrator of domestic violence is restrained by a protective order or restraining order and has complied with that order.~~

~~This bill would require the court to also consider whether the perpetrator of domestic violence is, or has been, in possession or control of a firearm or ammunition in violation of the law.~~

~~(3) Existing law authorizes a court with jurisdiction over specified criminal matters to issue a protective order and requires a person who is the subject of the protective order to relinquish any owned or possessed firearms. Existing law also authorizes a court to issue a protective order as a condition of probation for domestic violence offenses.~~

~~This bill would require a court, when it issues a protective order pursuant to these provisions against a defendant charged with, or convicted of, a crime of domestic violence, to consider all relevant evidence to determine if there is good cause to believe that the defendant has possession or control of a firearm. The bill would require the court, if it determines that there is good cause to believe that the defendant has possession or control of a firearm, to set a review hearing to determine whether the defendant has complied with the requirement to relinquish that possession or control, as specified. The bill would require~~

~~the court, if the court finds that the defendant possesses or controls a firearm, to consider whether bail or release on own recognizance is appropriate and would authorize the court, if the defendant is not present, to issue a bench warrant, as specified.~~

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

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

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

3 5848.7. (a) Any program or pilot program in which mental
4 health professionals respond in collaboration with law enforcement
5 personnel, or in place of law enforcement personnel, to emergency
6 calls related to mental health crises shall ensure that mental health
7 professionals participating in the program are supervised by a
8 licensed mental health professional.

9 (b) For the purposes of this section, a licensed mental health
10 professional means one of the following:

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

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

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

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

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, August 28, 2019. (JR11)**

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