

AMENDED IN SENATE MARCH 8, 2021

SENATE BILL

No. 465

Introduced by Senator Eggman

February 16, 2021

An act to amend Section ~~5848.7~~ of 5600.3 of, and to add Section 5845.8 to, the Welfare and Institutions Code, relating to mental ~~health~~ health, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 465, as amended, Eggman. Mental ~~health workers: supervision~~ health.

(1) Existing law contains provisions governing the operation and financing of community mental health services in every county through locally administered and locally controlled community mental health programs. Existing law further provides that, to the extent resources are available, the primary goal of the use of funds deposited in the mental health account of the local health and welfare trust fund should be to serve specified target populations, including, among others, seriously emotionally disturbed children and adolescents.

Existing law, the Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the continuously appropriated Mental Health Services Fund to fund various county mental health programs and requires counties to spend those funds as specified, including on the target population of seriously emotionally disturbed children and adolescents.

Existing law defines "seriously emotionally disturbed children and adolescents" for the above purposes to include minors under 18 years of age who have a mental disorder, other than a primary substance use

disorder or developmental disorder, that results in behavior inappropriate to the child's age according to expected developmental norms and who meets one or more of the prescribed criteria. One of those criteria is that, as a result of the mental disorder, the child has substantial impairment in at least 2 specified areas and is either at risk of removal from the home or has been removed from the home or the mental disorder has been present for more than 6 months or is likely to continue for more than a year without treatment.

This bill, instead, would make substantial impairment in 2 of the required areas or being at risk of removal from the home or having been removed from the home separate criteria for determining serious emotional disturbance. This bill would make an appropriation by expanding the target population for which continuously appropriated MHSA moneys may be spent.

(2) The MHSA, in addition to funding a system of community mental health services, also establishes the Mental Health Services Oversight and Accountability Commission to oversee the administration of various parts of the act.

This bill would require the commission to report to specified legislative committees the outcomes for people receiving community mental health services under a full service partnership model, as specified, including any barriers to receiving the data and recommendations to strengthen California's use of full service partnerships to reduce incarceration, hospitalization, and homelessness.

~~Existing law regulates the 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. Existing law requires any program permitting mental health professions to respond to emergency mental health crisis calls in collaboration with law enforcement to ensure the program is supervised by a licensed mental health professional, including, among others, a licensed clinical social worker, except as specified.~~

~~This bill would make technical, nonsubstantive changes to those provisions:~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ 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 that state*
2 *regulations require counties to direct the majority of their Mental*
3 *Health Services Act Community Services and Supports funds to*
4 *full service partnerships, as defined in Section 3260 of Title 9 of*
5 *the California Code of Regulations. Programs in this category*
6 *provide flexible funding, intensive case management, and services*
7 *such as housing, employment, education, peer support, cooccurring*
8 *disorder treatment, and outreach. However, the full service*
9 *partnership category of services could be strengthened to better*
10 *serve the most needy, at-risk individuals, with an emphasis on*
11 *servicing those at risk of experiencing homelessness, hospitalization,*
12 *or criminalization. Revisions to the current regulatory definitions*
13 *and requirements of the full service partnership program will allow*
14 *counties to better serve children, adults, and older adults with*
15 *mental illness.*

16 *SEC. 2. Section 5600.3 of the Welfare and Institutions Code*
17 *is amended to read:*

18 5600.3. To the extent resources are available, the primary goal
19 of the use of funds deposited in the mental health account of the
20 local health and welfare trust fund should be to serve the target
21 populations identified in the following categories, which shall not
22 be construed as establishing an order of priority:

23 (a) (1) Seriously emotionally disturbed children or adolescents.

24 (2) For the purposes of this part, “seriously emotionally
25 disturbed children or adolescents” means minors under the age of
26 18 years of age who have a mental disorder as identified in the
27 most recent edition of the Diagnostic and Statistical Manual of
28 Mental Disorders, other than a primary substance use disorder or
29 developmental disorder, ~~which~~ *that* results in behavior
30 inappropriate to the child’s age according to expected
31 developmental norms. Members of this target population shall
32 meet one or more of the following criteria:

33 (A) As a result of the mental disorder, the child has substantial
34 impairment in at least two of the following areas: self-care, school
35 functioning, family relationships, or ability to function in the
36 ~~community; and either of the following occur:~~ *community.*

37 (i)

1 (B) The child is at risk of removal from home or has already
2 been removed from the home.

3 ~~(ii) The mental disorder and impairments have been present for~~
4 ~~more than six months or are likely to continue for more than one~~
5 ~~year without treatment.~~

6 (C) The child displays one of the following: psychotic features,
7 risk of ~~suicide~~ *suicide*, or risk of violence due to a mental disorder.

8 ~~(C)~~

9 (D) The child has been assessed pursuant to Article 2
10 (commencing with Section 56320) of Chapter 4 of Part 30 of
11 Division 4 of Title 2 of the Education Code and determined to
12 have an emotional disturbance, as defined in paragraph (4) of
13 subdivision (c) of Section 300.8 of Title 34 of the Code of Federal
14 Regulations.

15 (b) (1) Adults and older adults who have a serious mental
16 disorder.

17 (2) For the purposes of this part, “serious mental disorder”
18 means a mental disorder that is severe in degree and persistent in
19 duration, ~~which that~~ *that* may cause behavioral functioning which
20 interferes substantially with the primary activities of daily living,
21 and ~~which that~~ *that* may result in an inability to maintain stable
22 adjustment and independent functioning without treatment, support,
23 and rehabilitation for a long or indefinite period of time. Serious
24 mental disorders include, but are not limited to, schizophrenia,
25 bipolar disorder, post-traumatic stress disorder, as well as major
26 affective disorders or other severely disabling mental disorders.
27 This section ~~shall not be construed to~~ *does not* exclude persons
28 with a serious mental disorder and a diagnosis of substance abuse,
29 developmental disability, or other physical or mental disorder.

30 (3) Members of this target population shall meet all of the
31 following criteria:

32 (A) The person has a mental disorder as identified in the most
33 recent edition of the Diagnostic and Statistical Manual of Mental
34 Disorders, other than a substance use ~~disorder or disorder,~~
35 ~~developmental disorder~~ *disorder*, or acquired traumatic brain injury
36 ~~pursuant to as defined in~~ subdivision (a) of Section ~~4354~~ *4354*,
37 unless that person also has a serious mental disorder as defined in
38 paragraph (2).

39 (B) (i) As a result of the mental disorder, the person has
40 substantial functional impairments or symptoms, or a psychiatric

1 history demonstrating that without treatment there is an imminent
2 risk of decompensation to having substantial impairments or
3 symptoms.

4 (ii) For the purposes of this part, “functional impairment” means
5 being substantially impaired as the result of a mental disorder in
6 independent living, social relationships, vocational skills, or
7 physical condition.

8 (C) As a result of a mental functional impairment and
9 circumstances, the person is likely to become so disabled as to
10 require public assistance, services, or entitlements.

11 (4) For the purpose of organizing outreach and treatment options,
12 to the extent resources are available, this target population includes,
13 but is not limited to, persons who are any of the following:

14 (A) Homeless persons who are mentally ill.

15 (B) Persons evaluated by appropriately licensed persons as
16 requiring care in acute treatment ~~facilities~~ *facilities*, including state
17 hospitals, acute inpatient facilities, institutes for mental disease,
18 and crisis residential programs.

19 (C) Persons arrested or convicted of crimes.

20 (D) Persons who require acute treatment as a result of a first
21 episode of mental illness with psychotic features.

22 (5) California veterans in need of mental health services and
23 who meet the existing eligibility requirements of this section, shall
24 be provided services to the extent services are available to other
25 adults pursuant to this section. Veterans who may be eligible for
26 mental health services through the United States Department of
27 Veterans Affairs should be advised of these services by the county
28 and assisted in linking to those services, but the eligible veteran
29 shall not be denied county mental or behavioral health services
30 while waiting for a determination of eligibility for, and availability
31 of, mental or behavioral health services provided by the United
32 States Department of Veterans Affairs.

33 (A) An eligible veteran shall not be denied county mental health
34 services based solely on ~~his or her~~ *the person's* status as a veteran,
35 including whether or not the person is eligible for services provided
36 by the United States Department of Veterans Affairs.

37 (B) Counties shall refer a veteran to the county veterans service
38 officer, if any, to determine the veteran’s eligibility for, and the
39 availability of, mental health services provided by the United States

1 Department of Veterans Affairs or other federal health care
2 provider.

3 (C) Counties should consider contracting with community-based
4 veterans' services agencies, where possible, to provide high-quality,
5 veteran specific mental health services.

6 (c) Adults or older adults who ~~require~~ *require*, or are at risk of
7 ~~requiring~~ *requiring*, acute psychiatric inpatient care, residential
8 treatment, or outpatient crisis intervention because of a mental
9 disorder with symptoms of psychosis, suicidality, or violence.

10 (d) Persons who need brief treatment as a result of a natural
11 disaster or severe local emergency.

12 *SEC. 3. Section 5845.8 is added to the Welfare and Institutions*
13 *Code, to read:*

14 *5845.8. (a) The commission shall annually report to the Senate*
15 *and Assembly Committees on Health, Senate Budget Subcommittee*
16 *on Health and Human Services, and Assembly Budget*
17 *Subcommittee on Health and Human Services the outcomes for*
18 *those receiving community mental health services under a full*
19 *service partnership model.*

20 *(b) The report shall include, but not be limited to, information*
21 *regarding persons eligible for full service partnerships, including*
22 *summary information relating to enrollees and nonenrollees with*
23 *respect to the community mental health services they receive and*
24 *their experience with all of the following:*

25 *(1) Incarceration or criminalization.*

26 *(2) Housing status or homelessness.*

27 *(3) Hospitalization, emergency room utilization, and crisis*
28 *service utilization.*

29 *(c) The report shall also include information regarding*
30 *individuals who separate from a full service partnership, including,*
31 *but not limited to, analysis of the reasons for separation and, to*
32 *the extent possible, the community mental health services received*
33 *and the statuses or experiences of these individuals regarding the*
34 *outcomes identified in subdivision (b) for a period of 12 months*
35 *following separation.*

36 *(d) The report shall also assess the degree to which the*
37 *individuals most in need are accessing services and maintaining*
38 *participation in a full service partnership or other programs*
39 *providing similar services.*

1 (e) *The commission shall report any barriers to receiving the*
2 *data relevant to completing this report and include*
3 *recommendations to strengthen California’s use of full service*
4 *partnerships to reduce incarceration, hospitalization, and*
5 *homelessness.*

6 (f) *In doing this work, the commission shall consult with the*
7 *California mental health community, including, but not limited to,*
8 *consumers, relatives of consumers, providers, and other subject*
9 *matter experts.*

10 SECTION 1. ~~Section 5848.7 of the Welfare and Institutions~~
11 ~~Code is amended to read:~~

12 ~~5848.7. (a) (1) Except as described in subdivision (b), a~~
13 ~~program or pilot program in which mental health professionals~~
14 ~~respond in collaboration with, or in place of, law enforcement~~
15 ~~personnel to emergency calls related to mental health crises shall~~
16 ~~ensure that the program is supervised by a licensed mental health~~
17 ~~professional.~~

18 ~~(2) This section does not prohibit the licensed mental health~~
19 ~~professional supervising the program from also responding to calls~~
20 ~~and providing care.~~

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

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

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

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

33 ~~(3) A licensed marriage and family therapist, pursuant to Chapter~~
34 ~~13 (commencing with Section 4980) of Division 2 of the Business~~
35 ~~and Professions Code.~~

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

39 ~~(5) A licensed physician under Chapter 5 (commencing with~~
40 ~~Section 2000) of Division 2 of the Business and Professions Code~~

1 ~~who is either a board certified psychiatrist or has completed a~~
2 ~~residency in psychiatry.~~
3 ~~(6) A registered nurse licensed pursuant to Chapter 6~~
4 ~~(commencing with Section 2700) of Division 2 of the Business~~
5 ~~and Professions Code who possesses a master's degree in~~
6 ~~psychiatric-mental health nursing and is listed as a~~
7 ~~psychiatric-mental health nurse by the Board of Registered~~
8 ~~Nursing, or an advanced practice registered nurse certified as a~~
9 ~~clinical nurse specialist pursuant to Article 9 (commencing with~~
10 ~~Section 2838) of Chapter 6 of Division 2 of the Business and~~
11 ~~Professions Code who participates in expert clinical practice in~~
12 ~~the specialty of psychiatric-mental health nursing.~~
13 ~~(d) This section does not alter the scope of practice for a health~~
14 ~~care professional or authorize the delivery of health care services~~
15 ~~in a setting or manner that is not authorized pursuant to the~~
16 ~~Business and Professions Code or the Health and Safety Code.~~

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