


MEMORANDUM

DATE	May 4, 2017
TO	Policy and Advocacy Committee
FROM	 Cherise Burns Central Services Manager
SUBJECT	Agenda Item #6(c)(5) – AB 191 (Wood) Mental Health: Involuntary Treatment

Background:

This bill would include a licensed marriage and family therapist and a licensed professional clinical counselor in the list of mental health professionals who are authorized to be the secondary signer of the notice of certification to place a person who is a danger to themselves or others on an involuntary hold for treatment, pursuant to Welfare and Institutions Code section 5150.

Location: Senate Committee on Rules

Status: 3/30/2017 In Senate, read first time. Sent to Senate Committee on Rules for committee assignments.

Votes: 3/30/2017 Assembly Floor (75-0-5)
3/21/2017 Assembly Committee on Health (15-0-0)

Action Requested:

No action is required at this time. Staff will continue to watch AB 191 (Wood) for potential scope of practice considerations of allowing these professionals to be secondary signers of the notice of certification.



AB-191 Mental health: involuntary treatment. (2017-2018)

SECTION 1. Section 5251 of the Welfare and Institutions Code is amended to read:

5251. (a) *For a person to be certified under this article, a notice of certification shall be signed by two people.*

~~For a- (1) person to be certified under this article, a notice of certification shall be signed by two people.~~ The first person shall be the professional person, or his or her designee, in charge of the agency or facility providing evaluation services. A designee of the professional person in charge of the agency or facility shall be a physician or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders.

(2) The second person shall be a physician or psychologist who participated in the evaluation. The physician shall be, if possible, a board certified psychiatrist. The psychologist shall be licensed and have at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders.

(b) If the professional person in charge, or his or her designee, is the physician who performed the medical evaluation or a psychologist, the second person to sign may be another physician or psychologist unless one is not available, in which case a licensed clinical social ~~worker or a~~ *worker, licensed marriage and family therapist, licensed professional clinical counselor, or* registered nurse who participated in the evaluation shall sign the notice of certification.

SEC. 2. Section 5261 of the Welfare and Institutions Code is amended to read:

5261. (a) For a person to be certified under this article, a second notice of certification ~~must~~ *shall* be signed by the professional person in charge of the facility providing ~~the~~ 14-day intensive treatment under Article 4 (commencing with Section 5250) to the person and by a physician, if possible a board-qualified ~~psychiatrist~~ *psychiatrist*, or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. The physician or psychologist who signs shall have participated in the evaluation and finding referred to in subdivision (a) of Section 5260.

(b) If the professional person in charge is the physician who performed the medical evaluation and ~~finding~~ *finding*, or a psychologist, the second person to sign may be another physician or psychologist unless one is not available, in which case a social ~~worker or a~~ *worker, licensed marriage and family therapist, licensed professional clinical counselor, or* registered nurse who participated in ~~such the~~ evaluation and finding shall sign the notice of certification.

SEC. 3. Section 5270.20 of the Welfare and Institutions Code is amended to read:

5270.20. (a) For a person to be certified under this article, a second notice of certification shall be signed by the professional person in charge of the facility providing intensive treatment to the person and by either a physician who shall, if possible, be a board-qualified psychiatrist, or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. The physician or psychologist who signs shall have participated in the evaluation and finding referred to in subdivision (a) of Section 5270.15.

(b) If the professional person in charge is the physician who performed the medical evaluation and finding, or a psychologist, the second person to sign may be another physician or ~~psychologist,~~ *psychologist* unless one is not available, in which case a social ~~worker or a~~ *worker, licensed marriage and family therapist, licensed professional clinical counselor, or* registered nurse who participated in the evaluation and finding shall sign the notice of certification.

