



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

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

SHARE THIS:  

Date Published: 09/02/2017 04:00 AM

**Assembly Bill No. 191**

**CHAPTER 184**

An act to amend Sections 5251, 5261, and 5270.20 of the Welfare and Institutions Code, relating to mental health.

[ Approved by Governor September 01, 2017. Filed with Secretary of State September 01, 2017. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 191, Wood. Mental health: involuntary treatment.

Under existing law, the Lanterman-Petris-Short Act, when a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled, he or she may, upon probable cause, be taken into custody and placed in a facility designated by the county and approved by the State Department of Health Care Services for up to 72 hours for evaluation and treatment. Existing law authorizes a person who has been detained for 72 hours and who has received an evaluation to be certified for not more than 14 days of intensive treatment related to the mental health disorder or impairment by chronic alcoholism under specified conditions. Existing law further authorizes the person to be certified for an additional period not to exceed 14 days if that person was suicidal during the 14-day period or the 72-hour evaluation period, or an additional period not to exceed more than 30 days under specified conditions. Existing law requires, for a person to be certified under any of these provisions, a notice of certification to be signed by 2 people, and, in specified circumstances, authorizes the 2nd signature to be from a licensed clinical social worker or a registered nurse who participated in the evaluation.

This bill would include a licensed marriage and family therapist and a licensed professional clinical counselor in the list of professionals who are authorized to sign the notice under specified circumstances.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

**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.

(1) 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, 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 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, 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, 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, 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.

**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 unless one is not available, in which case a social 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.