

AMENDED IN SENATE AUGUST 16, 2016

AMENDED IN SENATE JUNE 2, 2016

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1808**

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**Introduced by Assembly Member Wood**

February 8, 2016

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An act to amend Section 124260 of the Health and Safety Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1808, as amended, Wood. Minors: mental health treatment or counseling services.

Existing law authorizes a minor who is 12 years of age or older to consent to outpatient mental health treatment or counseling services, notwithstanding any provision of law to the contrary, if, in the opinion of the attending professional person, the minor is mature enough to participate intelligently in those services. Existing law defines "professional person," for the purposes of those provisions, to include, among others, a marriage and family therapist, a marriage and family therapist intern, a professional clinical counselor, ~~and~~ a clinical counselor ~~intern~~. *intern, a clinical psychologist, and a clinical social worker, as specified.*

This bill would additionally authorize a marriage and family therapist ~~trainee~~ ~~and~~ *trainee*, a clinical counselor trainee, *a registered psychologist, a registered psychological assistant, a psychology trainee, an associate clinical social worker, and a social work intern*, while working under the supervision of certain licensed professionals,

*respectively*, to provide those services. The bill would require the marriage and family therapist ~~trainee or trainee~~, the clinical counselor ~~trainee~~ *trainee, the psychology trainee, or the social work intern* to notify his or her supervisor or an on-call supervisor, as specified, at the site where the trainee *or intern* volunteers or is employed within 24 hours of treating or counseling a minor. The bill would require the ~~trainee; trainee or intern~~, if upon the initial assessment of the minor the trainee *or intern* believes that the minor is a danger to self or to others, to notify the supervisor, as specified, immediately after the treatment or counseling session. The bill would also *change the definition of clinical psychologist for these purposes and would make a technical, nonsubstantive change.*

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 124260 of the Health and Safety Code
- 2 is amended to read:
- 3 124260. (a) As used in this section:
- 4 (1) “Mental health treatment or counseling services” means the
- 5 provision of outpatient mental health treatment or counseling by
- 6 a professional person, as defined in paragraph (2).
- 7 (2) “Professional person” means any of the following:
- 8 (A) A person designated as a mental health professional in
- 9 Sections 622 to 626, inclusive, of Title 9 of the California Code
- 10 of Regulations.
- 11 (B) A marriage and family therapist, as defined in Chapter 13
- 12 (commencing with Section 4980) of Division 2 of the Business
- 13 and Professions Code.
- 14 (C) A licensed educational psychologist, as defined in Chapter
- 15 13.5 (commencing with Section 4989.10) of Division 2 of the
- 16 Business and Professions Code.
- 17 (D) A credentialed school psychologist, as described in Section
- 18 49424 of the Education Code.
- 19 (E) A clinical ~~psychologist, as defined in Section 1316.5 of the~~
- 20 ~~Health and Safety Code.~~ *psychologist licensed under Chapter 6.6*
- 21 *(commencing with Section 2900) of Division 2 of the Business and*
- 22 *Professions Code.*

1 (F) Any of the following persons, while working under the  
2 supervision of a licensed professional specified in Section 2902  
3 of the Business and Professions Code:

4 (i) A registered psychologist, as defined in Section 2909.5 of  
5 the Business and Professions Code.

6 (ii) A registered psychological assistant, as defined in Section  
7 2913 of the Business and Professions Code.

8 (iii) A psychology trainee, as defined in Section 1387 of Title  
9 16 of the California Code of Regulations.

10 (~~F~~)

11 (G) A licensed clinical social worker, as defined in Chapter 14  
12 (commencing with Section 4991) of Division 2 of the Business  
13 and Professions Code.

14 (H) An associate clinical social worker, or a social work intern,  
15 as defined in Chapter 14 (commencing with Section 4991) of  
16 Division 2 of the Business and Professions Code, while working  
17 under the supervision of a licensed professional specified in  
18 paragraph (1) of subdivision (a) of Section 4996.23 of the Business  
19 and Professions Code.

20 (~~G~~)

21 (I) A person registered as a marriage and family therapist intern,  
22 or a marriage and family therapist trainee, as defined in Chapter  
23 13 (commencing with Section 4980) of Division 2 of the Business  
24 and Professions Code, while working under the supervision of a  
25 licensed professional specified in subdivision (g) of Section  
26 4980.03 of the Business and Professions Code.

27 (~~H~~)

28 (J) A board certified, or board eligible, psychiatrist.

29 (~~I~~)

30 (K) A licensed professional clinical counselor, as defined in  
31 Chapter 16 (commencing with Section 4999.10) of Division 2 of  
32 the Business and Professions Code.

33 (~~J~~)

34 (L) A person registered as a clinical counselor intern, or a  
35 clinical counselor trainee, as defined in Chapter 16 (commencing  
36 with Section 4999.10) of Division 2 of the Business and  
37 Professions Code, while working under the supervision of a  
38 licensed professional specified in subdivision (h) of Section  
39 4999.12 of the Business and Professions Code.

1 (b) (1) Notwithstanding any provision of law to the contrary,  
2 a minor who is 12 years of age or older may consent to mental  
3 health treatment or counseling services if, in the opinion of the  
4 attending professional person, the minor is mature enough to  
5 participate intelligently in the mental health treatment or counseling  
6 services.

7 (2) A marriage and family therapist ~~trainee~~ or *trainee*, a clinical  
8 counselor trainee, *a psychology trainee*, or *a social work intern*,  
9 as specified in paragraph (2) of subdivision (a), shall notify his or  
10 her supervisor or, if the supervisor is unavailable, an on-call  
11 supervisor at the site where the trainee *or intern* volunteers or is  
12 employed within 24 hours of treating or counseling a minor  
13 pursuant to paragraph (1). If upon the initial assessment of the  
14 minor the trainee *or intern* believes that the minor is a danger to  
15 self or to others, the trainee *or intern* shall notify the supervisor  
16 or, if the supervisor is unavailable, the on-call supervisor  
17 immediately after the treatment or counseling session.

18 (3) Nothing in paragraph (2) is intended to supplant, alter,  
19 expand, or remove any other reporting responsibilities required of  
20 trainees *or interns* under law.

21 (c) Notwithstanding any provision of law to the contrary, the  
22 mental health treatment or counseling of a minor authorized by  
23 this section shall include involvement of the minor's parent or  
24 guardian, unless the professional person who is treating or  
25 counseling the minor, after consulting with the minor, determines  
26 that the involvement would be inappropriate. The professional  
27 person who is treating or counseling the minor shall state in the  
28 client record whether and when the person attempted to contact  
29 the minor's parent or guardian, and whether the attempt to contact  
30 was successful or unsuccessful, or the reason why, in the  
31 professional person's opinion, it would be inappropriate to contact  
32 the minor's parent or guardian.

33 (d) The minor's parent or guardian is not liable for payment for  
34 mental health treatment or counseling services provided pursuant  
35 to this section unless the parent or guardian participates in the  
36 mental health treatment or counseling, and then only for services  
37 rendered with the participation of the parent or guardian.

38 (e) This section does not authorize a minor to receive convulsive  
39 treatment or psychosurgery, as defined in subdivisions (f) and (g)  
40 of Section 5325 of the Welfare and Institutions Code, or

- 1 psychotropic drugs without the consent of the minor's parent or
- 2 guardian.

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