

AMENDED IN ASSEMBLY MAY 7, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 416

**Introduced by Assembly Member Krell
(Principal coauthor: Assembly Member Gipson)**

February 5, 2025

An act to amend Sections ~~5008, 5113, and 5150~~ *5113 and 5121* of the Welfare and Institutions Code, relating to behavioral health.

LEGISLATIVE COUNSEL'S DIGEST

AB 416, as amended, Krell. Involuntary commitment.

Existing law, the Lanterman-Petris-Short Act, authorizes the involuntary commitment and treatment of persons with specified mental disorders. Under the act, when a person, as a result of a mental health disorder, is a danger to self or others, or gravely disabled, the person may, upon probable cause, be taken into custody by specified individuals, including, among others, by a ~~peace officer and~~ *officer*, a designated member of a mobile crisis team, *or a professional person designated by the county*, 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 county behavioral health director to develop procedures for the county's designation and training of professionals who will be designated to perform the above-described provisions. Existing law authorizes the procedures to include, among others, the license types, practice disciplines, and clinical experience of the professionals eligible to be designated by the county.* Existing law exempts specified individuals, including a peace officer responsible for the detainment of a person under these provisions from criminal and civil liability for an action by

a person who is released at or before the end of the period for which they were detained.

This bill would ~~additionally authorize a person to be taken into custody, pursuant to those provisions, by an emergency physician, as defined. require a county behavioral health director to include an emergency physician, as defined, as a professional who is eligible to be designated by the county when developing and implementing procedures for the designation and training of those professionals.~~ The bill would also exempt an emergency physician who is responsible for the detention of a person under those provisions from criminal and civil liability, 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 5008 of the Welfare and Institutions Code~~
2 ~~is amended to read:~~
3 ~~5008. Unless the context otherwise requires, the following~~
4 ~~definitions shall govern the construction of this part:~~
5 ~~(a) “Evaluation” consists of multidisciplinary professional~~
6 ~~analyses of a person’s medical, psychological, educational, social,~~
7 ~~financial, and legal conditions as may appear to constitute a~~
8 ~~problem. Persons providing evaluation services shall be properly~~
9 ~~qualified professionals and may be full-time employees of an~~
10 ~~agency providing face-to-face, which includes telehealth,~~
11 ~~evaluation services or may be part-time employees or may be~~
12 ~~employed on a contractual basis.~~
13 ~~(b) “Court-ordered evaluation” means an evaluation ordered by~~
14 ~~a superior court pursuant to Article 2 (commencing with Section~~
15 ~~5200) of Chapter 2 or by a superior court pursuant to Article 3~~
16 ~~(commencing with Section 5225) of Chapter 2.~~
17 ~~(c) “Intensive treatment” consists of such hospital and other~~
18 ~~services as may be indicated. Intensive treatment shall be provided~~
19 ~~by properly qualified professionals and carried out in facilities~~
20 ~~qualifying for reimbursement under the California Medical~~
21 ~~Assistance Program (Medi-Cal) set forth in Chapter 7 (commencing~~
22 ~~with Section 14000) of Part 3 of Division 9, or under Title XVIII~~
23 ~~of the federal Social Security Act and regulations thereunder.~~
24 ~~Intensive treatment may be provided in hospitals of the United~~

1 States government by properly qualified professionals. This part
2 does not prohibit an intensive treatment facility from also providing
3 72-hour evaluation and treatment.

4 (d) “Referral” is referral of persons by each agency or facility
5 providing assessment, evaluation, crisis intervention, or treatment
6 services to other agencies or individuals. The purpose of referral
7 shall be to provide for continuity of care, and may include, but
8 need not be limited to, informing the person of available services,
9 making appointments on the person’s behalf, discussing the
10 person’s problem with the agency or individual to which the person
11 has been referred, appraising the outcome of referrals, and
12 arranging for personal escort and transportation when necessary.
13 Referral shall be considered complete when the agency or
14 individual to whom the person has been referred accepts
15 responsibility for providing the necessary services. All persons
16 shall be advised of available precare services that prevent initial
17 recourse to hospital treatment or aftercare services that support
18 adjustment to community living following hospital treatment.
19 These services may be provided through county or city mental
20 health departments, state hospitals under the jurisdiction of the
21 State Department of State Hospitals, regional centers under contract
22 with the State Department of Developmental Services, or other
23 public or private entities.

24 Each agency or facility providing evaluation services shall
25 maintain a current and comprehensive file of all community
26 services, both public and private. These files shall contain current
27 agreements with agencies or individuals accepting referrals, as
28 well as appraisals of the results of past referrals.

29 (e) “Crisis intervention” consists of an interview or series of
30 interviews within a brief period of time, conducted by qualified
31 professionals, and designed to alleviate personal or family
32 situations that present a serious and imminent threat to the health
33 or stability of the person or the family. The interview or interviews
34 may be conducted in the home of the person or family, or on an
35 inpatient or outpatient basis with such therapy, or other services,
36 as may be appropriate. The interview or interviews may include
37 family members, significant support persons, providers, or other
38 entities or individuals, as appropriate and as authorized by law.
39 Crisis intervention may, as appropriate, include suicide prevention,
40 psychiatric, welfare, psychological, legal, or other social services.

1 (f) ~~“Prepetition screening” is a screening of all petitions for~~
2 ~~court-ordered evaluation as provided in Article 2 (commencing~~
3 ~~with Section 5200) of Chapter 2, consisting of a professional~~
4 ~~review of all petitions; an interview with the petitioner and,~~
5 ~~whenever possible, the person alleged, as a result of a mental health~~
6 ~~disorder, to be a danger to others, or to themselves, or to be gravely~~
7 ~~disabled, to assess the problem and explain the petition; when~~
8 ~~indicated, efforts to persuade the person to receive, on a voluntary~~
9 ~~basis, comprehensive evaluation, crisis intervention, referral, and~~
10 ~~other services specified in this part.~~

11 (g) ~~“Conservatorship investigation” means investigation by an~~
12 ~~agency appointed or designated by the governing body of cases in~~
13 ~~which conservatorship is recommended pursuant to Chapter 3~~
14 ~~(commencing with Section 5350).~~

15 (h) (1) ~~For purposes of Article 1 (commencing with Section~~
16 ~~5150), Article 2 (commencing with Section 5200), Article 3~~
17 ~~(commencing with Section 5225), and Article 4 (commencing with~~
18 ~~Section 5250) of Chapter 2, and for purposes of Chapter 3~~
19 ~~(commencing with Section 5350), “gravely disabled” means any~~
20 ~~of the following, as applicable:~~

21 (A) ~~A condition in which a person, as a result of a mental health~~
22 ~~disorder, a severe substance use disorder, or a co-occurring mental~~
23 ~~health disorder and a severe substance use disorder, is unable to~~
24 ~~provide for their basic personal needs for food, clothing, shelter,~~
25 ~~personal safety, or necessary medical care.~~

26 (B) ~~A condition in which a person has been found mentally~~
27 ~~incompetent under Section 1370 of the Penal Code and all of the~~
28 ~~following facts exist:~~

29 (i) ~~The complaint, indictment, or information pending against~~
30 ~~the person at the time of commitment charges a felony involving~~
31 ~~death, great bodily harm, or a serious threat to the physical~~
32 ~~well-being of another person.~~

33 (ii) ~~There has been a finding of probable cause on a complaint~~
34 ~~pursuant to paragraph (2) of subdivision (a) of Section 1368.1 of~~
35 ~~the Penal Code, a preliminary examination pursuant to Section~~
36 ~~859b of the Penal Code, or a grand jury indictment, and the~~
37 ~~complaint, indictment, or information has not been dismissed.~~

38 (iii) ~~As a result of a mental health disorder, the person is unable~~
39 ~~to understand the nature and purpose of the proceedings taken~~

1 against them and to assist counsel in the conduct of their defense
2 in a rational manner.

3 (iv) The person represents a substantial danger of physical harm
4 to others by reason of a mental disease, defect, or disorder.

5 (2) For purposes of Article 3 (commencing with Section 5225)
6 and Article 4 (commencing with Section 5250) of Chapter 2, and
7 for purposes of Chapter 3 (commencing with Section 5350),
8 “gravely disabled” includes a condition in which a person, as a
9 result of impairment by chronic alcoholism, is unable to provide
10 for their basic personal needs for food, clothing, shelter, personal
11 safety, or necessary medical care.

12 (3) The term “gravely disabled” does not include persons with
13 intellectual disabilities by reason of that disability alone.

14 (4) A county, by adoption of a resolution of its governing body,
15 may elect to defer implementation of the changes made to this
16 section by Senate Bill 43 of the 2023–24 Regular Session of the
17 Legislature until January 1, 2026.

18 (i) “Peace officer” means a duly sworn peace officer as that
19 term is defined in Chapter 4.5 (commencing with Section 830) of
20 Title 3 of Part 2 of the Penal Code who has completed the basic
21 training course established by the Commission on Peace Officer
22 Standards and Training, or any parole officer or probation officer
23 specified in Section 830.5 of the Penal Code when acting in relation
24 to cases for which the officer has a legally mandated responsibility.

25 (j) “Postcertification treatment” means an additional period of
26 treatment pursuant to Article 6 (commencing with Section 5300)
27 of Chapter 2.

28 (k) “Court,” unless otherwise specified, means a court of record.

29 (l) “Antipsychotic medication” means any medication
30 customarily prescribed for the treatment of symptoms of psychoses
31 and other severe mental and emotional disorders.

32 (m) “Emergency” means a situation in which action to impose
33 treatment over the person’s objection is immediately necessary
34 for the preservation of life or the prevention of serious bodily harm
35 to the patient or others, and it is impracticable to first gain consent.
36 It is not necessary for harm to take place or become unavoidable
37 prior to treatment.

38 (n) (1) “Designated facility,” “facility designated by the county
39 for evaluation and treatment,” or “facility designated by the county
40 to provide intensive treatment” means a facility that meets

1 designation requirements duly established by the State Department
2 of Health Care Services in accordance with Section 5404,
3 including, but not limited to, the following:

- 4 (A) Psychiatric health facilities licensed by the State Department
5 of Health Care Services.
- 6 (B) Psychiatric residential treatment facilities licensed by the
7 State Department of Health Care Services.
- 8 (C) Mental health rehabilitation centers licensed by the State
9 Department of Health Care Services.
- 10 (D) Provider sites certified by the State Department of Health
11 Care Services or a mental health plan to provide crisis stabilization.
- 12 (E) General acute care hospitals licensed by the State
13 Department of Public Health.
- 14 (F) Acute psychiatric hospitals licensed by the State Department
15 of Public Health.
- 16 (G) Chemical dependency recovery hospitals licensed by the
17 State Department of Public Health.
- 18 (H) Hospitals operated by the United States Department of
19 Veterans Affairs.

20 (2) (A) A county may designate a facility for the purpose of
21 providing one or more of the following services:

- 22 (i) Providing evaluation and treatment pursuant to Article 1
23 (commencing with Section 5150) of Chapter 2.
- 24 (ii) Providing intensive treatment pursuant to Article 4
25 (commencing with Section 5250) of Chapter 2.
- 26 (iii) Providing additional intensive treatment pursuant to Article
27 4.5 (commencing with Section 5260) of Chapter 2.
- 28 (iv) Providing additional intensive treatment pursuant to Article
29 4.7 (commencing with Section 5270.10) of Chapter 2.
- 30 (v) Providing postcertification treatment pursuant to Article 6
31 (commencing with Section 5300) of Chapter 2.

32 (B) A county may designate a facility, as is appropriate and
33 based on capability, for the purpose of providing one or more types
34 of treatment listed in subparagraph (A) of paragraph (2) without
35 designating the facility to provide all treatments.

36 (3) Notwithstanding Chapter 3.5 (commencing with Section
37 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
38 the State Department of Health Care Services may implement,
39 interpret, or make specific this subdivision, in whole or in part, by
40 means of plan or county letters, information notices, plan or

1 provider bulletins, or other similar instructions, until the time
2 regulations are adopted no later than December 31, 2027.

3 (e) ~~“Severe substance use disorder” means a diagnosed~~
4 ~~substance-related disorder that meets the diagnostic criteria of~~
5 ~~“severe” as defined in the most current version of the Diagnostic~~
6 ~~and Statistical Manual of Mental Disorders.~~

7 (p) ~~“Personal safety” means the ability of one to survive safely~~
8 ~~in the community without involuntary detention or treatment~~
9 ~~pursuant to this part.~~

10 (q) ~~“Necessary medical care” means care that a licensed health~~
11 ~~care practitioner, while operating within the scope of their practice,~~
12 ~~determines to be necessary to prevent serious deterioration of an~~
13 ~~existing physical medical condition that, if left untreated, is likely~~
14 ~~to result in serious bodily injury as defined in Section 15610.67.~~

15 (r) ~~“Emergency physician” means a physician and surgeon who~~
16 ~~satisfies all of the following criteria:~~

17 (1) ~~Provides medical screening and treatment of patients in the~~
18 ~~emergency department of a general acute care hospital licensed~~
19 ~~under Chapter 2 (commencing with Section 1250) of Division 2~~
20 ~~of the Health and Safety Code.~~

21 (2) ~~Completed the county training described in paragraph (2)~~
22 ~~of subdivision (a) of Section 5121.~~

23 (3) ~~Completed the application and approval processes described~~
24 ~~in paragraph (3) of subdivision (a) of Section 5121.~~

25 ~~SEC. 2.~~

26 *SECTION 1.* Section 5113 of the Welfare and Institutions Code
27 is amended to read:

28 5113. Except as provided in Sections 5154, 5173, 5259.3, 5267,
29 and 5306, the facility providing treatment pursuant to Article 1
30 (commencing with Section 5150), Article 1.5 (commencing with
31 Section 5170), Article 4 (commencing with Section 5250), Article
32 4.5 (commencing with Section 5260), or Article 6 (commencing
33 with Section 5300) of Chapter 2, the superintendent of the facility,
34 the professional person in charge of the facility and their designee,
35 the emergency physician *designated pursuant to Section 5121 and*
36 *responsible for the detainment of the person, or the peace officer*
37 *responsible for the detainment of the person shall not be civilly or*
38 *criminally liable for any action by a person released at or before*
39 *the end of the period for which the person was admitted pursuant*
40 *to the provisions of the appropriate article.*

1 ~~SEC. 3.~~ Section 5150 of the Welfare and Institutions Code is
2 amended to read:

3 ~~5150. (a) If a person, as a result of a mental health disorder,~~
4 ~~is a danger to others or to themselves, or is gravely disabled, a~~
5 ~~peace officer, an emergency physician, professional person in~~
6 ~~charge of a facility designated by the county for evaluation and~~
7 ~~treatment, member of the attending staff, as defined by regulation,~~
8 ~~of a facility designated by the county for evaluation and treatment,~~
9 ~~designated members of a mobile crisis team, or professional person~~
10 ~~designated by the county may, upon probable cause, take, or cause~~
11 ~~to be taken, the person into custody for a period of up to 72 hours~~
12 ~~for assessment, evaluation, and crisis intervention, or placement~~
13 ~~for evaluation and treatment in a facility designated by the county~~
14 ~~for evaluation and treatment and approved by the State Department~~
15 ~~of Health Care Services. The 72-hour period begins at the time~~
16 ~~when the person is first detained. At a minimum, assessment, as~~
17 ~~defined in Section 5150.4, and evaluation, as defined in subdivision~~
18 ~~(a) of Section 5008, shall be conducted and provided on an ongoing~~
19 ~~basis. Crisis intervention, as defined in subdivision (c) of Section~~
20 ~~5008, may be provided concurrently with assessment, evaluation,~~
21 ~~or any other service.~~

22 ~~(b) When determining if a person should be taken into custody~~
23 ~~pursuant to subdivision (a), the individual making that~~
24 ~~determination shall apply the provisions of Section 5150.05, and~~
25 ~~shall not be limited to consideration of the danger of imminent~~
26 ~~harm.~~

27 ~~(c) The professional person in charge of a facility designated~~
28 ~~by the county for evaluation and treatment, member of the~~
29 ~~attending staff, or professional person designated by the county~~
30 ~~shall assess the person to determine whether the person can be~~
31 ~~properly served without being detained. If, in the judgment of the~~
32 ~~professional person in charge of the facility designated by the~~
33 ~~county for evaluation and treatment, member of the attending staff,~~
34 ~~or professional person designated by the county, the person can~~
35 ~~be properly served without being detained, the person shall be~~
36 ~~provided evaluation, crisis intervention, or other inpatient or~~
37 ~~outpatient services on a voluntary basis. This subdivision does not~~
38 ~~prevent a peace officer from delivering an individual to a~~
39 ~~designated facility for assessment under this section. Furthermore,~~
40 ~~the assessment requirement of this subdivision does not require a~~

1 ~~peace officer to perform any additional duties other than those~~
2 ~~specified in Sections 5150.1 and 5150.2.~~

3 ~~(d) If a person is evaluated by a professional person in charge~~
4 ~~of a facility designated by the county for evaluation or treatment,~~
5 ~~member of the attending staff, or professional person designated~~
6 ~~by the county and is found to be in need of mental health services,~~
7 ~~but is not admitted to the facility, all available alternative services~~
8 ~~provided pursuant to subdivision (c) shall be offered, as determined~~
9 ~~by the county mental health director.~~

10 ~~(e) If, in the judgment of the professional person in charge of~~
11 ~~the facility designated by the county for evaluation and treatment,~~
12 ~~member of the attending staff, or the professional person designated~~
13 ~~by the county, the person cannot be properly served without being~~
14 ~~detained, the admitting facility shall require an application in~~
15 ~~writing stating the circumstances under which the person's~~
16 ~~condition was called to the attention of the peace officer,~~
17 ~~emergency physician, professional person in charge of the facility~~
18 ~~designated by the county for evaluation and treatment, member of~~
19 ~~the attending staff, or professional person designated by the county,~~
20 ~~and stating that the peace officer, emergency physician,~~
21 ~~professional person in charge of the facility designated by the~~
22 ~~county for evaluation and treatment, member of the attending staff,~~
23 ~~or professional person designated by the county has probable cause~~
24 ~~to believe that the person is, as a result of a mental health disorder,~~
25 ~~a danger to others or to themselves, or is gravely disabled. The~~
26 ~~application shall also record whether the historical course of the~~
27 ~~person's mental disorder was considered in the determination~~
28 ~~pursuant to Section 5150.05. If the probable cause is based on the~~
29 ~~statement of a person other than the peace officer, emergency~~
30 ~~physician, professional person in charge of the facility designated~~
31 ~~by the county for evaluation and treatment, member of the~~
32 ~~attending staff, or professional person designated by the county,~~
33 ~~the person shall be liable in a civil action for intentionally giving~~
34 ~~a statement that the person knows to be false. A copy of the~~
35 ~~application shall be treated as the original.~~

36 ~~(f) (1) At the time a person is taken into custody for evaluation,~~
37 ~~or within a reasonable time thereafter, unless a responsible relative~~
38 ~~or the guardian or conservator of the person is in possession of the~~
39 ~~person's personal property, the person taking them into custody~~
40 ~~shall take reasonable precautions to preserve and safeguard the~~

1 personal property in the possession of or on the premises occupied
 2 by the person. The person taking them into custody shall then
 3 furnish to the court a report generally describing the person's
 4 property so preserved and safeguarded and its disposition, in
 5 substantially the form set forth in Section 5211, except that if a
 6 responsible relative or the guardian or conservator of the person
 7 is in possession of the person's property, the report shall include
 8 only the name of the relative or guardian or conservator and the
 9 location of the property, whereupon responsibility of the person
 10 taking them into custody for that property shall terminate.

11 (2) As used in this section, "responsible relative" includes the
 12 spouse, parent, adult child, domestic partner, grandparent,
 13 grandchild, or adult brother or sister of the person.

14 (g) (1) Each person, at the time the person is first taken into
 15 custody under this section, shall be provided, by the person who
 16 takes them into custody, the following information orally in a
 17 language or modality accessible to the person. If the person cannot
 18 understand an oral advisement, the information shall be provided
 19 in writing. The information shall be in substantially the following
 20 form:

21
 22 My name is _____.
 23 I am a _____.
 24 (peace officer/mental health professional)
 25 with _____.
 26 (name of agency)
 27 You are not under criminal arrest, but I am taking you for an examination by
 28 mental health professionals at _____.
 29 _____
 30 (name of facility)
 31 You will be told your rights by the mental health staff.

32
 33 (2) If taken into custody at the person's own residence, the
 34 person shall also be provided the following information:

35
 36 You may bring a few personal items with you, which I will have
 37 to approve. Please inform me if you need assistance turning off
 38 any appliance or water. You may make a phone call and leave a
 39 note to tell your friends or family where you have been taken.

40

1 ~~(h) The designated facility shall keep, for each patient evaluated,~~
2 ~~a record of the advisement given pursuant to subdivision (g), which~~
3 ~~shall include all of the following:~~

- 4 ~~(1) The name of the person detained for evaluation.~~
- 5 ~~(2) The name and position of the peace officer or mental health~~
6 ~~professional taking the person into custody.~~
- 7 ~~(3) The date the advisement was completed.~~
- 8 ~~(4) Whether the advisement was completed.~~
- 9 ~~(5) The language or modality used to give the advisement.~~
- 10 ~~(6) If the advisement was not completed, a statement of good~~
11 ~~cause, as defined by regulations of the State Department of Health~~
12 ~~Care Services.~~

13 ~~(i) (1) Each person admitted to a facility designated by the~~
14 ~~county for evaluation and treatment shall be given the following~~
15 ~~information by admission staff of the facility. The information~~
16 ~~shall be given orally and in writing and in a language or modality~~
17 ~~accessible to the person. The written information shall be available~~
18 ~~to the person in English and in the language that is the person's~~
19 ~~primary means of communication. Accommodations for other~~
20 ~~disabilities that may affect communication shall also be provided.~~
21 ~~The information shall be in substantially the following form:~~

22
23 ~~My name is _____:~~

24 ~~My position here is _____:~~

25 ~~—You are being placed into this psychiatric facility because it is our~~
26 ~~professional opinion that, as a result of a mental health disorder, you are likely~~
27 ~~to (check applicable):~~

28 ~~— Harm yourself.~~

29 ~~— Harm someone else.~~

30 ~~— Be unable to take care of your own food, clothing, and housing needs.~~

31 ~~We believe this is true because~~
32 ~~_____~~

33 ~~(list of the facts upon which the allegation of dangerous~~
34 ~~or gravely disabled due to mental health disorder is based, including pertinent~~
35 ~~facts arising from the admission interview):~~

36 ~~—You will be held for a period up to 72 hours. During the 72 hours you may~~
37 ~~also be transferred to another facility. You may request to be evaluated or~~
38 ~~treated at a facility of your choice. You may request to be evaluated or treated~~
39 ~~by a mental health professional of your choice. We cannot guarantee the facility~~

1 or mental health professional you choose will be available, but we will honor
2 your choice if we can.

3 —During these 72 hours you will be evaluated by the facility staff, and you
4 may be given treatment, including medications. It is possible for you to be
5 released before the end of the 72 hours. But if the staff decides that you need
6 continued treatment you can be held for a longer period of time. If you are
7 held longer than 72 hours, you have the right to a lawyer and a qualified
8 interpreter and a hearing before a judge. If you are unable to pay for the lawyer,
9 then one will be provided to you free of charge.

10 —If you have questions about your legal rights, you may contact the county
11 Patients' Rights Advocate at _____

12 _____ (phone number for the county Patients' Rights
13 _____)
14 (Advocacy office)

15 Your 72-hour period began _____
16 _____ (date/time)

17
18 ~~(2) If the notice is given in a county where weekends and
19 holidays are excluded from the 72-hour period, the person shall
20 be informed of this fact.~~

21 ~~(j) For each person admitted for evaluation and treatment, the
22 facility shall keep with the person's medical record a record of the
23 advisement given pursuant to subdivision (i), which shall include
24 all of the following:~~

- 25 ~~(1) The name of the person performing the advisement.~~
- 26 ~~(2) The date of the advisement.~~
- 27 ~~(3) Whether the advisement was completed.~~
- 28 ~~(4) The language or modality used to communicate the~~
29 ~~advisement.~~
- 30 ~~(5) If the advisement was not completed, a statement of good~~
31 ~~cause.~~

32 ~~(k) A facility to which a person who is involuntarily detained
33 pursuant to this section is transported shall notify the county
34 patients' rights advocate, as defined in Section 5500, if a person
35 has not been released within 72 hours of the involuntary detention.~~

36 *SEC. 2. Section 5121 of the Welfare and Institutions Code is*
37 *amended to read:*

38 5121. (a) The county behavioral health director may develop
39 procedures for the county's designation and training of
40 professionals who will be designated to perform functions under

1 Section 5150. These procedures may include, but are not limited
2 to, the following:

3 (1) The license types, practice disciplines, and clinical
4 experience of professionals eligible to be designated by the county.

5 (2) The initial and ongoing training and testing requirements
6 for professionals eligible to be designated by the county.

7 (3) The application and approval processes for professionals
8 seeking to be designated by the county, including the timeframe
9 for initial designation and procedures for renewal of the
10 designation.

11 (4) The county's process for monitoring and reviewing
12 professionals designated by the county to ensure appropriate
13 compliance with state law, regulations, and county procedures.

14 (b) A county behavioral health director may develop a training
15 for the procedures for designation developed pursuant to
16 subdivision (a).

17 (c) If a county behavioral health director denies or revokes an
18 individual's designation, the county behavioral health director
19 shall, in writing, notify the person who made the request for
20 designation of the individual and the individual who is the subject
21 of the request for designation describing the reasons for denial or
22 revocation.

23 (d) Designated members of a mobile crisis team and designated
24 professional persons shall not be prohibited from transporting a
25 person taken into custody pursuant to Section 5150.

26 (e) If the county behavioral health director of the County of
27 Sacramento develops procedures pursuant to subdivision (a), the
28 county behavioral health director of the County of Sacramento
29 shall, by April 1, 2022, issue a written policy regarding the
30 procedures developed pursuant to subdivision (a). The policy shall
31 address, at a minimum, the topics identified in paragraphs (1) to
32 (4), inclusive, of subdivision (a). The policy shall require the
33 county behavioral health director of the County of Sacramento to
34 designate individuals employed by the City of Sacramento who
35 are also members of a mobile crisis team or who are also
36 professional persons if all of the following are true:

37 (1) The City of Sacramento submits a written request to the
38 county behavioral health director.

39 (2) The individuals meet the requirements for designation
40 included in the policy.

1 (3) If the county behavioral health director of the County of
2 Sacramento has developed a training pursuant to subdivision (b),
3 the individuals have completed that training.
4 (f) (1) *A county behavioral health director shall include an*
5 *emergency physician as a professional who is eligible to be*
6 *designated by the county when developing and implementing*
7 *procedures pursuant to paragraph (1) of subdivision (a).*
8 (2) *This subdivision does not affect the training, application,*
9 *and approval process that applies to all professionals who are*
10 *eligible to be designated by the county, including an emergency*
11 *physician, in order to be designated by the county to perform*
12 *functions under Section 5150.*
13 (3) *For purposes of this section, “emergency physician” means*
14 *a physician and surgeon who provides medical screening and*
15 *treatment of patients in the emergency department of a general*
16 *acute care hospital licensed under Chapter 2 (commencing with*
17 *Section 1250) of Division 2 of the Health and Safety Code.*

O