
Detailed Fiscal Analysis

Licensed Professional Clinical Counselors

Under current law certain people are allowed to take a person into custody and transport them to a hospital when the person is deemed to be mentally ill and represents a substantial risk of physical harm to self or others. The person making the transport must provide, in writing, an explanation as to the circumstances under which the person was taken into custody and the explanation must be provided to the respondent or their attorney upon request. All attempts must be made to take the person into custody in the least conspicuous manner possible and the respondent must be told the name, professional designation, and agency affiliation of the person taking them into custody; that the custody taking is not a criminal arrest; and that the person is being taken for examination to a mental health facility specified by name. In addition, an initial examination must be completed at the hospital within 24 hours after which the chief clinical officer must make a decision, pursuant to existing law, whether there is probable cause to hold the person or if the person should be released.

The bill allows for a licensed professional clinical counselor to take a person into custody and transport him or her to a hospital within an hour of taking the person into custody. A licensed professional clinical counselor must hold a graduate degree in counseling, pass the professional counselor licensure exam, and register at least 3,000 hours of post professional counselor supervised experience within two years, including the diagnosis and treatment of mental and emotional disorders. In addition, a licensed professional clinical counselor must complete 30 hours of continuing education every two-year renewal period. There were 3,081 licensed professional clinical counselors in FY 2006. In effect, this bill removes the current requirement for licensed professional clinical counselors in a mental health facility to contact a psychiatrist, licensed clinical psychologist, licensed physician, health officer, parole officer, police officer, or sheriff to take a person into custody who presents substantial threat of harming self or others. However, according to a spokesperson for the Department of Mental Health, licensed professional clinical counselors in public mental health facilities already take patients into custody and transport them if they have the title of "health officer."

The bill also clarifies language permitting a parolee or specified other offender to be taken into custody and transported to a hospital if the chief of the adult parole authority or a parole or probation officer, with the approval of the chief of the authority, believes that the parolee or offender is a mentally ill person subject to hospitalization by court order and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination.

Fiscal effects of the bill will be on the local level. In private mental health facilities, licensed professional clinical counselors currently contact local law enforcement whenever a patient needs to be taken into custody and transported. Under the bill, licensed professional clinical counselors could take the person into custody. As a result, local law enforcement costs could decrease. However, a

spokesperson for the Buckeye State Sheriff's Association states that, on average, law enforcement transports only one patient per week so any decrease in expenditures will be minimal.

LSC fiscal staff: Deauna Hale, Budget Analyst

SB0053SP