

# California Behavioral Health Planning Council

## Patients' Rights Committee Agenda

Wednesday, October 21, 2020

Zoom Meeting

<https://us02web.zoom.us/j/87977257702?pwd=Tm0xajVORE10dFB2a2p6aU9tRjMrQT09>

**Meeting ID:** 879 7725 7702 **Passcode:** 093418

**Phone-in #:** +1 669 900 9128

10:30am to 12:10pm

<b>TIME</b>	<b>TOPIC</b>	<b>TAB</b>
<b>10:30pm</b>	<b>Welcome and Introductions</b> <i>Walter Shwe and All</i>	
<b>10:35am</b>	<b>Approval of June and August Meeting Minutes</b> <i>Walter Shwe and All</i>	<b>TAB A</b>
<b>10:40am</b>	<b>PRC Survey Analysis Updates/Discussion</b> <i>Justin Boese and All</i>	<b>TAB B</b>
<b>10:55am</b>	<b>Public Comment</b>	
<b>11:00am</b>	<b>Updates on Patients' Rights Advocacy during COVID-19</b> <i>Jude Stern and Michele Mudgett, California Office of Patients' Rights</i>	<b>Tab C</b>
<b>11:50am</b>	<b>Selection of 2021 Chair-Elect</b>	<b>Tab D</b>
<b>11:55am</b>	<b>Plan for Next Meeting</b>	
<b>12:05pm</b>	<b>Public Comment</b>	
<b>12:10pm</b>	<b>Adjourn</b>	

*The scheduled times on the agenda are estimates and subject to change.*

### **Patients' Rights Committee Members**

**Chairperson:** Walter Shwe

**Chair Elect:** Catherine Moore

**Members:** Daphne Shaw, Darlene Prettyman, Richard Krzyzanowski, Susan Wilson, Mike Phillips

**Staff:** Justin Boese

*If reasonable accommodations are required, please contact the CMHPC office at (916) 701-8211 not less than 5 working days prior to the meeting date.*

**California Behavioral Health Planning Council**  
**Patients' Rights Committee**  
Wednesday, October 21, 2020

**Agenda Item:** Review and approve meeting minutes from June 17, 2020 and August 31, 2020.

**Enclosures:** Draft of PRC meeting minutes from June 17, 2020 and August 31, 2020.

**Background/Description:**

Enclosed is a draft of the meeting minutes from June 17, 2020 and August 31, 2020, prepared by Justin Boese. Committee members will have the opportunity to ask questions, request edits, and provide other feedback.

**DRAFT**  
**Patients' Rights Committee**  
**Meeting Notes**

Quarterly Meeting – June 17, 2020  
10:30am – 11:30am

**Committee Members Present:**

Walter Shwe (Chairperson), Daphne Shaw, Susan Wilson, Darlene Prettyman, Richard Krzyzanowski, Mike Phillips

**Council Staff Present:**

Justin Boese, Jane Adcock, Jenny Bayardo

**Others Present:**

Steve Leoni (Planning Council), Mandy Taylor (California LGBTQ Health and Human Services Network)

**Welcome & Introduction**

Catherine Moore welcomed all committee members. Committee members, staff, and guests introduced themselves. A quorum was reached.

**Updates: AB 2316 Patients' Rights Advocate (PRA) Training Verification Forms**

Justin Boese gave an update on the PRA training verification forms received from the California Office of Patients' Rights (COPR). There were only 5 new forms received since the January 2020 meeting. The committee discussed sending out a notice to PRA offices to remind them of the training requirements. Mike Phillips offered to send out the reminder via list serv after Justin drafts a message.

**PRC Survey Updates**

Justin Boese updated the committee members on the responses to the Patients' Rights Committee's (PRC) recent survey that was sent out to the local boards and commissions regarding patients' rights advocacy work in county jails. So far there have been responses from 9 different counties. Justin will be reaching out to Theresa Comstock at the California Association of Local Behavioral Health Boards and Commissions (CALBHBC) to get the word out and encourage more counties to respond. Justin quickly went over the results of the responses, which he noted are not representational given the small number of responses received so far.

The counties that have responded are San Diego, Trinity, San Luis Obispo, Santa Cruz, Los Angeles, Fresno, Amador, Siskiyou, and Lassen counties. Daphne Shaw noted that there were more responses from small counties than large counties, which may be because it could be a little easier to respond quickly. Catherine Moore asked if the local boards and commissions usually meet on a monthly or quarterly basis. Mike and Daphne confirmed that most of them meet monthly. Jane Adcock added that there could be some delay as boards change to meeting virtually, and that some boards don't meet as frequently during the summer. In addition, Jane said that their agendas may be full because of time-sensitive matters.

Catherine suggested that a follow-up to the local boards in a couple weeks might be useful. Justin said that he would continue tracking the responses and follow up with the boards and commissions, as necessary. Catherine then questioned what the next steps were after receiving the survey responses. She noted that part of the motivation was to raise awareness of the issue with the boards or commissions. Susan Wilson commented that the laws regarding the duties of the local mental health boards and commissions was updated last year, and that it specifically details that local boards should be in contact with patients' rights advocates. Susan said that she thought the topic would come up a lot more than before as the boards become familiar with their new responsibilities.

Justin noted that the committee wanted to keep this survey shorter and simpler to get some initial information, but that they could dig deeper into specific issues based on the results. Next steps will in part depend on what the analysis of the data reveals, and could also be affected by the work plan.

## **Public Comment**

Catherine Moore then opened discussion up to public comment. Steve Leoni chimed in that there may be some systemic difference in those that respond to the survey and those that do not, and suggested that the committee keep that in mind that during the analysis.

## **Workplan Development**

Catherine asked Justin to go over the new workplan draft. Justin first went over the old workplan and explained that the table format is problematic for web posting. He also noted that the old workplan had a lot of items on it that were already done, and didn't need to be carried over into the new one. He presented a draft of a new workplan in a different format that has two main goals:

1. Identify policies and best practices that support mental health patients' rights in California county jails.

2. Survey local behavioral health boards and commissions on patients' rights advocacy in county jails and encourage discussions of PRA duties in county jails.

Catherine asked for comments from the committee members. Daphne and Susan both said that they liked the new format better and found it more accessible. Richard Krzyzanowski said that he liked the old format to review past projects, but that the new format looked good for the current workplan and projects. Catherine suggested that the ongoing AB 2316 tracking could have its own objective on the workplan.

Daphne noted that this current survey had been geared towards the local boards and commissions as a means of increasing their knowledge of patients' rights advocacy. She asked if the committee should try to find out what county jails are actually allowing PRAs in, and asked Mike if the California Association of Mental Health Patients' Rights Advocates track that information. Mike said that they had looked at that in the past but were not looking at it currently; he said he would check with CAMHPRA to make sure. Mike also said it broke down to two questions: whether the PRAs were allowed into the jails, and whether they had the staff to fulfill those jail-related duties. Daphne noted this may be a goal for further down the line.

### **Planning for the October Meeting**

Catherine suggested that the committee have an in-between meeting in August or September to review the survey and plan for the October meeting. Daphne said that she is very concerned about the impact that COVID-19 is having on the county level, and whether patients' rights advocacy has been impacted. Mike said that he could speak to that topic. He said he could reach out to a few other people who could speak on the topic as well.

**The meeting adjourned at 11:30 am.**

# **DRAFT**

## **Patients' Rights Committee**

### **Meeting Notes**

August 31, 2020

1:00pm – 2:00pm

#### **Committee Members Present:**

Walter Shwe (Chairperson), Daphne Shaw, Richard Krzyzanowski, Mike Phillips, Darlene Prettyman

#### **Council Staff Present:**

Justin Boese

#### **Welcome & Introduction**

Walter Shwe welcomed all committee members. Committee members and staff introduced themselves.

#### **Patients' Rights Advocacy in County Jails Survey Updates**

Justin Boese updated the committee members on the responses to the Patients' Rights Committee's (PRC) recent survey that was sent out to the local boards and commissions regarding patients' rights advocacy work in county jails. The number of local boards and commissions who have responded is up to 42. Justin credited much of this success to the assistance provided by Theresa Comstock, who helped get the survey out to the local boards and commissions and followed up with them multiple times to encourage their participation. He noted that some counties responded more than once, and those extra responses would have to be consolidated so as not to skew the data.

Justin then gave a quick overview of the responses and summarized a few highlights from the data. A few that stand out are:

- On Question 3, "Are members of the local behavioral health board or commissions familiar with the roles and duties of county mental health patients' rights advocates (PRAs) regarding individuals with mental health needs in county jails?", almost 60% of the responses indicated "No, not very familiar."
- On Question 8, "To your knowledge, do county mental health patients' rights advocates (PRAs) in your county have access to county jail facilities, inmates, and inmate records?", nearly 70% answered "Unknown." Another 20% responded "Yes, but only partial or limited access."

Daphne Shaw asked what the next steps are based on the survey. Justin said he will write up an analysis of the data to review the findings, and that many counties had expressed that they are interested in hearing about the findings of the survey as well. He also said that it might be helpful to include resources on the duties and authority of PRAs in that document for informational purposes. Many such resources have already been collected by the committee. Richard Krzyzanowski asked if there could be an appendix or separate document that could break down responses by county, to see if there are any patterns in terms of urban vs rural counties, geographic location, population size, or other factors. Richard also said that perhaps the committee could find some recommendations based on the analysis as well. Justin answered that breaking responses down by some of those factors would be possible.

### **Plan for October Meeting**

Walter Shwe asked committee members what topics they would like to cover during the October 2020 meeting. Darlene Prettyman said that she would like a follow up to the survey results and analysis. Daphne brought up her request to have an update on patients' rights advocacy during the COVID-19 pandemic. Mike has reached out to Jude Stern at the California Office of Patients' Rights (COPR) who is willing to provide such an update. Justin will follow up with Jude Stern with the meeting details.

Richard suggested that the committee should acknowledge Theresa Comstock for her assistance with the survey. Walter suggested the committee send her a thank you letter. The other committee members agreed.

**The meeting adjourned at 2:00pm**

**California Behavioral Health Planning Council**  
**Patients' Rights Committee**  
Wednesday, October 21, 2020

**Agenda Item:** PRC Survey Updates

**How This Agenda Item Relates to Council Mission**

*To review, evaluate and advocate for an accessible and effective behavioral health system.*

This agenda item will help Council members in evaluating the state of patients' rights in California counties, particularly regarding patients' rights in county jails.

**Background/Description:**

At the June 2019 PRC Meeting, the committee decided to develop a survey to gather more information about patients' rights in county jails, as well as other potential topics. Since there are significant barriers to surveying the county jails themselves, the intended target population for the survey are the local behavioral health boards and commission. The survey invitation was sent out on May 26, 2020. Justin Boese will be providing updates on the responses received so far.

**Enclosures:** Summary of responses from the SurveyMonkey survey on patients' rights advocacy in county jails. (Please contact Justin Boese at [Justin.boese@cbhpc.dhcs.ca.gov](mailto:Justin.boese@cbhpc.dhcs.ca.gov) for a copy of the enclosure.)

**California Behavioral Health Planning Council**  
**Patients' Rights Committee**  
Wednesday, October 21, 2020

**Agenda Item:** Updates on Patients' Rights Advocacy during COVID-19

**How This Agenda Item Relates to Council Mission**

*To review, evaluate and advocate for an accessible and effective behavioral health system.*

This agenda item will help Council members in evaluating the state of patients' rights in California counties during the COVID-19 public health emergency.

**Background/Description:**

In order to keep the committee well-informed on the impact that the COVID-19 public health emergency is having on the work of patients' rights advocates, Jude Stern and Michele Mudgett from the California Office of Patients' Rights (COPR) will provide an update on the state of patients' rights advocacy across the state. Time will be given for questions and discussion following their update.

**California Behavioral Health Planning Council  
Patients' Rights Committee  
Wednesday, October 21, 2020**

**Agenda Item:** Nomination of 2021 Committee Chair-Elect

**Enclosures:** None

**How This Agenda Item Relates to Council Mission**

*To review, evaluate and advocate for an accessible and effective behavioral health system.*

The Chairperson and Chair-Elect lead their committee with a focus on supporting the Council's mission through the committee's work.

**Background/Description:**

Each standing committee shall have a Chairperson and Chair-Elect. The Chairperson serves a term of 1 year with the option for re-nomination for one additional year.

Catherine Moore is slated to become the Chairperson for the Patients' Rights Committee at the January 2021 meeting. The committee members shall nominate a Chair-Elect to be submitted to the Officer Team for appointment.

The role of the Chair-Elect is outlined below:

- Facilitate the committee meetings as needed, in the absence of the Chairperson
- Assist the Chairperson and staff with setting the committee meeting agendas and other committee planning
- Participate in the Executive Committee Meetings
  - Wednesday of every quarterly meeting from 8:30 am – 10:00 am
- Participate in the Mentorship Forums when the Council resumes meeting in person.

**Motion:** Nomination of a committee member as the Chair-Elect.