

# California Behavioral Health Planning Council

## Patients' Rights Committee Agenda

Wednesday, April 19, 2023  
Holiday Inn Downtown - Arena  
300 J Street, Sacramento, CA 95814  
Diablo Room  
[Zoom Meeting Link](#)  
10:30am to 12:30pm

TIME	TOPIC	TAB
10:30am	<b>Welcome and Introductions</b> <i>Daphne Shaw and All</i>	
10:35am	<b>Approval of October 2022 Meeting Minutes</b> <i>Daphne Shaw and All</i>	TAB A
10:40am	<b>Workgroup Discussion</b> <i>Daphne Shaw and All</i>	
10:45am	<b>AB 2316 PRA Training Verification Update</b> <i>Justin Boese and All</i>	TAB B
10:50am	<b>Adoption of Patients' Rights Advocacy Report</b> <i>Justin Boese and All</i>	TAB C
11:10am	<b>Public Comment</b>	
11:15am	<b>COPR Semi-Annual Report Review</b> <i>Daniel Wagoner (COPR)</i>	TAB D
11:45am	<b>Public Comment</b>	
11:50am	<b>Discussion of CARE Act / SB 43</b> <i>Daphne Shaw and All</i>	TAB E
12:15pm	<b>Planning for Future Meetings/Activities</b>	
12:25pm	<b>Public Comment</b>	
12:30pm	<b>Adjourn</b>	

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

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

**Chairperson:** Daphne Shaw

**Chair Elect:** Mike Phillips

**Members:** Richard Krzyzanowski, Catherine Moore, Darlene Prettyman, Walter Shwe, Susan Wilson

**Staff:** Justin Boese

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

TAB A

**California Behavioral Health Planning Council  
Patients' Rights Committee**

Wednesday, April 19, 2023

**Agenda Item:** Review meeting minutes from January 2023.

**Enclosure:** Draft of PRC meeting minutes from January 2023

**Background/Description:**

Enclosed is a draft of the meeting minutes from the January 2023 meeting, prepared by Justin Boese. Committee members will have the opportunity to ask questions, request edits, and provide other feedback.

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**DRAFT**  
**Patients' Rights Committee**

**Meeting Notes**

Quarterly Meeting – January 18, 2023

10:30am – 12:30pm

**Committee Members Present:**

Daphne Shaw (chairperson)

Walter Shwe

Richard Krzyzanowski

Mike Phillips (chair-elect)

Susan Wilson

Catherine Moore

**Council Staff Present:**

Justin Boese

**Welcome & Introductions**

Daphne Shaw welcomed all Patients' Rights Committee (PRC) members and guests. Committee members, staff, and guests introduced themselves. A quorum was reached.

**Discussion with CBHPC Chairperson and Executive Officer**

The committee members had a discussion with the Planning Council's new officer team, consisting of Jenny Bayardo (Executive Officer), Deborah Starkey (Chairperson), and Tony Vartan (Chair-Elect). The discussion centered on the following three questions:

1. How does the committee align with the Vision and Mission of the Council?
2. How does this committee align with the Council's mandates in Welfare and Institutions Code?
3. What does the committee hope to accomplish in the coming year?

Committee member responses focused on the state mandated purpose and goals of the PRC, including to monitor, review, evaluate, and recommend improvements in the protection and upholding of patients' rights to receive effective, timely, and humane treatment in a public mental health system in California. The PRC firmly believes that each patient should be afforded the opportunity to receive quality mental health care or the option to decline care if appropriate. Furthermore, the PRC is the only CBHPC committee to be specifically required in state law, as stated in WIC section 5514. The goals of the committee in the coming year include the completion and distribution of a new report on statewide patients' rights advocacy issues and recommendations, and to work on addressing the need for a formal and adequate patients' rights advocate staffing ratio for California counties.

## **Review of the June 2022 Meeting Minutes**

The committee reviewed the October 2022 Meeting Minutes. No edits to the minutes were requested. Minutes approved as written.

## **Updated PRA White Paper**

Justin Boese presented an updated draft report on patients' rights advocacy, written as a follow-up to the 2017 white paper published by the PRC. The updated report provides an overview of the work the committee has done from 2017 to the present, including the survey reports from 2020 and 2021, the two bills that the committee co-sponsored and helped pass, and new issues that have emerged in recent years. The report will also include updated recommendations for improving the patients' rights system, to be developed by the committee members.

PRC members discussed the report and provided feedback on the draft, including topics they believe should be included in either the overview or recommendations.

Suggestions were made to include more information on patients' rights advocacy in county jails, as well as recommendations regarding civilian oversight of county sheriffs as instituted in AB 1185 (2021).

## **California Office of Patients' Rights (COPR) Updates**

Daniel Wagoner from the California Office of Patients' Rights (COPR) provided an update on his work supporting county mental health patients' rights advocates (PRAs). The committee had requested copies of the COPR semi-annual reports detailing patients' rights activities and issues in state hospitals, which Daniel was unfortunately unable to acquire in time for the meeting. Daniel hopes to have that information for the committee in time for the April meeting.

Activities that Daniel provided updates on included:

- Providing substantial technical assistance to county PRAs on the impact of new legislation and changes in law on patients' rights issues.
- Planning for the annual COPR patients' rights advocacy training conference (PRAT) in late April 2023.
- COPR aims to resume in-person program reviews of county PRA programs in the near future, which were previously on hold due to COVID-19.

## **Legislative Advocacy / LAO Report Discussion**

The committee members had a discussion about the possibility of advocating for a Legislative Analyst's Office (LAO) report on patients' rights staffing and the need for an updated and enforceable PRA staffing ratio requirement. Such report could be requested by a California legislator, and would help support future legislative advocacy for this issue. The committee members briefly discussed which legislators they might be able to reach out to regarding this topic, and when the best time to do so might be. It was suggested to focus on legislators who opposed the recent CARE Act legislation.

## **Planning for Future Meetings**

Daphne Shaw led the committee in discussing plans for the future, including the upcoming meeting in April 2023. Topics of interest listed by committee members included:

- An update on PRA training forms received from COPR
- Finalizing the new PRC report on patients' rights advocacy issues and recommendations
- An update on the implementation of the CARE Act and its impact on patients' rights
- A review of COPR semi-annual reports, to be provided by Daniel Wagoner

**The meeting adjourned at 12:30 pm.**

**California Behavioral Health Planning Council  
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Wednesday, April 19, 2023

**Agenda Item: AB 2316 PRA Training Verification Updates**

**Background/Description**

In 2018, the Patients' Rights Committee co-sponsored **AB 2316**, authored by Assemblymember Susan Eggman. The bill passed and was signed into law in August 2018. AB 2316 requires the California Office of Patients' Rights (COPR) to make training materials for county mental health patients' rights advocates (PRAs) available for all PRAs at any time online. It also requires counties to verify that newly hired PRAs review these materials within 90 days of being hired, and to keep a copy of that verification and send a copy to the Patients' Rights Committee (PRC). The PRC maintains a record of all of the training verifications received to date, which the Committee members will review.

**Enclosures:**

- AB 2316 PRA Training Verification Record. For a copy of this document, please contact Justin Boese at [justin.boese@chpc.dhcs.ca.gov](mailto:justin.boese@chpc.dhcs.ca.gov).

**California Behavioral Health Planning Council  
Patients' Rights Committee**

Wednesday, April 19, 2023

**Agenda Item:** Adoption of Patients' Rights Advocacy Report

**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 to evaluate the state of patients' rights in California and advocate for positive changes to patients' rights advocacy.

**Background/Description:**

In October 2017, the Patient's Rights Committee (PRC) published a report called "Title 9 County Patients' Rights Advocates." This report was based on a survey of patients' rights advocates (PRAs) that identified several issues faced by advocates in county patients' rights programs. The report included key recommendations to address these issues, several of which were followed up by legislation co-sponsored by the committee.

Since 2017, the PRC has published several smaller reports: a 2020 survey of local behavioral health boards/commissions, and a 2021 survey of patient's rights advocates. In addition, the committee has continued to assess various issues in the field of patients' rights through engagement with county PRAs, Disability Rights California, and the California Office of Patients' Rights.

The committee members will discuss and adopt the final draft of a new report on patients' rights advocacy prepared by Justin Boese. The updated report will revisit the issues that were presented in the 2017 report and will include new information on issues that have emerged since, including issues with patients' rights advocacy in county jails. Committee members will develop updated recommendations for the report that will guide future committee work.

**Enclosure:**

- A final draft of an updated committee report on patients' rights advocacy titled: "Patients' Rights Advocacy in California: Analysis and Recommendations." For a copy of this document, please contact Justin Boese at [justin.boese@chpc.dhcs.ca.gov](mailto:justin.boese@chpc.dhcs.ca.gov).

**California Behavioral Health Planning Council  
Patients' Rights Committee**

Wednesday, April 19, 2023

**Agenda Item:** COPR Semi-Annual Report Review

**Enclosures:** COPR Complaint Workload Report (Annual Comparison): July 2013-December 2022

**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 to review and evaluate the state of patients' rights in California.

**Background/Description:**

The California Office of Patients' Rights (COPR) is a Disability Rights California (DRC) unit that is contracted by the Department of State Hospitals (DSH) to ensure that people with mental illness receive quality mental health treatment that is in compliance with patients' rights regulations. As part of their contract, COPR provides semi-annual reports to DSH and DHCS that include the number of new complaints, appeals, technical assistance, and involuntary medication hearings at the state hospitals.

The Patients' Rights Committee will review the most recent report from COPR, which includes data from July 2013 through December 2022, as part of their review and evaluation of the patients' rights system of California.



**California Behavioral Health Planning Council  
Patients' Rights Committee**

Wednesday, April 19, 2023

**Agenda Item:** Discussion of CARE Act / SB 43

**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 to advocate for an accessible and effective behavioral health system.

**Background/Description:**

It has come to the attention of the PRC that there are two bills, SB 43 and SB 232, that have been introduced in 2023 that aim to expand the definition of “gravely disabled” in state welfare and institution code. Expanding this definition may lead to an increase in the number of people with mental illness who are involuntarily detained or placed into conservatorship. As this topic is directly related to patients’ rights in California, the PRC will be reviewing and discussing the proposed legislation.

The committee will also discuss the current status of the CARE Act, including the Disability Rights California lawsuit challenging the implementation of the act.

**Enclosures:**

- [Text of SB 43](#)
- [Text of SB 232](#)