

California Behavioral Health Planning Council

Patients' Rights Committee Agenda

Wednesday, June 16, 2021

<https://us02web.zoom.us/j/88447368699?pwd=cmRhWVFCZ1ZrZWZaeDkxQVVqazRrZz09>

Meeting ID: 884 4736 8699 **Password:** 190413

Phone-in # +1 669 900 6833

10:30am to 12:00pm

TIME	TOPIC	TAB
10:30am	Welcome and Introductions <i>Catherine Moore and All</i>	
10:35am	Approval of April 2021 Meeting Minutes <i>Catherine Moore and All</i>	TAB A
10:40am	PRC 2021 Survey Updates <i>Justin Boese and All</i>	TAB B
11:00am	Public Comment	
11:05am	Discussion: Evaluation of LPS Conservatorships <i>Catherine Moore and All</i>	TAB C
11:45am	Public Comment	
11:50am	Plan for Next meeting	
12:00pm	Adjourn	

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

Patients' Rights Committee Members

Chairperson: Catherine Moore

Chair Elect: Daphne Shaw

Members: Walter Shwe, 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.

TAB A

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

Wednesday, June 16, 2021

Agenda Item: Review and approve meeting minutes from April 14, 2021.

Enclosures: Draft of PRC meeting minutes from April 14, 2021

Background/Description:

Enclosed is a draft of the meeting minutes from April 14, 2021, 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 – April 14, 2021
10:30am – 12:00pm

Committee Members Present:

Catherine Moore (chairperson), Daphne Shaw (chair-elect), Walter Shwe, Susan Wilson, Darlene Prettyman, Richard Krzyzanowski, Mike Phillips

Other Council Members:

Steve Leoni

Council Staff Present:

Justin Boese, Jane Adcock, Jenny Bayardo

Others Present: Steve McNally, Lynn Thull

Welcome & Introductions

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

Approval of the April 2021 meeting minutes

Daphne Shaw made a motion to approve the April 2021 minutes. Richard Krzyzanowski seconded the motion. The motion passed.

PRC 2021 Survey Updates

Justin Boese provided a quick update on the 2021 PRC survey of Patients' Rights Advocates (PRAs). The survey has been finalized and sent out with the help of the California Association of Mental Health Patients' Rights Advocates (CAMHPRA) board. Responses should be coming in soon, and there will be a more substantive update on the progress of the survey at the June 2021 meeting.

Daphne asked what the next steps should be after the survey. Catherine Moore responded that the results of the survey will guide future work, and perhaps renew a conversation on PRA staffing. Richard said that the survey can help show gaps in patients' rights advocacy work and the system overall. For example, there may be ways to improve the system structurally to assist PRAs in getting access to county jails. Staffing is an ongoing issue, and any data that supports increasing PRA staffing would also be useful.

Daphne brought up LPS-designated units in county jails, of which there are 5 across the state, and inquired whether there was any requirement for patients' rights advocates to be given access to those units. Mike Phillips answered that it was a messy situation in that it depends on if and how the county has designated them as psychiatric services units (PSUs). Even if county behavioral health has designated the jail units, the sheriff's department might not agree with the designation and could push back against it if they feel the PRAs are making things harder for them.

Discussion: Mental Health Services in County Jails

The committee members segued into a discussion on mental health services in county jails. Included in the materials was a document on mental health services in county jails, written by Daniel Brzovic for DRC in 2004. Daphne said that according to that document, PRAs do have the authority and duty to provide advocacy services in county jails, but that doesn't mean much if they aren't given access to jail facilities by the sheriff's department.

Catherine wondered what actions the committee could take to apply pressure to get PRAs into the jails without putting too much of a burden on PRA offices that are already understaffed. Richard said that it depends on how much unmet need there is for PRA work in county jails. In order to get a clearer picture of that need, there was a question added to the survey that asked whether there was an LPS-designated or "other" psychiatric services unit at their county jail(s). He also said that there may need to be different strategies for different types of facilities/units.

Susan Wilson asked about the sheriff oversight boards, which counties are authorized to create under AB 1185, and whether the existence of these boards could make access into the jail easier. Jane Adcock said that the responsibilities of the oversight boards under AB 1185 was very general and asked whether the committee wants to seek legislation to include patients' rights advocates in the law. Susan and Catherine agreed that such an option could be considered as a potential course of action.

In response to questions about a list of LPS-designated facilities in California county jails, Steve McNally shared a web page that listed the 5 LPS-units in the state: 2 in San Diego County, and one each in L.A., Orange, Sacramento, and Santa Clara counties. Mike pointed out that the list does not specify whether the entire jail is designated as an LPS-unit, or if that just applies to a smaller psychiatric unit within the jail, which is another layer of nuance and complication.

Public Comment

None.

Updates on Patients' Rights Advocacy during COVID-19

Justin Boese read a written update from the California Office of Patients Rights' (COPR) regarding the state of advocacy work during the ongoing COVID-19 pandemic. The update, provided by Jude Stern at COPR, stated that PRAs report that they are gearing up and looking forward to returning in-person advocacy in the facilities. Some of the smaller counties have already returned to in-person work, while others that have more widespread COVID cases or slower vaccine roll out are still working on it. All the PRAs plan to return to the facilities as soon as safely possible. The PRAs report that most hearing officers also plan to return to in-person work, but a hearing officers in a couple counties are considering staying remote.

Daphne commented that she found it encouraging to hear that PRAs are preparing to go back to work in person but was concerned that some hearing officers were considering remaining remote. Mike Phillips said that they are beginning to return to in person services in San Diego and that hospitals were welcoming them back, in part because doing the work remotely put more work on hospital staff who had to facilitate things like faxing documents and other aspects of remote services. He also commented that even in cases where hearing officers may want to return to in person work, they must get the green light from the courts themselves, which may be slower to update policy and end teleworking.

Catherine inquired why the hearing officers needed to be there in person as opposed to working remotely. Mike responded that doing certification hearings virtually doesn't provide all the necessary information, because they need to see the physical state and body language of the patient. Mike said that more importantly, when your job is to decide if someone should be detained or released, the element of humanity that comes with seeing the patient in person is an important aspect of the work. Richard agreed that doing the hearings virtually led to the loss of a lot of nuance, such as context about the facility the patient is in and the staff that they interact with.

Justin continued with the update to announce that COPR will be holding their annual training for PRAs (PRAT) virtually in October and have invited the PRC to present at the training. They believe it would be a great opportunity for the PRC to talk to the PRAs at large about the committee's work. The PRAT presentations will be held on October 4-7, likely on the zoom platform, and the length of the presentation could be anywhere from 30 to 90 minutes. The PRC members agreed that presenting at PRAT would be a great opportunity. Richard, Mike, Daphne, and Catherine volunteered to form a subgroup to develop and deliver the presentation in October.

Planning for the June 2021 Meeting

Catherine reviewed potential items for the June 2021 meeting, including:

- Preparing for the PRAT presentation in October

- Updates on the PRA survey
- Updates from COPR

Public Comment

Steve Leoni commented that he is concerned about the rise in jail facilities. There seems to be a trend towards involuntary services rather than voluntary community services. Steve encouraged the PRC to share materials on these trends with other groups in to help inform systemic change. Catherine agreed with those concerns and pointed out that when more money goes to involuntary services, more people are funneled into those settings.

Steve McNally shared about his perspective and experience as a family member of someone with mental illness. He remarked that much of the work in the mental health world is “siloed” when collaboration and communication could get more done. Steve McNally said that the committee’s role as topical experts in this patients’ rights may be welcomed by other groups and encouraged the PRC to find other people to collaborate with.

The meeting adjourned at 12:00 pm.

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Wednesday, June 16, 2021

Agenda Item: PRC 2021 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 January 2021 PRC Meeting, the committee decided to develop a survey to follow up on the 2020 survey of the local behavioral health boards and commissions. This survey is targeted at county mental health patients' rights advocates and aims to gather information on their advocacy work in county jails and is being distributed by the California Association of Mental Health Patients' Rights Advocates (CAMHPRA). Justin Boese will be providing an update on the current status of the survey.

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Wednesday, June 16, 2021

Agenda Item: Discussion: Evaluation of LPS Conservatorships

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 regarding LPS conservatorships.

Background/Description:

Subsequent to discussion with Dr. Alex Barnard, Professor of Sociology, New York University and Jill Nielsen, San Francisco Public Guardian's Office, a couple of Council members and staff would like to explore the possibility of advocating for the designation of a state-level entity to provide oversight to the LPS conservatorship process including collection of data and the issuance of a report. The committee will discuss LPS conservatorships and the need for further evaluation of their effectiveness based on outcomes data.