

California Behavioral Health Planning Council

Patients' Rights Committee Agenda

Wednesday, January 18, 2023

Holiday Inn San Diego Bayside

4875 North Harbor Drive, San Diego, CA 92106

Catalina Room

10:30am to 12:30pm

TIME	TOPIC	TAB
10:30am	Welcome and Introductions <i>Daphne Shaw and All</i>	
10:35am	Discussion with CBHPC Chairperson and Executive Officer <i>Deborah Starkey, Jenny Bayardo, and All</i>	
10:50am	Approval of October 2022 Meeting Minutes <i>Daphne Shaw and All</i>	TAB A
10:55am	Patients' Rights Advocacy Report Development <i>Justin Boese and All</i>	TAB B
11:20am	Public Comment	
11:25am	COPR Semi-Annual Report Review <i>Daphne Shaw and All</i>	TAB C
11:45am	Public Comment	
11:50am	Legislative Advocacy / LAO Report Discussion <i>Justin Boese and All</i>	TAB D
12:15pm	Public Comment	
12:20pm	Planning for Future Meetings/Activities	
12:25pm	Public Comment	
12:30pm	Adjourn	

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

Patients' Rights Committee Members

Chairperson: Daphne Shaw

Chair Elect: Mike Phillips

Members: Catherine Moore, Walter Shwe, Darlene Prettyman, Richard Krzyzanowski, 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
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Agenda Item: Review and approve meeting minutes from October 2022.

Enclosures: Draft of PRC meeting minutes from October 2022

Background/Description:

Enclosed is a draft of the meeting minutes from the October 2022 meeting, 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 – October 19, 2022
10:30am – 12:30pm

Committee Members Present:

Catherine Moore (chairperson)
Walter Shwe
Richard Krzyzanowski
Darlene Prettyman

Daphne Shaw (chair-elect)
Susan Wilson
Mike Phillips

Council Staff Present:

Justin Boese

Welcome & Introductions

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

Review of the June 2022 Meeting Minutes

The committee reviewed the June 2022 Meeting Minutes. No edits to the minutes were requested.

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). As per their contract with the Department of State Hospitals (as well as a memorandum of understanding with the California Department of Health Care Services), COPR provides technical assistance, training, and advocacy support for PRAs across the state. Daniel reported that a lot of their recent technical assistance and trainings have been focused on new changes in law, including changes in peer certification, the CARE Court bill, and the LPS act.

Other activities that COPR has been working on recently include:

- Reviewing and revising the online training for PRAs to keep it up to date.
- Resuming on-site reviews to provide quality improvement recommendations to counties regarding their patients' rights services.

Daniel reported that a lot of PRAs come to them with questions about county jails, substance-use treatment facilities, board and cares, out-patient facilities, etc., looking for clarification regarding the laws, regulations, and PRA duties regarding those facilities. Questions about access, visitation, and medication are common.

PRAT Presentation Report-Out

Richard Krzyzanowski reported back to the committee on his participation at COPR's annual patients' rights advocate training conference (PRAT), where he presented on behalf of the PRC. During the presentation he informed the attendees about the duties and work of the Patients' Rights Committee, including the committee's surveys and reports and legislative advocacy. Richard also informed them of current issues the committee is concerned with, such as advocacy in county jails, the PRC's opposition to the CARE Court bill, and the committee's interest in looking at advocacy in residential settings in the future. The presentation was overall well-attended and successful.

CARE-Court Update

Daphne Shaw shared some information regarding the development of the CARE Court bill, including the final language of the bill and a recent news article going into depth regarding some of the concerns and issues with it. Daphne also shared that according to conversations with one of Disability Rights California's (DRC) legal staff, the bill has no ability to force medication on patients' without their consent.

Discussion: January 2023 General Session Presentation

Daphne Shaw opened the discussion by explaining Noel O'Neil's request for the PRC to present to the full council on mental health patients' rights and the work and duties of PRAs. Since Mike Phillips and his PRA team are located in San Diego where the January 2023 meeting will be held, they will be taking on the presentation.

The main points to be covered in the presentation are:

- What are mental health patients' rights?
- What do PRAs do?
- There are not enough PRAs

Mike Phillips said that he will have his team in San Diego present on their work and deliver that message.

Updated PRA White Paper

Justin Boese presented a draft of an updated 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.

Nomination of Chair-Elect

The committee discussed the election of a chair-elect for the upcoming term, as Daphne Shaw (the current chair-elect) will become chair of the committee in January 2023. The committee nominated Mike Phillips as the new chair-elect of the PRC.

Planning for Future Meetings

Catherine Moore led the committee in discussing plans for the future, including the upcoming meeting in January 2023. Topics of interest listed by committee members included:

- Patients' rights in board and care facilities.
- Advocating for an increased PRA staffing ratio for California
- Working on the presentation for the General Session of the January Planning Council meeting
- Advocating for an increased in funding for COPR so they can provide more support and technical assistance to county PRAs

The meeting adjourned at 12:30 pm.

**California Behavioral Health Planning Council
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Agenda Item: Patients' Rights Advocacy Report Development

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 review and discuss a draft of an updated report on patients' rights advocacy written 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.

Enclosures:

- A draft of an updated committee report on patients' rights advocacy, drafted by Justin Boese. For a copy of this document, please contact Justin Boese at justin.boese@chpc.dhcs.ca.gov.

- [Title 9 County Patients' Rights Advocates: Highlighting resource, training, and retaliation issues in county patients' rights programs in California.](#)
- [2020 Survey of Local Behavioral Health Boards/Commissions on County Mental Health Patients' Rights Advocacy](#)
- [2021 Survey of County Mental Health Patients' Rights Advocates on Patients' Rights Advocacy in County Jails](#)

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Agenda Item: COPR Semi-Annual Report Review

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 significant issues addressed at each state hospital, as well as information about the services they provide to the county mental health advocacy programs.

The Patients' Rights Committee will review the last several years of semi-annual reports from COPR as part of their review and evaluation of the patients' rights system of California.

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Agenda Item: Legislative Advocacy/LAO Report Discussion

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 and advocate for improvements to the system.

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.

One of the recommendations that has not be acted on is the development of an updated PRA staffing ratio to ensure that every county has enough PRAs to adequately serve the patients population. The PRC has investigated possible avenues to approach this complex issue, and has acknowledged the difficulty in approaching the legislature for a PRA staffing bill when there is very little awareness of this persistent and growing need. The committee is also aware that a California state legislature may request that the Legislative Analyst's Office (LAO) investigate and prepare a special reports on topics of interest.

The PRC will use the time allotted for this agenda item to discuss the possibility of working with a state legislature who can request an LAO report on the issue of PRA staffing deficiencies across the state and the impact of this on mental health patients' rights.