

California Behavioral Health Planning Council

Patients' Rights Committee Agenda

Wednesday, October 20, 2021

<https://us02web.zoom.us/j/82668543389?pwd=K2Zvc0NybVV0cm93cHlnQmZzdzBRUT09>

Meeting ID: 826 6854 3389 **Password:** 334153

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 June 2021 Meeting Minutes <i>Catherine Moore and All</i>	TAB A
10:40am	AB 2316 Verification Forms <i>Justin Boese and All</i>	TAB B
10:45am	PRC 2021 Survey Updates <i>Justin Boese and All</i>	TAB C
11:00am	Public Comment	
11:05am	PRAT Presentation Report-back <i>Justin Boese and All</i>	TAB D
11:20am	Public Comment	
11:25am	Discussion: LPS Conservatorships <i>Catherine Moore and All</i>	TAB E
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, October 20, 2021

Agenda Item: Review and approve meeting minutes from June 16, 2021.

Enclosures: Draft of PRC meeting minutes from June 16, 2021

Background/Description:

Enclosed is a draft of the meeting minutes from June 16, 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 – June 16, 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

Others Present: Steve McNally, Jude Stern, Stacy Dalgleish

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 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 gave an update on the current survey of patients' rights advocates (PRAs). The survey is focused on patient's rights advocacy in county jails. Justin said that there have been some obstacles in getting enough responses for the survey, and invited Richard Krzyzanowski and Jude Stern to comment on the process. Richard said that one of the potential barriers is simply the advocates being stretched so thin that they may not have gotten around to it yet. He said unfamiliarity with the PRC and concerns about confidentiality may also be a factor. Richard said the committee should discuss how to handle confidentiality, since part of the value of the survey is in seeing patterns at the county level and identifying which counties are having trouble getting access to the jails.

Jude Stern from the California Office of Patients' Rights (COPR) agreed with Richard's assessment of the situation. They also said that there are a lot of newer advocates who

may not be as familiar with the committee as the more experienced ones. Jude said that COPR will be doing their annual patients' rights advocate training event virtually in the fall, and invited the committee to present during the event so that the PRAs can learn about the council, the PRC, and the work that they do. Increasing familiarity could encourage more PRAs to respond.

Daphne Shaw said that she wondered if the PRAs knew about AB 333 - the bill passed by Susan Eggman, the PRC, and the California Association of Mental health Patients' Rights Advocates (CAMHPRA) – which protects PRAs from employment retaliation. She also pointed out that the first survey of PRAs in 2017 was sent out by the PRC and CAMHPRA, whereas this one was sent out by COPR, and wondered if that had an impact on the rate of responses.

Catherine Moore asked if Mike Phillips had anything to add. Mike suggested making phone calls to the PRAs offices asking them to complete the survey, and volunteered to do make some of those calls. He said that if the PRAs do have reservations about the survey they will be more willing to talk about that over the phone. Richard agreed with Mike's suggestion. He also said that COPR has more infrastructure and capacity than the CAMPHRA board to do things like push out the survey to advocates. Regarding the confidentiality issue, Catherine suggested that they go forward with making some phone calls to advocates and see if that is a real concern.

Public Comment

Steve Leoni suggested doing some portion of future surveys verbally over the phone in order to get more candid responses from PRAs. He also suggested discussing some of the results in broader, state-wide terms that won't identify specific counties when it comes to more sensitive topics.

Steve McNally encouraged the committee to work with the mental health boards and commissions as allies, and to keep them informed of the committee's efforts. He expressed that groups and efforts in mental health are too siloed, and connecting the chain will strengthen the community as a whole.

Discussion: Lanterman-Petris-Short (LPS) Conservatorships

Daphne Shaw began the discussion on LPS conservatorships with some background on a webinar presentation by Dr. Alex Barnard (professor of Sociology at NYU) and Jill Nielsen (San Francisco Public Guardian's Office) and a subsequent discussion between Dr. Barnard and the planning council. They have been working on an analysis of the conservatorship system in California which suggests the need for additional review and oversight. Daphne and Jane Adcock then had a conversation about the possibility of our

advocating for a study on the effectiveness of the LPS act, including both temporary holds and conservatorships.

Daphne said that a bill was passed that says the County of Los Angeles, the County of San Diego, and the City and County of San Francisco shall establish a working group to determine the effectiveness of the act in addressing the needs of persons with serious mental illness and substance use disorders. A preliminary report was due to the legislature by January 2021. In a conversation with Tyler Rinde at the California Behavioral Health Director's Association (CBHDA), he said that their organization worked on a bill - AB 681 (Ramos) - that would evaluate the effectiveness of the LPS act. That bill unfortunately didn't go forward, and CBHDA decided to focus on other priorities.

Jane added that over the last several years, several pieces of legislation have been introduced to expand the definition of "gravely disabled." The CA State Auditor released a report on the LPS system that had some concerning flaws from the perspective of the behavioral health system. She said that Dr. Barnard's findings recommend a designated state-level oversight authority for the LPS system, which currently doesn't exist. Such an entity would be able to collect the data needed to evaluate whether the LPS act is actually successful in terms of outcomes. Jane said she thought that advocating for such a state oversight authority could be an issue for the Planning Council to take up.

Darlene Prettyman shared that she had also been in contact with Dr. Barnard, and strongly believes that the PRC needs to get involved in this issue. Walter also expressed support for getting involved in an effort for LPS oversight and evaluation. Richard Krzyzanowski agreed, but also expressed concern over how broad of a piece of legislation the LPS act is, and said he felt the PRC needed to start with the conservatorship issue specifically. He said that he has heard from many people in conservatorships during his work as a PRA who expressed deep dismay over their treatment and the state of the system.

Daphne said that she was having a difficult time wrapping her head around what the Planning Council could do regarding conservatorship beyond advocating for a study or the creation of an oversight and evaluation body for the LPS system. Jane affirmed that she felt that the creation of such a body was necessary to accomplish any true evaluation of the LPS system, and that she felt the role of the Planning Council would be to approach a state legislator like Susan Eggman to create a bill to make that happen. Jane said this would also play into the state's other goals for more community-based treatment and support. The data collection and analysis would be the foundation that any potential changes to the LPS act would stem from. Darlene agreed that should be the focus of the Planning Council.

Richard thanked Jane and Daphne for giving sharper focus to the issue, and agreed that it was a good goal. He then stated that he wondered what the PRC's first steps would be in pursuing it. Susan Wilson said she was concerned that there are already

too many organizations and oversight bodies, and suggested seeing if there are any existing ones that might be well-positioned in taking on these responsibilities. Jane said that she didn't necessarily think it needed a whole department or large body, and that if a bill could give the authority to another organization such as the Department of Health Care Services, the Department of State Hospitals, the Oversight and Accountability Commission, Department of Social Services, etc. then that could be a possibility. She said it could even be a temporary establishment just for the creation of an evaluation report and recommendations.

Richard asked where they could find some data on the numbers of LPS holds and conservatorships, and Daphne said that she wasn't sure where that data could be found but that presumably it was collected by someone. Steve McNally shared a link to a report of involuntary detentions by category and county, which shows some of those numbers. Jane said that there was still more research that needed to be done on the topic before the committee moves forward. The goal of this initial discussion was to gauge interest on the topic.

Planning for the October 2021 Meeting

Catherine discussed plans for the next meeting. The survey will be an ongoing agenda item as efforts to collect more responses continues. The committee will also continue to discuss the LPS issue to decide how to proceed. Richard brought up the topic of presenting at COPR's training event which Jude had discussed, which a subgroup of Catherine, Daphne, Richard and Mike will participate in. Justin will coordinate a meeting for that.

The meeting adjourned at 12:00 pm.

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

Wednesday, October 20, 2021

Agenda Item: AB 2316 Verification Forms

Background/Description

AB 2316: 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). Committee members will be reviewing the verification forms that the PRC has received to date.

Enclosures:

1. List of received AB 2316 PRA training verification forms, by PRA name and county.

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

Wednesday, October 20, 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.

**California Behavioral Health Planning Council
Patients' Rights Committee**
Wednesday, October 20, 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.

Enclosures: Summary of responses for the 2021 survey of patients' rights advocates. To receive a copy of this document, please contact Justin Boese at Justin.boese@cbhpc.dhcs.ca.gov.

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

Wednesday, October 20, 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:

The committee will continue the discussion that began in June 2021, on LPS conservatorships and the potential need for further evaluation of their effectiveness based on outcomes data.