

California Behavioral Health Planning Council

Patients' Rights Committee Agenda

Wednesday, October 19, 2022

Courtyard Sacramento Midtown

4422 Y Street, Sacramento, California 95817

Ivy Room

10:30am to 12:30pm

TIME	TOPIC	TAB
10:30am	Welcome and Introductions <i>Catherine Moore and All</i>	
10:35am	Approval of June 2022 Meeting Minutes <i>Catherine Moore and All</i>	TAB A
10:40am	PRAT Presentation Report-Out <i>Richard Krzyzanowski</i>	
10:50am	California Office of Patients' Rights (COPR) Updates <i>Daniel Wagoner, COPR</i>	
11:05am	Care Court Update <i>Daphne Shaw</i>	
11:10am	Public Comment	
11:15am	Discussion: Jan. 2023 General Session Presentation <i>Catherine Moore and All</i>	TAB B
11:40am	Public Comment	
11:45am	Updated PRA White Paper <i>Justin Boese and All</i>	TAB C
12:00pm	Nomination of Chair Elect	TAB D
12:15pm	Planning for Future Meetings/Activities	
12:25pm	Public Comment	
12:30pm	Adjourn	

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

California Behavioral Health Planning Council

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 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, October 19, 2022

Agenda Item: Review and approve meeting minutes from June 2022.

Enclosures: Draft of PRC meeting minutes from June 2022

Background/Description:

Enclosed is a draft of the meeting minutes from the June 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 – June 15, 2022
10:30am – 12:00pm

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.

Approval of the January 2022 meeting minutes

Susan Wilson made a motion to approve the April 2022 meeting minutes as written. Daphne Shaw seconded the motion. The motion passed.

AB 2316 Verification Form Updates

Justin Boese provided an update on the patients' rights advocacy training forms that the committee is required to collect as per AB 2316. The online training is provided by the California Office of Patients' Rights (COPR), and when a newly hired patients' rights advocate (PRA) completes the training a copy of the form is forwarded to the Patients' Rights Committee. Justin provided a list of the completed forms collected to date.

Daphne Shaw suggested checking which counties are not represented by the training forms received to date and sending a reminder to those patients' rights offices to ensure they are complying with the PRA training law. Mike Phillips said that it would be possible to cross-check the forms received with the list of PRA's that COPR maintains. He also said that he could send out an email reminder on the PRA listserv.

Walter Shwe noted that of the forms received for this calendar year, there were a lack of PRAs from small counties. Susan Wilson said that she felt the committee should track

compliance with the training requirements, but also said that the committee should ensure that the curriculum remains current, especially regarding issues such as Care Court. Daphne said that COPR already had a training manual that was put online for the training, and that PRAs were not currently involved in Care Court in any way based on the language of the Care Court bills. Mike said that because Care Court may push clients into existing care settings that have PRAs present, PRAs will be involved in some capacity to serve those patients. Mike said he could reach out to Daniel Wagoner at COPR to make sure the COPR training was being updated as needed.

Discussion: CARE Court Framework

Catherine Moore moved on to the discussion on Care Court, drawing attention to the materials in the packet that includes the text of the current bill. Daphne said that the bill had passed the state senate unanimously and was now scheduled for a special session of the assembly judiciary committee. Susan said that word was the assembly had more concerns with the bill so there may be some changes. Catherine asked what the committee could do at this point regarding Care Court, since it looked like it was well on its way to being passed. Susan encouraged people to reach out to their local assembly representatives with their concerns directly.

Richard Krzyzanowski said he didn't have much hope that it would be stopped, but hoped there would be ways to affect its implementation. He also said that it seemed like the governor and state legislators were looking at unspent funds at the county level and were trying to push the counties to spend those funds through Care Court, since the counties will be responsible for providing the services prescribed by Care Court. Mike agreed with this assessment, and said that Care Court was aimed more at the counties and behavioral health directors than the consumers in that regard. He said there isn't a lot of consequences to consumers dropping out of the Care Court process if they don't want to participate, but the counties can be fined for not provided services required by the bill.

Daphne raised concerns over the ability of Care Court to send involuntary consumers into the LPS system, as well as the use of long-term injectable medications. Catherine raise the point that it felt like the Care Court bill was more aimed at getting counties to fill in gaps in services so that they won't be fined. Richard agreed that it felt like more pressure was on the counties, because no one could afford an influx of additional LPS patients to begin with. He said that counties are being pressed between two points – the threat of fines for not having adequate services, and the threat of the expenses of LPS conservatorships that counties already to not have funding and facilities for.

Public Comment

Robyn Gansweg from Disability Rights California commented that Care Court was poised to disproportionately affect communities of color and LGBTQ+ consumers, and that DRC was taking a stance of hard opposition to the bill. Robyn added that DRC will be looking at litigation against Care Court if and when the bill is passed.

LPS Involuntary Detention and Conservatorships Data

The committee reviewed and discussed the LPS Involuntary Detention and Conservatorships data from DHCS for fiscal years 2018-2019 and 2019-2020. Justin Boese said that based on the pattern that DHCS publishes new data, the data for 2020-2021 should be available in November.

Daphne said that one of the things she noted when looking at the data, particularly the 72-hour evaluations and 14-day holds, was that many of the smaller counties seemed to have a higher proportion of these hold. She also noted that some counties like Santa Cruz reported none.

Mike said that he'd heard that there was a lot of underreporting of this data and that these numbers were not necessarily accurate. Daphne also said that while counties were required to report the data and DHCS was required to gather it, the state was doing nothing to enforce that counties report completely or accurately, as evidenced by the patterns of certain counties reporting no data at all. Justin and Mike agreed with this.

Catherine questioned whether DHCS has the ability to enforce this at all, and also asked what the committee would do with the data assuming it was complete and accurate. Daphne said that she assumed DHCS had a way to enforce it, but that it might be in such a way that harms clients, such as sanctions or fines that would reduce funding.

Mike shared several ideas of what the committee could do with the data, which included:

- Comparing county population size to the number of involuntary detentions and conservatorships to see how aggressive the involuntary treatment in that county is.
- Comparing the rates of 72-hour, 14-day, and 30-day holds in a county to see how effective the treatment is.
- Comparing rates of 30-day holds to LPS conservatorships to see if the holds are successfully reducing the number of conservatorships in a county.

Mike went on to say that if the committee can't do this themselves, maybe they need to make recommendations to DHCS on what they should be doing with the data. Walter said that while the committee may not be able to analyze every county, doing a small sampling of large, medium, and small counties might provide some useful insights.

Planning for Future Meetings

Catherine Moore and the committee members discussed plans for future meetings and activities. Catherine asked about the possibility of having a presentation from or a discussion with a county Sheriff to get their perspective on patients' rights issues in county jails. Daphne said that while we are going to be in Sacramento in October, the Sacramento County Sheriff is probably not a good resource at the moment as they just had a new sheriff elected who will be new to the role.

Daphne suggested an update from Daniel Wagoner at COPR on his work supporting county PRAs. She also said that perhaps the committee needs to be ready to talk to COPR about the need for more staff support for county PRAs based on the committee's findings. Justin said that based on previous conversations with Michelle Mudgett at COPR, they would need more funding for their contract in order to add additional staff. The contract is part of an MOU with the Department of State Hospitals (DSH) and DHCS, but DSH provides all the funding to COPR's contract while DHCS does not provide any funding. Daphne confirmed that was the case, and wondered if there was a way to encourage DRC to increase the funding for the contract.

Mike said that there were two prongs to the issue. The first is that there still isn't enough PRAs and there needs to be an increased ratio of advocates to county population, which the committee has identified in the 2017 white paper. The second is that there needs to be more training and support for PRAs so that they can function more effectively.

Justin informed the committee that Daniel Wagoner from COPR had invited the committee to present again at this year's patients' rights advocacy training conference (PRAT) in early August. The committee agreed that would be beneficial, and Richard and Mike volunteered to present on behalf of the committee. Justin will follow up to confirm the details with Daniel and help facilitate the presentation planning and can participate in the presentation to discuss the work of the PRC.

Richard expressed a desire for the PRC to look at advocacy in residential settings, including "board and care" facilities. He suggested a discussion with Barbara Wilson, who Richard has worked with and who is currently working on this issue. Susan said that the committee could also look at data on board and cares that the Performance Outcomes Committee has collected.

Catherine concluded the discussion by summarizing the items brought forth by the committee.

The meeting adjourned at 12:30 pm.

**California Behavioral Health Planning Council
Patients' Rights Committee**
Wednesday, October 19, 2022

Agenda Item: Discussion of January 2023 General Session Presentation

Background/Description

Planning Council leadership has requested that the Patients' Rights Committee present to the full council during the January 2023 General Session. The purpose of this presentation will be to educate the Planning Council members on the authority and duties of patients' rights advocates in the various mental health facilities that they work in, as well as the role of the Patients' Rights Committee. The committee will discuss the format and content of this presentation and begin preparation for the session.

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

Wednesday, October 19, 2022

Agenda Item: Updated PRA White Paper

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. The updated report will also be provided to the full council for the upcoming PRC presentation at the January 2023 General Session.

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](#)

**California Behavioral Health Planning Council
Patients' Rights Committee**
Wednesday, October 19, 2022

Agenda Item: Nomination of 2021 Committee Chair-Elect

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.

Daphne Shaw is slated to become the Chairperson for the Patients' Rights Committee at the January 2023 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.