

California Behavioral Health Planning Council

Patients' Rights Committee

Wednesday, June 20, 2018

Sheraton Gateway Hotel

6101 West Century Boulevard, Los Angeles, CA,

90045 Santa Catalina Room

10:30 a.m. to 12:30 p.m.

Item	Time	Topic	Presenter or Facilitator	Tab
1	10:30 a.m.	Welcome, Introductions, & Agenda Review	Daphne Shaw, Chairperson	
2	10:35	Review and approve April Meeting Minutes	Daphne Shaw and All	A
3	10:40	Update on PRA Legislation and Training	Daphne Shaw & Samuel Jain	
4	11:00	Resolution Presentation: The Turning Point ACLU	Kellen Russoniello	B
5	11:45	Patients' Rights and Mental Health in Jails: Discussion, Recommendations, Plan for Next Meeting	Daphne Shaw and All	C
6	12:25	Public Comment	Daphne Shaw and All	
7	12:30	Adjourn	All	

Committee Members:

Chairperson: Daphne Shaw

Members: Carmen Lee, Walter Shwe, Darlene Prettyman, Catherine Moore,
Richard Krzyzanowski, Samuel Jain

Staff: Justin Boese

If reasonable accommodations are required, please contact the CMHPC office at (916) 552-9560 not less than 5 working days prior to the meeting date.

INFORMATION

TAB SECTION

A

 X ACTION

DATE OF

06/20/18

REQUIRED:

MEETING

DATE MATERIAL PREPARED

05/01/18

MATERIAL

AGENDA ITEM:	Review and approve meeting minutes from April 18, 2018.
ENCLOSURES:	Minutes of PRC meeting on April 18, 2018.

ISSUE:

Patients' Rights Committee review and approval of minutes from April 18, 2018.

Patients' Rights Committee
Meeting Notes
Quarterly Meeting – April 18, 2018
10:30 am – 12:15 pm

Committee Members Present:

Daphne Shaw, Chair
Walter Shwe, Carmen Lee, Darlene Prettyman, Catherine Moore, Richard Krzyzanowski, Samuel Jain

Staff Present:

Jane Adcock, Justin Boese

Others Present:

Steve Leoni (CBHPC),

Welcome & Introduction:

Daphne Shaw welcomed all committee members. A quorum was reached.

Review and Approve Minutes:

The meeting minutes from January 17th and March 6th were approved. Motion by Samuel Jain, seconded by Richard Krzyzanowski.

PRA Paper and Legislation Update:

Daphne Shaw informed the committee on the progress of AB 2316, the Patients' Rights Advocate Training bill. The bill passed from the Assembly Health Committee without controversy. It is going on to appropriations, though it hasn't been scheduled yet. Samuel Jain said that there was some pushback on the details of the training module from the California Office of Patients' Rights (COPR), who said they would oppose the bill if a training certification was required. The bill was amended to remove that requirement. It still requires counties to ensure that advocates review the training material. The biggest issue now is how to ensure comprehension. They are thinking that perhaps a voluntary quiz or some type of form could be used to gauge comprehension.

The bill was amended to include language specifying that the new training requirements would not replace existing requirements for ongoing training. Additionally, the Patients' Rights Committee will be collecting the forms, giving the committee some involvement and oversight in ensuring advocates are trained. SO far there has been no direction/feedback from the director's association, but it has been supported by the Psychiatric association, and MHAC.

AB 2317, the Whistleblower Protections bill, goes before the Labor and Employment Committee on April 25th. Samuel shared that the bill had garnered lots of support, including from the Teacher's Federation, the Teamsters Union, and the ACLU of California. Samuel commented that Assemblymember Susan Eggman chose to expand it further than the initial PRA focus, and it includes all independent contractors and employees of contracted organizations in watchdog roles.

The only pushback on this bill came from the El Dorado Irrigation District, who were concerned is that it is too broad. The original language was that the protections would be extended to any contractors who are "monitoring and receiving complaints from state or local government agency." The proposed amended language now reads that it extends them to contractors who are "receiving and investigating complaints."

Lastly, Samuel discussed the letter he sent to COPR from CAMPHRA and the PRC. The letter addressed concern over the fact that there is only one staff person at COPR to conduct the county PRA training and technical assistance, and expressed support for the expansion of this staffing. Disability Rights California and the Department of State Hospitals are currently negotiating to renew COPR's contract, so now is the time for them to advocate for additional funding for this staffing. The lack of staff is concerning given that on top of ongoing training and investigating complaints, COPR is supposed to conduct program reviews of county PRA offices, and currently with one staff person they are only able to do two reviews a year. Samuel will update the PRC when there are any developments.

Discussion of Next Steps:

The committee continued discussing what the committee should focus on next, starting with talking about PRA work in county jails. Justin Boese is attempting to find a speaker for the June meeting who can present on PRA work in county jails. Samuel provided insight into the area of work, and informed the committee that PRAs in county jails are always employees of the county mental health program. He went on to say that relationships between mental health directors, sheriffs, and advocates are difficult to navigate when it comes to this kind of work. Last year a bill was passed to legalize involuntary treatment before adjudication, and PRAs in the field don't yet know how that will work.

Samuel said that Disability Rights California is potentially sponsoring legislation for out of cell time for solitary, and/or mental health service bridging for people being discharged. The DRC has been suing counties to increase out of cell time, but legislation would be preferable. Such legislation would cover everyone, not just those who are receiving mental health services, but approaching it from a mental health perspective is more strategic.

Daphne spoke briefly about State Hospitals, sharing some of the information Justin found on the patient population of Coalinga State Hospital and how many sexually violent predators (SVPs) are released from Coalinga each year. She noted that the PRC previously visited Napa State Hospital, but that access has grown more difficult. Daphne and Samuel also told the PRC about cshabuse.com, a website that has published complaints from patients at Coalinga regarding certain potential rights violations, such as inadequate transportation to mental health services.

Plan for Next Meeting

Daphne said that the PRC needed to make a decision on direction in June, and suggested that people send their ideas to Justin. Catherine Moore suggested that the committee vote on a motion for a direction sooner rather than later, and made a motion that the PRC focus on county jails as their next area of focus.

**Motion by Catherine Moore for the PRC to focus on PRA work in county jails.
Seconded by Darlene Prettyman.**

Aye votes: Catherine Moore, Darlene Prettyman, Daphne Shaw, Samuel Jain, Walter Shwe, Carmen Lee

No votes: none

Abstain: Richard Krzyzanowski

Motion passed.

The meeting adjourned at 12:15 pm.

B **INFORMATION**

TAB SECTION

B

 ACTION

DATE OF

06/20/18

REQUIRED:

MEETING

MATERIAL PREPARED

DATE MATERIAL PREPARED

05/29/18

BY: Boese

AGENDA ITEM:	Presentation: The Turning Point ACLU Report
ENCLOSURES:	None

BACKGROUND:

“The ACLU of California is proud to present “The Turning Point: Getting on the Road to Ending the Over-Incarceration of People Living with Mental Health and Substance Use Needs.” This report provides more than 40 recommendations for state and local advocacy aimed at reducing criminal justice-involvement for people living with mental health and substance use needs. We present recommendations for every stage of the criminal justice process, from pre-law enforcement contact to reentry and community supervision. The ACLU of California designed this report to assist advocates in their critical mission to improve outcomes for people living with mental health and substance use needs by offering a variety of options to suit the advocates’ and localities’ needs.”



Kellen Russoniello, Staff Attorney, San Diego ACLU

Kellen Russoniello earned his JD and MPH from The George Washington University in Washington, DC. While in graduate school, he drafted Good Samaritan overdose prevention legislation for the District of Columbia, which became law in March of 2013. He also volunteered by drafting motions to seal criminal records, providing outreach to sex workers and homeless people, and teaching middle-school children about the Constitution and Bill of Rights. He has interned with the Criminal Justice Policy Foundation, the National Organization for the Reform of Marijuana Laws (NORML), the Drug Policy Alliance, and the ACLU of Washington State. Kellen currently serves on the board of directors of Students for Sensible Drug Policy.

X INFORMATION

TAB SECTION

C

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DATE OF

06/20/18

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MEETING

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DATE MATERIAL PREPARED

05/01/18

BY: Boese

AGENDA ITEM:	Patients' Rights and Mental Health in Jails: Discussion, Recommendations, Plan for Next Meeting
ENCLOSURES:	Jail Profile Survey Dec 2017 Snapshot , Health Card for California's Jail Population, Jails and the Mentally Ill

ISSUE:

At the PRC meeting on April 18, 2018, the committee voted to select patients' rights in county jails as their next area of focus. The following materials have been supplied to inform the committee's discussion of what issues to address within this topic:

1. **Jail Profile Survey Dec 2017 Snapshot:** This table shows data from the Board of State and Community Corrections' Jail Profile Survey. The selected data shows the total number of active mental health cases, new cases opened that month, the number of inmates receiving psychiatric medication, and inmates assigned to mental health beds in California county jails in December 2017.
2. **Health Care for California's Jail Population:** Published by the Public Policy Institute of California. See page 6 for information on mental health needs of jail inmates.
3. **Jails and the Mentally Ill:** Briefing paper developed by the California Corrections Standards Authority in 2009 at the request of the Council on Criminal Justice and Behavioral Health (CCJBH; formerly COMIO the Council on Mentally Ill Offenders). The report identifies and analyzes issues concerning the treatment of the mentally ill in local custody.

Other resources: Because of their length, the following materials have not been included in the meeting packet. **Please contact Justin Boese at Justin.boese@cmhpc.ca.gov for electronic copies, or find them at the links provided, and review them before the June meeting.**

- **Suicides in San Diego County Jail:** An investigation report by Disability Rights California (DRC) published April 2018 on the alarming numbers of suicide deaths among inmates in the San Diego County jail system. Access at: <https://www.disabilityrightsca.org/public-reports/san-diego-jail-suicides-report>
- **Together We Can: Reducing Criminal Justice Involvement for People with Mental Illness:** A report by the MHSOAC Oversight and Accountability Commission (OAC) published November 2017. Access at: <http://mhsoac.ca.gov/document/2017-12/criminal-justice-and-mental-health-project-report>