



CHAIRPERSON
Monica Wilson, PhD
EXECUTIVE OFFICER
Jane Adcock

Posting Date: September 8, 2014

To: CMHPC Patients' Rights Committee (PRC)

From: Laura Leonelli

Subject: **Agenda for Patients' Rights Committee Meeting
Wednesday, September 17, 2014 at 10:30 am.**

Meeting location: 1501 Capitol Avenue, Suite 3001, Sacramento, CA 95814

The PRC meeting will address the following items. All agenda items are subject to action by the Planning Council. The scheduled times on the agenda are estimates and subject to change.

<u>TIME</u>	<u>AGENDA</u>
10:30 a.m.	Welcome and Introductions <i>Daphne Shaw, Chairperson</i>
10:35 a.m.	Review/Approval: Updated PR Survey – online version
11:00 a.m.	Review/Approval: Revised PR letter to County Mental Health Directors
11:15 a.m.	Discussion: State Office of Patients' Rights – updated information on State contract, Reports
11:30 a.m.	Discussion: County Patients' Rights Compliance reports
11:50 a.m.	New Business <i>All</i>
11:55 a.m.	Public Comment <i>Daphne Shaw, Chairperson</i>
12:00 p.m.	Adjourn

For anyone not able to attend in person, conference call capability is available by dialing **1-866-831-0091** then participant code **1629962**.

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Patient's Rights Committee

Meeting Highlights

August 20, 2014

10:30 a.m. to 12:00 p.m.

Members Present

Daphne Shaw, Chair
Richard Krzyzanowski
Carmen Lee
Walter Shwe

Staff Present

Jane Adcock
Laura Leonelli

Meeting was called to order at 10:35 by Daphne Shaw, Chair

Review/Approval: Updated PR Survey – The survey was modified to include a letter of introduction to the Mental Health Boards. Further edits were requested:

- Instead of referencing WIC 5514, the full text should be included for reference and emphasis.
- Other proposed changes – express appreciation for the experience and assistance of MHB/Cs.
- Send copy to Patients' Rights Advocates in each county; need to find a recent directory of contact information.
- The survey should be available electronically for ease of completion. Staff will work on developing this.

Review/Approval: Revised PR letter to County Mental Health Directors – Committee members received the letter by email and all have approved the content. However, it should be modified to also include the full text of WIC 5514. Staff will finalize letter with some minor wording changes.

Discussion: County Patients' Rights Compliance reports – Concerns were expressed that at least two counties had compliance issues that recurred over multiple triennial reviews. It appears that corrective action is not being monitored, and there may be some confusion about which agency is responsible for enforcing compliance. Are corrective action plans submitted to the Technical Assistance section of the Department of Health Care Services (DHCS)? It is possible that due to all the recent department changes at the State level that this issue is not receiving the attention that is due. The concern is that consumers do not have a choice of Mental Health Plans as a result of the 1115 Waiver. Grievance issues should be resolved at the State level to avoid a Federal level response.

- Request that a DHCS staff involved in compliance review present at the next PRC face-to-face meeting in October.

Discussion: State Office of Patients' Rights – updated information on State contract, Reports

Recent email correspondence confirmed that Disability Rights California continues to hold the contract with DHCS as the California Office of Patients' Rights (COPR). The Director of the COPR stated that their office is prevented by DHCS and the Department of State Hospitals from releasing reports to the public. There was discussion about the role of public agencies and their responsibility to share information. It was difficult for the CMHPC to obtain the 5 county compliance reviews referenced in the previous agenda item.

- EO Jane Adcock will ask DHCS Director Karen Baylor about this process.

New Business – None at this time.

Public Comment – None.

Adjourn – The meeting was adjourned at 11:30 am.

CALIFORNIA MENTAL HEALTH PLANNING COUNCIL

Date:

Dear Local Mental Health Board/Commission Chair,

The California Mental Health Planning Council (CMHPC) is mandated in federal and state statute to advocate for children with serious emotional disturbances, and adults and older adults with serious mental illness; to review and report on the public mental health system; and to advise the Administration and the Legislature on priority issues and participate in statewide planning.

Welfare and Institutions Code 5514 states "There shall be a five-person Patients' Rights Committee formed through the California Mental Health Planning Council. This committee, supplemented by two ad hoc members appointed by the chairperson of the committee, shall advise the Director of Health Care Services and the Director of State Hospitals regarding department policies and practices that affect patients' rights. The committee shall also review the advocacy and patients' rights components of each county mental health plan or performance contract and advise the Director of Health Care Services and the Director of State Hospitals concerning the adequacy of each plan or performance contract in protecting patients' rights."

In order to fulfill this mandate, the Patients' Rights Committee (PRC) is seeking to determine what level of patient advocacy is currently taking place in the counties of California. Because of the unique perspective of Local Mental Health Boards/Commissions, which we consider valuable for your local knowledge and expertise, we are asking for your assistance. We have developed this short questionnaire in an attempt to understand how each county provides patients' rights advocacy services. An online version is available at _____ for your convenience.

We are requesting that you add this topic to the Agenda of a regular Board/Commission meeting, to begin a discussion about Patients' Rights and to define the system of Patients' Rights Advocacy in your county based on the information requested. We are suggesting a collaborative approach with your County Mental Health Department and Patients' Rights Advocate, who may be a County staffperson or employed by another agency. When your Board/Commission is ready to discuss this topic, can you please share with us a copy of the agenda? Of course the PRC would be pleased to answer any questions or concerns that may come up in this process.

Thank you in advance for your attention and cooperation,

Daphne Shaw
PRC Chair

County represented in this survey: _____

1. California's Welfare and Institutions Code (WIC) 5220 states the following:

Each local mental health director shall appoint, or contract for the services of, one or more county patients' rights advocates.

The duties of these advocates shall include, but not be limited to, the following:

- (a) *To receive and investigate complaints from or concerning recipients of mental health services residing in licensed health or community care facilities regarding:*
- *abuse,*
 - *unreasonable denial or punitive withholding of rights guaranteed under the provisions of Division 5 (commencing with Section 5000).*

Is this taking place in your county? Yes _____ No _____

If not taking place to the level you believe it should, what are the barriers?

- (b) *To monitor mental health facilities, services and programs for compliance with statutory and regulatory patients' rights provisions.*

Is this taking place in your county? Yes _____ No _____

If this is not taking place, what are the barriers to full compliance?

- (c) *To provide training and education about mental health law and patients' rights to mental health providers.*

Is this taking place in your county? Yes _____ No _____

If this is not occurring, what are the barriers preventing it?

- (d) *To ensure that recipients of mental health services in all licensed health and community care facilities are notified of their rights.*

Is this occurring in your county? Yes _____ No _____

If this is not occurring, what are the barriers preventing it?

- (e) *To exchange information and cooperate with the patients' rights program.*

Is this occurring in your county? Yes _____ No _____

If this is not occurring, what are the barriers preventing it?

2. Are there any other services provided by your county' Patients' Rights Advocates that are not listed above? Please share examples.
3. How many Full Time Equivalent (FTE) Patients' Rights Advocates are employed by your county?

The PRC would appreciate any other suggestions you may have to improve patients' rights. Thank you!



August 20, 2014

Dear Mental Health/Behavioral Health Director:

The California Mental Health Planning Council (CMHPC) is mandated in federal and state statute to advocate for children with serious emotional disturbances, and adults and older adults with serious mental illness; to review and report on the public mental health system; and to advise the Administration and the Legislature on priority issues and participate in statewide planning.

Welfare and Institutions Code 5514 states "There shall be a five-person Patients' Rights Committee formed through the California Mental Health Planning Council. This committee, supplemented by two ad hoc members appointed by the chairperson of the committee, shall advise the Director of Health Care Services and the Director of State Hospitals regarding department policies and practices that affect patients' rights. The committee shall also review the advocacy and *patients' rights components of each county mental health plan or performance contract* and advise the Director of Health Care Services and the Director of State Hospitals concerning the adequacy of each plan or performance contract in protecting patients' rights."

We acknowledge that patients' rights advocacy is often difficult and demanding work, and we appreciate the many duties and responsibilities that Patients' Rights Advocates perform in every county for the benefit of consumers and their families. We are writing to you today to emphasize the importance of effective and appropriate patients' rights advocacy and to encourage you to have an open and honest dialogue with your patients' rights advocacy staff and/or contractors regarding workload, areas of responsibility and ways to manage the demands that ensure necessary advocacy occurs for the people in need in your county.

Over the course of the last year, the PRC has been researching and collecting information about the system of patients' rights laws, authority, requirements, etc., in California. We have had opportunity to speak with a variety of patients' rights advocates from around the state and we have found that no two counties are alike, although it appears that an overwhelming workload is consistent from one office to the next.

Another consistency we heard was the utilization of county-designated patients' rights advocates at "Probable Cause" hearings held pursuant to Welfare and Institutions Code Section 5250 et. seq. In some cases, the advocates indicate that upwards of 90% of their time is spent in these hearings, which leaves almost no time for the myriad of other functions tasked to their office. Thus, this letter to you urges your action to review the workload and focus of advocacy services in your county to ensure compliance with all of the duties set forth in WIC Section 5220, and to seek additional resources if needed.

If you would like to discuss this issue more in-depth, please do contact Jane Adcock, Executive Officer, at (916) 319-9343 or jane.adcock@cmhpc.ca.gov.

CHAIRPERSON
Monica Wilson, Ph.D
EXECUTIVE OFFICER
Jane Adcock

- Advocacy
- Evaluation
- Inclusion

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Sincerely,

Daphne Shaw, Chair
Patients' Rights Committee