

California Mental Health Planning Council

Patients' Rights Committee

January 14, 2015

Crowne Plaza San Diego
2270 Hotel Circle North, San Diego, CA

Surf Room
11:00 a.m. - 12:30 p.m.

Item #	Time	Topic	Presenter or Facilitator	Tab
1.	11:00 am	Welcome and Introductions	<i>Daphne Shaw, Chairperson</i>	
2.	11:05 am	Review/Approval: Minutes for October, 2014 meeting	All members	A
3.	11:15 am	Update: Plan to send PR Survey – online and print versions	All members	
4.	11:30 am	Update: Response to PR letter to County Mental Health Directors	All members	
6.	12:00 pm	New Business: Patients' Rights Committee Work Plan 2014-15	All members	B
7.	12:25 pm	Public Comment	<i>Daphne Shaw, Chairperson</i>	
8.	12:30 pm	Meeting adjourned		

The scheduled times on the agenda are estimates and subject to change. Any accommodations needed, please contact Laura Leonelli at 916-324-0980

Committee Members:

Co-Chairs: Daphne Shaw, Chair Cindy Clafin, Chair-Elect

Members: Carmen Lee Richard Krzynowski, DRC
Adam Nelson, MD
Walter Shwe

Staff: Laura Leonelli

_____ **INFORMATION**

TAB SECTION A

 X **ACTION REQUIRED:** Approve
Minutes

DATE OF MEETING: 1/14/15

**MATERIAL
PREPARED BY:** Leonelli

**DATE MATERIAL
PREPARED:** 12/15/14

AGENDA ITEM:	Review/Approval: Minutes for October, 2014 meeting
ENCLOSURES:	<ul style="list-style-type: none">• Minutes of Patients' Rights Committee meeting October 15, 2014
OTHER MATERIAL RELATED TO ITEM:	

ISSUE:

Committee review and approval of minutes from October Quarterly meeting. There were no monthly meetings held in November and December, 2014.

Patient's Rights Committee
Meeting Minutes
October 15, 2014
Lake Natoma Inn
702 Gold Lake Drive, Folsom CA 95630
Boardroom - Natoma

Members Present

Daphne Shaw, Chair
Cindy Claflin, Chair Elect
Adam Nelson, MD
Walter Shwe

Staff Present

Jane Adcock, Executive Officer
Laura Leonelli

Meeting was called to order at 12:05 by Daphne Shaw, Chair. Those present introduced themselves. Ms. Shaw outlined a brief history of the Patient's Rights Committee beginning in 1985 with the California Council on Mental Health. The PRC is mandated under a different W&I Code than the Mental Health Planning Council.

Review/Approval: Minutes for June, August, September meetings – No corrections or amendments were suggested. Minutes were approved as written.

Review/Approval: Updated PR Survey – online and print versions. The survey has been discussed and refined over several meetings, tailoring it more to Mental Health Boards. The intention is to have MHBs place this survey as an agenda item at a regular meeting. It was proposed to send the hard copy of the letter and survey by 'snail mail' to MH Board Chairs for initial contact. The letter will have a link to the on-line survey. Send a copy to the MH Director's office, as well as the letter directed to MH Directors about Patient's Rights. The letter should emphasize that we want a single response per County. The response should reflect the discussion at the MHB meeting. Reach out to Regional Coordinators for the CALMHB/C to ask them to provide contact information of the local MH Board chairs for the counties in their regions. If there is no response from the MHBs, then follow up with the Regional Chairs by email. This process was approved by affirmation.

Discussion: Should the PRC members be available to MH Boards as consultants if there are any questions during the meeting? If the Board doesn't understand the question, that will stimulate discussion which will still be positive. There is only one data question (number of FTE Patient Advocates per county), so imprecise answers to other questions would be acceptable.

Do Patient's Rights Advocates provide reports to their County MH Director or Board of Supervisors regarding their activities? Surely the contracted services would be required to do this. We can ask that such reports be attached to the survey, by email response or by FAX.

Action items:

- Update letter and email to Members for review before November meeting.
- Plan to send Surveys out to Counties in January

Review/Approval: Revised PR letter to County Mental Health Directors - Send to the Directors before the Survey letter, sometime in November. Some discussion about wording of letter. It was agreed to leave the language as written. Letter was approved by consensus of members.

- Send the letter out to MH Directors in November

Discussion: County Patients' Rights Compliance reports - Ms. Adcock met with the DHCS Chief about the issue of recurring non-compliance in some counties. This is usually due to turnover in county staff and new staff are not familiar with the issue. Also, DHCS is changing the protocols for county reviews, itemizing each area and reporting on each one separately, as a ratio of how many items were compliant vs how many non-compliant. In this way, one area of non-compliance doesn't indicate that the entire county process is non-compliant. DHCS has also reinstated County Liaisons who participate in reviews, meet county staff, are more knowledgeable about review findings, and can work with counties on action plans and follow up with them. Grid of Penalties and Sanctions was provided in the meeting packet, but it is an internal DHCS document. Penalty authority should be less necessary as compliance improves. The former Department of Mental Health was not as stringent in enforcement as DHCS has to be, as a result of their focus on Medi-Cal compliance. What about patient grievance issues? The MHSA OAC is taking a look at the issue resolution process – MHSA is not the entire mental health plan, however all mental health consumers should be treated the same by the county process.

- Further information gathering will be done with DHCS and OAC about the grievance procedure specific to the Medi-Cal carve-out for specialty mental health services.

New Business: Patients' Rights Committee Work Plan 2014-15 -

Goal #1 – Measure each County's compliance with WIC 5520 (a)-(e). The measure of success would be to issue a statewide report. The Survey of MHBs is the activity that would support this. The PRC will follow up on County surveys as they are returned. Further information from Disability Rights CA reports would be essential, but they are hard to obtain. No annual reports have been available for review since 2011. We will continue to check on this.

Goal #2 – State Hospitals system: Patient's Rights policies. Concern was expressed by a family member at a Community Forum about treatment in the State Hospital system. In the past, Daphne and Walter visited Napa State Hospital. Interviews with hospital officials and patients indicated their system is not recovery-based. The vast majority of patients are under forensic commitment. There are two categories of forensic commitment: Not Guilty By Reason of Insanity and Incompetent to Stand Trial. In the instance of the latter, the client is to be restored to competency within two years.

- Committee needs to learn more about the State Hospital process/system. Are State Hospitals certified through the Joint Commission? Are Patients' Rights included in the certification process?
- Does the Department of State Hospitals have written policies for patients' rights?
- Review presentation on PR law and investigate whether State Hospitals are complying with these laws

Public Comment – None

Meeting adjourned at 12:25 pm

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TAB SECTION B

 X **ACTION REQUIRED:** Approve
2015 Work Plan

DATE OF MEETING 1/14/15

**MATERIAL
PREPARED BY:** Leonelli

**DATE MATERIAL
PREPARED** 12/15/14

AGENDA ITEM:	Patients' Rights Committee Work Plan 2014-15
ENCLOSURES:	None
OTHER MATERIAL RELATED TO ITEM:	<ul style="list-style-type: none">• Draft PRC Work Plan (handout)

ISSUE:

At the October Quarterly Meeting, the Patients' Rights Committee discussed goals and policy priorities. One priority that was mentioned is monitoring patients' rights in State Hospitals. The final work plan was not completed, and this meeting will provide an opportunity to decide on goals for research and action in the coming year.