

California Behavioral Health Planning Council
Patients' Rights Committee
January 15, 2025
Meeting Minutes

Committee Members Present:

Mike Phillips, Chairperson
Catherine Moore
Walter Shwe
Uma Zykofsky

Richard Krzyzanowski
Daphne Shaw
Susan Wilson

Other Council Members Present:

Milan Zavala

Council Staff Present:

Justin Boese

Item #1: Welcome and Introductions

The committee meeting began at 10:30am.

Mike Phillips welcomed all Patients' Rights Committee (PRC) members and guests. Committee members, staff, and guests introduced themselves. A quorum was established with 7 of 7 members.

Item #2: Review Meeting Minutes

The committee reviewed and accepted the October 2024 Meeting Minutes. No edits to the minutes were requested.

Item #3: Nominate Chair-Elect for 2025 (Action Item)

Mike Phillips invited committee members to put forth nominations for the committee Chair-Elect. After some discussion, a motion was made by Susan Wilson and seconded by Catherine Moore to nominate Richard Krzyzanowski as Chair-Elect of the Patients' Rights Committee. Staff took a roll call vote, and the motion passed. Richard Krzyzanowski accepted a nomination for the position.

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Item #4: CARE Act Implementation

Jeff Sabeau, Deputy Director of San Joaquin Behavioral Health, and Monique Brown presented to the committee on the implementation of the CARE Act in San Joaquin County. Jeff said that implementation in the county began on December 1, 2024, so there is limited data to share on the program. So far they have received 1 petition and the first court hearing for the program is scheduled later in the week. They have regular meetings with judicial personnel and have a positive relationship with the judge.

Catherine Moore asked how many people are expected to participate in the program and what the cost per person is. Jeff said that it is difficult to estimate that as they do not have enough data yet. They are focusing on a preventative approach with outreach and community services to avoid the court process when possible. Monique added that they have an upcoming town hall on the topic of CARE Court that will be open to the public, law enforcement, first responders, and others. They are also engaged in educational outreach with public defenders and public guardians.

Mike Phillips asked if they have received any pressure from the Governor's office to increase the utilization of CARE Court in their county. Jeff said that they had not. Uma Zykovsky inquired about what their outreach services looked like for the program. Jeff responded that outreach for the program was being done by their Full-Service Partnership outreach team. Mike thanked Jeff and Monique for speaking with the committee.

Item #5: Senate Bill 43 Updates

Mike Phillips provided a brief update on Senate Bill 43 implementation, which the committee has been tracking since the bill passed in October 2023. Senate Bill 43 expanded the definition of "gravely disabled" in the Lanterman-Petris-Short (LPS) Act. He said that most counties have opted to wait until January 2026 to implement the bill. San Diego County started implementation but doesn't have any data available to review yet. The committee will continue track Senate Bill 43 implementation.

Item #6: Legislative Analyst's Office (LAO) Report Discussion

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Mike Phillips and Daphne Shaw updated the committee on the Legislative Analyst's Office (LAO) report on patient's rights advocate staffing. The report was completed and shared with the two of them by Susan Eggman's staff. Mike said that the results of the report predictably concluded that patients' rights advocate staffing is inadequate across the state and hasn't kept up with the increasing duties and demand for advocates.

Daphne shared some comments from Samuel Jain, who was also in communication with Susan Eggman's staff and provided background information for the report. Daphne suggested that one option for a next step was to request that the legislature conduct a more in-depth report, as the LAO report noted a lack of data on this topic. Another option would be to co-sponsor legislation to mandate staffing requirements, though without data it is difficult to determine what those staffing requirements should be.

Susan Wilson said that as part of their duties as an advisory body, local behavioral health boards may request the assistance of local patients' rights advocates when reviewing and advising on behavioral health programs and services. Daphne remarked that previous surveys done by the committee found that very few advocates attend local behavioral health board meetings. Mike said that there is a general trend towards increasing involuntary treatment, and that patients' rights staffing should be increased as well to respond to infringements on patients' rights.

Daphne repeated that without data reporting and clear oversight for the patient's rights system, there is no clear way to determine the level of unmet need. She suggested expanding the contract for the California Office of Patients' Rights so they can provide more oversight and gather that data could be one way to address this.

Richard Krzyzanowski said that there are so many different patients' rights programs across the state that are stretched very thin and don't have the capacity to do much more than certification hearings and some basic work in hospitals. They don't have the time to fulfill the other duties mandated for patients' rights advocates, such as community education and advocacy. Richard stated that if there is going to be real progress on these issues, it has to be done on the state level and needs to be funded and resourced properly.

Catherine Moore suggested establishing an annual, standardized reporting structure for the county patients' rights system. Daphne highlighted a recommendation in the LAO report that the legislature consider a detailed survey of county PRA programs to gather data that is not readily available, such as the number of hearings, trainings, and facility reviews. She suggested that the committee advocate for this as the next step in addressing these issues.

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Public Comment:

Gregory Fearon, a board member from Sonoma County, thanked the committee for the conversation. He said that it was valuable for him to be able to understand these issues and he will be around more to listen to the committee's meetings.

Daniel Wagoner from the California Office of Patients' Rights commented that while they do conduct program reviews of county advocacy programs, they only have the capacity to do 2-3 reviews a year. Without additional resources there is no way to collect real-time data.

Theresa Comstock agreed with the need for increased oversight of the county patients' rights system, as well as long term care facilities, and suggested legislative action to address it.

Stacy Dalglish suggested that the committee use the California State Auditor to potentially collect information about patients' rights advocacy staffing.

Item #7: Legislation Updates

Mike Phillips provided brief updates on several bills that are relevant to patients' rights. Senate Bill 1238 is a follow-up bill to Senate Bill 43 that was passed in September 2024. The bill makes it possible for a broader range of facilities to be designated as Lanterman-Petris-Short (LPS) facilities. Mike said that in his opinion, some of these are facilities that are not appropriate to be Lanterman-Petris-Short designated.

Senate Bill 1184 was passed in September 2024 and affects medication capacity hearings. It allows physicians to preemptively request a new medication capacity hearing up to 48 hours before the end of a patients' 14-day hold, rather than having to wait for the 14-day hold to be over to request a new hearing. Mike said that he did not feel this bill would result in a noticeable change.

Assembly Bill 2154, which was passed in September 2024, requires a facility to which a person is brought for involuntary detention to offer and provide a copy of the State Department of Health Care Services prepared patients' rights handbook to a family member of the detained person. Mike said that he did not feel most emergency rooms would implement this, but that it could be easily done by providing a link to a digital copy of the handbook.

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Assembly Bill 1316, passed in September 2024, changes the definition of “psychiatric emergency medical condition” to include voluntary treatment services. Mike said that many hospitals believe that they are less likely to be reimbursed if they don’t hold psychiatric patients involuntarily. This bill would ensure that voluntary treatment is covered by Medi-Cal managed care plans during a psychiatric emergency.

Item #8: Planning for Future Meetings/Activities

The committee discussed future activities and meeting planning. Actions the committee would like to take include:

- Follow-up on the Legislative Analyst’s Report.
- Advocate for increased patients’ rights advocate staffing.
- Set up a meeting with the Department of Health Care Services (DHCS) about the distribution of patients’ rights handbooks.
- Send another letter to the behavioral health directors reminding them about the mandatory training requirements for newly hired patients’ rights advocates.

The meeting adjourned at 12:30 pm.