

Patients' Rights Committee

Meeting Notes

Quarterly Meeting – April 19, 2023

10:30am – 12:30pm

Committee Members Present:

Daphne Shaw (chairperson)

Walter Shwe

Richard Krzyzanowski

Mike Phillips (chair-elect)

Susan Wilson

Catherine Moore

Council Staff Present:

Justin Boese

Welcome & Introductions

Daphne Shaw welcomed all Patients' Rights Committee (PRC) members and guests. Committee members, staff, and guests introduced themselves. A quorum was reached.

Review of the January 2023 Meeting Minutes

The committee reviewed the January 2023 Meeting Minutes. No edits to the minutes were requested.

AB 2316 PRA Training Verification Update

Since the passage of AB 2316 (Eggman) in 2018, the Patients' Rights Committee has been responsible for receiving and tracking the training verification forms generated when newly hired Patients' Rights Advocates (PRAs) complete their review of the online training materials provided by the California Office of Patients' Rights (COPR). The committee periodically reviews the list of training forms received. Justin Boese updated the committee on this activity and provided an updated list of the training forms received to date.

The committee members discussed the list and noted that the amount of verification forms received had gone down over time, and that certain counties weren't represented at all, suggesting they may be out of compliance with the requirement. They decided to send a letter to the county behavioral health directors reminding them of the training requirement, as well as the need to inform COPR when a new PRA is hired.

Adoption of Patients' Rights Advocacy Report

Copies of the final draft of the new committee report on patients' rights advocacy were provided to all members. Daphne Shaw stated that there would not be further edits to the document and invited a motion to accept the finished report. Susan Wilson made a motion to do so, seconded by Darlene Prettyman. The committee voted unanimously to accept the report.

COPR Semi-Annual Report Review

The Patients' Rights Committee reviewed the most recent COPR Complaint Workload Report, which they provide semi-annually to the Department of State Hospitals (DSH) as part of their contracted duties. Daniel Wagoner and Michele Mudgett from the California Office of Patients' Rights attended the meeting and spoke to the committee about the report. They also provided information regarding COPR's recent activities, as well as trends in patients' rights advocacy that they observed statewide.

Daniel Wagoner first spoke about their annual Patients' Rights Advocacy Training conference, which happened to be happening concurrently with the CBHPC quarterly meeting. He then spoke about trends in the technical assistance requests they receive from counties, half of which are from counties that have a single active PRA. Daniel went on to describe how several pieces of recent legislation have caused some confusion among PRAs that they have helped address. He also noted that some of the legislation has created an increase in the amount of hearings that PRAs need to attend for patients, and this has strained the workforce since there have been no additional staff for counties to conduct these hearings.

Michele Mudgett then provided an overview of the data for their activities in state hospitals. She explained that this report is a snapshot of key numbers, but that there are more detailed reports which are the property of DSH that the committee can request to see. She also spoke about some of their recent trainings on various topics, such as CARE Court. The committee asked Daniel and Michele several questions about various aspects of COPR's work and activities. Daphne Shaw thanked them both for attending the committee meeting.

Discussion of CARE Act and SB 43

Samuel Jain and Deb Roth from Disability Rights California (DRC) joined the committee meeting virtually to speak to the committee about SB 43 and the CARE Act. Samuel informed the committee that SB 43, authored by Senator Eggman, seeks to expand the definition of "grave disability" in state statute, which would increase the amount of people placed in involuntary treatment and/or conservatorship under the LPS Act. He said that DRC opposes the bill, which he described as a broad and unprecedented expansion of the LPS Act. The bill has already passed the Senate Health Committee and is scheduled for the Judiciary Committee.

Samuel went on to describe the main provisions of the bill and what they would change. Some of these changes include:

- Allowing individuals to be held for substance use disorders alone without a mental health disorder.
- Allowing individuals to be held if they are simply deemed “at risk” of harm.
- Adding new criteria and expanding current criteria for determining if an individual is “gravely disabled,” such as an inability to utilize adequate shelter or individuals who are not “appropriately or adequately” clothed.
- Allow an individual’s disagreement with their subjective diagnosis to be used as evidence to involuntarily detain them.
- Overturning case law by allowing expert witnesses in hearings to provide the opinions of other providers as evidence in hearings.

He further described DRC’s issues with these changes, as well as the large coalition of organizations that oppose the bill.

The committee members spent some time discussing the legislation and its potential impact before moving on to the CARE Act. Deb Roth and Samuel Jain confirmed that DRC’s lawsuit challenging the CARE Act went to the Supreme Court of California, but that DRC was still waiting to hear back about whether they will take the case directly.

Planning for Future Meetings

Daphne Shaw led the committee in discussing plans for the future, including the upcoming meeting in June 2023. Topics of interest raised by committee members included:

- Continuing to track the implementation of the CARE Act, as well as the progression of SB 43.
- Looking for a legislator who may be willing to author legislation to establish a required staffing ratio for patients’ rights advocates.
- Obtaining and reviewing the full COPR reports to DSH
- Sending a letter to the county behavioral health directors regarding the AB 2316 PRA training verification requirements

The meeting adjourned at 12:30 pm.