

**California Behavioral Health Planning Council**  
**Patients' Rights Committee**  
**October 16, 2024**  
**Meeting Minutes**

**Committee Members Present:**

Daphne Shaw, Chairperson  
Walter Shwe  
Catherine Moore

Mike Phillips, Chair-Elect  
Richard Krzyzanowski  
Darlene Prettyman

**Other Council Members Present:**

Uma Zykofsky

**Council Staff Present:**

Justin Boese

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**Item #1: Welcome and Introductions**

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**The committee meeting began at 10:30am.**

Daphne Shaw welcomed all Patients' Rights Committee (PRC) members and guests. Committee members, staff, and guests introduced themselves. A quorum was established with 5 of 7 members, with an additional member joining later in the meeting.

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**Item #2: Review Meeting Minutes**

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

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**Item #3: Patient's Rights Advocate (PRA) Training Verification Review**

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Justin Boese updated the committee on the patients' rights advocate training completion forms received from the California Office of Patients' Rights. The Patients' Rights Committee is responsible for maintaining a record of the training forms received. As of September 2024, there were 21 newly hired advocates who completed the online training in 2024, based on the forms received.

The committee members discussed the number of training verifications received and

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the breakdown of counties represented by the newly hired Patients' Rights Advocates. Catherine Moore suggested changes to the table of received forms to show total numbers by county instead of listing individual advocates by name. Daphne Shaw said that the committee should send another letter to the county behavioral health directors to remind them of the legal requirement for newly hired advocates to complete the training within 90 days, as the committee has done in the past.

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**Item #4: CARE Act Implementation Updates**

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Claude Winston, program manager of the Community Assistance, Recovery and Empowerment (CARE) Act program in San Diego County, provided an overview of their program implementation to the committee. Claude began by saying that their program had completed their first year of service with over 200 petitions received and 68 CARE agreements in place. The majority of the petitions were submitted by family members, followed by behavioral health first responders.

Claude said that their program has been successful thanks to active collaboration with the public defender's office and the courts, paired with a person-centered approach that gives individuals a voice in determining the services they receive. He noted that progress looks different for everyone. Claude also shared that they are considering the CARE court process as a potential stepdown service from Lanterman-Petris-Short (LPS) Conservatorship. This allows them to provide individuals with ongoing case management and services through the CARE agreements while working towards increased independence.

After some questions-and-answers \with committee members, Daphne Shaw and Mike Phillips thanked Claude for his time. Mike said that while there were some aspects of the CARE Act that did seem involuntary on paper, it was clear that San Diego County had a lot of work into their implementation to make it as dignified and person-centered as possible.

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**Item #5: California Office of Patients' Rights (COPR) Updates**

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Daniel Wagoner provided updates from the California Office of Patients' Rights. They recently held the 2024 Patients' Rights Annual Training conference with over 100 participants. The conference was held in a hybrid format with both virtual and in-person

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participation and had multiple breakout sessions for attending patients' rights advocates to choose from.

Daniel went on to share that the California Office of Patients' Rights had done a day-long training with the Los Angeles Patient's Rights Advocacy program, during which they received many questions about complaint investigations and minor's rights. He said that they will be conducting a program review and training for the Sacramento advocacy office next in response to an increase in complex questions from their patients' rights advocates. These on-site reviews and trainings allow them to provide additional technical assistance to specific counties as part of the California Office of Patients' Rights' duties.

He then addressed the advocate training verification agenda item, stating that they do their best to keep up with new hires in the county advocacy programs so they can ensure they complete the training and receive any support they need. However, there is no requirement for county programs to notify the California Office of Patients' Rights about new hires, so they don't always find out right away. Daphne Shaw noted that it is the responsibility of the Behavioral Health Director to ensure that newly hired PRAs complete the online training. She suggested that the committee send out another reminder letter about the Assembly Bill 2316 requirements.

Lastly, Daniel said that he was still working on getting the Department of State Hospital patient's rights reports for the Patients' Rights Committee to review. However, there is data in the reports that needs to be de-identified, which has been slowing the process down. Daniel hopes to have an update on this issue soon.

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**Item #6: Response Letter to the Department of Health Care Services (DHCS)**

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Daphne Shaw and Mike Phillips briefly addressed the response letter received from the Department of Healthcare Services (DHCS) in October 2024. This letter was part of an ongoing conversation with the Department regarding their decision to only provide printed patients' rights handbooks to hospitals, and not to patient's rights advocacy offices. In the most recent letter, the department declined the committee's request to reconsider this policy. They stated that they were only required by law to provide materials to hospitals, and they did not have the budget to provide them to other parties.

Mike Phillips expressed that he felt the Department was not fully understanding the committee's points, and wondered if it would be easier to explain it in person. Daphne

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asked Justin Boese to see if such a meeting between the Department and the committee leadership could be arranged.

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**Item #7: Legislative Analyst's Office (LAO) Report Updates**

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Daphne Shaw had no updates to provide on the Legislative Analyst's Office report on patients' rights advocate staffing because she had not received any further information on the status of the report since the June meeting.

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**Item #8: Nominate Chair-Elect for 2025 (Action Item)**

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Mike Phillips, the current Chair-Elect of the Patients' Rights Committee, will become the committee chair at the January 2025 quarterly meeting. Daphne Shaw asked if there were any volunteers for the 2025 Chair-Elect position for the committee, or any motions to nominate a member for the position. The committee decided to return to this item at the January 2025 meeting.

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**Item #9: Planning for Future Meetings/Activities**

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The committee discussed future activities and meeting planning. Topics that were put forth include:

- Senate Bill 43 implementation and CARE Act implementation.
- Legislative Analyst's Office report on patients' rights advocate staffing.
- Patient's rights reports from the Department of State Hospitals.
- Meeting with the Department of Health Care Services about the patients' rights handbooks policy.

**The meeting adjourned at 12:30 pm.**