

**California Behavioral Health Planning Council**  
**Patients' Rights Committee**  
**January 17, 2024**  
**Meeting Minutes**

**Committee Members Present:**

Daphne Shaw (Chairperson)  
Walter Shwe  
Richard Krzyzanowski  
Darlene Prettyman

Mike Phillips (Chair-Elect)  
Susan Wilson  
Catherine Moore

**Council Staff Present:**

Justin Boese

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**Item #1: Welcome and Introductions**

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

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**Item #2: Review Meeting Minutes**

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

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**Item #3: SB 43 Updates**

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Deb Roth, from Disability Rights California, joined the meeting to speak to the committee about Senate Bill 43 (SB 43), which passed in October 2023. SB 43 was authored by Senator Eggman and expands the definition of "gravely disabled" in the state Welfare and Institution Code. Disability Rights California (DRC) opposed the legislation.

Deb stated that the bill included the option for counties to delay implementation for up to 2 years. She reported that 56 counties have decided to delay implementation, which the Governor's administration is not pleased with. Daphne Shaw asked how the administration might push the counties to implement the bill faster. Deb said that she was unsure, as there was no funding attached to this implementation.

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Mike Phillips stated that the bill changes the language around conservatorship in detrimental ways. He added that there is a lot of confusion around who is responsible for what within this system, and this will contribute to the delays. Daphne Shaw mentioned a book written by Alex Bernard about the conservatorship system within California.

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**Item #4: CARE Act Updates**

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Veronica Kelley joined the meeting to discuss CARE Act implementation in Orange County. She said that there has been a total of 46 petitions, 23 of which have continued to county Behavioral Health (BH). Of those, 16 of the individuals are homeless, and 12 of the petitioners have been family members. Only 3 people have received court dates so far. Veronica said that one of those people might make it to their court date, but the other 2 have unfortunately deceased.

Veronica said that during talks with state legislators, they have expressed surprise that CARE Court isn't actually about homelessness and has a far narrower applicability and potential impact than they thought. She said they are also surprised at the short timeline that Behavioral Health has to fulfill their required duties for each successful petition.

Susan Wilson asked if this would ultimately lead to an increase in conservatorship. Veronica replied that for both the CARE Act and SB 43, there is no additional funding for the conservatorship system, so the increase will be limited by that.

Tony Vartan provided a brief update on CARE Act implementation in Stanislaus County. He said that in many ways things are very similar to what is going on in Orange County but noted some of the differences. Stanislaus County has received 18 petitions, 5 of which have moved forward. The majority of their petitions have been made by law enforcement officers. Their Behavioral Health team is engaging in public education and case finding.

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**Item #5: Letter to DCHS Re: Distribution of Patients' Rights Handbooks**

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Justin Boese updated the committee on a letter to the Department of Health Care Services (DHCS) about the distribution of patients' rights handbooks and materials. At the October 2023 quarterly meeting, Mike Phillips informed the committee that DHCS

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had recently decided to only provide printed patients' rights handbooks to hospitals. Previously, patients' rights advocacy programs could request and obtain copies of the handbooks themselves, which they could stamp with their office information and distribute to patients or facilities. This helped ensure that patients actually receive the materials while also providing them the contact information for the local advocacy office, rather than the general statewide contact for the California Office of Patients' Rights.

The committee decided to send a letter to DCHS requesting them to reconsider this change. Justin said that the letter has been finalized and will be sent after the conclusion of the January 2024 quarterly meetings.

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**Item #6: Patients' Rights in Board and Cares**

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Melissa Hall and Whitney Wilson from the Patient Advocacy Program of the Jewish Family Service of San Diego presented to the committee on patients' rights in adult residential facilities (ARFs), also known as board and cares. She began with an overview of ARFs and how they fit into the system of care. They then spoke about the rights of individuals in these facilities and the role of patients' rights advocates (PRAs) in protecting them. This includes:

- Monitoring ARFs to ensure residents and providers are aware of residents' rights.
- Providing education and trainings to residents and staff.
- Investigating complaints to resolve concerns.
- Regular visits and check-ins with staff members and residents.
- Meeting quarterly with Community Care Licensing Division and county behavioral health services to discuss concerns and trends.

Melissa and Whitley spoke about some of the common issues and concerns they see in ARFs in San Diego County. These include issues in facilities like bedbugs, denial of rights, medication concerns, evictions, poor food quality, aging building in need of repairs, and staff member rudeness. On a more system-wide level, they see caregiver burnout, staffing shortages, and significant financial issues leading to facilities closing. They said that the SSI rate is not high enough for facilities to pay to keep facilities open and maintained, leading to ARFs closing across the state. This in turn is leading to a lack of beds for people who need this level of care.

They went on to discuss some support strategies to help keep facilities open. One is Community Care Expansion Program, which provide assistance to help facilities remain open by paying for necessary repairs and maintenance. San Diego County also

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provides some support locally through the Augmented Service Program, which provides additional patch funding to support residents with higher needs. Whitney and Melissa concluded by talking about their collaboration with various community partners.

Richard Krzyzanowski asked about unlicensed/illegal facilities, as well as whether they saw any difference in urban versus rural facilities. Whitney answered that in San Diego County, the vast majority of their ARFs are clustered in urban regions. She also said that they provide trainings for staff if they are cited by licensing.

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**Item #7: Committee Charter and Workplan Review**

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Due to lack of time, Daphne proposed that the committee revisit the Charter and Workplan during the April 2024 meeting.

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**Item #8: Planning for Future Meetings/Activities**

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The committee discussed future activities and meeting planning, which include:

- Reviewing and updating the committee Charter and Workplan
- Updates on SB 43, CARE Court, and Proposition 1, as needed
- Updates on the letter to DHCS
- Further discussion of PRA staffing ratios and lack of beds.

Richard Krzyzanowski brought up an issue he felt was timely, which was two pieces of legislation being advocated for by Melanie Roland at the Silicon Valley Law Foundation. One is about ensuring bridge medications during patient discharge, and the other protects property such as vehicles from impoundment while on LPS holds. The committee agreed to look into these issues and hear from Melanie during the April 2024 meeting if possible.

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