

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

Committee Members Present:

Daphne Shaw (Chairperson)
Walter Shwe
Richard Krzyzanowski

Susan Wilson
Catherine Moore

Council Staff Present:

Justin Boese

Item #1: Welcome and Introductions

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 reached.

Item #2: Review Meeting Minutes

The committee reviewed the January 2024 Meeting Minutes. No edits to the minutes were requested.

Item #3: SB 43 Updates

Samuel Jain, 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 and continues to advocate against it.

Samuel briefly spoke about the public forum event held by the Council the previous evening (April 16), which included a panel of speakers invited to talk about SB-43. Samuel was one of the panel members, along with Mike Phillips. Samuel and Mike will be conducting a training session on SB-43 for the Patients' Rights Advocate Training (PRAT) conference, held by the California Office of Patients' Rights.

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He informed the committee that Disability Rights California will continue to monitor implementation of the bill. Samuel said that, according to one estimate, the bill will increase the number of people in San Luis Obispo who meet the criteria for "grave disability" by three times the current number. Disability Rights California is working with patients' rights advocacy (PRA) offices to advocate for more funding and staff to meet the increased need for advocates.

Disability Rights California is also tracking SB-1238, a follow-up bill to SB-43. The new bill adds several additional changes to the LPS system, such as authorizing counties to designate additional facilities for the purpose of providing one or more specified treatments required by the act, such as admitting individuals who are diagnosed only with a substance use disorder. Samuel said that DRC is also opposing this bill.

Item #4: CARE Act Implementation Updates

Tony Vartan updated the committee on Community Assistance, Recovery, and Empowerment (CARE) Act implementation in Stanislaus County. So far, they have received 36 petitions, which have resulted in 13 CARE agreements. Stanislaus County is focusing a lot on training, community outreach, an education. They are tracking things like housing status and insurance status as they work with individuals to engage them in services and supports.

The committee then heard from Ian Kemmer from the Orange County behavioral health program. Ian said that they have received 46 CARE petitions, which has resulted in 3 CARE agreements and 30 individuals enrolled in services.

Daphne Shaw thanked them for their updates and said that the committee will continue to track the implementation of the CARE act across the state.

Item #5: Bridge Medication and Towing Protection Bills

Daphne Shaw welcomed Melanie Roland from the Law Foundation of Silicon Valley. Melanie presented to the committee on two pieces of patients' rights legislation that the Law Foundation is currently working on.

The first prospective bill is focused on bridge medications. The bill would ensure that patients leaving hospitals after LPS holds receive their prescription medications, even if they are leaving "against medical advice" (AMA). Melanie said that hospitals often deny

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patients those medications when they leave against medical advice, citing concerns about side effects. However, Melanie said that some behavioral health patients find this to be retaliatory, and not receiving those medication can cause major mental health problems. She also said that this bill would help reduce rapid rehospitalization that is often seen among patients who have interruptions in their prescription medications.

The second piece of legislation would protect individuals placed on mental health holds from the consequences of having their vehicles towed while they are hospitalized. Melanie told the committee that this is a well-known problem in the patients' rights advocacy world. The bill would add cars, vans, and other vehicles to the list of "personal property" that would be protected when someone is put on an LPS hold. If their vehicle does get towed, the bill would prevent them from having to pay expensive fees to get their vehicles back.

According to Melanie, the Law Foundation has received positive feedback from legislators for both bills. They were unable to secure authors for either bill for this legislative cycle, but they are optimistic that they will during the next cycle. Melanie will stay in touch with the Patients' Rights Committee regarding the Law Foundation's progress on these issues.

Item #6: Committee Updates

Daphne Shaw provided brief updates on several items and ongoing activities, including:

- The committee letter sent to the Department of Healthcare Services (DHCS) in January 2024 regarding Patients' Rights Advocacy materials.
- Efforts to obtain copies of the California Office of Patient's Rights (COPR) reports to the Department of State Hospitals (DSH) on patient's rights advocacy services provided in state hospitals.
- Efforts to request a study by the Legislative Analyst's Office (LAO) on the staffing ratio of patients' rights advocates.

Item #8: Planning for Future Meetings/Activities

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

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- Updates on SB 43, CARE Court, the BHSA, and other items.
- Discussion on the impact of recent legislation/policies on patients' rights
- Reaching out to Alex Bernard at NYU to speak to the committee, or potentially the full Council, about conservatorship in California.

The meeting adjourned at 12:30 pm.