

Patients' Rights Committee Agenda

Wednesday, June 14, 2023

Double Tree Santa Ana-Orange County Airport

201 East MacArthur Blvd

Santa Ana, California, 92707, USA

Provence Seminar Room

[Zoom Meeting Link](#)

10:30am to 12:30pm

TIME	TOPIC	TAB
10:30am	Welcome and Introductions <i>Daphne Shaw and All</i>	
10:35am	Approval of April 2023 Meeting Minutes <i>Daphne Shaw and All</i>	TAB A
10:40am	SB 43 Updates <i>Samuel Jain, DRC</i>	TAB B
10:55am	Public Comment	
11:00am	CARE Act Updates <i>Veronica Kelly</i>	TAB C
11:20am	SB 519 Discussion <i>Daphne Shaw and All</i>	TAB D
11:35am	COPR Semi-Annual Reports to DSH	Tab E
11:50am	Public Comment	
11:55am	PRA Staffing Ratio Discussion <i>Daphne Shaw and All</i>	
12:15pm	Planning for Future Meetings/Activities	
12:25pm	Public Comment	
12:30pm	Adjourn	

The scheduled times on the agenda are estimates and subject to change.

Patients' Rights Committee Members

Chairperson: Daphne Shaw

Chair Elect: Mike Phillips

Members: Richard Krzyzanowski, Catherine Moore, Darlene Prettyman, Walter Shwe, Susan Wilson

Staff: Justin Boese

If reasonable accommodations are required, please contact the CBHPC office at (916) 701-8211 not less than 5 working days prior to the meeting date.

TAB A

**California Behavioral Health Planning Council
Patients' Rights Committee**

Wednesday, June 14, 2023

Agenda Item: Review meeting minutes from April 2023.

Enclosure: Draft of PRC meeting minutes from April 2023

Background/Description:

Enclosed is a draft of the meeting minutes from the April 2023 meeting, prepared by Justin Boese. Committee members will have the opportunity to ask questions, request edits, and provide other feedback.

DRAFT

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 April 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.

TAB B**California Behavioral Health Planning Council
Patients' Rights Committee**

Wednesday, June 14, 2023

Agenda Item: SB 43 Updates

How This Agenda Item Relates to Council Mission

To review, evaluate and advocate for an accessible and effective behavioral health system.

This agenda item will help Council members to advocate for an accessible and effective behavioral health system.

Background/Description:

Senate Bill 43 (SB 43) aims to expand the definition of “gravely disabled” in state welfare and institution code. Expanding this definition may lead to an increase in the number of people with mental illness who are involuntarily detained or placed into conservatorship. As this topic is directly related to patients’ rights in California, the PRC is tracking the development of this legislation. Samuel Jain from Disability Rights California, who are opposing the bill, will be joining to update the committee on the progression of the legislation.

Enclosures:

- [Text of SB 43](#)

TAB C

California Behavioral Health Planning Council Patients' Rights Committee

Wednesday, June 14, 2023

Agenda Item: CARE Act Updates

How This Agenda Item Relates to Council Mission

To review, evaluate and advocate for an accessible and effective behavioral health system.

This agenda item will help Council members to advocate for an accessible and effective behavioral health system.

Background/Description:

The Patients' Rights Committee continues to track the implementation of the Community Assistance, Recovery, and Empowerment (CARE) Act, which was opposed by the Planning Council. The PRC will hear from fellow Planning Council member Veronica Kelley on CARE Act implementation in Orange County.

The Governor's May Revision includes additional funding for CARE Act implementation. According to the [Budget Summary for the Criminal Justice and Judicial Branch](#):

"This includes \$8.9 million General Fund in 2023-24 and \$4.7 million in 2024-25 to account for the early implementation of the CARE Act in Los Angeles County. In total, the Budget provides the Judicial Branch \$32.7 million in 2023-24, \$55.3 million in 2024-25, and \$68.5 million ongoing for CARE Act implementation. The May Revision also includes an additional \$16.8 million in 2023-24, \$29.8 million in 2024-25, and \$32.9 million ongoing to double the number of hours per participant for legal services from 20 hours to 40 hours. In total, the Budget provides \$22.9 million in 2023-24, \$51.6 million in 2024-25, and \$64.4 million ongoing to support public defender and legal services organizations that will provide legal counsel to CARE participants."

Additionally, from the [Budget Summary for Health and Human Services](#):

"The May Revision includes \$128.9 million General Fund in 2023-24, \$234 million General Fund in 2024-25, \$290.6 million General Fund in 2025-26, and \$290.8 million General Fund in 2026-27 and annually thereafter for the Department of Health Care Services and Judicial Branch to implement the CARE Act (Chapter 319, Statutes of 2022). Of this amount, \$67.3 million General Fund in 2023-24, \$121 million General

Fund in 2024-25, and \$151.5 million in 2025-26 and annually thereafter is to support estimated county behavioral health department costs for the CARE Act. Compared to the Governor's Budget, the annual increase is between \$43 million and \$54.5 million to account for refined county behavioral health department cost assumptions based on engagement with county stakeholders, and an additional one-time \$15 million General Fund for Los Angeles County start-up funding.

TAB D

**California Behavioral Health Planning Council
Patients' Rights Committee**

Wednesday, June 14, 2023

Agenda Item: SB 519 Discussion

How This Agenda Item Relates to Council Mission

To review, evaluate and advocate for an accessible and effective behavioral health system.

This agenda item will help Council members to advocate for an accessible and effective behavioral health system.

Background/Description:

As part of the committee's work evaluating patients' rights in California, the PRC has spent time in the past looking at issues regarding safety and patients' rights in county jails. This has led the committee to support increased oversight and accountability for county jails. Sen. Toni Atkins has introduced SB 519, which she says aims to improve conditions inside county jails in response to inmate deaths. The proposed legislation would purportedly do so by giving county supervisors the ability to take some control of local jails away from sheriffs by creating a county corrections office with an appointed executive. It would also require California sheriff's departments to release internal records of investigations into in-custody deaths and increase oversight requirements for the Board of State and Community Corrections.

Committee members will discuss SB 519 in the context of patient's rights in California county jails.

Enclosures:

- [Text of SB 519](#)
- Article from San Diego Union-Tribune: [Atkins' bill to reform jails gains traction in Sacramento, but not with San Diego County oversight board](#)

TAB E

**California Behavioral Health Planning Council
Patients' Rights Committee**

Wednesday, June 14, 2023

Agenda Item: COPR Semi-Annual Reports to DSH

How This Agenda Item Relates to Council Mission

To review, evaluate and advocate for an accessible and effective behavioral health system.

This agenda item will help Council members to review and evaluate the state of patients' rights in California.

Background/Description:

The California Office of Patients' Rights (COPR) is a Disability Rights California (DRC) unit that is contracted by the Department of State Hospitals (DSH) to ensure that people with mental illness receive quality mental health treatment that is in compliance with patients' rights regulations. As part of their contract, COPR provides semi-annual reports to DSH and DHCS that include the number of new complaints, appeals, technical assistance, and involuntary medication hearings at the state hospitals.

The Patients' Rights Committee will review the most recent reports from COPR to DSH as part of their review and evaluation of the patients' rights system of California.