

California Behavioral Health Planning Council

Patients' Rights Committee Agenda

Wednesday, October 18, 2023
Embassy Suites San Francisco Airport
150 Anza Boulevard
Burlingame, California, 94010
Solano Room

[Zoom Meeting Link](#)

Call-in #: +1 669 900 6833

Meeting ID: 833 6032 3061

Passcode: 137670

10:30am to 12:30pm

| TIME | TOPIC | |
|---------|---|-------|
| 10:30am | Welcome and Introductions <i>Daphne Shaw and All</i> | |
| 10:35am | Review June 2023 Meeting Minutes <i>Daphne Shaw and All</i> | TAB A |
| 10:40am | SB 43 Updates from Disability Rights California <i>Samuel Jain, DRC</i> | TAB B |
| 11:00am | Public Comment | |
| 11:05am | CARE Act Updates | TAB C |
| 11:25am | SB 519 Discussion <i>Daphne Shaw and All</i> | TAB D |
| 11:35am | Public Comment | |
| 11:40am | MHSA Modernization: SB 326 and AB 531 <i>Daphne Shaw and All</i> | TAB E |
| 12:00pm | Public Comment | |
| 12:05pm | Update on COPR Semi-Annual Reports to DSH | |
| 12:10pm | CBHPC Year-End Report Discussion | |
| 12:20pm | 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

California Behavioral Health Planning Council

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, October 18, 2023

Agenda Item: Review meeting minutes from June 2023.

Enclosure: Draft of PRC meeting minutes from June 2023

Background/Description:

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

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Patients' Rights Committee
Meeting Notes

Quarterly Meeting – June 14, 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 April 2023 Meeting Minutes

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

SB 519 Discussion

As part of the committee's work in reviewing the patients' rights system in California and identifying best practices and recommendations, the Patients' Rights Committee has recommended increasing oversight and accountability for county jails. Introduced by Sen. Toni Atkins, SB 519 aims to improve conditions in county jails in response to inmate deaths in San Diego County. The proposed legislation would do so by giving county supervisors the ability to create 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.

The committee briefly discussed the potential merits of the bill in the scope of the patients' rights system. Catherine Moore spoke to some of the patients' rights issues in San Diego County jails, as well as the political context for the bill. The committee expressed support for SB 519 and will continue to follow it as it moves forward.

SB 43 Updates

Samuel Jain and Deb Roth from Disability Rights California joined the meeting to speak to the committee about SB 43. This bill by Sen. Eggman aims to expand the definition of “gravely disabled” in the state welfare and institution code, which could increase the number of people with mental illness who are involuntarily detained or placed into conservatorship. Disability Rights California (DRC) opposes the legislation.

Samuel Jain provided an update to the committee on the current status of the bill as it moves through the legislature. Deb Roth spoke about some proposed amendments to the bill, including issues with the substance use disorder aspects of the bill. The bill is currently in the Assembly Health committee and may be heard in the Judiciary Committee soon. The PRC will continue following the progress of the bill.

CARE Act Updates

Fellow Planning Council members and county behavioral health directors Veronica Kelley and Tony Vartan spoke to the PRC regarding the implementation of the CARE Act in their counties.

Veronica Kelley described the process for Orange County’s implementation of the CARE court system. They have been meeting for over a year in close partnership with their judges and public defenders. When a petition is received, the judge will order Behavioral Health to conduct a cursory review of the petition to see if it meets the criteria. She said they have worked a lot on the 10 mandatory forms needed for CARE court to make them as accessible as possible. Originally there was a filing fee, but a trailer bill has removed that fee.

County Behavioral Health is required to serve the respondent, and Orange County is using a serving agency for this. A behavioral health clinician and a public defender go out with them as part of that team. Veronica stressed that they are not aiming to institutionalize people and are aiming to connect people to voluntary services as much as possible. As per the CARE act, the county has 14 days to find and engage the individual in services, though the court will work with the county to provide any possible extensions to avoid the potential fines. Veronica answered questions from PRC members regarding some of the challenges of the system, including what happens when the county cannot find an individual or the individual refuses to participate. She added that it will cost an estimated 5.1 million dollars a year to run this program, with no additional funding provided to the county.

Tony Vartan then spoke to the implementation process in Stanislaus County, noting similarities across the counties. The process for Stanislaus County includes an assessment team to manage cases that includes peers, clinicians, and case managers.

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They have three levels of treatment teams depending on the complexity of a case. Tony said that the county has done a lot of work on the process for moving individuals up and down in the treatment spectrum based on intensity of need. He said that there have been conversations about housing needs for individuals as well, and what different kinds of housing may be needed for people at different levels of care. Tony went on to speak about their aim to build rapport with individuals like any other form of outreach so that they can engage individuals on a more voluntary basis. One of the issues they are facing is in regard to confidentiality in this process and the sharing of patient information with the court and the state. There is still a lot of work being done to iron out various issues so that the system can be implemented properly, but Tony expressed that their priority is to focus on providing the best level of care for the individuals in their community with the tools they have available.

After further questions and discussion, Daphne Shaw thanked Tony and Veronica for sharing their perspectives with the committee.

COPR Semi-Annual Reports to DSH

Daniel Wagoner from the California Office of Patients' Rights (COPR) updated the committee on the effort to provide the PRC with COPR's semi-annual reports on patients' rights advocacy services in the state hospitals. Unfortunately, COPR was unable to get permission to share the reports as of yet, as that needs to be granted by the Department of State Hospitals, to whom COPR is contracted. The director of COPR was handling this effort but recently retired. Daniel is now acting as the interim director and is following up with DSH on this matter.

Daphne suggested that the committee reach out to DSH directly to tell them more about the Patients' Rights Committee and why they would like to review the reports. Daniel will share that contact information with Justin Boese so he can reach out on behalf of the PRC.

PRA Staffing Ration Discussion

The committee briefly spoke about the ongoing issues with Patients' Rights Advocacy staff shortages and the need for an updated staffing ratio. Daphne Shaw said that though the committee does not currently have any leads on legislators to work with on this issue, legislation like the CARE Act and SB 43 will only increase the need for PRAs. Richard Krzyzanowski expressed that advocates for Patient's Rights need to come together and be more organized with efforts to craft legislation on these issues.

The meeting adjourned at 12:30 pm.

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

Wednesday, October 18, 2023

Agenda Item: SB 43 Updates

Enclosures:

- [Text of SB 43](#)

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 status 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.

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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 any updates on the CARE Act.

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

Wednesday, October 17, 2023

Agenda Item: SB 519 Discussion

Enclosures:

- Article from San Diego Union-Tribune: [Atkins bill aimed at improving county jails in California amended again in final days](#)
- [Text of SB 519](#)

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.

When the committee last discussed SB 519 in June 2023, the proposed legislation would give 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. The committee was in agreement on supporting the bill at the time.

Since the June 2023 meeting, SB 519 has undergone major changes. The current version of the bill would instead create the position of director of in-custody death review, a six-year term appointed by the governor subject to state Senate confirmation, within the Board of State and Community Corrections. Members will discuss these changes and whether it impacts the committee's stance on the legislation.

**California Behavioral Health Planning Council
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Wednesday, October 18, 2023

Agenda Item: MHSA Modernization: SB 326 and AB 531

Enclosures:

- [BHSA Fact Sheet](#)
- [SB 326 Assembly Floor Analysis](#)
- [AB 531 Senate Floor Analysis](#)

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:

Governor Newsom's effort to "transform" the Mental Health Services Act includes a legislative package made up of SB 326 and AB 531. The Patients' Rights Committee will discuss the two bills, including the potential impact on the patients' rights advocacy system in California.