

# California Behavioral Health Planning Council

## Patients' Rights Committee Agenda

Wednesday, October 16, 2024

Embassy Suites by Hilton Milpitas Silicon Valley

901 East Calaveras Boulevard

Milpitas, CA 95035

Cedar/Pine Room

[Zoom Meeting Link](#)

**Call-in #:** 1 669 900 6833

**Meeting ID:** 858 6591 1208

**Passcode:** 267342

10:30 am to 12:30 pm

<b>10:30 am</b>	<b>Welcome, Introductions, and Housekeeping</b> <i>Daphne Shaw, Chairperson and All Members</i>	
<b>10:35am</b>	<b>Review and Accept June 2024 Meeting Minutes</b> <i>Daphne Shaw, Chairperson and All Members</i>	<b>TAB 1</b>
<b>10:40 am</b>	<b>Patients' Rights Advocate (PRA) Training Verification Review</b> <i>Justin Boese and All Members</i>	<b>TAB 2</b>
<b>10:45 am</b>	<b>CARE Act Implementation Updates</b> <i>Daphne Shaw, Chairperson and All Members</i>	<b>TAB 3</b>
<b>11:10 am</b>	<b>Public Comment</b>	
<b>11:15 am</b>	<b>California Office of Patients' Rights (COPR) Updates</b> <i>Daniel Wagoner, Director, COPR</i>	<b>TAB 4</b>
<b>11:35 am</b>	<b>Break</b>	
<b>11:45 am</b>	<b>Response Letter to the Department of Health Care Services (DHCS)</b> <i>Mike Phillips, Chair-Elect</i>	<b>TAB 5</b>
<b>11:55 pm</b>	<b>Public Comment</b>	
<b>12:00 pm</b>	<b>Legislative Analyst's Office (LAO) Report Updates</b> <i>Daphne Shaw, Chairperson</i>	<b>TAB 6</b>
<b>12:10 pm</b>	<b>Nominate Chair-Elect for 2025 (Action Item)</b> <i>Daphne Shaw, Chairperson and All Members</i>	<b>TAB 7</b>

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

**12:15 pm     Planning for Future Meetings/Activities**  
*Daphne Shaw, Chairperson and All Members*

**12:25 pm     Public Comment**

**12:30 pm     Adjourn**

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

**Public Comment:** Limited to a **2-minute maximum** to ensure all are heard

**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

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

**Agenda Item:** Review and Accept June 2024 Meeting Minutes

**Enclosure:** June 2024 Draft Meeting Minutes

**Background/Description:**

Enclosed is a draft of the meeting minutes from the June 2024 meeting, prepared by Justin Boese. Committee members will have the opportunity to ask questions, request edits, and provide other feedback before the minutes are accepted.

**California Behavioral Health Planning Council**  
**Patients' Rights Committee**  
**June 19, 2024**  
**Meeting Minutes**

**Committee Members Present:**

Daphne Shaw, Chairperson  
Walter Shwe  
Catherine Moore

Mike Phillips, Chair-Elect  
Richard Krzyzanowski

**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.

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**Item #2: Review Meeting Minutes**

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

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**Item #3: Senate Bill 43 and Senate Bill 1238 Updates**

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Deb Roth from Disability Rights California (DRC) spoke to the committee about Senate Bill 1238, which is follow-up legislation to Senate Bill 43. The Planning Council opposed Senate Bill 43, which expanded the definition of "gravely disabled" in California when it was passed in October 2023. Deb explained that Senate Bill 1238 expands the kinds of facilities that can accept patients for the treatment of stand-alone substance use disorder (SUD) diagnoses, in order to create the infrastructure needed to implement SB

**California Behavioral Health Planning Council**  
**Patients' Rights Committee**  
**June 19, 2024**  
**Meeting Minutes**

43. This includes facilities such as skilled nursing facilities and social rehabilitation centers. Deb said that in recent weeks, the California Department of Health Care Services (DHCS) has been providing significant technical support for the bill, so DRC is expecting to see amendments soon.

Daphne Shaw asked Deb if DRC had heard any updates from the two counties that are currently implementing SB 43 (San Luis Obispo County and San Francisco County). Deb responded that they submitted public records act requests to those counties, but she did not have any information on how implementation is going at this time. Deb said that SB 1238 is expected to be passed and signed by the governor.

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**Item #4: Public Comment**

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Theresa Comstock commented that one of the top priorities for the California Association of Local Behavioral Health Boards and Commissions (CALBHB/C) is expanding the behavioral health workforce, including patients' rights advocates (PRAs). She encouraged the Patients' Rights Committee to work with the Workforce and Employment Committee on this issue.

Chad Costello from the California Association of Social Rehabilitation Agencies (CASRA) seconded the importance of the patients' rights advocate workforce. He said that with the passage of Senate Bill 43 and other recent legislation, there will be an increased need for PRAs. Chad encouraged the committee to work with counties in advocating for more funding for these positions.

Daphne Shaw responded that the committee would continue to work on advocating for increased PRA staffing. She said that the upcoming Legislative Analysts' Office (LAO) report on patients' rights advocates staffing will be very relevant to this issue. Daphne said that in addition to this, the committee could engage with the county behavioral health directors to make sure they are aware of the importance of PRAs and the lack of adequate staffing for county mental health patients' rights advocacy teams across California.

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**Item #5: Assembly Bill 2352**

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Daphne Shaw led a discussion about Assembly Bill 2352, authored by Assemblymember Jacqui Irwin. This bill seeks to create a legal framework for

**California Behavioral Health Planning Council**  
**Patients' Rights Committee**  
**June 19, 2024**  
**Meeting Minutes**

psychiatric advance directives (PADs). She went over the position letter by Disability Rights California and asked Deb Roth to comment on their current stance on the bill. Deb told the committee that DRC currently has an “opposed unless amended” position on the bill, citing multiple issues with how the bill is currently written. These include that there is currently no option in the bill for someone to use a public notary to establish a psychiatric advance directive, and that there is no option to designate another person as an agent for decision-making in the event a PAD goes into effect.

**Action Item:** A motion was made by Catherine Moore and seconded by Mike Phillips for the Patient’s Rights Committee to take an “opposed unless amended” position on Assembly Bill 2352. The motion passed.

Daphne Shaw will share the committee’s position with the Legislation and Public Policy Committee (LPPC).

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**Item #6: Senate Bill 402**

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The committee then discussed Senate Bill 402. This bill would add “licensed mental health professionals,” including those who are not employed by or contracted with a county, to the list of those who may be designated by a county to initiate a 5150 hold. Daphne Shaw said that, according to the fact sheet for the bill, the intent of the author is to reduce the role of law enforcement in mental health crisis response to reduce bad outcomes. Deb Roth said that Disability Rights California does not believe that the bill will achieve this goal and has taken an “oppose” position.

Catherine Moore noted that in most instances law enforcement will continue to be involved because if the person in question does not want to go voluntarily, they will still need to be transported by the police. Daphne Shaw agreed and said that this means that the bill would just make it easier to detain people involuntarily without making the process safer.

**Action Item:** Walter Shwe made a motion for the Patients’ Rights Committee to take an “oppose” position on Assembly Bill 402. Catherine Moore seconded the motion. The motion passed.

Daphne Shaw will share the committee’s position with the Legislation and Public Policy Committee (LPPC).

**California Behavioral Health Planning Council**  
**Patients' Rights Committee**  
**June 19, 2024**  
**Meeting Minutes**

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**Item #7: Assembly Bill 2154 and Patients' Rights Materials**

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Daphne Shaw reviewed Assembly Bill 2154 with the committee. This bill would require a facility to which a person is brought for involuntary detention to provide a patients' rights handbook (published by the Department of Health Care Services) to a family member of the detained person. A recent amendment has added that if a patients' rights handbook is given to a family member, then the facility must also provide one to the patient. However, there is currently nothing that guarantees that a patient will be offered a handbook in absence of a family member being given one first.

Mike Phillips explained that in law, the handbooks must be provided to a patient when admitted to a Lanterman-Petris-Short (LPS) designated facility, but that could be after multiple days of being held in an emergency room without that information. He expressed that while families should have this information, it is frustrating that the patients themselves are not the ones being prioritized.

Richard Krzyzanowski said that in his experience, there is a big demand for patients' rights information in the community. He said it is particularly valuable to have before there is a crisis or a need for these services, so people are prepared and know what their rights are.

**Action Item:** Mike Phillips made a motion for the Patients' Rights Committee to take an "oppose" position on Assembly Bill 2154. Walter Shwe seconded the motion. The motion passed.

Daphne Shaw will share the committee's position with the Legislation and Public Policy Committee (LPPC).

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**Item #8: Senate Bill 1184**

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The committee then discussed Senate Bill 1184, which impacts Riese Hearings (also known as Riese Petitions) for medication treatment orders. Senate Bill 1184 would allow an order for medication treatment, which originally went into effect after a determination of incapacity was established during a Riese Hearing, to remain in effect for subsequent hold periods until a court issues a new decision. Deb Roth said that Disability Rights California opposes the legislation.

**California Behavioral Health Planning Council**  
**Patients' Rights Committee**  
**June 19, 2024**  
**Meeting Minutes**

**Action Item:** Mike Phillips made a motion for the Patients' Rights Committee to take an "oppose" position on Senate Bill 1184. Walter Shwe seconded the motion. Richard Krzyzanowski abstained. The motion passed.

Daphne Shaw will share the committee's position with the Legislation and Public Policy Committee (LPPC).

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**Item #9: Committee Updates**

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Daphne Shaw and Mike Phillips provided brief updates on several items and ongoing activities.

Daphne told the committee that the Legislative Analyst's Office (LAO) is conducting a report on PRA staffing at the request of Senator Eggman's office. This report is expected to be completed by the end of August 2024. Though Senator Eggman is terming out of the state legislature, Daphne will be in contact with the LAO and should be informed when the report is done.

Mike said he will work with his team to draft a response to the letter received from DHCS regarding the distribution of patients' rights handbooks. It was suggested that the committee could reach out to Stephanie Welch, the Deputy Director of Behavioral Health of the California Health and Human Services Agency. Mike's goal is to get patients' rights handbooks to Patients' Rights Advocate (PRA) teams directly, as was done in the past before DHCS changed their policy on the distribution of handbooks. He said it is possible that the California Office of Patients' Rights could support this effort. Mike will continue keeping the committee updated on this issue.

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

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

- Requesting information from San Francisco County about local implementation of Senate Bill 43.
- Reaching out to Professor Alex Bernard for a presentation on his work on LPS conservatorship in California.



**California Behavioral Health Planning Council**  
**Patients' Rights Committee**  
**June 19, 2024**  
**Meeting Minutes**

- Talking to Daniel Wagoner from the California Office of Patients' Rights about updates to the online PRA training materials.
- Updates on bills currently being tracked by the committee.
- Updates on the California Legislative Analyst's Office report on patients' rights advocate staffing.
- Updates on the implementation of the CARE Act.

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

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

**Agenda Item:** Patients' Rights Advocate (PRA) Training Verification Review

**Enclosures:** AB 2316 PRA Training Verification Record

**How This Agenda Item Relates to Council Mission**

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

This agenda item is part of the mandated duties of the Patients' Rights Committee to monitor, review, evaluate, and recommend improvements in the protection and upholding of patients' rights to receive effective, timely, and humane treatment in a public mental health system in California.

**Background/Description**

In 2018, the Patients' Rights Committee co-sponsored [Assembly Bill \(AB\) 2316](#), authored by Assemblymember Susan Eggman. The bill passed and was signed into law in August 2018. AB 2316 requires the California Office of Patients' Rights (COPR) to make training materials for county mental health patients' rights advocates (PRAs) available for all PRAs at any time online. It also requires counties to verify that newly hired PRAs review these materials within 90 days of being hired, and to keep a copy of that verification and send a copy to the Patients' Rights Committee (PRC). The PRC maintains a record of all of the training verifications received to date.

The committee will review the record of new PRA trainings to ensure local compliance with the requirements.

## **AB 2316 PRA Training Verification Forms: 2024**

<b>Name</b>	<b>County</b>	<b>Date</b>
Betty Garfield	Humboldt	01.02.24
Lilith Gamer	Santa Clara	01.03.24
Lindsey Daugherty	Mendocino	01.03.24
Angelica Rea	San Berndardino	01.04.24
Wendy Cheula	Siskiyou	01.04.24
Hong Vo	Fresno	01.11.24
Kelly Bougard Jordan	San Berndardino	01.12.24
Angel Rocha	San Benito	01.17.24
Mayra Merino	Fresno	01.24.24
Francesca Lallo Brandi	Fresno	01.29.24
Bethany Liza Sahagun	San Berndardino	02.28.24
Ray Howell	Sacramento	03.29.24
Brooke Amormino	San Diego	04.03.24
Jennifer Arnold Weaver	San Berndardino	04.17.24
Mariel Horner	San Diego	06.04.24
Josephine Williams	Santa Clara	06.04.24
Allison McGovern	Sacramento	06.11.24
Lisette Herrera	Imperial	08.01.24
Patrick Menger	Sacramento	08.23.24
Bernard Yaghobian	Sacramento	08.30.24
Lisa M White	San Diego	08.30.24

## AB 2316 PRA Training Verification Forms: 2023

Name	County	Date
Michael Wilner	Sacramento	03.21.23
Molly E Coughlin	Butte	04.11.23
Michael Lopez	Medocino	04.18.23
Noel Wolf Petersen	Fresno	05.03.23
Mariam Aldaz	San Bernardino	05.16.23
Roxanne Martinez	Kern	06.14.23
Gloria Lindberg	Shasta	06.19.23
Simone Nathanson	Los Angeles	06.23.23
Lynn Rumfelt	Mariposa	07.11.23
Claudia C Quintanilla	Imperial	07.27.23
Angela Osborn-Thomas	Sacramento	07.31.23
Lina Lew	San Diego	08.27.23
Sarah Shumacher	San Diego	08.28.23
Joseph Whitcomb	Alameda	09.27.23
Kimberlee Hernandex	Maderia	09.28.23
Taranjot Dhanjal	Sacramento	10.02.23
Cameron Marinau	Fresno	10.06.23
Paula Marsh	Fresno	10.06.23
Amy Mohrbacher	Fresno	10.06.23
Luisa Parra-Sanchez	Fresno	10.07.23
Sandy Medina	Fresno	10.10.23
Veronic Quezada	Kern	11.06.23
Anne Su-Anderson	Santa Clara	11.14.23
Jhoeraine Tate	Sacramento	11.30.23
Catalina Teresa Alvarado	Sacramento	12.06.23
Maya Fegan	Santa Clara	12.11.23
Nadereh Fanaeian	Fresno	12.12.23
Topher Tailler	San Diego	12.13.23
Hannah Thompson	San Diego	12.15.23
Mark Naughton	Fresno	12.18.23
Louis R. Angel	Fresno	12.18.23
Katherin Martinez Rextroat	Fresno	12.18.23
Shelby Geuder	Fresno	12.18.23
Brianna Dees	Sacramento	12.19.23
Camden Johnson	Fresno	12.22.23
Emma Rasmussen	Fresno	12.29.23

## AB 2316 PRA Training Verification Forms: 2022

Name	County	Date
Christine Housston	Nevada	01.10.2022
Kale Woods	Alameda	01.20.2022
Jose Orrostieta	San Bernardino	01.31.2022
Caley Watrous	San Diego	02.04.2022
Tera Gigax	San Diego	03.22.2022
Leesa Mendoza	San Diego	03.22.2022
Andrea Arnold	Sacramento	03.22.2022
Kathleen Derby	San Diego	03.23.2022
Michael Youngblood	Sacramento	04.25.2022
Sherrie DeGuzman	Madera	05.19.2022
Nellie Torres Klein	San Diego	05.23.2022
Aryana Vasquez	Sacramento	06.13.2022
Trendy Sinclair	Sacramento	06.28.2022
Julissa Isabel Torres	Monterey	07.05.2022
Cristina Moyer	Monterey	07.06.2022
Beth Jones	Tehama	07.14.2022
Debra G. McCartney	El Dorado	08.09.2022
Ji Yong Park	Santa Clara	08.10.2022
Hilda Garcia	Kings	08.23.2022
Shelby Rogers	Santa Clara	10.05.2022
Brady John Gunther	San Diego	10.28.2022
Patrick Marshall	San Diego	11.08.2022
Alex Negrete	Alameda	11.21.2022
Claudia Marin	Alameda	12.10.2022
Madison Kaeding	Alameda	12.17.2022
David Gutierrez	Tulare	12.26.2022

## **AB 2316 PRA Training Verification Forms: 2021**

<b>Name</b>	<b>County</b>	<b>Date</b>
Asha Albuquerque	Santa Clara	01.22.2021
Iris Olivares-Searcy	San Diego	02.16.2021
Stephanie Vieira	Santa Clara	03.23.2021
Juan Nevarez	San Diego	04.05.2021
Jeremy Chen	Santa Clara	05.05.2021
Rebecca Basson	Santa Clara	06.27.2021
Laurn Gordon	Sacramento	07.16.2021
Micayla Hought	San Diego	07.28.2021
Kristina Ortega-Brainerd	San Diego	07.28.2021
Lee Laurence	San Diego	10.18.2021
Joanna Xing	Santa Clara	10.25.2021
Taylor Amdal-Barela Asuncion	San Diego	11.02.2021
Monica Ruiz	Santa Barbara	11.19.2021
Breanna Hayes	San Diego	12.17.2021

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

**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 review and evaluate the patients' rights system in California as part of the mandated duties of the Patients' Rights Committee.

**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 receive ongoing updates on the CARE Act implementation from available sources and will review any available data on CARE Act petitions and activities.

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

**Agenda Item:** California Office of Patients' Rights (COPR) 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 review and evaluate the patients' rights system in California as part of the mandated duties of the Patients' Rights Committee.

**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. They provide technical assistance and training to county patients' rights advocates (PRAs).

Daniel Wagoner, the Director of COPR, will provide updates to the Patient's Rights Committee regarding recent organizational activities and current issues within the patients' rights system.



**California Behavioral Health Planning Council  
Patients' Rights Committee  
Wednesday, October 15, 2024**

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

**Enclosures:**

- Letter from the Patient's Rights Committee to the Department of Health Care Services regarding the printing and distribution of patients' rights handbooks (January 2024).
- Response letter from the Department of Health Care Services to the Patients' Rights Committee (February 2024).
- Response letter from the Patients' Rights Committee to the Department of Health Care Services (September 2024).

**How This Agenda Item Relates to Council Mission**

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

This item related to the duties of the Patients' Rights Committee to monitor, review, evaluate, and recommend improvements in the protection and upholding of patients' rights to receive effective, timely, and humane treatment in a public mental health system in California.

**Background/Description:**

During the quarterly meeting in October of 2023, committee Chair-Elect Mike Phillips brought up an issue with a recent decision by the Department of Health Care Services (DHCS) to only provide printed patients' rights handbooks to hospitals. Previously, patients' advocacy programs could request and obtain copies of the handbooks individually, which they could then distribute to the relevant facilities. After discussion, the committee sent a letter to DHCS requesting that this change be reconsidered. The letter was sent in January 2024. The committee received a response from DHCS declining this request in February 2024.

Since then, [Assembly Bill 2154](#) (AB 2154) was passed, which requires a facility to which a person is brought for involuntary detention to provide a copy of the Department of Health Care Services' patients' rights handbook to a family member of the detained person. Due to continued concerns, the Patient's Rights Committee is sending a follow-up letter to request DHCS to reconsider this policy change.



# California Behavioral Health Planning Council

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**CHAIRPERSON**

Deborah Starkey

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**EXECUTIVE OFFICER**

Jenny Bayardo

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**MS 2706**

January 26, 2023

Tyler Sadwith, Deputy Director

Erika Cristo, Assistant Deputy Director

Ivan Bhardwaj, Chief, Medi-Cal Behavioral Health – Policy Division

Behavioral Health Services

California Department of Health Care Services

1501 Capitol Avenue, Bldg. 171

Sacramento, CA 95814

## DISTRIBUTION OF PATIENTS' RIGHTS HANDBOOKS

Dear Mr. Sadwith, Ms. Cristo, and Mr. Bhardwaj:

The Patients' Rights Committee of the California Behavioral Health Planning Council is mandated in Welfare and Institutions Code section 5514 to monitor and report on the access, depth, sufficiency, and effectiveness of advocacy services provided to psychiatric patients, and to advise the directors of CA Department of State Hospitals and CA Department of Health Care Services on policies and practices that affect patients' rights at the county and state-level public mental health system provider sites.

It is in this capacity that we are writing to formally request a reconsideration of the decision to only distribute the Rights for Individuals in Mental Health Facilities handbook to hospitals. Specifically, we are asking for Patient Advocacy programs to have the ability and the authority to independently request and obtain copies of the handbooks.

For example, the San Diego County team has requested these books from the state for decades. The San Diego Patient Advocacy Program would then handstamp the handbooks with their own local contact information and then deliver them to the relevant facilities. The handbook distribution



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**MS 2706**

process for the San Diego Patient Advocacy Program included a tracking spreadsheet to ensure that appropriate facilities were regularly receiving these handbooks, and if they were not, the program would follow up with facilities to address the lack of requests. This was a tool utilized by that advocacy program to ensure that facilities were distributing the correct materials to patients admitted to the behavioral health units.

This further allowed the San Diego Patient Advocacy Program to develop contacts and foster a community atmosphere. It also provided the program with an opportunity to explain the requirement to distribute the materials and to ensure the corresponding code section was clearly understood by hospital admission staff members. As a result, facilities in San Diego County now rely on the advocacy program to assist them with obtaining copies of these handbooks.

Regardless of San Diego's program, the Lanterman-Petris-Short (LPS) Act mandates that patients receive these books upon admission. Furthermore, facilities are not particularly motivated to do this on their own whereas the advocacy programs have a vested interest in ensuring that these materials are properly distributed. If the facilities are left to order their own materials, this also runs the risk of shipments arriving unexpectedly and ending up in a facility storeroom where they could be misplaced and ultimately forgotten.

More importantly, even if facilities do order them directly from the state, the handbooks will still not have the county's local patient rights office contact information included so patients can call them directly. Without the inclusion of the contact information for the local patient advocacy program, patients will only be provided with the California Office of Patients' Rights information on the booklet, thereby causing a delay in receiving services from their local advocates, if they are even able to make a long-distance phone call from the patient phone on the behavioral health unit. In San Diego County, when advocates meet with clients, they often ask if they received a handbook. If they say no, the advocates give them one. Without the ability to order their own handbooks, it would be difficult for them to immediately provide a copy for the patient.

In some counties, the Patients' Rights Advocates have worked out collaborative relationships with the facilities in their county, and to the extent that process is working, it makes sense for the facilities in those counties to request the handbooks directly from DHCS. This collaboration



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**MS 2706**

would still need to ensure that the local Patients' Rights Advocates contact information is added to the handbooks before they are distributed to patients.

In summary, we believe that the best way for advocates to ensure that facilities are fulfilling their legal mandate to provide these handbooks to the patients is to include the local patient rights programs in this process for oversight as well as facilitating the distribution of the materials. Understanding that resources are limited, and that in the past, handbooks have been requested by parties that might not have a pressing need for these materials, we respectfully request that the decision to only provide the handbooks directly to hospitals be revised to include distribution to both LPS facilities and local patient rights programs in counties that have LPS facilities.

If you have any questions about this topic, please reach out to Mike Phillips, our committee Chair-Elect. Our contact information is below.

Sincerely,

Daphne Shaw

Chairperson, CBHPC Patients' Rights Committee  
Email: [dshaw1@sbcglobal.net](mailto:dshaw1@sbcglobal.net)

Mike Phillips

Senior Director of Patient Advocacy, Jewish Family Service of San Diego  
Chair-Elect, CBHPC Patients' Rights Committee  
Email: [mikep@jfssd.org](mailto:mikep@jfssd.org)  
Telephone: 1-858-637-7302

February 16, 2024

Attention: Daphne Shaw, Chairperson, CBHPC Patients' Rights Committee and Mike Phillips, Chair-Elect, CBHPC Patients' Rights Committee  
Re: Distribution of Patients' Rights Handbooks

Dear Ms. Shaw and Mr. Phillips:

Thank you for contacting the Department of Health Care Services (DHCS) regarding your concerns about DHCS' policies for distributing patients' rights handbooks and your request for reconsidering our distribution policy. DHCS is committed to ensuring that individuals who are admitted under the Lanterman-Petris-Short Act are promptly provided a copy of the patients' rights handbook, *Rights for Individuals in Mental Health Facilities*.

Consistent with [Welfare & Institutions \(W&I\) Code Section 5325](#), DHCS is required to accept order requests and supply patients' rights materials (handbooks and posters) to designated health facilities as defined in [Health and Safety Code Section 1250](#). In 2014, DHCS issued [Mental Health and Substance Use Disorder Services Information Notice 14-043](#) to notify Mental Health Plans that the Department of State Hospitals transitioned responsibility of patients' rights advocacy services to DHCS and to provide order instructions to mental health facilities. To ensure accessibility to all other entities or individuals, DHCS publishes electronic versions of the patients' rights handbook and posters in English and alternative languages on the [DHCS Office of Patients' Rights webpage](#).

While DHCS acknowledges your request to reconsider and expand its distribution policy beyond designated health facilities and to include local patients' rights programs, as noted above, DHCS has maintained its current distribution policy since 2014. Additionally, DHCS is required to adhere to the provisions outlined in [Budget Letter 23-27](#) and is only authorized to expend funds that are necessary to critical operations. As DHCS does not have designated funding to support fulfillment of patients' rights materials, it cannot consider fulfillment to entities or individuals that are not specified in statute at this time.

Should you have any questions, please contact Ashley Love via telephone at (916) 713-8599 or email at [Ashley.Love@dhcs.ca.gov](mailto:Ashley.Love@dhcs.ca.gov).

In partnership,

Ivan Bhardwaj, Division Chief  
Medi-Cal Behavioral Health Policy Division  
Department of Health Care Services



# California Behavioral Health Planning Council

ADVOCACY • EVALUATION • INCLUSION

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**CHAIRPERSON**

Deborah Starkey

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**EXECUTIVE OFFICER**

Jenny Bayardo

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**MS 2706**

September 9, 2024

To: Ivan Bhardwaj, Chief, Medi-Cal Behavioral Health – Policy Division  
Behavioral Health Services  
California Department of Health Care Services  
1501 Capitol Avenue, Bldg. 171  
Sacramento, CA 95814

## DISTRIBUTION OF PATIENTS' RIGHTS HANDBOOKS

Dear Mr. Ivan Bhardwaj:

In January 2024, the Patients' Rights Committee of the California Behavioral Health Planning Council requested that Patient Advocacy programs have the ability and the authority to independently request and obtain copies of the Rights for Individuals in Mental Health Facilities handbooks. Our request was denied but we wanted to bring this issue back to your attention since there is new information that should be considered.

One of the concerns raised in your office's response to our request was that granting it would expand the distribution policy beyond what is required under the law and not comply with your agency's state mandated budgetary restrictions. We respectfully disagree that any request from a locally taxpayer funded patient rights advocacy program would create a cost increase (or cause your agency to not comply with the provisions outlined in Budget Letter 23-27).

To reiterate, as an example, in San Diego County, the Patient Advocacy Program previously requested these books for decades (with no issues). Their program, at no cost to the state, would label the books with their own local contact information and deliver them to the relevant facilities as requested. A secondary, but potentially more important aspect of that process, was the ability to track the distribution of the books, thereby ensuring compliance that they were being issued to patients. Now, those same facilities must separately request those materials, directly from your office, without any accountability in distributing the materials to their behavioral health patients. Please correct us if we are mistaken, but it is our understanding that, at this time, there is no tracking or monitoring of





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this process even though it is required under the Lanterman-Petris-Short (LPS) Act.

More importantly, we wanted to bring to your attention that local advocacy programs, such as the one in San Diego, are legally required pursuant to Welfare and Institutions Code Section 5520(d) to notify patients of their rights. This statute was not in our original request to your office but there is growing concern, by this committee, that not being able to request, distribute, and track these materials is not only detrimental to a vulnerable patient population but does not comply with this statute. Further, the ability to access the information, online, does not comply with the requirements as the patients often do not have access to the internet while they are receiving treatment in the facility and are legally entitled to receive these handbooks.

There is also a new bill (AB-2154) that recently passed the California State Assembly and Senate that further impacts the distribution of patients' rights handbooks. The handbook will have to be offered (and provided) not only to the person brought for involuntary detention but also family members of the detained person (e.g., spouse, domestic partner of the person and the parent or legal guardian of the person). To ensure the fair and consistent distribution of these materials, local patient rights programs should be able to oversee this process by providing direct access to the handbooks.

Based on this new and additional information, we ask that requests for these handbooks from patients' rights advocacy programs be honored. As previously advised, it is the California Behavioral Health Planning Council Patients' Rights Committee's role to advise your office, pursuant to Welfare and Institutions Code Section 5514. This includes monitoring and reporting on the access, depth, sufficiency, and effectiveness of advocacy services provided to behavioral health patients and to advise your office of policies and practices that may affect patients' rights at the county and state-level public mental health systems. As a result, we ask that local patient rights programs in counties that have LPS facilities be permitted to order and receive the handbooks.

If you have any questions about this topic, please do not hesitate to contact the undersigned. We look forward to hearing from your office.



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Deborah Starkey

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**EXECUTIVE OFFICER**  
Jenny Bayardo

Sincerely,

Daphne Shaw

Chairperson, CBHPC Patients' Rights Committee

Email: [dshaw1@sbcglobal.net](mailto:dshaw1@sbcglobal.net)

Mike Phillips

Senior Director of Patient Advocacy, Jewish Family Service of San Diego

Chair-Elect, CBHPC Patients' Rights Committee

Email: [mikep@jfssd.org](mailto:mikep@jfssd.org)

Telephone: 1-858-637-7302

cc: Paula Wilhelm, Deputy Director, Behavioral Health, California  
Department of Health Care Services  
Erika Cristo, Assistant Deputy Director, Behavioral Health,  
California Department of Health Care Services

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**MS 2706**



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

**Agenda Item:** Legislative Analyst's Office (LAO) Report 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 relates to the duties of the Patients' Rights Committee to monitor, review, evaluate, and recommend improvements in the protection and upholding of patients' rights to receive effective, timely, and humane treatment in a public mental health system in California.

**Background/Description:**

One of the primary concerns of the Patients' Rights Committee has been the lack of adequate staffing for county patients' rights advocate (PRA) teams across the state. The establishment of a staffing requirement based on an updated PRA staffing ratio has been a recommendation in several committee reports, most recently the 2023 report "Patients' Rights Advocacy in California: Analysis and Recommendations."

Based on the recommendations of the committee, Senator Eggman has requested a study by the Legislative Analyst's Office (LAO) on the staffing ratio of patients' rights advocates. The report is expected to be completed in October 2024. Daphne Shaw will provide updates on the status of the LAO study.

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

**Agenda Item:** Nominate Chair-Elect for 2025

**How This Agenda Item Relates to Council Mission**

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

This agenda item provides the opportunity for committee members to nominate the next Patient's Rights Committee Chair-Elect. The Chair-Elect is responsible for supporting the Chairperson with leading committee activities.

**Background/Description:**

Each standing committee shall have a Chairperson and Chair-Elect. The Chairperson serves a term of one year with the option for re-nomination for one additional year. The committee members shall nominate a Chair-Elect to be submitted to the Council's Officer Team for appointment in 2024.

Mike Phillips is slated to become the Chairperson for the Patient's Rights Committee at the January 2025 meeting. The committee members shall nominate a Chair-Elect to be submitted to the Officer Team for appointment.

The role of the Chair-Elect is outlined below:

- Facilitate the committee meetings as needed, in the absence of the Chairperson
- Assist the Chairperson and staff with setting the committee meeting agendas and other committee planning
- Participate in the Executive Committee Meetings
  - Wednesday of every quarterly meeting from 8:30 am – 10:00 am
- Participate in the Mentorship Forums

**Motion:** Nomination of a committee member as the Chair-Elect.