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California Association of Mental Health Patients' Rights Advocates

Board Meeting MINUTES
Wednesday, October 11, 2023
Time: 1:00 PM - 4:00 PM
via Zoom

I. Call to Order

a. Introductions and Roll Call

Member/Title	County
Jean McDonald / President	San Diego
Richard Krzyzanowski / Vice President	Los Angeles Area
Lisa Long / Treasurer	Placer
Melody Beltz / Secretary	Humboldt
Christina S. Kraushar / Central	Merced
Whitney Wilson / South	San Diego
Mike Phillips / At Large	San Diego
Daniel Wagoner – COPR / At Large	Sacramento Area
Jim Raphael / Emeritus	Santa Clara
Melanie Roland / Legislative Committee	Santa Clara
Dave Vandenburg / Emeritus	Monterey
Daniel Wagoner – COPR / At Large	Sacramento Area
Samuel Jain, Senior Policy Attorney / DRC	Sacramento

II. Housekeeping

a. Roll Call – Quorum met.

b. Treasurer's Report: Lisa reports beginning balance of \$8,052.00, no expenses this quarter, anonymous donation received in the amount of \$40.00 leaving us with a total balance of \$8,092.00.

- Jim makes a motion to approve the Treasurer's report, seconded by Richard, no further discussion, motion carries.

c. Approval of Minutes-There were no changes or corrections. Richard makes the motion to approve the minutes, Lisa seconds, no further discussion, motion carries.

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III. Coalition Reports

- a. Far North: No representative. No report.
- b. BAYPAC – No report.
- c. Central: Christina (Merced) – No report.
- d. South: Whitney Wilson (San Diego) – Los Angeles Superior court not agreeing on AB 2275 but they are collecting data. San Diego is constructing their first ever PHF unit. Upward trend of AB 2275 hearings. Identified that some hospitals are not calling in when they have detained persons.

IV. Standing Items

- a. Presidential Updates – Jean. No updates.

V. New Business

- a.

VI. Statewide Business

- a. Legislation Committee – Richard reports that most of the group met and Jim corresponded with Deb Roth for updates. Report will be given by Jim and other legislation report will be given by Melanie.
- b. Review of New Proposed Legislation - Jim.

- **AB 1376 (Carrillo) Sam**

Immunity from criminal liability for ambulance services for transporting persons detained pursuant to LPS. DRC negotiated an amendment prohibiting the requirement that persons be on an involuntary hold as a precondition for transport.

- 9/18: ENROLLED. 10/8 signed by Governor Newsom

- **SB 11 (Menjivar)**

Requires CSU system to offer MH counseling services to all students. Requires 1 FTE licensed mental health counselor for every 1500 students per CSU campus.

- Per 10/4 message from Deb, 2-yr bill – Assembly Appropriations.

- **SB 35 (Umberg)**

Establishes who may conduct CARE Act proceedings, rights of respondents to legal counsel & interpretation services, & right of original petitioners to be present at initial hearing & make statement on merits of petition.

- 10/2 signed by gov & chaptered.

- **SB 43 (Eggman)**

Expands definition of GD & permits direct admission of hearsay evidence by expert witness of mental health record documentation of specified MH practitioners & LCSWs
CAMHPRA signed on to DRC opposition letter. Amended down, DRC released a statement

- 9/18 ENROLLED. 10/9 signed by Governor Newsom.

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- **SB 45 (Roth)**

Creates the Acute Psychiatric Hospital Loan Fund for qualified cities & counties for constructing & renovating APHs, PHFs and inpatient psychiatric units in GACHs.

- Per 10/4 message from Deb, 2-yr bill – Assembly Appropriations

- **SB 63 (Ochoa-Bogh)**

Would establish 2 new criminal justice program grants (MIOCR grants): the Homeless MH Court Grant Program & the Transitioning Home Grant Program.

- Per 10/4 message from Deb, Capitol Track says it's a 2-year bill but also says "held under submission" which generally means dead when it happens in Appropriations. We saw this with a few bills, and it appears some bills that "should" be dead will live to die (or become law) another day.

- **SB 65 (Ochoa-Bogh)**

Authorizes DHCS to establish the Behavioral Health Continuum Infrastructure Program.

- Per 10/4 message from Deb, same as for SB 63 except that Capitol Track shows it as a dead bill.

- **SB 87 (Nguyen)**

Extends the period for which court/jury trial on con'ship may be continued at request of counsel for con'tee from 15 days to 20 days. Clean-up legislation amending AB 2275 (Wood-Stone/2022).

- Per 10/4 Deb message, 2-yr bill – Senate Health - Bills that do not pass but have not failed in a vote are eligible to be acted on during the 2nd year of the session. All bills must pass out of the house of origin by January 31 in the 2nd year, so this bill will be dead if it is still in the Senate at the end of January 2024.

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SB 232 (Niello) Significantly expands definition of GD

3/29 CAMHPRA approved an urgent motion to sign on to DRC opposition letter.

- o Per 10/4 message from Deb, 2-yr bill – Senate Health

- **SB 326 (Eggman)**

Amends the reimbursement process for MHSA servicers provided at the county level. Requires counties to submit claims for reimbursement directly to DHCS under specific circumstances. The bill is now being proposed as a legislative initiative for placement on the 3/5/24 primary ballot.

- **ENROLLED 9/18. Signed by Governor Newsom 10/12. The bill will go before voters. Bill is a legislative initiative & will appear on the 3/5/24 Primary Ballot as Proposition 1, which also includes AB 531.**

- **AB 459 (Haney)**

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Proposes that the CA Health & Human Svcs Agency establish the CA Behavioral Health Outcomes & Accountability Review (CHB-AOR) by 7/1/26 to facilitate an accountability system that fosters continuous quality improvement to county & commercial behavioral health services. To create the CHB-OAR, CHHSA shall convene a workgroup composed of interested & impacted organizations including behavioral health advocates & consumers.

- **No longer a mental health bill.**

- **AB 920 (Bryan)**

Would making "housing status", i.e., homelessness as a protected class under CA discrimination law.

CAMHPRA signed on to WCLP support letter.

- **5/6.ordered held under submission. Per 10/4 message from Deb, 2-yr bill – Assembly Appropriations.**

- **AB 1001 (Haney)**

Proposes that DHCS adopt regs on standards to improve quality of behavioral health emergency services provided in GACHs, i.e ERs.

- **Per 10/4 message from Deb, 2-yr bill – Senate Health**

- **AB 1029 (Pellerin)**

Right of MH consumers to execute a voluntary stand-alone Psychiatric Advance Directive. Prohibits an AHCD agent from committing a person to a mental health facility, consent to ECT, psychosurgery, sterilization & abortion.

- **9/8 signed by gov and chaptered.**

- **AB 1316 (Irwin & Ward)**

Definition of “psychiatric emergency medical condition” made applicable regardless of patient legal status & required MediCal to cover all necessary treatment to stabilize a beneficiary whether he/she is voluntary or involuntary including treatment provided in ER.

- **Per 10/4 message from Deb, 2-yr bill – Assembly Health**

- **AB 1451 (Jackson)**

In addition to existing parity law, this bill requires health care service plan contracts or health insurance policies, beginning 1/1/24, to provide coverage for urgent & emergency MH & SUD treatment, w/out preauthorization & to be reimbursed in a timely manner.

- **ENROLLED 9/12; awaiting action from governor.**

- **AB 1085 (Maienschein)**

Would make housing support svcs including housing transition navigation svcs, housing deposits, housing tenancy & sustaining svcs a MediCal benefit for persons who are either experiencing homelessness or at risk of homelessness.

- **ENROLLED 9/18; Vetoed by Governor Newsom.**

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- **AB 48 (Aguiar-Curry)**

Adds to existing rights of SNF, ICF & hospice facility residents:

- Right to informed consent to accept/refuse administration of psychotropic drugs.
- Requires copy of written informed consent be placed in resident's medical record. Consent must be renewed every 6 months.
- Prohibits use of psychotropic drugs for purpose of discipline, convenience and used as chemical restraint except in an emergency.
- **ENROLLED 9/18; awaiting action by governor.**

c. Other Proposed Legislation – Melanie.

SB 302-Cannabis for Patients over 65 with a chronic disease allowed in health facilities

- Signed into law

AB 1481-Medi-cal presumptive eligibility for pregnant beneficiaries

- Signed into law

AB 1471-Seismic Compliance Deadline for O'Conner and VMC

- Signed into law

SB 58-Decriminalization of certain hallucinogenic substances

- Vetoed

VII. Reports from Meetings/Other Advocacy Organizations

- a. California Coalition for Mental Health (CCMH): No report.
- b. California Office of Patients' Rights (COPR): Daniel reports he is still the interim director, position will be filled first of the year. Working on advocacy for jail based competency restoration treatment programs. Also, updating the on-line PRA training manual based on this year's legislation. PRAT planning has begun and is expected to take place in April 2024. Working with DHCS to come out with a minor's handbook. Mike reports that DHCS will not send the Rights Booklets to PRAs any longer; they will only send them to the facilities.
- c. Disability Rights California (DRC): Samuel reports that DRC is monitoring Care Court implementation. Reporting on your county's plan for implementation would be helpful. Orange County director reports Care Court will be voluntary in their county. The MH Practice Group is involved with litigation across the state i.e. Alameda and Tulare due to a lack of community based MH services. Alameda suffers from poor outcomes. Both are close to settling, he will share more when he is at liberty to do so.

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BH Connect Waiver submitted to CMS which waives the IMD exclusion for 60 days. Waiting to see if it goes through. Proposition 1, DRC working to change public opinion against institutionalizing persons with mental health disabilities. Consulting with various groups including Rob Wipond (“Your Consent Is Not Required”).

- d. CAMHPRO: Richard reports that their priority will be pushing back against Prop 1 and will be facilitating grass roots organizing.
- e. California Behavioral Health Planning Council (CBHPC): Richard reports Richard reports they will be meeting next week, more info will be available next meeting.

VIII. Next Meeting, Adjourn

- a. Next meeting scheduled for Wednesday, January 24th, 2023 at 1 p.m. to 4 p.m.
- b. Jim makes a motion to adjourn the meeting and Chris seconded the motion, no further discussion, meeting adjourned.