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California Association of Mental Health Patients' Rights Advocates

Board Meeting MINUTES
Wednesday, November 9, 2022
Time: 1:00 PM - 4:00 PM
Via Zoom Call

I. Call to Order

a. Introductions and Roll Call

Member/Title	County
Lisa Long / President & Treasurer	Placer
Frank Smithwaters / Vice-President	Northern California
Melody Beltz - Secretary	Humboldt
Clare Cortright / BAYPAC	Santa Clara
Christina S. Kraushar / Central	Merced
Whitney Wilson/South	San Diego
Jean McDonald / At Large	San Diego
Ann Venegas / At Large	Riverside
Mike Phillips / At Large	San Diego
Merida Saracho / At Large	San Bernardino
Richard Krzyzanowski – DRC / At Large	Los Angeles Area
Jim Raphael / Emeritus	Santa Clara
Melanie Roland / Legislative Committee	Santa Clara
Dave Vandenburg / Emeritus	Monterey
Daniel Wagoner – COPR / At Large	Sacramento Area
Jill Ward / Guest (Past President)	Shasta
Michele Mudgett - Guest	COPR
Deb Roth - Guest	DRC Leg. Unit
Kim Pederson - Guest	DRC Lit. Unit

II. Housekeeping

a. Roll Call – Quorum met.

- b. Treasurer's Report: Lisa reports a \$45 payment to the Secretary of State for the annual DOJ payment. Previous balance was \$6,796.92 minus \$45.the new account balance is \$6,751.92.

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- Melody makes a motion to approve the Treasurer's report, seconded by Chris, no further discussion, motion carries.
- c. Approval of Minutes-There were no changes or corrections. Jim makes the motion to approve the minutes, Richard seconds, no further discussion, motion carries.

III. Coalition Reports

- a. Far North: No representative – Still no representative for the Far North. Lisa is still looking for a representative. Lisa reports a voluntary crisis 24-hour center opened in Placer County.
- b. BayPac: No update.
- c. Central: Chris Kraushar (Fresno County) – Had 7 participants at last meeting including Daniel for a total of 9. They would like to see a presentation at PRAT regarding a “day in the life of a PRA.” Also, would like a training on SUDs, roles and responsibilities. Biggest daily challenge was staffing and audits, process, documentation reports. Merced is experiencing a staffing shortage/lack of leadership. No 14-day holds in CSUs reported. Voluntary minor CSU in Merced was closed, will reopen in January.
- d. South: Whitney Wilson (San Diego) – Whitney reports LA, San Bernardino, Orange new director for Los Angeles, Eliza Gildemontez. PRAT presentations: PRA 101 The Basics, Care Court, building collaboration between counties and new legislation and potential impact. How many new PRAs? Do counties have issues sending PRAs to PRAT? Daily challenge: staffing. CSUs – Orange County has Be Well Campus does do hearings there at their CSU.

IV. Standing Items

- a. Presidential Updates:
 - Open discussion at PRAT on CAMHPRA, 3 new PRAs joined.
 - Lisa represented CAMHPRA at the DHCS Advisory Meeting on 10/31/22.
 - Website: Lisa reports the website traffic continues to rise, up 50%.
- b. Legislative Committee – Richard reports this committee met a couple of weeks ago.
- c. Review of Legislation:

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- SB 1338 (Umberg-Eggman) Community Assist, Recovery & Empowerment (CARE) Act was APPROVED on 9/22 as expected. I suggest that the implementation of the new law be made a standing item on the BOD agenda for the future.
- AB 988 (Bauer-Kahan) APPROVED 9/29/22 implements 9-8-8 suicide & crisis lifeline
- 2786 (Stone) DIED IN CMTE: Would have expanded the Children's Crisis Continuum Pilot Program to include Medi-Cal eligible non-dependent youth.
- AB 1859 (Levine) VETOED. Would have required facilities to arrange & authorize follow-up appointments for persons released from involuntary detentions w/in 48 hours of discharge.
- AB 2242 (Santiago) APPROVED 9/30/22. Requires MHSOAC to establish a comprehensive framework for tracking & spending on MH programs & services .Requires that persons released from short-term LPS holds & conservatorships shall receive a coordination plan prior to release that includes a follow-up appointment. On the BAD side, the bill authorizes use of MHSA funds to pay for involuntary LPS services.
- AB 2275 (Wood-Stone) APPROVED 9/30/22. For the purpose of determining when a 5250 begins, this bill establishes statewide that 5150s start at the time and date the detention is initiated. Provides that persons detained longer than 72 hours in any designated or non-designated treatment setting are entitled to a CRH and that facilities must notify the county PRA of persons so detained.
 1. The law does not require a facility to provide the person with written notice explaining the reason, i.e. what the probable cause is for extending the involuntary detention as pursuant to WIC Sec. 5250 et seq. Notification for prolonging the detention & and advisement of the person's due process rights is verbal only.
 2. Although the new statute expressly states that "the detained person shall be considered certified" (WIC Sec 5156(b)), it

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fails to state the duration of the certification or require the person detained be given this information.

3. There is no requirement that the staff person giving the notice & advisement document the date and time he/she provided this information to the person being detained.
 4. There is no mention in the language making it a mandatory obligation for facilities to engage in all reasonable and ongoing efforts to arrange transfer of the person to a hospital designated to provide intensive treatment services.
 5. If a hearing is conducted in a non-designated treatment setting and the hearing officer upholds continued detention of the person, how long may the person be legally detained in the non-designated treatment setting?
 6. For persons brought in on 5150s for DTS or DTO, are facilities required to comply with the firearms restriction law and give persons written & oral information about their rights regarding the restriction. & notify the state DOJ of the admission & notify the state DOJ & notify DOJ a 2nd time if the person has a certification review hearing & the hearing officer sustains continued detention for any reason? (WIC Sec 8103 et seq.).
 7. May a non-designated facility w/out a psychiatrist on staff or available on call prescribe antipsychotic meds or forcibly administer such meds in an "emergency"? WIC Sec 5008(m). May a non-designated facility file a Riese petition to schedule a legal review of a person's capacity to refuse meds?
 8. Are there potential conflicts between this law and H&S Code Sec. 1799.111?
- AB 2317 (Ramos) APPROVED 9/27/22; Authorizes use of Federal share of Medi-Cal to cover cost of room & board at children's crisis residential facilities (CCRF). Creates a new licensing category for CCRFs.
(Is this the reincarnation of Community Treatment Facilities disguised as CCRFs?) Opponents of the legislation argue that it establishes a new type of institutional setting that will exacerbate youth trauma, instability and feelings of impermanency & lead to poor outcomes. The better solution is to provide comprehensive, high-quality, intensive services in homelike settings w/ community based wrap-around services.

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- AB 2657 (Stone) APPROVED 9/29/22: Removes individuals from death row who are deemed IST & not restorable to competence & resentenced to life w/out parole.
- AB 2632 (Holden) VETOED: Would have banned the use of solitary confinement across all state prisons, private prisons & county jails for vulnerable populations including persons diagnosed w/ SMI.
- SB 1223 (Becker) APPROVED 9/29/22: Requires court to consider diversion of defendants diagnosed w/ MH disorders when the disorder was a significant factor in commission of an offense unless there is clear & convincing evidence it was not. Burden of proof is on the prosecution.
- SB 1227 (Eggman) APPROVED 9/27/22: Takes effect on 1/1/23. Modifies the LPS commitment scheme to provide for a 2nd 30-day hold for intensive treatment w/out the need to file for conservatorship. This means that a person may now be involuntarily detained & forcibly treated w/ AP meds for up to 2.5 months based on probable cause. CAMHPRA should watch how this bill is implemented. I suggest adding as a standing item on the BOD meeting agenda.

V. New Business

- a. Bylaws Revision – Jim. Proposed changes to Sec 8 of Bylaws in regard to meeting quorum and clarifies motions in general. Allows for urgent calls to vote via email by the board executive team in descending order. Secretary will track votes unless unavailable, then the person who called for the vote will track and send to the secretary for taking of minutes. Richard moves to approve the suggested changes, seconded by Merida, no further discussion, motion carries.

VI. Statewide Business

No agenda items.

VII. Reports from Meetings/Other Advocacy Organizations

- a. California Coalition for Mental Health (CCMH): Melanie reports the meeting was focused on 988 rollout. Next meeting is Jan. 26, 2023.

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- b. California Office of Patients' Rights (COPR): Daniel reports training next week on the 2 new bills; AB2275 and SB1227, COPRs rep from DHCS starting soon. PRAT will be in-person next Spring sometime between March and May, 2023. They would like to know if PRAs experience difficulty getting approval to attend.
- c. California Association of Mental Health Peer Run Organizations CAMHPRO/DRC: Richard reports Sally Zinman passed away at the end of August. Interim Director, Andrea Wagner. A legislative committee was formed and they will be working on proposed legislation. Peer respites, 803 implementation, etc.
- d. California Behavioral Health Planning Council (CBHPC): Richard reports this committee will be working on increasing the PRA ratio. They presented at PRAT on what they do, also presented on jail advocacy. The new committee chair is Daphne Shaw. Mike will be the chair after Daphne.

VIII. Public Policy

- a. AB 2275
 - Kim Pederson and Dep Roth join the meeting to discuss AB 2275. Kim explains this bill was intended to fix due process concerns and ensure statewide uniformity. Guarantees a hearing with 7 days as is Doe v. Gallinot. However, it does not guarantee treatment under the LPS act. They are working on getting clarification letter sent out by DHCS.
 - SB 929 Data component was also enacted
 - Expansion of grave disability coming again from Eggman.

IX. New Business and next Meeting, Adjourn

- a. The next CAMHPRA meeting will be Wednesday, February 8th 2023 at 1:00 p.m.
- b. Jim makes a motion to adjourn the meeting and Richard seconded the motion, no further discussion, meeting adjourned.