

CAMHPRA Board Meeting

Wednesday, December 6, 2017

10am – 3:10pm

Conference Call

Roll Call: Samuel Jain – President (Santa Clara); Jill Ward – Vice-President (Shasta); Kelly Reilly – Secretary (San Diego); Gloria Hernandez – Central Valley (Fresno); Jim Raphael – BAYPAC (Santa Clara); Jean McDonald – At Large (San Diego); David Vandenberg – At-Large (Monterey); Christina Kraushar – At-Large (Merced); Richard Krzyzanowski – DRC/At Large (Los Angeles Area); Joshua Bryant – At Large (Trinity); Carol Underwood – At Large (Trinity); Maureen Edwards Love (Los Angeles); Mike Phillips (San Diego)– **Quorum met**
74 total members, 16 Board spots. Shelly Fitzgerald (Humboldt) resigned.

Treasurer's Report (Sam on behalf of Annette):

Account balance \$6528.77. Fraudulent charge \$128.20: credited back to the account. SI-100 Form will be filed, deadline is end of year

Approval of Minutes:

Edits: George Carvahlo instead of Stewart under San Benito County. Joshua Bryant is from Sacramento, not Trinity. Samuel will edit. **Jill motions to approve, Richard seconds. Approved.**

I. Statewide Business

a. PRA Ratio Subcommittee Report/Legislation Update (Sam)

Daphne Shaw and Samuel Jain met with two staff members from Susan Eggman's office and discussed sponsoring bill addressing issues in PRA white paper. Samuel is working with one staffer in Susan Eggman's office, who sent out follow up questions: What laws should we use to extend protection against retaliation for PRAs, and what stakeholders should be involved in developing a curriculum for PRA training? - California Labor Code 1102.5, code provided retaliation/protection for employees, could extend to PRAs who are independent contractors. Samuel spoke with Employment Law Professor at Santa Clara University, she said that code section is the exact one that would need to be extended. Relayed information back to staffer. Second question: professional certification for PRAs – identified OPR, DHCS, CAMHPRA. Will continue to work with staffer. Need to hammer down specifically what we want to ask for in this bill, and lobbying strategies to develop talking points and reach out to others for support.

b. Insurance for PRA independent contractors (Jill)

Liability insurance. Some report their PRA contract reimburses PRA for liability insurance. PRA in Lake County not being reimbursed. Smaller county contracts are part time and does not sound like county is reimbursing them for that cost. Suggestion to put insurance in as part of the RFP. Larger issue is that individuals come on board without knowing how to negotiate their contract. Legislation could have effect on this, counties will have to dedicate more resources to PRAs. CAMHPRA can provide support for this on an individual basis, can advise on best practices of negotiation and provide letter to

the county (or County Behavioral Health Directors Association) advising them of the industry standard that that amount is included in the contract. Will work on individual cases first, once we get a better understanding on the issue it might warrant a letter. Would be helpful to PRAs joining who aren't aware. Have them email Samuel, CC Jill to handle this on an individual basis. Consider adding something to website about issues like this, due to delay in finding out when someone is hired. EX: Lake County is still referring people to Lillian Bond although she emailed her resignation on November 4th. Trinity County: pays for insurance, but can't put on invoice. Need to look into this issue a little more before we have an official action on this, will put on next agenda to continue discussion.

c. Humboldt County Issues (Sam/Jill)

Asked Shelley Fitzgerald for clarification on issues, but she did not respond to email. Jill put in call to see if they selected another PRA, heard back that they are considering making the PRA position a full time county employee instead of contractor. Reports that none of the clients are getting writ hearings. A couple people on conservatorship not getting referred to the PD for court. Sam will email Anne to ask for updates, will mention Humboldt County issues as well. Will mention Lake County issue as well.

II. PRAT 2018 Luncheon

a. Planning Committee

Next PRAT: April 11-April 13, 2018 in Sacramento. Hotel has not been officially announced. Division of responsibility: Recruit/Coordinate speaker, Facilitating Awards, and then "Everything Else"

i. Location and food

Annette, Sam – and Kelly & Jean can help remotely. Carol and Jill can help day of January 15 to get some general ideas for buffet, etc. Annette proposed theme of "Advocacy for Change."

ii. Award nominations and voting process

Includes requesting/receiving nominations, and facilitating voting. Chris & Gloria can do again. 3/6 awards last year. Can post awards/nominations on website and send out email to listserv. Nomination requests by January 15. Close nominations by February 28th. Board will vote by email in early March. Can put questions in nomination request to help put together bio.

iii. Keynote Speaker

Jim and Jill are interested in coordinating keynote speaker, can send out suggestion to Board for voting. Offered about \$300 last year, can discuss via email. Timeline: sooner the better. Jim & Jill will coordinate after the New Year. Email Jim/Jill suggestions to create a list of people we could contact. Can vote on order to pursue people. Plan to ask people by the end of January/early February.

III. Coalition Reports

a. Far North: Jill Ward (Shasta)

Put out email to all Far North PRAs. Tried to contact Lillian Bond (former PRA from Lake County), not successful. Waiting to hear from Humboldt County to see if they have PRA. Mendocino County – not sure if there is a PRA, left 6 months ago. Shasta: whole person care. Shasta Regional Medical center is moving closer to getting their geriatric

voluntary unit into LPS unit. Will open possibility to take people with medical conditions into psych hospital. Concerns to address w/ Anne Collier regarding people who are new to psych nursing care. Up in the air: who is doing cert hearings? Likely to open January 2018. Lots to address beforehand.

Carol from Trinity reports that Alpine House Residential Care Facility - doing resident rights trainings. March: open unlicensed 5 bed (not quite crisis house) 2 week short term placement, staffed by peer specialists. New director & supervisor more open to advocates being involved. Trying to get out information re: PRA services.

b. BayPac: Jim Raphael (Santa Clara)

BayPac meeting – it's been several months. In Santa Clara: 80 beds/17bed adolescent facility – particular problems with minor admission practices, complaints from parents about coercive and manipulative practices, parents are not willing to sign kids in vol/being threatened with putting kids on 5250, telling them they can't take child out for 48 hours even if they sign in vol. Board of Supervisors may be considering implementing AOT services, keeping eye on that but nothing official last month. Board of Supervisors approved creation of adolescent inpatient unit at County hospital, will tear down portion of hospital. Not sufficient beds, BHS contracts for Medi-Cal currently. Problematic issues with doctor at one hospital who is contrary to patient rights, does not have much of a bedside manner if patients are not fully cooperative. Problems with timing of notices, PRAs have to call facility to see if there are possible 5250 the day before. 2 dedicated PD for LPS calendar, one PD is for 5250 writ, the other is for conservatorships. Final Medicaid changes are now in effect, Counties need to review P&Ps especially with respect to requirements around Medi-Cal specialty mental health services; Jim helping revise some policies. Working with jails on seclusion of rights on Ferguson gowns (denial of rights clothing). Sam: had advocacy success with county jail, advocated for hygiene kits for everyone on mental health unit, increased out time from 2 hours to 21 hours per week.

c. Central: Gloria Hernandez (Fresno County)

One client came on 5150 from jail, in jail: put in moving module; no window. Wondering if anyone has seen/heard anything like this – no one has. Fresno: crisis residential home hopefully opening in June, length of stay between 30-90 days. Still having trouble with Exodus Home: no psychiatrist, bringing in nurse practitioner. Hired psych for meds, NP will do treatment. Hopefully new psychiatrist will recognize voluntary status, not currently doing so.

d. South: Maureen Edwards-Love on behalf of Martin Hernandez (Los Angeles) – nothing to report

Mike Phillips (San Diego) – about to expand CSU from 4 to 12 beds for Minors. RFP for SNF STP (for medical/psych needs). New crisis house, 8 total now. Newest crisis house unlikely to be working with Medi-Cal clients. 2 fairly new CSUs attached to Northern SD County, closely watching. Starting 5150 quarterly task force, bringing stakeholders to table to address some systemic issues. AOT/Laura's Law: first almost petition, but client agreed to go vol. No court orders yet despite 2 years in play. 2 gero-psych units converting to LPS, one open for decades and one about to open. Moving into SUD advocacy world at some point. Pushing for county to explore video conferencing for hearings that take place downtown. Controversial, but we are currently seeing many negative side effects of taking patients downtown for hearings. Looking at technological

solutions to problems with clients getting to writ hearings. Dave suggested video conferencing in his county as well.

IV. Guest Speakers

a. Anne Hadreas, Supervising Attorney, Disability Rights California
Recent litigation: Referral from another PRA – serial 5150 and improper emergency medications, case settled a few months ago, created some policy changes within the county. Working on another serial 5150 case. Also doing some litigation around jail conditions for people with mental illness, a couple of cases in Sacramento and Santa Barbara County. Access to transitional services/longer term services for people coming out of residential and IMD settings. Another project has to do with the conditional release program. Another project: assisting people on commitments in state hospitals to challenge their commitments. Looking at a couple of counties for community restoration programs. Anne is happy to take referrals for similar issues that come up around serial 5150, autonomy rights (least restrictive placement, issues with sexuality etc), and counties that are not moving people to less restrictive settings in a timely manner – this a huge issue for DRC. Can send directly to Anne. Looking for particularly egregious issues or systemic issues. Any kind of research/internal investigation that PRAs can compile or provide (reports, medical record, actual client who can be the face of the issue) will make it more likely that DRC can take the case. Serial 5150 happen in many if not all counties - adolescents would be a stronger case than adults. In Merced, minors are waiting in ED and being evaluated & reevaluated until a bed can be found, with reports of minors in ED for 10 days. Any statistics, reports, and potential clients willing to speak with DRC would be helpful. Regarding serial 5150, Gloria from Fresno reports that copies of other 5150 do not follow adolescents from CSUs or EDs—making it difficult to get credit for time served. Dave reports that Monterey County minors have 5250 & cert review hearings in the ED if they will be there beyond 72 hours, even if the facility is not LPS designated. Other counties have made this compromise as well. DRC can't take every case, but it helps to get referrals anyway to get ideas of which areas have more problems. Any kind of streamlining and drawing together systemic issues would be very helpful.

b. George Carvahlo, Patients' Rights Advocate, San Benito County
(possibly) – not in attendance

Anne is interested in discussing CAMHPRA as organizational plaintiff, she is looking to decide how the case would be, and to understand how interested CAMHPRA is in doing this. Dave gave overview of issues in San Benito County: small county with ~20,000 population. County mental health physician and mental health board did not designate Hazel Hawkins as LPS facility, but 5150s are still directed there, and there is no psychiatrist on staff. They keep the person there until they can find a bed in another county; years ago patients were sent to Santa Cruz County, and if referred for 5250, there would be a cert review. Dave made complaint to DPH or DHCS, complaint was substantiated, agreed that there was a patient rights violation but no sanctions were put in place. Keeping people in non-designated EDs with no psych treatment. Grand Jury report came out this summer, County's response was that people could be kept on

more than one 5150 - a number of misinterpreted statutes. This was in the Grand Jury report as well: 72 hours under 5150, and 72 hours under 5151.

In order for CAMHPRA to be organizational plaintiff: would have to be expending time or energy or training materials to work on this issue instead of other issues. George Carvahlo is not a member of CAMHPRA but we are discussing it on our agenda.

Motion to support CAMHPRA being organizational plaintiff in possible DRC litigation against San Benito County: Gloria moves to support, Jill seconds. Richard abstains. Approved

Division of labor: Jim Preis & Jim Raphael may have documentation that would be helpful for the case. Years ago, court upheld CAMHPRA as organizational plaintiff. Anne is trying to get a copy of that order. KG vs. Meredith: CAMHPRA was also a petitioner. Any of those pleadings would be helpful to get to Anne as well. Will continue to discuss specifics via email. If CAMHPRA does become organizational plaintiff in this case, would need to potentially sign off on settlement. Samuel can bring any kind of settlements or major developments to the Board for approval and will keep the Board updated on any developments in the case.

Other option - associational standing: members can bring a case on their own. The association can bring the case if it remains with the organization's purpose, and if it is not required to have an individual bringing their own claim. Not as strong, but easier to prove.

Serial 5150 in LA County: Maureen reports that clock does not start ticking until someone gets to LPS designated facility, which may not happen for days. Anticipating that someone will file a suit at some point to resolve this issue.

For anyone that is seeing serial 5150 issues in their county that are egregious, happening repeatedly, or need to create systemic change, email Samuel or Anne directly.

V. Reports from Meetings/Other Advocacy Organizations

a. California Coalition for Mental Health (CCMH): Jim Preis
Coalition adopted white paper – major issues: strengthening mental health workforce/ providing opportunities for consumers in workforce, prevent unnecessary/costly incarceration, investing in affordable housing, and parity. Hospital Association was very supportive of improving certification for PRAs. Next meeting is January 23rd, and then May 22 – both likely in Sacramento. PRA whitepaper may potentially fit under mental health workforce.

b. California Office of Patients' Rights (COPR): Ann Coller – not in attendance

c. Mental Health Advocacy Services (MHAS): Jim Preis

In LA over the last 1.5 years, taxpayers voted to increase property and sales tax to create revenue for affordable housing and mental health services (specifically involuntary mental health treatment). Report created for involuntary mental health

treatment in homeless, and issues in conservatorship. Report back asked if there is any proposed legislation – no, but would like to expand definition of grave disability to include language about inability to utilize medical care.

- d. California Mental Health Planning Council (CMHPC): Samuel Jain
- e. Disability Rights California (DRC): Richard Krzyzanowski

VI. Public Policy (2:30pm – 3pm)

- a. AB-1250: broad language, much concern, will continue to monitor next legislative session.
- b. AB-720: passed, goes into effect 2022. Will monitor implementation.
- c. Other legislation

VII. New Business and Next Meeting; Adjourn