

C · A · M · H · P · R · A

California Association of Mental Health Patients' Rights Advocates

MINUTES

Quarterly Board Meeting

February 3 , 2010

Time: 10:00 am to 4:00 pm

Locations:

Disability Rights CA Offices

2580 Wilshire Blvd, Suite 902
Los Angeles, 90010
(213) 427-8747

Oakland Office unavailable

100 Howe Ave, Suite 235N
Sacramento 95825
(916) 488-9950

1111 6th Ave, Suite 200
San Diego 92101
(619) 239-7861

567 West Shaw Ave, Suite C3
Fresno, 93704
(559) 476-2000

I. The meeting was called to order by President Barbara Roche at 10:11 a.m.

a. Roll Call

Present: President Barbara Roche, Vice-President Jill Ward, Secretary Janet Marshall Wilson, Treasurer Teresa Alvarez, Past President Jim Raphael, Sarah Barnes, Robert Farrow [for Francesca Tenenbaum], Linda Helling, Gloria Hernandez, Jim Marquez, Anne Menasche, Jim Preis, Dave Vandenberg.

Absent: Ann Coller, Hank Hallowell, Dennis Wall

b. Review and approval of minutes from September 24, 2009 M/S/Carried unanimously [Barnes/Preis].

c. Additional agenda items/time accommodations Jim Raphael requests to place on agenda whether CAMHPRA will take a position and send a letter regarding budget action alert re MHSA money on ballot to be used for other purposes. Placed as #G under public policy after lunch. There was a request to move to Public Policy quickly due to some people's scheduling issues. M/S/Carried unanimously to approve agenda as amended [Wilson/Marquez].

C · A · M · H · P · R · A

California Association of Mental Health Patients' Rights Advocates

d. **Announcements: Raphael: Community Care licensing case [CAMHPRA v. DSS]:** new regulations went into effect last August after a settlement with the state. CAMHPRA received what we asked for [at least \$850,000 in attorney's fees as opposed to costs]. No punitive damages were awarded. Community Care Licensing will act in positive ways as technical advisors to assist elders in getting waivers. Is any part of the settlement confidential? Jim to ask Kyra. Jim to find out later today and also resend notice.

II. Organizational Business [35 minutes]

a. **Treasurer's report [Teresa Alvarez]:** We have \$5190.01. Webmaster costs to be approved with contract at next meeting.

b. **Board composition:** The Board is complete. All appointments have been made. Jim Preis did not get notice of meeting from Barbara. She will add him to her e-mail list. There is a problem with Jessica Martinez e-mail. Both Dennis and Teresa are having trouble receiving e-mails. Barbara will try another test today.

c. **Website issues:** CAMHPRA needs new website management. Jim Raphael apologized for difficulty updating the Board roster and officers and said that he would try to update. He received an e-mail from Kathleen Piche yesterday, who had e-mailed John Cockford asking for referrals, and there was a referral to Rochan Performance Posting: HR \$7.95/month; \$90-100/year. Jim Raphael will follow-up. Bulletin board questions all go to Jim Raphael. Are other individuals willing to answer? This will be on agenda for next meeting. Need policy and procedures, archives re what we have said or done with people. **Suggestion:** create log or Listserve; identify trends.

d. **Legislation committee:** A legislative committee has been suggested because some county employees on the Board cannot sign letters [conflict of interest]. This is a restrictive, non-negotiable policy based on the law against public employees lobbying, volunteers and duties. Jim Raphael does not have such a restriction, nor Jim Preis, Hank Hallowell and Janet Marshall Wilson. Different websites [Disability Rights CA, Local Mental Health Directors, NAMI, and others] need to be checked for proposed laws which affect the mental health community. Pulling up of bills and checking their status is most time-consuming. Janet, Barbara, Jim R, Gloria M/S/Carried unanimously [Ward/Helling] to create a legislative committee consisting of Janet, Barbara, Jim Raphael, and Gloria. Jim Raphael to monitor the CA Local Mental Health Directors Assoc website; Janet: DRC; CCMH and NAMI; Barbara; Gloria: CA Health Alerts, MH America and Bazelon. Board will decide when to send letters and committee will write them.

e. **Bylaws Committee Report:** Jill Ward, Jim Marquez, Jim Raphael reported that brief e-mail exchange had occurred but members have not individually reviewed the bylaws. They will do so and report back at the next meeting. The purpose of bylaws committee: expand consumer participation; look at whom to partnership with.

C · A · M · H · P · R · A

California Association of Mental Health Patients' Rights Advocates

Other organizational business: none

III. Coalition updates [50 minutes]

a. Far North: Linda Helling (Placer): they held a coalition meeting 1/20: Shasta, Placer, and also 3 from Sacramento attended. It is a problem to get to meetings. There was an e-mail request to present reports. There was an effort to divide up counties and check by phone in order to enrich the information sent to the Board. There is silence from some of the littler counties. They will continue to try. The Far North coalition has greatly improved. Sacramento: changes in policy re folks held on 5150 w/o time being counted. Advocacy program solicited response from Mental Health Director re access to 5150 patients who are in the E.R. got report from Shasta. Trinity and modoc: phone contact. Modoc [Linda Martinez] is almost bankrupt, Mental Health is closed on Fridays; the county is trying to consolidate to keep doors open. They have not had many complaints. Drop-in center Sunrays of Hope [MHSA] is going well. In Trinity, Joyce Ott, volunteer PRA, has new Director; the drop in center running well; PEI and IT MHSA plans recently improved. Clients like the mental health department; very few complaints. Recently 4 part-time consumers were hired as extra help [no benefits]. In Shasta: issue with 5150s and local E.R.s; also issues with a non profits [N Valley Catholic Services] changing the drop-in center to a day treatment center, resulting in termination of one of the people running it. Jill Ward investigated. In Placer: the biggest clinic in Auburn is closing and moving to Roseville. The travel is 15-30 miles for services. Also, a crisis residential facility closed over the summer, but the county has recently contracted with ANKA, which is scheduled to open crisis residential in March. Since the state training Placer County has implemented 5270; did training with psychiatrists, nurses and social services staff. 5270s have not been used much [only appropriately]. The drop-in center doing fabulously; is completely client-run except for 1 managerial staff. There has been client culture training, and the center is very involved in community. They are working on a training regarding the discontinuation of counseling without Notices of Action. They are pleased with a new psychiatrist in forensic mental health and communication with the mental health court; not taking people off meds when arriving in jail; even administering some benzodiazepines, although there is a strict policy against this. Jim R: issues with seroquel & wellbutrin in jail[they are abused; known to be crushed and snorted]. Heard from Henry Eisenman [Plumas] that the consumer center is doing really well. In Siskiyou, Dan Jordan offered to be a patients' rights contact until someone is rehired again.

b. BAYPAC: Francesca Tenenbaum (Alameda/San Mateo) [Robert Farrow subbing] [Next coalition meeting 4/7]: Santa Clara: A new Kaiser 26 bed locked unit opened 10/15. MHAP has been working with Kaiser providing technical assistance and training. Access issues with veterans facility in Palo Alto. New hearing officer in Santa Clara County strict on application of the law. Alameda: John George Pavilion is improving. There is a new administrator. The meals

C · A · M · H · P · R · A

California Association of Mental Health Patients' Rights Advocates

have improved. At least 2 hot meals per day are offered in psychiatric emergency. Also, patients' access to own clothing has improved. Room lockout is an issue. Santa Clara: Medi-Cal share of cost issue: Medi-medi's have been seen for years in county or contract clinics, with any residual share of cost born by the county. Now, a letter was sent out to county and contract clinics that the county will no longer cover that gap; rather, the individual client will have to pay. They are offering payment plans, or sending bill directly to county → to medicare, back to eligibility workers. [Placer is similar, charging for back services. Successful in getting Placer County to reduce some of these bills]; MHAP designated patients' rights program for Santa Clara County; there was a contractual issue and now the program is meeting with the mental health director every other month, which has been fruitful. The county may implement 5270. There was a meeting last week regarding a new MHSA project between law enforcement and mental health to upgrade training of sheriff deputies and police officers when in contact with mental health clients. The project is in beginning stages and will be implemented late fall.

c. Central Valley: Gloria Hernandez (Fresno)no report

d. South: Jim Marquez (Orange)ICE detainees: where are they going if not Costa Mesa? Out of state to unlicensed contracted facilities? San Diego has not seen any, but some hospitals are opening up extra wings, and patients' rights is unsure the use of them. PRAT: when will it come to southern CA? Something should be done about small counties with no or volunteer advocates. Can anything be done to increase the numbers of advocates, now that we are responsible for MHSA and other new programs? MHSA could be used as funding for training peers to become advocates. Issue in Santa Barbara: access to patients' rights records by mental health division? Referred to MH Director, who said no. Martinez settlement: class action in which back social security awards were given, overturning the decision that an outstanding warrant makes one ineligible for benefits. There was an example of a facility having no canteen, but with a cafeteria or staff doing a daily run, being cited by Licensing. If there are vending capabilities but they are only available to staff rather than clients, complaints may be filed.

IV. Report from other advocacy organizations [30 minutes]

a. CCMH: no report

b. COPR: Agnes Lintz: DMH has 2 regulation packets out for public comment re state hospitals; incl modifying appeal procedure for LPS patients. CAMHPRA or county advocates may be interested in commenting. This month Griselda will be soliciting bids for PRAT, probably in Sacramento. Southern CA is a real problem for Far North advocates [there is no airport north of Sacramento]. The suggestion was to try to move it around. Ideas on topics were encouraged. Michele Mudgett and Agnes spoke with the facility administrator in Delhi for 1368/1370 MHRC wing. LPS rights apply; they are mental health clients, not criminals. County advocates have responsibility for Delhi; state office is

C · A · M · H · P · R · A

California Association of Mental Health Patients' Rights Advocates

available to consult and do state hospitals. The Delhi facility opened 12/1. A DMH pilot project got some IST's out of several county jails. Psychiatric Transitions is another program opening in LA county [Jim Preis says this program is inside the jail.] OPR is considering getting a legal opinion if only 1 day credit is given for being sent from jail to a PHF, when 2 days credit are given when sent from PHF to MHRC, for IST. There is a huge problem with jails taking inmates off meds cold turkey when the meds are not on formulary. NGRIs do not want to go back to jail where their meds are messed up.

c. DRC: [Anne Menasche] ICE: nothing new to report. Rights of ICE detainees in San Diego: rights not violated except for presence of guard. Dept of Health Services is investigating the issue now and Jim Preis will interview with them Thursday. There is a cap on number of psychological sessions in San Diego County, related to Western Center for Law and Poverty [Kim Lewis] work. Linda Heller, Placer County, needs to know State Fair hearing strategies. The thinking is group therapy and peer groups rather than individual counseling. NOAs? In Placer, no NOA, just a conversation with provider saying don't bother to reapply, it will be denied. In Placer, the ones which have been challenged, the consumers have won. Placer County is risking a lot by the above practice. It is important to get NOA as well as apply for new services [Aid Paid Pending].

d. MHAS: Jim Preis had had to leave for the day.

LUNCH [ONE HOUR]

v. Public Policy [3 hours]

a. PRA: population project update: postponed until next time, need to see where we stand? 82 letter done 1:500,000. Proposed 1:300,000, then the economy crashed. Have talked to legislators. Window of opportunity to do study on what we do, who does it, extrapolate the benefit. Gloria has been lead person in working on a public grant; Alliant University interested. Grant due in the end of the year. Who should take the lead? Could benefit everyone down the road. Gloria dropped everything, not hearing back from Alliant University [Public Welfare Department].

b. Litigation: Conservatorship of Jacqueline B: update from Mort Cohen: CA Supreme Court handed down a unanimous decision in the appeal, the appellate court was vacated and the case was remanded back to the appellate court for review on the merits. This will have an impact on the imposition of legal disabilities if we get a favorable outcome. Jim Preis, DRC and Mort Cohen have been working on procedures for full and temporary conservatorship. Jim P. had been asked to write a letter on behalf of CAMHPRA supporting that the petition be granted [that the case was not moot] and sent back to appellate court. Granted on full conservatorship, not on t-con. . sending letters to CAMHPRA Board.

C · A · M · H · P · R · A

California Association of Mental Health Patients' Rights Advocates

c. Case Law: legislation signed into law that permits county jails to charge inmates \$3.00 for every medical service provided. Keep ears open for next time. Find out what if any counties are implementing?

d. State and local budget issues: Santa Clara Co MHD has issued a directive to outpatient providers that they must begin billing clients who have a Medi-Cal Share of Cost because the county is no longer going to make up the difference.

e. INS/ICE: See DRC report and Southern CA Coalition report.

f. legislation

g. Jim Raphael suggests CAMHPRA take a position against budget issues [MHSA]. Letters need to go out immediately to have effect. CAMHPRA position: huge reduction in funding would lead to reduction in rights and choices; funding for services would be decimated, which would result in increased institutionalization and incarceration, and overloading emergency rooms. The need for MHSA dollars goes way way back in California to when state hospitals closed and money did not follow to the community [Ronald Reagan governorship in the 60's]. Now the money is approved for specific purpose; can only go back to people if it goes through the legislature. Janet [on Legislative Committee] agreed to draft letter if the Board would review it.

h. Jails: [client had been in isolation and off Wellbutrin; DRC dropped case when taken out of isolation]. Gloria suggested they file a complaint against the psychiatrist. Rule: supposed to supply same level of services as they would in the community. Clients keep going off to state hospital for treatment, then back to jail, where they receive no meds; it is a revolving door. There was an instance of 30 year diagnosis of schizophrenia; now just called depressed because in jail, to save money on medication. Gloria asked to review each of the charts and review policies and procedures; her mental health director asked her to justify her investigation, because jails are run by Public Health. Scope of need seen: Gloria lauded for her efforts. David V.: Go through public records act to see last inspection results of jail.

Next CAMHPRA meeting: May 19, 2010. Barbara Roche can call Ann Coller whose secretary can set up the DRC videoconferencing rooms.

M/S/Carried unanimously [Ward/Heller] to adjourn. 2:15