

CAMHPRA BOARD MEETING
4/20-21/2000
DAY INN, SACRAMENTO

DAY 1 11-6

PRESENT: Board Members: dan jordan, dave hosseini, dave vandenbergh, richard danford, kim lewis, jim preis, janet wilson, day altair, hank hallowell, barbara leifer, kyra kazantzis

Liaisons/Guests: Mary Jo O'Brien [California Network of Mental Health Clients liaison], Paul Gerowitz [Protection & Advocacy], Frank Smith [State Office of Patients' Rights], Jim Gullaney and Karen Cameron, [pra's, Sacramento Co.

ABSENT:

call to order: 11:16; quorem met 11:42

- I. Association Business
 - A. Introductions
 - B. Agenda Review
 - C. Approval of Minutes; m [richard] s[dave h]; consensus; ratified 11:46.
 - D. Announcements

pai so ca hiring 3 new peer self advocates.

5/20 pai trng re s/r

[janet get pamila's secy phone numer to dave h]

dmh reporting req under 5402; public records act. dmh now pressuring counties for this data which s/h/b submitted years ago. some counties may end up estimating.

dave h call from wwalker davis opening in july opening in ombudsman office. starts at 24000/yr. call wwd. get on state gov list before announced in 7/2000.

richard: health families prog covers inpt mh; managed by health plans; population: over income for medi-cal, but not enough income for insurane. kids are more likely to exhaust inpt tx; then what? county pick up? what are complaint and grievance procedures? [not medi-cal]. due process rights when termination of services? look at health families legislation.

richard: implementation of ab88 [parity] 7/1. discuss under public policy

mhadvocacy day 5/10 in sacramento. discuss under coalition.

ami conf 6/14-18 in san diego. sylvia caras to have a table for anti-1800. program in kern county, very anti-patients' rights, is probably on agenda.

alameda: # certs doubled, asked for more 2 more positions and more money for computers for mha. now 8 fte pts rights advocates.

hank; death in snf stp 37 yo woman cause of death not known, died in unlocked "voluntary" seclusion.

dave v, seaside shooting, pai investigation out for 2 yr anniversary of shooting. 5/10.

mike stortz has taken case of no noa: eric h v. state of ca.

E. President's Report

get list

F. Committee Reports

1. Communications - see kim's
 - Web Site
 - Newsletter/Articles Online
2. Membership - see kim's
 - CAMHPRA brochure
 - Membership list
3. Treasurer's Report - see kim's
 - financial update
4. LPS
 - CARES coalition
 - Joint Committee on MH Reform

wesbro, thomson sac, la, santa rosa, oakland. 5/1 report available w/recommendations. discussion of 4 hearings, especially level of consumer participation.

G. Coalition Reports - see kim's

LUNCH

II. Organization Liaison Reports - see kim's

California Coalition for Mental Health

Mental Health Planning Council
Mental Health Director's Association
California Network of Mental Health Clients

A. Report from Office of Patients' Rights

report out; must get from dmh, not opr.
two trainings went well
technical support to mendo & SF.
program review of la in june
hiring for adv at atascadero
state trng 9/21-23 marriott marina del rey [near la airport]

sf office: k awarded to study center; consumer run non-profit. hx of brochure printing.
expanded to self-help. forced into having advisory board. interviewing. need help.
know nobody.

B. Protection & Advocacy Report

11th amendment s/n preclude ada from applying to ca. [state immunity if fed constitution silent]. dare case. asked sen burton to introduce joint resolution requesting what letter* requests. expect burton to gather information to use at confirmation hearing of current head of dmh, and and try to find senator to sponsor a joining resolution, sen ortiz.

III. Public Policy

Current Legislation

AB 2034 (Steinberg)

AB 1800 (Thomson): judiciary comm mtg 4/25. could end up in very small room if heard in afternoon. kuehl (co-author) has stuck w her rule of 2 witnesses per side, 2 min per witness. psychologists may take one slot; kyra nominated to take the other. may or may not be possible for people to speak individually. author presenting and closing does not count in 2 for, 2 against. discussion of nature of psychologists objections. beyond turf. judiciary committee interested in both due process and fairness. possible that cares will have both slots: kyra and sally. kuehl had mtg w dan pone that dan could analyze bill for committee. changed her mind. politically would not work for her. reassigned to drew lever, chief consultant. career policy person. may try to draft a well balanced analysis, in which arguments on our behalf will not appear as strong as otherwise would. kuehl not interested in doing the right thing; rather the politically realistic thing. because kuehl signed on as co-author, defends the bill. staffer of assembly appropriations committee is open to hearing arguments. said inclination is to not recommend bill simply on anecdotal data. will undoubtedly go into suspense file; then to be heard end of may. if took out 350 million, counties would have to absorb the cost. directors of mh opposed carries a lot of weight. hugely expensive bill to widely reform existing law needs large consensus. politically, on mh issues people listen to

directors. now directors can tell the appropriations committee the costs of bill. huge amount of money for program which does not work and of questionable ethics.

entitlement: counties get money if implement program; if do not implement, required to implement, with no money.

rikhard: on hold for 28 days but not meet medical necessity? no Medi-Cal reimbursement.

other side's argument: 28 days is mechanism to get people to get people into opc. "voluntary" therefore no violation of rights. stop revolving door, save money. kim: only gd eligible for opc. hank: state already has provision for 30-day hold, which is not used because too expensive.

senate budget process: one pot of money, what do we spend it on: burton: 300 million for a,b,c,d,e; expansion of lps not on that list. nothing else will get out of senate. sjc will do a report, peggy collins will have major control, thomson will have minor voice, diane cummins, burton's aid; peggy collins, diane venmarin, staff to budget subcommittee, will control report. will come back next year, **perhaps as initiative.**

jim: solidify people on fence, eg mhda, mha, to keep from surfacing every year and we have to take energy to fight.

kyra: important to get providers on board.

psychiatric harm: it is true that this is a phrase in tort law: mental distress, a way to ask for damages. case law: req to hospitalize someone need substantial danger of harm. need for judiciary committee.

kyra: managed care may keep length of stay short, but admissions will skyrocket, especially of indigent, where county will face 100% costs rather than 50% federal match. increased inpatient costs will decrease the match available to clincis, outpatient care.

actual studies: no disagreement that voluntary tx better than invol. fear of invol tx keeps people from vol tx. when approached w/o coercion, w/respect, people will voluntarily receive services.

kyra: we must admit that lps is currently unevenly enforced. we can acknowledge. not because of way lps written.

"as resources are available" language amended out; now a mandate.

AB 2798 [thomson] state hospital patients could not refuse medicaitons. bad bill. dangerous have no med hearing; gd do. applies to ngi and ncst

AB 1718/1762: Janet to write letter on 1718. 1762 was pulled?

SB 1858 (Escutia) d/c planning/advanced directives. CARES bill, for medical beneficiaries only. recently amended. this version, responsibility on providers to do d/c planning, new version [not here] responsibility on plan. other amendment: need to decide extent of services needed upon d/c. also, will not be a mandate, but services provided to extent available. suggest: separate out non-expensive services which should always be provided, such as medication information. **ADVICE THAT WOULD NOT PASS W/O "EXTENT AVAILABLE" LANGUAGE.** advanced directives: dmh to convene working group include camhpra, network, pai, casra, family, hospital reps, directors, to develop model advanced directive to be distributed. provide education and assistance done by consumers and advocates on how to create and utilize advance directives. cares committee to work on and get language [recommendations, etc] to paul.

purposes: get something better on books re d/c planning; also OPPOSE 1800.

SB 1770 (Chesbro): good bill for family and client empowerment. came out of sjc hearings. state create rfp's for empowerment centers.

SB 1534 (Perata); [going to committee next wed.]CA Healthcare Assoc. are opposing, saying there are no qualifications for advocates. broaden advocates authority to access confid recds with or without pt consent. will lead to abuse of authority. 1/250,000 5500.1 a premature ratio. want neutral arbiter before reporting of complaints against facilities. conflict of interest for county advocates to investigate complaints in county facilities. advocate serves as investigator, judge and jury. egregious abuse by advocate. wants neutral arbiter. no fundamental protections to facility. advocates of unknown qualifications or motivation. unfair to nonclients or facilities. unchecked power. why should advocate reports take priority over others? no due process for facilities. no protection for patients who are not clients. no balance. conflict of interest.

misconstrued independence of advocates. within lps scheme, lmhd has a lot of authority to make sure the process works the way it should; advocates are a big part of that.

letter written to leg analyst of senate health & human services committee to meet deadline.

discussion of ration issue and fact that some advocacy functions are done by outside agencies [ie sf pd do hearings]. actually gives us flexibility. mh dept should promulgate regs re addressing this ratio issue. add in 5500.1. [if needed; negotiating point]

[roger s case law requires an attorney. some counties let advocates do.]

increased fines? take out? never increased since written. discuss w healthcare assoc and maybe split the difference? take out mhd ability to levy? restore old language but increase amount?

re access to lrcf, 22 CCR already allows, maybe ombudsman and ccl would support ?

priorities: (1) ratio; (2) access [be sure to include 5328(n); (3) application of 5325 & 5325.1 to lrcf; (4) duties of adv to add complaints & grievances [advocacy functions]; (5) increased fines. take out 5542(b) except keep "including but not limited to the following follows" 1-9. these agencies do not have to knee-jerk whenever we call. c: only to pra and lmhd. private right of action for client.

day: could we include immunity language for advocates? no, if they already think we are running amuck and are unqualified.

kyra's language: add county counsel [atty general, d.a., county counsel]5326.8(b)(4)

c add county counsel

p 8 delete as shown; appeal to board of supervisors or designee [s/b within county].

changes as shown on bill. amended 4/13.

m(richard);s(janet) empower those who go to sacramento next wed to keep top 2 priority.

other legislation

-AB2034: son of steinberg. support. 5/3 heard assembly appropriations

-SB2098 [Hayden]: guidelines for use of psychotropics for youth authority; analysis says psychiatrists incompetent. watch.

-SB2092 [shift] overlapping j for dependency courts and cons for youth. requires youth's atty be notified of cons. even if cons, if dependent, COURT must consent to meds. hank to watch.

-AB2161 [vincent] MFT bill. would include MFT interns as eligible to see kids [under supervision]. also these interns may see records if denied to client. do not get in middle of turn battles.

discussed numerous other bills.

-MFT bill wants to substitute MFT for psychiatrists and psychologists.

-SB 1769 [gallegos]: mentally ill offender

-AB 1969 developing long term housing in MHRC's [steinberg] 4/25 goes to assembly health

Managed Care

Forensics Locks case (2nd Appellate Dist.) Title 15 Regs.

Community Treatment Facilities (CTF'S)

DAY 2 9-noon

IV. Other Committee Reports and Updates

A. Title IX

- members? see roster; others added for purposes of bill
- advocacy needs and resources
- patients' rights advocacy legislation

B. Residential/Community Care

met x4 by phone; last mtg had linda eppler from ccl. 11 weak areas of regs. see notes on 3/23

- update from committee
- recommendations of aciton; want bill. compile current law in each category. show why inadequate. propose new laws/regs.

m [richard]/s[barbara]/p consider funding project to work w CAMHPRA & CNMHC to examine 14 areas listed on problems in community care facilities for purpose of gathering data to support future legislation. B&C committee can best decide how to be done. day to post info on website re b&c committee. richard to contact cathey blakemore

mary jo to talk to sally. approach pai with network.

C. Seclusion & Restraint Project - talk to pai work with pamila re publishing s/r manual.

HCFA regs - alameda co: decided to require of all facilities whatever their licensure. sab duegi: a monitoring tool on hcfa???? single page. send to kim.

V. General Discussion

A. Planning Priorities for State Training/Lunch

B. Review of Committee Structure

C. CAMHPRA relationship to coalitions

VI. Confirm date for next board meeting: july 13-14 burlingame park plaza?
kyra to invite fancher to mtg. decide early & send to kyra and all, kyra will forward to fancher.

VII. Review of Assignments