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The Contra Costa County Mental Health Commission has a dual mission: 1) To influence the County's Mental Health System to ensure the delivery of quality services which are effective, efficient, culturally relevant and responsive to the needs and desires of the clients it serves with dignity and respect; and 2) to be the advocate with the Board of Supervisors, the Mental Health Division, and the community on behalf of all Contra Costa County residents who are in need of mental health services.

QUALITY OF CARE Committee Meeting May 18, 2017 • 3:15 p.m.-5p.m. • 1340 Arnold Drive, Room 112, Martinez

AGENDA

- I. Call to order/Introductions
- II. Public comments
- III. Commissioner's comments
- IV. Chair announcements
- V. APPROVE minutes from April 20, 2017 meeting
- VI. DISCUSS grievance protocol for patients- Steven Wilbur, Quality Improvement Coordinator
- VII. DISCUSS hospitalization for Children/Teens/TAY- Vern Wallace, Children/Adolescent Program Chief
- VIII. PRESENTATION regarding the Focus Groups Results- Dr. Ann Isbell and Christina Boothman for Quality Improvement
 - IX. DISCUSS and CREATE action plan for 2017
 - X. Adjourn



Mental Health Commission Quality of Care Committee Minutes April 20, 2017- First draft

	Agenda Item / Discussion	Action / Follow-up
I.	Call to Order / Introductions The meeting was called to order by Committee Chair Barbara Serwin	Eventine Assistant
	at 3:34 p.m.	Executive Assistant: • Transfer recording to
	Members Present:	computer.Update Committee
	Chair- Barbara Serwin, District II	attendance
	Gina Swirsding, District I	Update MHC Database
	Members Absent: Connie Steers- District IV	or and a second second
	Others Present:	
	Bernadette Banks, Director of Office of Patient's Rights for CCC	
	Jennifer Tuipulotu, Coordinator for Children's Family Services and interim Coordinator for Office of Consumer Empowerment and Co-Chair for the Children's	
	Teen and Young Adult's Committee	
	Kathi McLaughlin, CPAW- Children's committee/MHSD	
	Marilyn Franklin, WCCAS/CCC-Children's Mental Health clinician	
	Douglas Dunn, District III	
	Susan Horrocks, Family member	
	Dee Pathman, Family member Lauren Rettagliata, District II	1
	Jill Ray, Supv. Andersen's office, District II	
	Adam Down, Behavioral Health Administration (left @4:06pm)	
	Liza A. Molina-Huntley, Executive Assistant for MHC	1
II.	Public Comment	
	• None	
III.	Commissioner Comments	
	Gina- There was a shooting last year regarding a child that died at the	
	Hilltop Mall in Richmond. I am concerned about people that live in the	
	area where there is gun violence. Gina did attend a seminar, on Tuesday-	
	4/18/17, presented at the City of Richmond Police Department, for	
	"Victims of Gun Violence," to help those who have suffered from gun	
	violence, families were invited as well. It is difficult for victims and	
	families of victims of gun violence, to find government assistance.	
IV.	These families need help and I want to find a way to help these families.	
IV.	Chair announcements/comments: None	
V.	APPROVE Minutes from March 16, 2017 meeting	Executive Assistant will
	• MOTION VOTE: 2-0-0	correct the minutes, finalize
	 Gina moved to motion and Barbara seconded the motion 	and post the minutes on the
	• YAYS: 2 NAYS: 0 ABSTAIN: 0	Mental Health County website.
	Present: Barbara, Gina	
X / T	Absent: Connie Steers	
VI.	DISCUSS – Grievance advocacy for consumers by guest- Bernadette	• Attachment received by BB-
	Banks, program Director for the Office of Patient's rights in Contra	PowerPoint from
	Costa County Barbara Wa are very fortunate to have Bernadette here to speak with	Consumer's Self Help
	o Barbara- We are very fortunate to have Bernadette here, to speak with us about how grievance advocacy works for consumers. The reason this	Center
	Committee has decided this year to look at the various types of patient's	
	Committee has decided this year to look at the various types of patient's	1

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preps for the hearings on Mondays and Thursday s, for the hearings held every Tuesday and every Friady. • Lauren-I am very familiar with that. There is concern from family members and the patient's advocate. When you go in to speak with a patient, who is in the hospital, are you allowed to see their medical records? Do you see information that the family has sent over? Because that's a concern of mine. • Bernadette-yes. A person always has the right to send over information. The difference regarding legal rights and medical needs are completely opposite. Patient's rights is an expressed interests, the patient has the right to have "due process" and not to be locked up. That is what patient's rights are there for. When information is sent, the hearing officer who comes into the facilities to the hearings, he listens to what the hospital is presenting. If there is a conflict between the information sent by the family and what the hospital's information states, the patient has to show symptoms that demonstrate enough probable cause to continue a hold on a patient against their will. • Lauren- what I am asking you is – do you sit down with the patient and prep for the hearing, beforehand? • Bernadette- Yes, we do. We prep on Mondays and Thursdays. Every week we go into the hospitals and obtain a "sensor" sheet. The sensor sheet tells us what patients are in the hospital and what their status is and we pre-prep and visit the patient and fully explain the process to them and what they need. • EA/Liza- Can we allow Bernadette to finish her presentation; it may clarify some more questions. • Bernadette- As I was trying to say, all patients have rights. From children to adults. We help with all ages. John Muir has a children's and adolescent unit with 10 beds for children's ages 4 to 12 and 24 beds for ages 13 to 17 years old. The adult unit is 18 years old and up. Our County hospital is the designated psychiatric facility for Contra Costa. What that means is that most of the people sent to PES (Psych Emergency Se	
must be given the option. If the family member commits to caring for	

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	their loved one that is considered "third party assistance," then the patient is no longer able to lawfully be on hold.	
	Gina- if a person attempts suicide and they are taken to John Muir, after	
•	the person has recovered or voluntarily go can that person be held under	
	a 5150?	
•	Bernadette- Any ambulance will not transfer a person unless they are being held under a 5150 legal hold. If the person decides that they want	
	to stay at a private hospital, the hospital will sign the person in as a	
	voluntary hold. But, in order to transfer, the patient must be held under a	
	legal hold or the ambulance will not transfer the patient. Most patients	
	are released if it is a first occurrence; if not, then the possibility of being	
	held is greater especially if there is a pattern of frequent 5150 holds.	
•	Lauren- what about the patient's history? Many people are under a	
•	deep psychosis can be very convincing and have convinced themselves	
	and present themselves a being sane and rational but they are not telling	
	anyone the truth, including the hearing officer.	
•	Bernadette- I understand and hear what you're saying; the main thing is	
	what the Psychiatrists states in the patient's chart. The hearing officer	
	cannot see the patient's chart because it would be a HIPPA violation, he	
	must be unbiased.	
•	Lauren- What if the Psychiatrist is not there to step forward to state if	
	someone should stay placed on a 5250 hold and it's the Social Worker's	1 /
	day off, then what you have happening is that you have a person who is	1
	not well, who is not dealing in reality going before the hearing officer.	
	There are a lot of people not dealing in reality that make a very good	
	presentation.	
•	Bernadette- With that being said, regardless if it is the weekend, the	
	final decision is made by the Psychiatrist, there must be one at every	
	hearing. A hearing cannot be held without the Psychiatrist, Hearing	
	Officer, the patient and the Patient's rights representative.	
•	Lauren- But if the Psychiatrist has only known the patient for 15	
	minutes he doesn't know.	
•	Bernadette- The Psychiatrist has to look at the history and read the	
	patient's chart.	
•	Doug- two questions: Lauren asked about the history of the patient- is	
	your office aware of the language in AB1194? What about the issue of	
	being released against medical advice? Where the Psychiatrist	
	recommends that the patient be held, based on their medical criteria, but	
	the patient is released against medical advice and the Hearing Officer	
	releases the patient.	
•	Bernadette- As I said earlier, legal rights and medical needs can be	
	opposite of each other. Hospital staff is speaking on medical needs, our	
	office is for legal rights, that's where the confusion is because the patient	
	does have legal rights of not being held against their will. Ideally, it is	
_	best for people to be a part of their own treatment plan.	
•	Lauren- If the person is in a deep psychosis they can't be. The problem is that there are people that have very serious mental illnesses that are	
	is that there are people that have very serious mental illnesses that are very hard and without the history available to the Hearing Officer it is	
	almost impossible to get these consumers into the longer extended	
	treatment that they need. They end up in a revolving door of PES,	
	Homelessness and jail. It is very disheartening to families when they do	
	from crossics and jan. It is very disticantening to families when they do	

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end up in 4C and after they have had a period of time of stabilization and are appearing to be doing better, and the Hearing Officer does not know the history or the Psychiatrist of record, then the patient is released too soon. You as the patient's rights person, people also have the right to be treated, more important than their right to not be incarcerated is their right to treatment. If there is some way that we could advocate that the Patient's Right's office understand that these people hit this revolving door because their right for treatment is not first. Their real will isn't there and they are so ill they really don't have free will at the point because of their illness has incapacitated them, like any other debilitating illness. • Bernadette- To wrap it up- if a family member has any information, they need to make sure that the information gets in the patient's record. I also advise people when the child or patient is at their best, have them sign a release to give the family member authorization to go into their records. The authorization is good for a year; otherwise the family member will be told that they cannot be given any information because it is a HIPPA violation, unless a release of authorization is signed. Now if it is an under aged child, only the parent can sign them in and out, it is up to the parent. The parent signs the child in involuntarily. Parents can contact our office for assistance, toll free, at: 844-666-0472. Our office has flyers everywhere: in PES, in all the hospitals. • Gina- That is great to know. I know a lot of kids that are released and sent back to school and they are still in the crisis mode and they wind up in juvenile hall because they wound up in school too soon while they were still in crisis mode. It is hard for kids to express that they need help and hard for the parents because they are working and don't know what to do, especially if there is a language barrier. If they do ask for help and they don't get the help, the lose trust and won't ask again and win	
 are your biggest challenges? If things breakdown, where do they breakdown? Bernadette- My biggest challenge is when family members want to talk about the patient and we can't talk about it, unless there is a released signed. I can listen but I explain that we cannot discuss anything without a release signed. It's the law, have the patient sign the consent form authorizing to release information. Lauren- Do you explain that to the families? Gina- Can we have you come back Bernadette? Barbara- Once we have cycled through all the different services and have a better handle on what is there and what we perceive to maybe not be there it would be great to have you come back to educate us some more. 	
Bernadette- I would suggest that everyone read the handout that I gave and write down your questions and send them to me, so when I come back, we can get right to answering your questions. DESCRIPTION D	
 VII. DISCUSS- Mission and goals for Children's (TAY) Transitional Age Youth and Young Adults by guests: Jennifer Tuipulotu and Kathi McLaughlin Barbara- This is the first time that we are able to sit down with the 	Gina would like the SPIRIT program to present at the Mental Health Commission meeting

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Children's, TAY and adolescent's Committee and we are happy to have both of you here. Both of these groups, children's and TAY are in need of inpatient facilities. We really don't have placement here in our	
the commission, due to my previous involvement with the commission, about 25 years. When CPAW was created, to make recommendations to the Mental Health/Behavioral Health Directors, the Children's	
committee was a part of CPAW and ran in the same manner it currently is. A couple of years ago the Board of Supervisors discussed having the committee's adhere to the "Brown-Act," but since the committee is not as well established as the commission or it's committee's and we wanted the ability to work more nimbly so if something was coming up, it was on the agenda and allow anyone to bring up any discussion as well. This is the reason why the two groups divided. It was set up as a way for the age related committees and social inclusion to be able to respond quickly to anything of interest and allow anyone to attend, it is an open committee and it is not subject to the Brown Act. Because of the shortage of beds more and more places that use to take our kids have closed or are no longer taking the younger kids or accept the application for our kids. Unfortunately, every facility has the right to refuse anyone and it is a primary reason we have so many problems. We had hoped that the George and Cynthia Wellness Center was going to be a diversion from PES. But, because it is a federally qualified health center, it cannot accept children or adults that are mild to moderate, moderate or severe. Basically, if a person has already been to PES, then they do not fit the criteria to go to the Miller Wellness Center due to being a federally qualified health center. The money from the Mental Health Services Act for capital facilities went in, it was not enough money to build a free	

standing place, to save money, we went in with physical help and ambulatory care to create a federally qualified health center to obtain federal reimbursement. Unfortunately, we were not aware that it would limit the criteria. PES is not a place for kids and there isn't really a place for kids. That is why we started to look at different options and started to put a plan together to move 4D to a kids unit. • Lauren- After reading the letter, I am not clear; will 4D become the psyche mergency for children too? • Kathi- No, it's not going to be a psych emergency, it gives a place to put kids that need a longer treatment plan than 23 hours. By law, children are not allowed to be held longer than 23 hours in PES. When they do stay beyond the 23 hours the country gets absolutely no reimbursement. Not to mention the fact that there is no place for the kids in the center. • Lauren- Have we done a study on the utilization and review of the average number of children entering PES monthly, to see if there utilization and review, on their exit is to a full hospital? • Kathi- I am certain that Vern has done that study because the numbers I have, I got from him. • Lauren- Vern said that the figures did not correlate with Pat Godley's figures, his figures had less. When we did ask the question at our last meeting, they said that they didn't know and I think that if to go forward, I think it's a good thing to know so that when you present your proposal to the Board of Supervisors and to Pat Godley you can say, on the discharge from PES, this number of children have been discharged without a place to go- the discharge has to be very specific. • Kathi- that would be better information for Vern, than for me, because I am not a clinician and I would not know anything about that. • Barbara- as opposed to what else? • Lauren- No, we need to know. What is going on in my head is that a lot of these children that are there for a long time, many of them would not qualify to go to an inpatient hospital. The placement that they w
ambulatory care to create a federally qualified health center to obtain federal reimbursement. Unfortunately, we were not aware that it would limit the criteria. PES is not a place for kids and there isn't really a place for kids. That is why we started to look at different options and started to put a plan together to move 40 to a kids unit. • Lauren- After reading the letter, I am not clear; will 4D become the psych emergency for children too? • Kathi- No, it's not going to be a psych emergency, it gives a place to put kids that need a longer treatment plan than 23 hours. By law, children are not allowed to be held longer than 23 hours in PES. When they do stay beyond the 23 hours the county gets absolutely no reimbursement. Not to mention the fact that there is no place for the kids in the center. • Lauren- Have we done a study on the utilization and review of the average number of children entering PES monthly, to see if there utilization and review, on their exit is to a full hospital? • Kathi- I am certain that Vern has done that study because the numbers I have, I got from him. • Lauren- Vern said that the figures did not correlate with Pat Godley's figures, his figures had less. When we did ask the question at our last meeting, they said that they didn't know and I think that if to go forward, I think it's a good thing to know so that when you present your proposal to the Board of Supervisors and to Pat Godley you can say, on the discharge from PES, this number of children have been discharged without a place to go- the discharge has to be very specific. • Kathi- that would be better information for Vern, than for me, because I am not a clinician and I would not know anything about that. • Barbara- as opposed to what else? • Lauren- No, we need to know. What is going on in my head is that a lot of these children that are there for a long time, many of them would not qualify to go to an impatient hospital. The placement that they were looking for would be a possible- "super foster family care" bu
 Kathi- I think we need to ask that question to Vern. What Pat Godley said is that the figures didn't pencil out because we could not get a contract from other counties, committing to a certain amount of beds. We don't do that; no one is going to do that. But the fact still remains that we do not have enough space in any kind of a hospital setting at all and we really don't have any space at all for the kids that are 5 to 12 years old. Barbara- Going back to why they won't commit- is it an issue of: "The other county knows that they will need the beds, but will not commit upfront, because in the possibility that they don't need a bed, then the

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- **Kathi-** Correct! We, as a county, don't do that either. Yet, we are always looking for space for our kids, outside the county, because there isn't any available space along with other counties.
- **Barbara-** If that is a known practice, then we know how many beds are exchanged.
- **Kathi-** That is why Vern and Warren had put together a proposal to look at the possibility utilizing 4D for children. This started about a year ago, I actually wrote a letter, a year ago, I have revised it since then- we all thought that Pat Godley was onboard with the proposal-
- Barbara- what made you think that?
 - Kathi- because he kind of indicated to Vern and Warren, over a year and half ago, that he was on board and he did think that the figures were going to pencil out, plus we were going to be using Mental Health Services Act Funds to deal with the physical plant. We cannot provide (meaning MHSA) staffing or money for staffing to anything that is a locked facility. Then more than a year ago, Mr. Godley said no, that the project didn't pencil out. Vern does believe that it would, especially because there is a need and so few places for the little ones that many counties would come to us asking for available space. Aside from everything else, I don't think that all of the costs are being included. 4D has been used as a cafeteria for more than a year; it was previously a psychiatric unit for adults. So the county could afford to convert it to a cafeteria but not for a unit for kids? I am sorry, that just doesn't make any sense. The number of stays beyond 23 hours that were not reimbursed at PES, there were 175 children in 2015, 148 children in 2016. I believe I remember Vern said the drop was due to the mobile response team? Those are just the kids that stay beyond the 23 hours that means that they are not able to receive services that are going to be reimbursed. We cannot keep them there but those services are at the county's expense, not reimbursed in any way shape or form. I know of one child that stayed 77 days and I want to say that another child stayed 50 days, this year, these were the longest stay.
- Gina- and it costs approximately \$2000, per day, per child?
 - **Kathi-** that is correct, approximately. The additional costs in serving kids that are placed out of our county, then we also have to provide supervision to them and there is a lot of down time in that, costs our county approximately \$150,000. The services at PES costs about \$75,000, it did drop to about \$60,000. However, children staying over a week, still need to be connected with their school and their families. That does not work when they are sent out of the county or when they are in PES. There is not a safe place for kids in PES, nor is there a quiet place. The school district will not send teachers to PES for home and hospital teaching, those kids are not getting any educational services during the amount of time that they're there. That compounds there problems when they go back to school because the kids get way behind in school. The reason being is that there isn't a place for the teacher to meet with the student. The school might wait until the child goes home, before the send a home and hospital teacher. The kids lose their connection with the district. It is a civil rights violation. It is against the law to hold these kids in PES past the 23 hours. This does put the county at risk for being sued. I don't think anybody is taking this into account the fact that this is not acceptable programing. It is a patient's rights issue and a civil

Ü	Action / Follow-up
rights violation. If you haven't visited PES, look at where the kids are. It is an alcove with two dental chairs that's where they stay. Gina- the other part is that they're there against their will, there are people screaming inside PES, that can be scary for adults, it's even worse for the kids. Doug- to get back to the finances Kathi, at the last meeting, I took apart the financial piece and emailed it to you both-Warren made a statement using averaging the costs per day, Pat Godley countered – originally they had stated that the actual records and they actually only paid out "X" and they said that there was a \$1.6 million difference of what they had estimated on an average cost per day basis and what was actually paid. If you can show that the doctor recommended a hospital stay and that's not happening, that is a civil rights issue and plus there is also a cost factor that Mr. Godley might not be taking into account. Kathi- So you are talking about kids that should come back to PES, should be hospitalized, should have a more restrictive environment, some don't come back after the first time that they are there Doug- it would be interesting to know if those kids wind up in jail, or where the recidivism continues. They drop out of the system because they are under aged. You can show that there is at least a "break even" because the other counties would want to use the space, if they are not full with our own kids and have the availability. Kathi- 110 kids are processed through PES every month and 51% of those are from East County. There is a dearth of services in East County as well. I do find that it would be appropriate to address the civil rights violation, it is not just a dollar and cents issue, this is a civil rights and treatment issue. There is an older/aging adults program, under Innovation from the MHSA, that is called "Partners in Aging" and they were going to set up at PES to help divert older adults because they are vulnerable too and there is no space for them there either. It is an issue,	Action / Follow-up
up a meeting with a Family and Human Services and the Board and have that discussion there first and see what happens? If anyone has any interest in signing my letter, let me know, and I will be happy to put your name on it. I am in the process of revising the letter.	
broadening it? When I look at the situation, I see at first pass an analysis that Adam and Vern both stressed that they had limited information in many different ways. In some ways it shouldn't be incumbent on advocates and non-finance staff to do that analysis. From a commission stand point, there is information that we could demand to have from the Finance department.	
 Kathi- that would be a better role from you all, than from CPAW. Lauren- it's because we don't have the numbers from the hospital. To make this real numbers we have to have the real numbers from the hospital finance. We can think of numbers and put an estimate of what the costs are but they have the actual numbers/costs. Whether the child 	

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	stays 1 day or 23 days, there is not that costs that they're saying there is.	•
	When I spoke to Victor Montoya, he said that actually it doesn't costs	
	them that much more to hold the child and it's the right thing to do	
	because if there is no place for the child to go, better to keep the child in	
	a safe environment than to exit the child to a non-safe environment. But	
	the costs that we're saying that we are attributing to them being there	
	really is not the true cost. There is only a certain amount of beds in	
	psych emergency and children do get top priority, and they stay there	
	longer because there is no place for them to go.	
	• Kathi- what Vern is talking about is that he will not allow the child that	
	stays at PES not to get some sort of treatment and support and just sit	
	there without help. Vern is sending his staff over and that is where those	
	costs are that are not shown in the hospital costs.	
	• Lauren- We would have to know too, how many days will they be	
	allowed to stay in 4D unit?	
	• Kathi- That would be determined by the Psychiatrists. There are a lot	
	more factors that determine the stay, depending on the treatment plan.	
	Barbara- maybe we can do some brainstorming as a next step	
	• Doug- if I can add, we probably better do it sooner rather than later,	
	because there is stuff going on at the federal level.	
	Barbara- Liza/EA, just for the record- I/we would like to request to do	
	some brainstorming around- what is the best way to move forward in	1 /
	terms of we are looking at the perspective of how do we show the need	
	for 4D, as a children's treatment facility. And we need to obtain a more	
	detailed analysis to be done regarding the costs advocating for a	
	children's facility, whether it be converting 4D or another treatment care	
	facility for children. Note that Kathi did state that the Children's	
	Committee is planning a visit to the Miller-Wellness Center and if we	
	can piggy back and join them during their visit. We need to make sure	
	we get a hold of Jennifer Tuipulotu.	
	Jennifer- What I was actually thinking was to hold the Children's	
	Committee meeting at the Center at their very nice large conference	
	room, although parking is an issue and have a tour while we are there. I	
	will follow up and let you know.	
VIII.	DISCUSS the Behavioral Health Service's development of an action	Postponed due to
	plan to support Children's, (TAY) Transitional Age Youth and Young	insufficient time.
	Adults inpatient treatment facilities by guests: Jennifer Tuipulotu and	
	Kathi McLaughlin	
IX.	DISCUSS and CREATE Action Plan for 2017	CHAIR MOVED ITEM to the
		MAY agenda and will email
v	Adjourned of 5.16 nm	EA the goals for 2017
Χ.	Adjourned at 5:16 pm	

Respectfully submitted, Liza Molina-Huntley ASA II- Executive Assistant for MHC CCHS- Behavioral Health Administration

Consumers Self Help Center

Office of Patients' Rights Contra Costa County

Office of Patients' Rights

- Incorporated in 1989, Consumers Self Help Center is a private non-profit agency that is consumer run and consumer driven.
- Consumers Self Help Center has provided Patients' Rights Advocacy services to Sacramento County since 1992.
- Advocacy services to Sacramento, Yolo, and San Currently, our agency provides Patients' Rights Joaquin Counties.
- In November, 2014 we anticipate providing Patients' Rights Advocacy Services in Contra Costa County.

Patients' Rights Advocates

Advocacy for Contra Costa County will be provided by Consumers Self Help Center Office of Patients' Rights.

- > The staffing for these services will be provided by 1 Program Director and 2 Full-Time Advocates.
- Each advocate will be familiarized with Contra Costa County's mental health service system and able to respond to client questions/concerns or complaints.

How to Contact an Advocate?

Contra Costa County Office of Patients' Rights:

1350 Arnold Way, Suite 203

Martinez, CA

925-293-4942

(1-844-666-0472)

(-...)

Our Administrative Office is located at: 1851 Heritage Lane, Suite 187

Sacramento, CA 95815

916-333-3800

(1-844-666-0472)

Patients' Rights

Patients' rights can be found in statutes, regulations Mental health patients have the same legal rights rights by being hospitalized or receiving services. other laws. As citizens, patients do not lose their guaranteed to everyone by the Constitution and and case law.

Service Plan

- Information and Referral:
- Provide patients' rights posters and handbooks
- Monitor designated facility's to ensure patients' rights notification.
- Monitor Patients' Rights "List of Rights" postings in all mental health facilities as required.
- Monitor Mental Health Facilities, services, and programs for compliance with statutory and regulatory requirements.
- · Includes, In-patient, Out-patients, Sub-Acute, and Residential

Advocacy Services:

Investigate and resolve complaints received from clients, Report unresolved complaints to County or State. responsible relatives, and interested parties.

Certification Review Hearings Representation

- Contra Costa Regional Medical Center
- John Muir Behavioral Health Center

Riese Capacity Hearings Representation

- Contra Costa Regional Medical Center
- John Muir Behavioral Health Center

Training

Provide training for County-selected staff

Provide training upon request for staff of acute care facilities, transitional housing, residential treatment facilities, and residential care homes.

Provide Consultation upon request on Patients' Rights Attend all State-Mandated trainings

Grievance Managed Care:

Assist clients get medication upon discharge Requesting a change of provider

Undeniable Rights

Under California law, the following rights may NEVER be denied:

- The right to treatment services which promote the potential of the person to function independently. Treatment should be provided in ways that are least restrictive of the personal liberty of the individual.
- The right to dignity, privacy, and humane care.
- restraint, isolation, medication, abuse, or neglect. Medication may not be used as punishment, for the convenience of staff, as a substitute for, or in quantities The right to be free from harm, including unnecessary or excessive physical that interfere with the treatment program.
- The right to prompt medical care and treatment.
- The right to religious freedom and practice.
- The right to participate in appropriate programs of publicly supported education.
- The right to social interaction.
- The right to physical exercise and recreational opportunities.
- The right to be free from hazardous procedures.

Inpatient Rights

Psychiatric facilities must also uphold the following specific rights, which can be denied only when "good cause" exists:

- The right to wear one's own clothing.
- The right to keep and use one's own personal possessions, including toilet articles, in a place accessible to the patient.
- The right to keep and spend a reasonable sum of one's money for small purchases.
- The right to have access to individual storage space for one's own use.
- The right to see visitors each day.
- The right to have reasonable access to phones both to make and receive confidential calls.
- The right to have access to letter-writing materials, including stamps.
- The right to mail and receive unopened letters and correspondence.

Patients' Rights Continued

- Every mental health client has the right to see and receive the services of a Patients' Rights Advocate.
- medication, unless specific emergency criteria are met or there has psychiatric treatment, including the right to refuse antipsychotic The right to give or withhold informed consent to medical and been a judicial determination of incapacity.
- The right to participate in the development of individualized treatment and services planning.
- The right to refuse psychosurgery.
- The right to confidentiality.
- The right to inspect and copy the medical record, unless specific criteria are met.
- The right to have family/friends notified of certain treatment information with patient's permission.
- The right to an aftercare plan.

Rights in Licensed Residential Facilities

- To dignity, privacy, and humane care.
- The right to transportation to medical and dental services.
- 24 Hour Supervision.
- To Keep and spend a reasonable sum of your own money.
- Freedom from discrimination.
- A right to have safe, healthful and comfortable accommodations.
- A right to leave or return to the facility at any time and not be locked into or out of the building, day or night.
- A right to have visitors.
- A rights to move in accordance with your agreement.

Rights in ALL Settings

All mental health facilities MUST:

- Post a list of patients' rights.
- Inform patients of their rights in a manner in which they understand.
- Inform patients of the rules, regulations and admissions procedures of the facility.
- Tell patients how they can contact the Patients' Rights Advocate and how they can file a complaint.

Certification Review Hearings

A Certification Review Hearing is an administrative hearing to determine if a doctor had probable cause for involuntarily detaining a mental health consumer for treatment. The doctor/facility must provide evidence that as a result of a mental disorder that the consumer is:

Unwilling or Unable to accept treatment Voluntarily

AND

A danger to others
A danger to self
Gravely disabled

(unable to provide for food, clothing and shelter) (The person can meet one or more of the criteria)

Certification Review Hearings

- Advocates ensure that the consumer is informed about the involuntary detention.
- involuntarily to determine if the consumer either Advocates interview the person being detained agrees or disagrees with the doctor.
- Advocates assist the consumer in preparing for the Certification Review Hearing.
- Advocates represent the EXPRESSED wishes of the consumer at the Certification Review Hearing.

Certification Review Hearings

- If the Hearing Officer decides that there is sufficient consumer will continue to be detained up to the evidence to support probable cause then the maximum length of the certification.
- 5250 14 Day Certification
- 5270 30 Day Certification
- ▶ If there is not sufficient evidence to continue holding the consumer on an involuntary basis then the consumer must either sign in to the hospital voluntarily or be released.

Riese Hearings

- administratively and the client is represented by the Patients' Rights In Contra Costa County Riese Hearings are also conducted
- Riese was the 1987 judicial decision recognizing mental health patients' rights to give or refuse consent to medication.
- In 1991, the California legislature enacted SB 665, mandating informed consent, emergency medications and capacity hearings procedures to implement Riese.
- At the core of Riese is the legal presumption that all mental health clients mental disorder, regardless of whether such evaluation or treatment was voluntarily or involuntarily received." (Cal. Welf. & Inst. Code § 5331). incompetent because he or she has been evaluated or treated for a are competent. Under the law, "No person may be presumed

Riese Hearings (cont.)

To assess capacity, the Riese court stated the decision maker should focus on whether the patient:

- Is aware of his or her situation (e.g. diagnosis/condition);
- Is able to understand the benefits and risks of, and alternatives to, the medication; AND,
- decision can be shown. In addition, the court held that even where there participate in the treatment decision through a rational thought process. The court concluded that the evidence showed a disagreement between were irrational fears about the treatment, the presence of some rational the doctor and the patient, but such a disagreement did not show that conclusion that the patient had capacity to make treatment decisions. the patient lacked capacity. Conservatorship of Waltz 180 Cal. App. 3d Is able to understand and evaluate the medication information and patient's delusional or hallucinatory perceptions and the patient's rational thought processes unless a clear connection between the The court stated that it should be assumed that a patient is using reasons for refusal of the treatment was enough to require the 722, 227 Cal. Rptr. 436 (1986)

Standard of Proof for Riese

- The standard of proof at Riese Hearings is "clear and convincing evidence."
- This means that the evidence is "so clear as to leave reasonable mind." (Lillian F. v. Superior Court, 160 Cal. App. 3d 314, 320, 206 Cal. Rptr. 603, 606 command the unhesitating assent of every no substantial doubt, sufficiently strong to (1984)).
- than "probable cause" and beyond what is required in most other civil proceedings, "preponderance of This is a very high standard, considerably higher evidence."

Investigations

Patients' Rights conducts investigations of complaints made by consumers or any member of the community

- Every effort is made to resolve complaints at the lowest level possible.
- both consumers, providers and other members of the community. Patients' Rights Advocates use complaints as vehicles to educate
- Investigations can result in contact with the Public Defenders Office, Licensing agencies and other regulatory agency when warranted.

Conducting an Investigation

unable or unavailable to register a complaint. "Section 5522 of the California Welfare and Institutions Code provides that Advocates "may conduct investigations if there is probable cause to believe Advocates have authority to investigate problems if a client is that the rights of a past or present recipient of...services have been, may have been or may be violated."

- Investigations usually include interviews and document review.
- Interviews will usually start with the specific client and often include staff and witness interviews.
- Records to be reviewed include the patient's charts, facility policy and procedure, correspondence and memoranda relating to the issue, licensing or other reports.
- In determining who to interview and what records to review, the Advocate should be creative and open-minded to additional sources of information.

Monitoring

facilities to ensure compliance with all applicable Laws Patients' Rights Advocates monitor mental health and Regulations.

- → Acute
- > Sub-Acute
- > Residential
- ➤ Board and Care

Training and Education

Patients' Rights Advocates are available to provide training and education to:

- ➤ Consumers
- > Providers
- Community

Please contact us to make arrangements

Contra Costa County	POLICY NO. 804
Health Services Department Behavioral Health Division	Date Reviewed/Revised: September 9, 2016
POLICY:	Date Initially Approved: February 1999 Next Review Date: September 9, 2019
MENTAL HEALTH CONSUMER GRIEVANCE PROCEDURES	By: Cymhia Belon LCSW Cymhia Belon LCSW
	Behavioral Health Director

POLICY: MENTAL HEALTH CONSUMER GRIEVANCE PROCEDURES

I. <u>PURPOSE:</u>

The purpose of this Consumer Grievance Policy is to:

- A. Promote consumers' access to medically necessary, high-quality, consumercentered mental health services by responding to consumers' concerns in a sensitive and timely manner.
- B. Provide consumers with an easily accessible problem resolution process for resolving issues whenever possible.
- C. Provide consumers with an easily accessible grievance resolution process.
- D. Protect the rights of consumers during the grievance process.
- E. Monitor, track and analyze consumer grievances.

II. <u>REFERENCES:</u>

- CFR, Title 42, Chapter IV, Subchapter C, Part 438, subpart F
- CCR, Title 9, Section 1850.205
- Contra Costa Health Plan, Guide to Medi-Cal Mental Health Services

III. POLICY:

- A. The Behavioral Health Division shall maintain written procedures for tracking, addressing and resolving consumers' grievances.
- B. All consumers receiving or seeking mental health services shall be informed of the procedures for grievance resolution.
- C. All consumers receiving mental health services shall be informed of their rights to access Grievance Advocate assistance during the grievance process.

IV. <u>AUTHORITY/RESPONSIBILITY:</u>

MENTAL HEALTH CONSUMER GRIEVANCE PROCEDURES	Page 1 of 6

Contra Costa County Health Services Department Behavioral Health Division POLICY:	POLICY NO. 804 Date Reviewed/Revised: September 9, 2016 Date Initially Approved: February 1999 Next Review Date: September 9, 2019
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Quality Improvement Coordinator Mental Health Program Chiefs Mental Health Program Managers/Supervisors Contracted Practitioner Providers Grievance Advocates

V. PROCEDURE:

- A. Informing the Consumer of the Grievance Processes
 - 1. A consumer of mental health services shall be informed, via the *Guide to Medi-Cal Mental Health Services* and posted notices, of the process for the reporting and resolution of grievances.
 - a. Every effort shall be made to provide the written procedures for reporting and resolving grievances to each consumer during the initial assessment.
 - b. Consumers shall receive grievance procedure information through written or verbal means upon request during the provision of services.
 - c. Each county direct service provider facility (inclusive of contracted organizational providers) shall exhibit all of the following in a visible, public area:
 - i) Signs describing consumer grievance procedures:
 - ii) An easily accessible suggestion box;
 - iii) Guide to Medi-Cal Mental Health Services;
 - iv) Grievance Request and Change of Provider forms;
 - v) Self-addressed Contra Costa Mental Health Plan envelopes for consumers to use for submitting grievances.
 - d. All private individual and group providers are required to distribute to consumers the following:
 - i) Guide to Medi-Cal Mental Health Services
 - ii) Print copies of Suggestion, Request for Change of Provider, and Consumer Grievance forms for consumer use;

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- iii) Self-addressed Contra Costa Mental Health Plan envelopes for consumers to use for submitting grievances.
- e. Although consumers may be encouraged to pursue an informal process for resolving issues, they shall be informed of their option to file a grievance at any time they are dissatisfied about any matter other than those covered by an Appeal, as defined below. Consumers shall be informed of their option to file a grievance if they are dissatisfied with the result of their informal attempts to resolve the issue. Consumers are not required to pursue any informal process for resolving issues before filing a grievance.

An appeal is defined as a request for review of an action, which denies, reduces, suspends or terminates a previously authorized service. The appeal process is described in Policy 804.1.

f. Consumers shall be informed of their right to request and receive, at no charge, assistance from a Grievance Advocate at each step in the grievance process:

Grievance Advocate 925-293-4942 (collect calls accepted)

g. Twenty-four (24) hour a day telephone access to grievance information and assistance shall be provided to consumers by calling:

Mental Health Access Line 1-888-678-7277

- h. In addition to English, consumer grievance information shall be posted and made available and utilized for additional language and translation needs.
- B. Filling Grievances (Consumer Role)
 - 1. Consumers or their representatives may either report a <u>verbal</u> or file a <u>written</u> grievance.
 - a. Consumers may report a verbal grievance to the Grievance Advocate, any mental health services staff or direct service provider. They may also report a grievance to Consumer Assistants, who are available at service sites to assist consumers with grievances. Consumer Assistants are designated staff who are familiar with the Problem Resolution Process and who can assist consumers by answering general questions about the process and

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assisting in the completion and/or submission of related forms. Verbal grievances may also be made by calling:

Office of Quality Improvement 925-957-5160

b. Consumers or their representative may file a written grievance at any time. Consumers file a written grievance by completing the *Consumer Grievance Review Request* form. Assistance in writing the grievance is available through the Consumer Assistants or the Grievance Advocate. Requests for grievance reviews may be deposited in any facility's Suggestion Box or mailed by using the self-addressed envelopes provided at each facility, or may be addressed to:

Quality Improvement Coordinator Contra Costa Behavioral Health Division 1340 Arnold Drive, Suite 200 Martinez, CA 94553

- C. Submission of Grievances (Staff Role)
 - 1. Any Consumer Assistant, mental health staff, direct service provider, or private provider shall offer the consumer aid in filing a request for a grievance hearing. Additionally, every attempt will be made to have Consumer Assistants available at each mental health clinic and organizational provider service site. Consumers will be assisted and responded to in their primary language, either through written or verbal communication, as appropriate.
 - 2. Requests received by providers or program staff for grievance reviews shall be submitted to the QI Coordinator at:

Quality Improvement Coordinator Contra Costa Behavioral Health Division 1340 Arnold Drive, Suite 200 Martinez, CA 94553.

- D. Processing of Grievances
 - 1. A centralized log will be maintained for all grievances. This log shall contain at least the following:
 - a. Name of consumer
 - b. Date of receipt of the grievance

MENTAL HEALTH CONSUMER GRIEVANCE PROCEDURES	Page 4 of 6

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- c. Date acknowledgment of receipt sent
- d. Nature of the problem
- e. Final disposition of a grievance
- f. Date written decision sent to consumer or
- g. Documentation of the reason(s) that there has not been final disposition of the grievance.
- 2. Grievances will be recorded in the log within one working day of the date of receipt of the grievance.
- 3. The Quality Improvement Coordinator shall be the primary person responsible for tracking, reporting and monitoring consumer grievances. Responsibilities include:
 - a. Ensuring that procedures are implemented to inform consumers of how to initiate a grievance
 - b. Reviewing grievances for resolution in a timely manner
 - c. Reporting grievances to the Quality Improvement Council and the Quality Management Committee.
 - Monitoring actions taken to resolve grievances
- E. Grievance Resolution Procedures and Timeframes:
 - 1. The Quality Improvement Coordinator will provide for a resolution of a consumer's grievance as quickly and as simply as possible.
 - 2. The Quality Improvement Coordinator will ensure that the individuals making the decision on the grievance were not involved in any previous level of review or decision-making. If the grievance is regarding clinical issues, the Quality Improvement Coordinator will ensure that the decision-maker has the appropriate clinical expertise, as determined by the Mental Health Plan and scope of practice considerations, in treating the beneficiary's condition.
 - 3. Within sixty (60) calendar days of receipt of a grievance, the Quality Improvement Coordinator will review the grievance and provide a decision on the grievance. This time frame may be extended by up to fourteen (14) days if the consumer requests an extension, or if the Mental Health Plan determines that there is a need for additional information and that the delay is in the consumer's interest.

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4. A letter summarizing the decision on the grievance will be mailed to the consumer or the consumer's representative by the end of the timeframe in the above section. If unable to contact the consumer or his/her representative, documentation of the efforts to contact the consumer will be maintained.

F. Other Operating Principles:

- 1. Confidentiality: All grievance procedures shall ensure the confidentiality of consumer records as defined by State and Federal laws.
- 2. Discrimination: Consumers shall not be subject to any discrimination, penalty, sanction, or restriction for filing a grievance.
- 3. Rights of a direct service provider who is the subject of a grievance: When a concern regarding a direct service provider's practices or performance is identified as a result of a complaint or grievance, the concern shall be addressed in accordance with Contra Costa County Personnel Policies and/or Program or Administrative Procedures.



GRIEVANCE REVIEW REQUEST

CONTRA (COSTA	
MENTAL H	HEALTH	ł

Quality Improvement Office 1340 Arnold Dr., Suite 200 Martinez, California 94553 Ph 925/957-5160 Fax 925/957-5156

OFFICE USE ONLY	
Grievance No.	
Date Received	

Consumers who are unable to adequately resolve a decision, complaint or who disagree with a decision, including a request for a change of provider, may file a grievance by filling out this form.

Your current Contra Costa County Mental Health services will NOT be adversely affected in any way by filing a grievance. SEE REVERSE SIDE OF THIS FORM FOR IMPORTANT INFORMATION YOU SHOULD KNOW.

riease Print or Type		
.The following information is required to proceed with a grievance hearing: TODAY'S DATE		
CLIENT NAME	BIRTHDATE	
NAME OF LEGAL GUARDIAN IF ON BEHALF OF	MINOR	
ADDRESS		
CITY		
PHONE	BEST TIME TO CALL	
2. Describe the reason(s) for filing a grievance. additional sheets if necessary.)	. Be specific by including names, dates, and time whenever possible. (Attach	
3. Have you tried to resolve the problem(s) b ☐ Yes. Please describe what you have do	pefore filing a grievance? one to try to resolve the problem and include the results.	
\square No. I have not made any prior attempt	to resolve the problem(s).	
4. What would you like to happen to resolve	the grievance?	
5. Please add anything else you would like u	s to know. You may attach additional pages.	
SIGNATURE OF PERSON MAKING REQUEST	T DATE	

RETURN THIS FORM TO:

QUALITY MANAGEMENT & IMPROVEMENT COORDINATOR MENTAL HEALTH ADMINISTRATION 1340 Arnold Dr., #200, Martinez, CA 94553

2016 Consumer and Family Member Focus Groups Summary

Background

Consumer and family member/caregiver satisfaction is an important factor when considering the quality of our mental health services. There are two main ways that Contra Costa Behavioral Health assesses satisfaction. Twice a year for a one week period, consumers and parents/caregivers of youth consumers receiving services at an outpatient mental health clinic are given the opportunity to complete a consumer perception survey of closed-ended and open-ended questions that demographic information, service history, and consumer satisfaction across several domains. Another means to gather satisfaction data is through focus groups. A focus group is a facilitated group discussion that allows for indepth input on a select number of issues. In 2016, a focus group was held at each of 7 County-operated clinics. At our 4 Adult or Older Adult clinics, the focus groups were conducted with consumer participants. At our 3 Children's clinics, focus groups were held with parents and caregivers of consumers. Two focus groups were conducted in Spanish, one each at an Adult and Children's clinic. In addition, one of the Adult clinic focus groups was held specifically for transition aged youth (TAY) consumers ages 18-25.

Methodology

Facilitator Guide Development

To develop the Facilitator Guide, the Research and Evaluation Team began by reviewing the domain findings from recent consumer perception surveys and considered current quality improvement efforts. A list of potential questions was compiled and presented to the Quality Management Committee. The questions were narrowed down and reviewed by the Children's Chief and Adult and Children's Family Services Coordinators before being vetted again by the Quality Management Committee. The Guide is comprised of the following sections:

- Welcoming Participants
- Getting Consent
- Introductions

- Questions
- Closing and Distribution of Incentives

About the Participants

Adult consumer participants (n = 27) ranged in age from 20 to 76 years old (mean = 43 years old). The majority of adult participants was female (59%) and was White (52%) or Hispanic (37%). Youth (n = 24) of parent/caregiver participants (n = 21) ranged in age from 8 to 19 years old (mean = 13 years old). The majority of youth was male (58%) and was White (45%) or Hispanic (25%).

Themes

Question 1: What is Contra Costa Mental Health currently doing to help you [your family] achieve your goals and make progress?

Common Themes¹

- In General Received Needed Services
- Individual Therapy / Counseling
- Peer Provider Support
- Quality Staff

Question 2: What else can Contra Costa Mental Health do to help you achieve your [their] goals and make progress?

Common Themes

- More Social Activities / Groups
- Provide Education on Medications
- Educate on How to Advocate
- Transportation Support
- Educate Other Agencies on Mental Health
- More Case Management / Therapy

Question 3: How can we better communicate services and programs offered by the mental health system?

Common Themes

Note that at all focus groups, participants shared information on resources with each other. It was also noted that participants tended to hear about services through word of mouth.

- Provide Written Materials on Services
- Staff Provide Information on Services

4/24/2017

 $^{^{\}rm 1}$ Common Themes are themes that emerged in at least 4 or the 7 focus groups.

Question 4: What has the Contra Costa staff done to show you that they are aware and sensitive to you and your [child's] background? Are you included in decisions? Common Theme

Common Theme

• See Them as a Person, Not Just a Case

Question 5: What have [has] you [your family] done to better connect to your [their] families or community?

Common Themes

- Family Is Supportive
- Need Family / Relationship Counseling

Recommendations

The focus groups are intended to lead to improvements in the services that individuals receive. Based on the results of the focus groups, it is recommended that the following areas be addressed.

- Welcoming Environments
 - Pilot Welcoming Packet materials
 - Ensure that informational materials like brochures on diagnoses are available in waiting rooms
- Overcoming Transportation Barriers
 - Compile transportation resources
 - Assess consumer readiness to use public transit and set up necessary supports for use
- Groups
 - Communicate groups to both staff and consumers (e.g., consider distributing monthly calendar)

- Attain consumer and caregiver feedback on what group topics they are interested in
- Staff Training
 - Mandatory orientation for all staff emphasizing division structure and trauma-informed care
 - Consider trainings on active listening techniques, non-judgmental language, rapport building, and available resources for consumers
- County and Community Education
 - Coordinate with other agencies to educate non-behavioral health staff on mental health issues
 - Attend community events to distribute materials and convey services
 - Convene a Community Communication Workgroup to plan how to raise public awareness of behavioral health and increase community involvement
- Peer Expansion
 - Consider how peers can initiate new consumers to the mental health system
 - Pair consumers / families with peer(s) so they are a part of the treatment team from the start of treatment
- Family Connection
 - Consider modes to educate families on mental health issues such as producing written materials or hosting seminars similar to EES
 - Grow Family Support Workers positions

In closing, individuals are appreciative of services received but are looking for ways to better engage in treatment.

4/24/2017