

The California Office of Patients' Rights Semi-Annual Activity Report

January 1, 2011 – June 30, 2011

I. SIGNIFICANT EVENTS, ACTIVITIES, ISSUES

Significant Events and Activities

California Office of Patients' Rights Contract Extension

The COPR contract # 08/18034 (3 year contract) was due to expire this year on June 30, 2011. With the recent change in Welfare and Institutions Code § 5370.2 allowing for DMH to contract up to five (5) years for the advocacy contract, we worked collaboratively with the DMH to extend the current contract by two (2) to comply with the five year timeline.

California Association of Mental Health Patients' Rights Advocates (CAMHPRA)

Agnes Lintz and Ann Coller, Patients' Rights Specialists, provided trainings and technical assistance to county advocates and attended the in person quarterly CAMHPRA meetings. In addition, they attended the regional coalition meetings in northern California, southern California and the Bay areas. Generally, these meetings discuss advocacy approaches, trends in issues being addressed by the advocacy programs, and training needs for the annual Patients' Rights Training held by California Office of Patients' Rights each year.

Public Hearing/Forum

In January 2011, Assembly Member Michael Allen and Senator Noreen Evans invited COPR to present a "patients' perspective" at a Town Hall Forum in Napa regarding safety issues at NSH. We gleaned comments from the NSH residents regarding the recent changes that impact their daily living and provided an overview during the Forum. There were approximately 300 hundred people in attendance.

Current in Complaint Responses

We open all complaints for investigation within two days of receipt and as of June of this year, we are completing our investigations within 30 days of opening them. We are able to accomplish this by identifying those complaints that do not support a rights violation and providing them with self advocacy tools instead of conducting an investigation into the matter.

California Office of Patient's Rights has worked diligently this year on protecting individual rights for those residing in the five state mental health hospitals. Here are some examples of our advocacy efforts and their outcomes.

Right to Refuse Medical Treatment

Several of our Advocates have been working to ensure individual's right to receive medical treatment and if after informed consent, ability to refuse such services. We have worked on educating Administrations of several state hospitals regarding an individual's right to refuse treatment absent a court order removing their ability to give consent.

We encountered this issue with diets at two state hospitals. When individuals have choked on food, the response is to place them on a soft diet. Our advocacy approaches were to educate the Administrations and inform them of the legal right of individuals to make medical choices. In one case the facility did take the issue to court and the individual won the case and is able to choose his diet freely.

Informed Consent

With the increase use of involuntary medication as a result of the new regulations 4210, we have increased our advocacy for informed consent. Often the treating physicians incorrectly assume they may prescribe and change medications without informing the individual due to their "involuntary medication" status. We have worked on individual cases and systemically to enforce the right to receive informed consent regarding the medications being prescribed, their purpose, dosage, side effects, and any alternatives. This must be done by the prescribing physician and we have found this is not being done consistently.

II. SUMMARY OF SERVICES AND DATA REPORTS

Complaints Filed; Listed by Hospital

All of the information gathered in this report and shown in the tables reflects the information entered into the data-tracking program, known as DAD. The Central California Office of Patients' Rights gathers the information from the entries made at the state hospital sites of the California Office of Patients' Rights.

The following table gives the total number of complaints filed at each state hospital, by hospital, by month. The "closed" column is the number of complaints brought to resolution within the reporting period. The "new" column are the complaints received during this reporting period. When reviewing the tables in this report, note if they are "new only", they reflect those received this reporting period not closed.

California Office of Patients' Rights Report of Complaints - By Hospital, By Month January 1, 2011 through June 30, 2011										
State Hospital	Carried from Previous Period	Opened This Reporting Period							Closed This Period	Carried to Next Period
		Jan	Feb	March	April	May	June	Total New		
ASH	220	151	213	192	192	145	190	1,083	1,263	40
CSH	565	231	137	163	106	110	177	924	1,436	53
MSH	98	49	36	65	58	49	69	326	405	19
NSH	541	263	118	187	139	242	261	1,210	1,748	3
PSH	259	144	61	207	108	120	102	742	991	10
Total	1,683	838	565	814	603	666	799	4,285	5,843	125

Complaint Listed by Problem Code – Listed by Hospital

In order for a complaint to be received as a Patients' Rights Issue, it must fall within one of the categories or problem areas listed below. (See attached) The table below identifies by problem area the number of complaints at each hospital.

California Office of Patients' Rights Complaints (New Only) - By Problem Area, By Hospital January 1, 2011 through June 30, 2011						
	ASH	CSH	MSH	NSH	PSH	Total
Abuse/Neglect	8	47	42	56	39	192
Medications	73	25	22	45	41	206
Patients Rights	313	450	45	369	247	1,424
Restraint and Seclusion	4	5	0	6	0	15
Treatment Environment	633	368	201	708	398	2,308
Unrelated	52	29	16	26	17	140
Total Complaints (CO)	1,083	924	326	1,210	742	4,285
Total Clients (CL)	379	255	147	317	327	1,425

*The "Unrelated" category is when the complaint has been withdrawn, or is unreadable.

Treatment Environment

This problem code reflects complaints that raise the issues:

- Daily Living-
 - TV usage
 - Unit temperature
 - Search & Seizures / Room searches
 - PAS / Grounds
 - Legal (access to library, commitment info, etc.)
 - Staff attitude & behavior
 - Toileting supplies
 - Conservatorship

Patients' Rights Issues – by Problem Sub-Code

The following table reflects the number of complaints by subcategory. These were entered into the problem code of "Patients' Rights". This table provides the actual sub-categories for each patient's rights complaint. The total number of sub issues (1363) equals the total number of **Patients' Rights** reflected in the previous chart.

Office of Patients' Rights						
Patient's Rights Complaints - By Problem Area, By Hospital						
January 1, 2011 through June 30, 2011						
Patient's Rights Issue	ASH	CSH	MSH	NSH	PSH	Total
Access / Use of Personal Possessions	39	81	7	56	46	229
Advocacy Services	8	2	0	3	2	15
Clothing Issues	8	10	4	0	7	29
Confidentiality of treatment, records, etc.	21	17	0	1	12	51
Dignity / Privacy / Respect / Humane Care	5	16	1	12	22	56
Keep / Spend Reasonable Sum of Money / Personal Funds	40	36	6	24	25	131
Letter Writing / Confidential Correspondence	28	39	2	18	5	92
Medical Care and Treatment	114	134	17	185	77	527
Mental Health Treatment	24	50	0	17	22	113
Packages	9	4	4	21	2	40
Physical Exercise / Recreation / Out of Doors	1	12	0	6	1	20
Religious Freedom and Practice	5	10	0	7	7	29
Social Interaction / Participation	1	9	0	3	1	14
Storage Space	0	7	1	1	8	17
Telephones / Confidential Use	4	12	0	10	7	33
Treatment Services						
Promoting Independence	5	6	1	1	1	14
Visitors / Visiting Space	1	6	2	4	2	15
Total	313	451	45	369	247	1425

Report of Complaint Type - By Hospital

California Office of Patients' Rights Report of Complaints (New Only) - By Type, By Hospital January 1, 2011 through June 30, 2011						
	ASH	CSH	MSH	NSH	PSH	Total
Abuse / Neglect Allegation	5	47	42	56	39	189
Administrative Hearings	1	0	0	0	1	2
Denial of Rights	3	0	1	2	2	8
Direct Advocacy	281	272	77	583	136	1,349
Referral	1	12	1	3	1	18
Technical Assistance	792	593	205	566	563	2,719
Total	1083	924	326	1210	742	4,285

Abuse/Neglect;

Complaints that present with allegations of abuse or neglect are immediately reported to the Senior Special Investigator, Program Director, and Executive Director by the Patients' Rights Advocate in addition to their own immediate and in-person investigation.

Direct Advocacy;

These complaints present as Patients' Rights issues. The Patients' Rights Advocate will solicit input from the treatment program either in writing, in person, or by phone as part of their investigation. Upon completion of the investigation the Patients' Rights Advocate will provide a written response to the patient.

Referral;

These complaints address issues that do not rise to the level of a rights violation. The issues are generally in regards to dissatisfaction with daily protocols, activities, or policies. They are best addressed by the Program or Unit. Once identified as a referral, the Assistant Patients' Rights Advocate completes the letter of referral and contacts the individual for permission to make the referral.

Technical Assistance;

This is a complaint that raises an issue the advocacy staff can answer or respond to right away without investigating or researching. Typically direction is provided on who to talk to, what the process is, or where to go to find information addressed in the complaint.

Method Used to Register Complaints – Listed by Hospital

The California Office of Patients' Rights tracks the method by which formal complaints are filed by clients. The complaints accepted by phone, voice message, or in person, do not have a patient/client written complaint to accompany the issues addressed by the Patients' Rights Advocate. A written summary of the issues discussed are entered into our data tracking program and if necessary, a memo is written by the Patients' Rights Advocate to assist in the advocacy process.

California Office of Patients' Rights Report of Complaints (New Only) - By Source, By Hospital January 1, 2011 through June 30, 2011						
	ASH	CSH	MSH	NSH	PSH	Total
Complaint Left on Voicemail	178	197	37	374	68	854
Complaint Made by Telephone	22	184	102	93	23	424
Complaint Made in Person	1	17	2	18	6	44
Complaint Made in Writing	882	526	185	725	645	2,963
Total	1,083	924	326	1,210	742	4,285

Legal Status of patients making complaints

The following table provides the legal status of the patients making complaints that have been opened and/or carried over from the previous reporting period. This table provides an overview of all complaints received from all State Hospital residents. (CL = individuals and CO = Complaints)

**California Office of Patients' Rights
Report of Complaints (New Only) - By Legal Status
January 1, 2011 through June 30, 2011**

Legal Status	Total			
	CL	CO	CO per CL	% of Total CO
CONREP	10	15	1.5	0.4%
PC 1026: Not Guilty By Reason Of Insanity	343	1,097	3.2	25.6%
PC 1370: Incompetent To Stand Trial	376	925	2.5	21.6%
PC 1370.1: IST-DD	4	5	1.3	0.1%
PC 2684: Referral From CDCR	67	117	1.7	2.7%
PC 2962: Mentally Disordered Offender:	214	615	2.9	14.4%
PC 2964: Parolee Returned From Community Placement	3	4	1.3	0.1%
PC 2970: Evaluation Hold - 180 Days Prior To Release Of Parole	5	7	1.4	0.2%
PC 2972: Additional One Year Court Ordered Civil Commitment For PC 2962	174	549	3.2	12.8%
PC 2974: Lanterman-Petris-Short Commitment While On Parole	3	7	2.3	0.2%
WI 5350: Conservatorship	5	7	1.4	0.2%
WI 5352.1: Temp. Conservatorship 30 Days	1	4	4.0	0.1%
WI 5358: Conservatorship Commitment – Year-To-Year Commitment (Mur-Con)	63	230	3.7	5.4%
WI 6316: Mentally Disordered Sex Offender	3	7	2.3	0.2%
WI 6552: Juvenile Court Voluntary	13	17	1.3	0.4%
WI 6602: Sexually Violent Predator	104	323	3.1	7.5%
WI 6604: Sexually Violent Predator	151	354	2.3	8.3%
YAC (MSH only)	1	1	1.0	0.0%
Total	1,541	4,285	2.8	100.0%

III. APPEALS

The table below identifies the Appeal requests received by the Sacramento California Office of Patients' Rights. With each request, we determine if the first level of Appeal has been completed. If not, the request is returned to the sender with information on how to file for an Appeal. These reflect as Technical Assistance (TA). TA's also reflect calls for information from staff, clients, and family/friends.

California Office of Patients' Rights Appeals and Technical Assistance (New Only) January 1, 2011 through June 30, 2011	
ASH - Appeal	8
CSH - Appeal	27
MSH - Appeal	1
NSH - Appeal	16
PSH - Appeal	1
Los Angeles County - Appeals	1
Total	54

IV. SUMMARY OF COUNTY SERVICES

Number of Routine Technical Assistance (TA) Services by County

The columns below reflect technical assistance services that were provided to counties as part the Central California Office of Patients' Rights daily operations. These services were provided by way of email, written requests, and telephone inquiries.

Alameda County	2
Butte County	1
El Dorado County	3
Glenn County	1
Los Angeles County	2
Marin County	1
Monterey County	1
Orange County	2

Riverside County	1
Sacramento County	5
San Francisco County	13
San Luis Obispo County	1
San Mateo County	1
Santa Barbara County	1

Santa Clara County	4
Solano County	1
Sonoma County	1
Stanislaus County	2
Tehama County	1
Ventura County	1
Total	36

V. QUALITY IMPROVEMENT ACTIVITIES

In Person Training for COPR staff

In February of this year, our unit met and collectively set goals to bring our complaint case load current to a 30 day time period. We surpassed our goal and are maintaining our case load to a 15 day response time.

Trainings materials

We also redesigned our training materials to meet the expressed needs of the DMH staff. We have included the recent Regulatory changes created by DMH that impact the state hospitals, current code sections regarding areas such as records access, involuntary medications, and informed consent.

To date, our changes have been well received.

Program Reviews

Our office provided advocacy program reviews on 4 counties during the last two reporting periods. We chose the counties that did not have Advocates identified. Since our review Inyo, Amador, and Mariposa now have Advocates in place leaving Siskiyou still without an advocate or advocacy program. We have relayed this information to Department of Mental Health.

VI. COMPLAINTS / GRIEVANCE SUMMARY

We did not receive any grievances this reporting period.