

OFFICE OF PATIENTS' RIGHTS

Protection & Advocacy, Inc.

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MEMORANDUM

TO: Patients' Rights Advocates

FROM: Office of Patients Rights

RE: The Office of Patients' Rights

DATE: June 29, 2001

The Office of Patients' Rights is often asked to explain who we are, whom we work for, and what do we do. The Office of Patients' Rights is a product of a legislative mandate that requires the Department of Mental Health to contract out the advocacy services provided in the State Hospitals and the technical assistance and training to the County Patients' Rights Advocate's to a single non-profit entity. Attached is a summary of the Office of Patients' Rights, Protection & Advocacy, Inc., and the Department of Mental Health.

OFFICE OF PATIENTS' RIGHTS (OPR)

The California Office of Patients' Rights, which is a separate unit of staff within Protection & Advocacy, is under contract by the Department of Mental Health to provide coordination, technical assistance, and training education to California's county mental health advocacy programs and direct patients' rights advocacy services in the state hospitals as outlined in the contract provisions.

The Office of Patients' Rights consists of a central office located in Sacramento that is staffed with Patients' Rights Specialists and advocacy program staff at each of the four state hospitals. The Office of Patients' Rights under contract to provide the following services to the counties and the state hospitals:

Technical and consulting services for the county advocates and other community mental health staff.

Quality improvement reviews of County Advocacy Programs.

Investigation and response to all Patient Complaint Appeals.

Providing training, developing and updating training materials and conducting training needs and assessments.

Updating Patients' Rights information and education materials

Distributing Patients' Rights posters, forms, and other related information,

Collecting and compiling complaint and other patients' rights data.

The Office of Patients Rights staff and how to contact them is listed below:

<p>Office of Patients' Rights 100 Howe Avenue, Suite 210N Sacramento, Ca. 95825 (800) 254-5166 (916) 575-1610</p>	<p>Darla Rucker, Patients' Rights Specialist Darla.Rucker@pai-ca.org</p> <p>Michele Mudgett, Patients' Rights Specialist Michele.Mudgett@pai-ca.org</p>
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OPR also maintains a page within PAI's website. This page may be directly accessed at <http://www.pai-ca.org/OPR/OPRDescription>. The OPR page is currently under construction and is adding information on a monthly basis.

There are four state hospitals in California that provide mental health treatment: Atascadero State Hospital in San Luis Obispo County, Metro State Hospital in Los Angeles County, Napa State Hospital in Napa County, and Patton State Hospital in San Bernardino County. Each hospital has a Patients' Rights Advocate who is employed by the Office of Patients' Rights. Do a chart for the hospital advocates?

COUNTY ADVOCATES:

Each county mental health director is required to assign a Patients' Rights Advocate and delegate to this person the responsibility for ensuring the statutory and constitutional rights of persons identified as mental health clients (Welfare and Institutions Code § 5520). Department of Mental Health policy provides the formula for determining minimal staffing: one full time Patients' Rights Advocate for every 500,000 population.

The legally prescribed duties of the Patients' Rights Advocate are:

To investigate and resolve complaints received from patients about violations or abuse of their rights, or to cause the investigation of such complaints.

To act as an advocate for patients who are unable or afraid to file a complaint.

To monitor facilities for compliance with patients' rights, laws, regulations, and policies.

To train staff in the areas regarding patients' rights, laws, regulations, and policies.

To assist staff in ensuring that all patients are notified of their rights, including the right to contact the Advocate and the California Office of Patients' Rights.

To act as a consultant to mental health professionals in the area of patients' rights.

To act as a liaison between the facility's and/or county's advocacy program and the California Office of Patients' Rights.

PROTECTION & ADVOCACY, INC.

Protection & Advocacy, Inc. (PAI) is the agency designated under federal law that works in partnership with people with disabilities -- to protect, advocate for and advance the rights of Californians with disabilities. PAI provides services pursuant to five federal statutes including the Protection and Advocacy for Individuals with Mental Illness (PAIMI) statute which funding for advocacy for individuals with psychiatric disabilities. Services provided under PAI's federal programs include:

The Office of Patients' Rights

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- Information about the rights of persons with disabilities and referral to other sources of assistance;
- Outreach and training to individuals with disabilities and their families with an emphasis on providing services to individuals from traditionally underserved communities including communities of color;
- Technical assistance to other advocates about laws affecting persons with disabilities and strategies to address those rights;
- Peer/self advocacy services for individuals with psychiatric disabilities;
- Investigation of abuse and neglect;
- Representation of individuals with disabilities in administrative and/or judicial proceedings;
- Legislative advocacy

Patients' Rights Advocates who want to speak with PAI advocacy staff can do so by either calling PAI's toll-free number: 800-776-5746 or by contacting the regional office closest to them. The managing attorney and staff with expertise in mental health issues are listed below. In addition to the regional offices listed below, PAI will be opening a San Diego office later this year.

<p>Sacramento Office 100 Howe Ave, Suite 185 Sacramento, CA 95825 (916) 488-9955 Eric Gelber, Managing Attorney Suzanna Gee, Associate Managing Attorney Sherry Rita, Staff Attorney Ann Coller, Advocate</p>	<p>Bay Area Office 433 Hegenberger Road, Suite 220 Oakland, CA. 94621 (510) 430-8033 Kim Swain, Managing Attorney Daniel Brzovic, Associate Managing Attorney Michael Stortz, Staff Attorney</p>
<p>Los Angeles Office 3580 Wilshire Blvd, Suite 902 Los Angeles, CA (213) 427-8747 Melinda Bird, Managing Attorney Pamila Lew, Staff Attorney Cynthia Prado, Staff Attorney Matt Fishler , Staff Attorney</p>	<p>San Diego Office 1111 Sixth Avenue, Suite 200 San Diego, CA 92101 (619) 239-7861 Margaret Jakobson, Managing Attorney</p>

This document is a summary. Refer to the Welfare and Institutions Code sections cited for complete details.

PAI also publishes a large amount of material that may be of assistance to Patients' Rights Advocates. Materials may most easily be accessed through PAI's website at www.pai-ca.org.

In addition to its federal programs, PAI operates the Office of Patients' Rights (DMH contract) and the Office of Clients' Rights Advocacy (under contract with the Department of Developmental Services). The Office of Patients' Rights (OPR) is discussed above. The Office of Clients' Rights Advocacy (OCRA) provides advocacy services for individuals with developmental disabilities who are clients of the 21 regional centers. Advocates who wish to contact the advocate for the regional center closest to where they work may find the advocate's name and phone number by either looking on PAI's website under OCRA or by calling OCRA at 800 390-7032.

DEPARTMENT OF MENTAL HEALTH:

The California Department of Mental Health, entrusted with leadership of the California mental health system, ensures through partnerships the availability and accessibility of effective, efficient, culturally competent services. This is accomplished by advocacy, education, innovation, outreach, understanding, oversight, monitoring, quality improvement, and the provision of direct services.

The Department of Mental Health (DMH) has oversight over almost a \$2.2 billion public mental health budget, approximately 8,244 authorized positions and provides services in the following four broad areas:

System leadership for state and local county mental health departments.

System oversight, evaluation and monitoring.

Administration of federal funds.

Office of Human Rights:

The Office of Human Rights provides assistance in oversight to the patient's rights function, responds to patients' rights appeals at the final level of appeal process, and retains patients' rights policy direction and oversight for the state hospitals.

The Office of Human Right's primary function is to develop, implement and monitor clients' rights and civil rights of employees within the Department of Mental Health. Reviews and investigates discrimination complaints in the

Department of Mental Health. Provides technical support on employee accommodation issues.

The Department of Mental Health has four major programs:

Program Compliance

Implements and maintains a system for assuring the continuation of oversight related to the licensing and certification of facilities such as psychiatric health facilities (PHF) and Mental Health Rehabilitation Centers. Administers the Pre-Admission Screening and Resident Review (PASARR) program for appropriateness of placement of individuals in a nursing facility. Oversees federal funds used by local departments to support mental health services by conducting reviews of programs and providers and resolve audit issues. Conducts financial and management audit of state and federal funds for compliance with various laws, regulations and policies.

Systems of Care

Develops, evaluates, monitors and supports an array of coordinated services that delivers care to California's adults who are severely mentally ill, and older adults and children who are seriously emotionally disturbed. Provides planning, research, development and evaluation efforts for all public mental health programs.

Long Term Care Services

Long Term Care Services Division consists of several units. *Hospital Operations* provides advice and assistance to the Deputy Director in establishing policy and in planning and directing clinical and support services for the people in state hospitals. *The Sex Offender Commitment Program (SOCP) Evaluation Unit* is responsible for the SVP screening and clinical evaluation system. *Program Policy and Fiscal Support* has the overall responsibility for state hospital issues relating to realignment of mental health funding, revenue enhancement, and fiscal systems. *Forensic Services* is responsible for planning, policy development, and implementation of outpatient mental health treatment; supervises services through the state administrative contract for Conditional Release Program (CONREP) and the mandated evaluations of prison inmates who meet statutory criteria as mentally disordered offenders (MDO). Long Term Care Services Division is also responsible for the direct operation of four *state hospitals*: Atascadero, Metropolitan, Napa, and Patton. In addition, the Division, through an agreement

with the California Department of Corrections (CDC), provides mental health services at the California Medical Facility at Vacaville.

Administrative Services

Develops and maintains a responsive and efficient administrative service system to enable the Department to meet its goals and objectives in the areas of strategic planning, policies, regulations, budget, labor relations, personnel, health and safety, accounting, support services, rate and allocation setting and reimbursements.

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