

Sample Letter to the Licensed Board and Care Operator

To: Board & Care Home Operators
From: Office of Patients' Rights
Re: Annual Patients' Right Visit

DEAR LICENSED BOARD AND CARE OPERATOR

The Office of Patients' Rights endeavors to visit each Board and Care in Sacramento County annually. The purpose of this visit is to speak one on one with mental health consumers in their homes, and to offer assistance to Board and Care operators regarding consumer rights.

THE ROLES OF AN ADVOCATE IN THE COMMUNITY CARE SETTING

Patients' Rights Advocates

Our first and primary role is that of advocacy for the residents residing in licensed facilities. In addition to this primary role, we act as a technical advisor in assisting the Board and Care operator in complying with Title 9 and Title 22 resident rights. We believe that a cooperative relationship with the operators of Board and Care facilities is of benefit to all parties in the Community Care setting. We encourage calls to our office from Board and Care operators requesting assistance in implementing residents' rights.

County Patients' Rights Advocates are statutorily empowered to receive and investigate complaints from or concerning recipients of mental health services residing in community care facilities regarding abuse, unreasonable denial, or punitive withholding of rights under the Lanterman-Petris-Short Act, and to ensure that residents are notified of their rights. Advocates may enter facilities to respond to and investigate patient complaints and to monitor compliance with patients' rights. (CA Welfare & Institutions Code Section 5520)

Standardized House Rules

One of the areas of interest is the existence of house rules, that they are clearly posted and that the residents are aware of the house rules.

Residents' Rights Flyer

The Office of Patients' Rights has developed and printed a Residents' Rights flyer that will be distributed to all residents in a community care setting.

The Residents' Rights flyer is an essential tool for the following reasons:

- It assists the residents in understanding their rights in the community care setting.
- It is a reference tool that the residents can refer to if they believe their rights are being violated.
- It lists referrals to residents for community services
- It assists the Board and Care operator when implementing and/or enforcing house rules.
- It assists both the resident and Board and Care to understand the residents' rights and the rights of the Board and Care operator during eviction procedures.

Residents' Rights Poster

Patients' Rights has also developed a Residents' Rights poster. This poster is posted in your facility to meet Title 9 and Title 22 regulations requiring the posting of patients' rights and the phone numbers of Community Care Licensing and the Office of Patients' Rights. (§80072 (10c) CCR Title 22 & §5325 CCR Title 9)

The Office of Patients' Rights Is Available To The Board And Care Operator

Our office invites the Board and Care operator to call with questions regarding residents' rights.

Rapport with Community Care Licensing

Cooperative relations with Community Care Licensing (CCL) are essential to having facilities in our community that comply with residents' rights.

The enforcing of licensing regulations resides with CCL. If there is a facility in our community that refuses to cooperate with our recommendations, licensing can assist our efforts by citing the facility for violations of Title 22 regulations. However, if an advocate finds serious violations of Title 22 regulations, we are mandated by law to inform Community Care Licensing.

Site Visits

Site visits to your facility will be unannounced. We want to experience your home as the residents do. Therefore, it is not necessary to make special preparations for our visit.

To assist you in understanding the purpose of our visit, we are including a list of some of the questions our advocates will be asking your residents.

THE BOARD AND CARE VISIT

The advocate will interview residents at the time of the site visit. The facility staff should be respectful of the right to privacy during the interview process.

The questions the residents will be asked may include the following:

1. Do you have a phone available to you? Can you receive private calls? (Section 85072 (9) CCR Title 22)
2. Is your mail unopened when you receive it? (Section 85072 (10) CCR Title 22)
3. If the B&C operator handles your funds, do you get an accounting report? (Section 80026 (1) CCR Title 22)
4. What are your rights in a B&C facility? (Does the client have understanding of rights? (Section 80072 (10b) CCR Title 22)
5. What are the house rules and do you understand them? (Section 85068.1 CCR Title 22)
6. Have you ever been locked out of the facility? (Section 80072 (6) CRR Title 22)
7. Have you ever been locked in your room? (Section 80072 (7) CCR Title 22)
8. Are you allowed to have visitors of your choice? (Section 85072 (4) CCR Title 22)
9. Are you allowed to visit in your room? (with roommates' permission) (Section 85072 (4) CCR Title 22)
10. Are you allowed to attend religious services? (Section 80072 (5) CCR Title 22)
11. Do you ever feel pressured to attend religious services when offered? (Section 80072 (5a) CCR Title 22)
12. Does staff knock and ask you permission before entering your room? (Section 80072 (1)(3) CCR Title 22)
13. Are you ever asked to fill in when staff is absent or away from the facility? (Section 80072 (5)(j) CCR Title 22)

14. Are you aware of your right to be free from verbal ridicule? (Section 8072 (3) & Section 80065 (3)(1) CCR Title 22)
15. Are you aware of your right to be free of physical punishment? (Section 80072 (3) CCR Title 22)
16. What did you have for: (Check against posted menu)
Breakfast:
Lunch:
Dinner:
16a. Did meals follow a posted menu?
17. If meals did not follow the posted menu, what do they serve? (Section 80075 & Section 80076 CCR Title 22)

Recommendations

In most cases the advocate will discuss the findings and make any recommendation(s) at the time of the visit. You will also receive a follow up letter after our visit. If there are any significant numbers of violations or they are serious violations, however, a copy of this report will be sent to Community Care Licensing.

If you wish any technical assistance in complying with Residents' Rights under Title 22 or if you have any questions you may contact our office:
Sacramento County Office of Patients' Rights (916) 333-3800.