

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

535



FROM: EXECUTIVE OFFICE

SUBMITTAL DATE: July 10, 2001

SUBJECT: Response to Grand Jury Report: Riverside County Department of Mental Health Patients' Rights Advocacy Program

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve with or without modifications, the attached response to the Grand Jury's recommendations regarding the Riverside County Department of Mental Health Patients' Rights Advocacy Program.
- 2) Direct the Clerk of the Board to immediately forward the Board's finalized response to the Grand Jury, to the Presiding Judge, and to the County Clerk-Recorder (for mandatory filing with the State).

BACKGROUND: On June 5 the Board directed staff to prepare a draft of the Board's response to the Grand Jury's report regarding the Riverside County Department of Mental Health Patients' Rights Advocacy Program.

Section 933(c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to matters under the control of the Board, and that a response be provided to the Presiding Judge of the Supervisor Court within 90 days.

TONY CARSTENS
Deputy County Executive Office

Present Policy
 Consent Policy
 Department Recommendation:
 Per Executive Office:

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FINANCIAL DATA:

CURRENT YEAR COST	\$	ANNUAL COST:	\$	
NET COUNTY COST	\$	IN CURRENT YEAR BUDGET:	Yes/	No/
		BUDGET ADJUSTMENT FY:	Yes/	No/

SOURCE OF FUNDS:

C.E.O. RECOMMENDATION: APPROVE.

County Executive Officer Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Wilson, seconded by Supervisor Mullen and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Venable, Wilson and Mullen
 Noes: None
 Absent: None
 Date: July 10, 2001
 xc: E.O., Grand Jury, Mental Health, Presiding Judge, Co. Clk. & Recorder

Gerald A. Maloney
Clerk of the Board

By: Deputy

3.6

SPECIFIC FINDINGS AND RECOMMENDATIONS

**RIVERSIDE COUNTY DEPARTMENT OF MENTAL HEALTH
PATIENTS' RIGHTS ADVOCACY PROGRAM**

FINDINGS:

FINDING:

1. The first Patients' Rights Advocate was appointed in 1980. The current staff in the Patients' Rights Department includes a Chief Patients' Rights Advocate, three regular advocates, a Licensed Vocational Nurse II (LVN II), and an Office Assistant III (OA III).

--X-- Respondent agrees with the finding.

FINDING:

2. The population of Riverside County was 1,522,855 on January 1, 2000. The 1986 State Department of Mental Health Task Force recommended a staffing ratio of 1/300,000 in the Patients' Rights Advocates office. The current ratio is 1/500,000.

--X-- Respondent agrees with the finding.

FINDING:

3. The Chief Patients' Rights Advocate's primary responsibilities are "...to plan, organize, coordinate, direct, and supervise the Administrative aspects of the Patients' Rights Program" (Job Description of the Chief Patients' Rights Advocate, 6/98). The Chief Advocate is currently carrying regular advocate responsibilities and spending limited time on administrative functions.

--X-- Respondent agrees with the finding.

FINDING:

4. In February 2000, the Patients' Rights Office was assigned the additional responsibility of attending and monitoring Riese Hearings that were formerly handled by the County Public Defenders Office. No additional staff was allocated for this purpose. Riese Hearings for a client must be held within 24 hours after filing. The Patients' Rights Program receives a one-day notice of the hearing, which

requires three hours preparation time in addition to the 15 to 60 minutes court time. If these hearings are scheduled in outlying courts, additional time is required for travel. Scheduling is difficult and on occasion a patient does not receive the required representation of the Patients' Rights Advocate. Of the last three Riese Hearings held in Indio, the advocate was only able to represent two. In the last 12 months, an advocate represented all 80 clients in Riverside.

--X-- Respondent agrees with the finding.

FINDING:

5. Three facilities are designated to receive, evaluate and assess an individual who is on a 72-hour hold for acute care and treatment. They are the Oasis Mental Health Center in Indio, Desert Regional Medical Center in Palm Springs, and the Riverside County Regional Medical Center (RCRMC) in Moreno Valley. The RCRMC has an additional site, the Emergency Treatment Services in Riverside. The Patients' Rights Offices are adjacent to the Emergency Treatment Services. There are also 40 licensed community care facilities that the Patients' Rights Department oversees.

--X-- Respondent disagrees partially with the finding.

Vacant positions have been filled since the published date of the Report. The Chief Patients' Rights Advocate position has resumed the duties described.

FINDING:

6. The current office space for the Patient's Rights Department is inadequate. Each office houses two personnel necessitating one advocate to go to another location when a client is being interviewed. They are to move on or about June 15, 2001, to a facility with cubicles and a conference room for their interviews. An office will be retained at their present location for needed on-site work. The negative issues of inadequate space and privacy will remain, with the additional problem of staffing two locations.

--X-- Respondent agrees with the finding.

FINDING:

7. The California Welfare and Institutions Code 5520-b mandates a yearly review of Patients' Rights Programs by an advocate at all mental health facilities. These Patients' Rights Programs have not been reviewed for four years.

--X-- Respondent agrees with the finding.

FINDING:

8. Advocates have been unable to maintain patient's rights group meetings and special discussions in mental health facilities due to lack of time and personnel.

--X-- Respondent agrees with the finding.

FINDING:

9. Mandated (Welfare and Institutions Code 5520-c) in-service education for the staff at mental health facilities was discontinued in February 2000 due to insufficient staff.

--X-- Respondent agrees with the finding.

FINDING:

10. The File Maker Pro software has been installed in two computers but has not been programmed to meet the information and tracking needs of the department. An additional computer allocated to the department has not yet been delivered.

--X-- Respondent agrees with the finding.

FINDING:

11. In 1994, the Office of Patients' Rights Protection and Advocacy, Inc. conducted a Program Review of the Riverside County Patients' Rights Program and found the previously recommended staff ratio remains unmet.

--X-- Respondent agrees with the finding.

RECOMMENDATIONS:

RECOMMENDATION:

1. Immediately provide the funds necessary to increase the number of Patients' Rights Advocates by a minimum of two to meet the standard of 1/300,000 population as recommended by the Department of Mental Health Task Force.

--X-- The recommendation will not be implemented because it is not warranted or is not reasonable.

The standard of one Patients' Rights Advocate per 300,000 population was recommended to the State Department of Mental Health by a task force but not adopted. However, the standard in California is one Patients' Rights Advocate per 500,000 population. In Riverside County, in addition to the Chief Patients' Right Advocate, the Department of Mental Health has three (3) Patients' Rights Advocate positions and one (1) Licensed Vocational Nurse II position. Unfortunately, due to staff illness and vacancies in the past, not all of our positions were filled at the same time. Currently, all the positions are filled, and the new staff is being trained and oriented. We are always exploring how our programs meet the needs within the community in addition to meeting the statutory mandates of duties.

RECOMMENDATION:

2. Utilize the Chief Patients' Rights Advocate in oversight and administrative functions as opposed to routine advocate duties.

--X-- The recommendation has been implemented. Summary regarding the implemented action:

Since the vacant Patients' Rights Advocate and the Licensed Vocational Nurse II positions have been filled, the Chief Patients' Rights Advocate has been able to dedicate more time to the oversight and administrative duties of her position.

RECOMMENDATION:

3. Provide for programming of the File Maker Pro software, training in the use of this software, and delivery of the computer allocated to the department immediately following their relocation.

--X-- The recommendation has not yet been implemented, but will be implemented in the future.

The File Maker Pro Software has been installed on two of the available computers. Additional computers have been identified for installation in the Patients' Rights Program after the unit moves to its new location. Each workstation will have a computer

RECOMMENDATION:

4. Contract for an updated study by the Patients' Rights Protection and Advocacy, Inc. for a review of the current Patients' Rights Program.

--X-- The recommendation has not yet been implemented, but will be implemented in the future.

The State Office of Patients' Rights has a contract with the State Department of Mental Health to review six county programs per year. We have contacted them and requested that Riverside County be placed on their master schedule for review.