

Patient Advocacy Program

For San Diego County Contact Information & Overview

Fiscal Year 23-24
Revised 3-2024

619-282-1134 or 1-800-479-2233

Fax: 619-282-4885

www.jfssd.org/patientadvocacy

Hours: 8:00am – 5:00pm, Monday – Friday



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COUNTY OF SAN DIEGO
HEALTH AND HUMAN SERVICES AGENCY



**LIVE WELL
SAN DIEGO**

The Patient Advocacy Program is funded by the County of San Diego

WHAT WE DO

If you are a facility that provides inpatient or residential behavioral health services, this booklet applies to you. ¹

FACILITIES WE MONITOR

- Emergency Departments/Hospitals who detain individuals on psychiatric detentions
- LPS Designated Hospitals
- Crisis Stabilization Units (CSU)
- Emergency Screening Unit (ESU)
- Social Rehabilitation Facilities (Crisis Houses/Centers)
- Mental Health Rehabilitation Centers (MHRC/IMD)
- Skilled Nursing Facilities (SNF/Nursing Homes)
- Substance Use Disorder Treatment Facilities (participating in Drug Med-Cal)
- Board and Cares (Licensed Adult Residential Facilities)
- Minors Residential Facilities including STRTP

Please visit our website for a complete list of facilities we monitor: www.ifssd.org/patientadvocacy

The referenced points below are supported in both the California Welfare and Institutions Code and Title IX of the California Code of Regulations. For additional information and/or citations please contact our office.

WHY DO FACILITIES NEED THIS INFORMATION?

- Clients receiving inpatient or residential behavioral health services have a statutory right to see and receive the services of a patients' rights advocate (advocate) who has no direct or indirect clinical or administrative responsibility for the person receiving behavioral health services.
- Advocates will routinely call facilities after they have received phone calls, letters, third-party reports, or face-to-face contacts with patients/residents who have requested assistance. They will often request information from staff regarding a patient/resident, (i.e., such as their legal status or discharge plan) that is needed in order to provide the appropriate information to the patient/resident regarding their rights.
- Advocates also must be given the opportunity to speak with clients in response to requests by the patient/resident, or in order to investigate concerns. These conversations should be in a reasonably confidential and quiet space.
- Advocates have the statutory authority and responsibility to investigate patient/residents' complaints and respond to requests for information regarding their rights.

¹ California law requires the County Behavioral Health Director to assign a Patient Advocate who has the responsibility for ensuring the statutory and constitutional rights of persons detained as behavioral health clients. (Cal. Welf. & Inst. Code § 5520).

- If you are in doubt as to whether an advocate has the authority to obtain information, to speak with a patient/resident, or to review and copy records, please feel free to call the JFS Patient Advocacy Program, at 619-282-1134 or 800-479-2233. If a caller is claiming to be an advocate and you are not certain, you can call the Patient Advocacy Program to verify.

VISITS

- Advocates are entitled to visit a client or other recipient of services at all times necessary to investigate or resolve specific complaints. For any other purposes (monitoring, training, and general provision of rights information), advocates are entitled to have access to clients during normal working and visiting hours.
- Advocates have access to all clients and other recipients of behavioral health services in any behavioral health facility. Advocates are entitled to reasonable and available private space in which to meet with clients.
- Advocates have access to all clients and other recipients of behavioral health services in any behavioral health facility, program, or service at all times as are necessary to investigate or resolve specific complaints.

CONSENT AND INFORMATION PROCEDURES

- The law specifies that no person shall knowingly obstruct any advocate in the performance of their duties. Knowing obstruction of any advocate in the performance of their duties may subject the individual or facility to a civil penalty of \$100 to \$1,000.
- When an advocate calls, they will identify themselves by name and by program. They will ask for a specific patient/resident by name or ask questions regarding the patient/resident at the facility. In these cases, it is appropriate to give the advocate the requested information.
- Advocates are authorized to view and request copies of the records once they have received the patient/resident's consent. When an advocate requests a copy of patient/resident records, they will first obtain written consent from the patient/resident and present a copy of it to the facility at the time of the records request.

RECORDS

- In general, advocates must obtain client consent before inspecting or copying confidential client information except for the purpose of monitoring behavioral health facilities, services, and programs for compliance with patients' rights laws.
- Advocates have the right to inspect or copy any records or other material not subject to confidentiality (such as a facility's policies and procedures) or other provision of law, in the possession of any behavioral health program, service, or facility, relating to an investigation on behalf of a client or which indicate compliance or lack of compliance with laws and regulations governing patients' rights.
- **Both conservatees and minor clients may consent to have an advocate inspect or copy records and provide patients' rights services without their conservator, parent, or guardian's consent.**

GRIEVANCES/COMPLAINTS & APPEALS

- When a grievance/complaint or appeal is filed with our office regarding behavioral health services provided by inpatient or licensed residential facilities in San Diego County, advocates must follow statutes and regulations that outline procedures to investigate and resolve the concerns.
- Our office will work collaboratively with providers to notify them about concerns and attempt to resolve the issues. The investigation process can include staff interviews, medical record reviews, and if necessary, consultation by an independent clinical reviewer.
- Resolution of the grievance/complaint or appeal will result in a letter summarizing the investigation process and will be sent to the client, San Diego County Behavioral Health Service – Quality Assurance, and the treatment provider.

WHAT IF THE FACILITY IS NOT LPS DESIGNATED?

- Pursuant to WIC § 5256.4 (AB-2275 effective January 1, 2023), due process hearings shall be scheduled whenever individuals have been detained pursuant to 5150 (for more than 72 hours) at facilities where initiating a 5250 (14-day hold) is not possible. Non-LPS-designated facilities and crisis stabilization units (CSU's) are expected to comply with this law, notify the Patient Advocacy Program at or before the conclusion of the 5150 detention and participate in due process hearings at the facility. The involuntary detention begins at the time the person is first detained pursuant to WIC § 5150 (even if the detention is initiated prior to the patient's arrival at the facility).

OTHER SERVICES PROVIDED BY PATIENT ADVOCACY

- Community Outreach
- Community Trainings
- Participate in Community and Public Committees and Advisory Boards
- Provider Support and Consultation on Patient Rights
- Provide Free Continuing Education Units (RN, LCSW, LMFT, ARF, SUD-CCAPP, SNF Administrator)
- Resident/Patient In-Services
- Staff In-Services and Education
- Statewide Advocacy

OUR TEAM

LEADERSHIP

Mike Phillips, Esq., Senior Director of Patient Advocacy and Housing Services

Melissa Hall, Patient Advocacy Supervisor

Nellie Torres Klein, Esq., Patient Advocate Attorney

Whitney Wilson, Lead Patient Rights Advocate

ADMIN

Karen Luton, Office Manager

Dana Reinke, Administrative Assistant

ADVOCATES

Lee Laurence, MSFS, Patient Rights Advocate

Jean McDonald, Patient Rights Advocate

Kathleen Derby, MA, Patient Rights Advocate

Taylor Amdal-Barela Asuncion, Patient Rights Advocate

Tammy Little, Patient Rights Advocate

Brady Gunther, Patient Rights Advocate

Topher Tailler, MIA, Patient Rights Advocate

Iris Olivares-Searcy, Patient Rights Advocate

Tera Gigax, Patient Rights Advocate

Brooke Amormino, Patient Rights Advocate

Anne Mandel, Patient Advocate Volunteer

Bethlehem Wolkeba, Patient Advocate Volunteer

Sarah Schumacher, Patient Advocate Volunteer

Pam Gholson, Patient Advocate Volunteer

Rae Belisle, Patient Advocate Volunteer

Lori Wilcox, Patient Advocate Volunteer

Sue Taetzsch, Patient Advocate Volunteer

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