

# Mountain Democrat

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## Psych facility to stay open

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El Dorado County's Psychiatric Health Facility, locally known as the PHF, will not be closing anytime soon. However, confusion, concern and controversy have recently boiled up after a notification from the Placerville Police Department.

Effective June 30, the Police Department stopped providing services to PHF staff that have ranged from supervising movement of patients from common rooms into secure rooms to helping staff administer "involuntary" medications to resistant patients.

Department of Public Health Director

Neda West recently offered a slide presentation to the El Dorado County Board of Supervisors. She described 111 calls from psychiatric facility staff to the Police Department in 2010 requesting officer assistance with patients.

Services provided included assistance with "care and control" of patients, attending to violence, threats or potential for violence against patients or staff and responding to actual criminal activity.

The El Dorado County Sheriff's Department agreed to step in through this past Tuesday to offer similar assistance, West explained. After that, it is not clear

➤ see PHF, A-4

### PHF

how the county will address the issue.

A convoluted paper trail includes a June 28 letter of concerned opinion from deputy district attorney Joe Alexander to Placerville Police Chief George Nielsen. The DA's Office advised Nielsen of potential legal issues that could arise.

"To the extent these officers are responding to calls for service involving criminal behavior, i.e., threats or acts of violence, they are acting within the scope of their duties as peace officers," Alexander wrote. "However, if these officers are being asked to perform psychiatric orderly duties, they are acting outside of the scope of their duties as peace officers and could face potential criminal liability."

That prompted a letter dated the next day from Nielsen to West, which informed her that:

"Based on the opinion from the DA's Office and directions from the city's legal counsel, we are taking the action today to stop all responses for requests to assist with the care and/or control of patients at the PHF. This would include the movement of patients, assistance with administration of medication and any other similar duties. Please see that the Mental Health staff is advised that this policy is to take effect immediately."

In a more formal letter to West dated the same day, Nielsen cited the "history of teamwork and value of the partnership between PHF and PPD." And he noted the decision was taken "after much reflection and deliberation within our organization and based on advice from legal counsel."

On July 15, public health services deputy director Christine Kondo-Lister sent an e-mail to Superior Court Judge Suzanne Kingsbury describing the situation and outlining West's upcoming presentation to supervisors on July 19. The e-mail included three options for resolution: Close the PHF immediately; close it temporarily and within 60 days devise a plan for selecting better options; continue to operate the PHF with enhanced training, policy reviews and "alternative solution(s) for 'psychiatric orderly duties when needed.'"

Judge Kingsbury responded to Kondo-Lister, expressing grave concern for future county liability if the PHF were to close. Particularly with respect to "defendants who are severely mentally ill" and those who "are simply too impaired to be in a jail setting until stabilized on their medications."

The PHF has been "critical" to the operation of the criminal courts, Kingsbury added.

"I am concerned that without the PHF, the county may be exposed to litigation related to incidents involving the above-referenced prisoners. I also think that many of these cases will be less likely to settle, resulting in lengthier periods of incarceration, additional expenses related to criminal defense of these individuals, and less positive outcomes for the prisoners and for the community in which they live."

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Continuing to operate the PHF as it currently exists is expensive. West said the program accounts for a "substantial portion" of the department's overall budget - 60 percent of the total of Mental Health realignment funds, she said. It also has generated a structural deficit of \$350,000, which could more than double in the future.

A psychiatric facility or hospital is state-mandated, providing "very mandated services, which are harder and harder to meet while cutting costs too," West explained.

County Chief Administrative Officer Terry Daly confirmed West's description saying, "It is our responsibility, so thanks to the Placerville police and the Sheriff's Department for their help and support. But this is a community issue and we want to get community input (regarding the options outlined by West)."

Supervisors collectively expressed considerable chagrin both with the issue and

with the timing and method of their becoming aware of it. They noted, in effect, that everyone concerned had been informed of the new developments, but they had found out only a day or two before Tuesday's meeting.

Briggs scolded West for the e-mail to Judge Kingsbury, calling it "out of the chain of command," while Sweeney added, "I would prefer to know you're going to apprise us first, before you talk to your partners."

At that point, Daly stepped in and told the board it had been her decision, not West's, to contact the presiding judge and other stakeholders of the potential disruption. She said she had sent an e-mail to members of the board, but they "were on vacation" for the past two weeks.

"I made the call to let our partners know we weren't doing anything in the dark," she explained.

West asked PHF Manager Barry Wasserman to address specific questions the board had regarding operations at the facility, especially regarding incidents that might warrant calling in law enforcement.

Supervisor Norma Santiago questioned Wasserman about clinical protocols and training for dealing with assaultive behavior.

"We have annual training of the nature you're talking about, such as 'what can we do verbally' and not doing hands-on patients. That's about 80 percent of our (response), while about 20 percent is 'doing hands-on,'" Wasserman explained.

Santiago pressed, "It's not working or the staff is not listening. I agree with not closing the PHF. So is it more staff you need or better competence? Enough is enough; this has really got my ire up."