

Scenes From The Field

Jackie Garman
California Hospital Association

Julia Michael
Kaiser Foundation Hospitals and Health Plan



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Scene 1 – The Birth Plan



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Scene 1 – The Birth Plan

THIS IS A NOTARIZED AND LEGALLY BINDING DOCUMENT

- × My husband and doula must be with me at all times
- × No c-section
- × No epidural or other pain medications may be administered while in labor (do not even think about offering it)
- × No Pitocin or Oxytocin
- × Low light and ambient noise required while laboring
- × No episiotomy
- × Delayed cord clamping for a minimum of 6 minutes 30 seconds to allow baby receive ample cord blood
- × Newborn must always remain in the same room as me
- × Golden hour shall be permitted for a minimum of 60 minutes with no hospital staff present
- × Do not administer vitamin K to newborn
- × Do not administer erythromycin eye ointment
- × No newborn genetic screening or hearing screening

FAILURE TO COMPLY WITH THE ABOVE WILL SUBJECT THE HOSPITAL AND STAFF TO CRIMINAL AND CIVIL LIABILITY



“No c-section. I have a birth plan. I want to push. I typed it. It’s typed, the birth plan is typed and ready to go.”
Wendy Cooper

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Scene 1 – The Birth Plan

Does the hospital staff have to comply with the birth plan? If so, how?

- Visitors → Husband & Doula?
- Informed Refusal? What about risk to baby?
 - No c-section
 - No pain meds, Pitocin, oxytocin
 - No episiotomy
 - Delayed cord clamping
- Newborn Requirements
 - Genetic Testing (17 CCR § 6505)
 - Hearing Screening (CA Health & Safety Code § 124116.5)
 - Erythromycin Eye Ointment (CA Business & Professions Code § 551; 17 CCR § 2560)

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Scene 2 – Behavioral Health



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Scene 2 – Behavioral Health

- 18-year old Susanna Kaysen is found wandering around a school yard, barely clothed, shouting profanities
- Law enforcement places Susanna on an involuntary psychiatric hold and brings her to the closest (non-LPS designated) hospital
- The hospital is unable to find a psychiatric placement for Susanna and the hold is maintained while she stays in the ED



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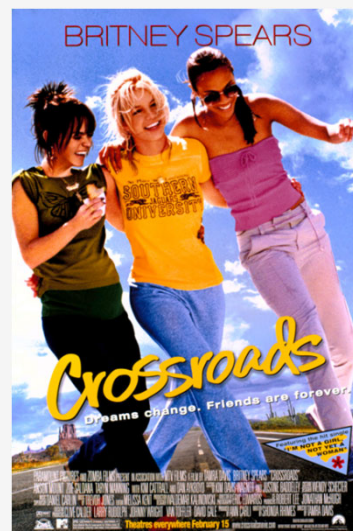
Scene 2 – Behavioral Health (& Implementing AB 2275)

All facilities that provide medical clearance or otherwise have patients on a 5150 hold prior to admission to a “designated LPS facility” should create detailed protocols for the **certification review hearing process:**

- ❑ Designate responsible provider/staff to notify patient of their rights with respect to the hearing (script for notification?)
- ❑ Notify PRA/attorney who will help patient prepare for hearing
- ❑ Schedule the hearing officer
- ❑ Provide attorney/PRA access to patient and appropriate private setting/room for them to meet
- ❑ Provide appropriate private setting/ room for hearing
- ❑ Consider/address any security concerns presented by attorney/PRA meeting or hearing
- ❑ Notify family or others identified by patient of time and place for the hearing
- ❑ Identify facility staff who will present information in support of probable cause finding that person should continued to be detained because he/she still meets 5150 criteria
- ❑ Notify hearing officer if patient has received medication within 24 hours prior to beginning of the hearing (or such longer time as the hearing officer may designate) ; and, if so, probable effects of the medication
- ❑ Clarify use of technology, internet access for hearing
- ❑ Provide written notification to the patient of the results of the hearing
- ❑ Develop procedures for documenting compliance

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Scene 3 – The Decisionmaker



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Scene 3 – The Decisionmaker

- 1/1/2008: Britney Spears was placed under a conservatorship. Her father, Jamie Spears, was appointed conservator

NEW “FACTS”!

- 9/13/2002: Britney had executed an AHCD designating her then-husband, Kevin Federline, as her agent and her bestie, Christina Aguilera, as her first alternate
- 7/30/2007: Britney and Kevin finalize their divorce
- 1/15/2020: Christina and Britney launched a 6-month world-wide tour expected to earn them many millions of dollars
- 2/18/2020: Britney shaved her head and assaulted paparazzi (for a second time)
- 2/20/2020: Britney’s therapist prescribed medication for Britney’s anxiety but advised that the side effects would prevent Britney from performing. Christina refused to have Britney take it, instead proposing that Britney go to a mental health treatment facility for a week and then they would resume their tour
- Kevin and Jamie insist that Britney take the medication recommended by her therapist

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Scene 3 – The Decisionmaker

**Who gets to make health care decision for Britney and what decisions can they make?
In 2006? In 2009? On 2/21/2020?**



Jamie



Kevin



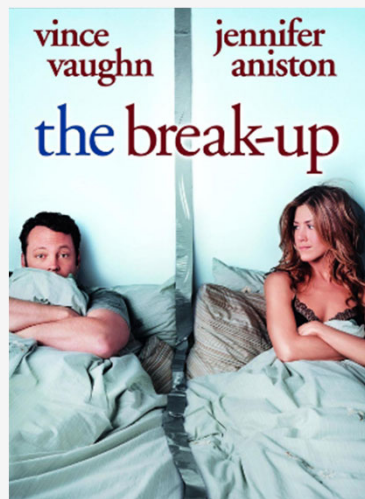
Britney



Christina

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Scene 4 – The Parents



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Scene 4 – The Parents

- Following the filming of The Break-Up in 2005, Vince Vaughn and Jennifer Aniston started dating, but ultimately ended their relationship in October 2006

NEW “FACTS”!

- Jennifer gave birth to baby boy, Brad, in February 2007. Vince is the father.
- On June 30, 2021, Jennifer notices that Brad seems to be extremely depressed and withdrawn. She believes it has something to do with a recent blow out fight Brad and Jennifer had with Vince where Vince stormed off after threatening to harm them.
- Concerned for Brad, Jennifer takes him to their local hospital to be assessed and treated for possible suicidal ideations.
- Brad is assessed at the hospital and referred to outpatient therapy.
- Jennifer requests that the hospital prevent Vince from accessing Brad’s medical records

Can the hospital restrict Vince’s access to Brad’s medical records?

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Scene 4 – The Parents

California Family Code § 3025 provides that access to records—including medical records—pertaining to a minor child shall not be denied to a parent because that parent is not the child’s custodial parent

BUT SEE Calley’s Law (SB 24 (Caballero 2021) codified at California Family Code § 6323.5

- Permits a domestic violence restraining order to prohibit a party from accessing records and information pertaining to the following information of a minor child of the parties: **health care**, education, daycare, recreational activities, or employment
- Requires certain third parties to adopt protocols to ensure that restrained parties are not able to access records or information pertaining to the child in the possession of those third parties
- “Essential care providers”—which include hospitals—must adopt protocols by 1/1/2023, including
 - Designating appropriate personnel to receive such protective orders
 - Establish a means of ensuring that restrained party is identified and not able to access records or information
 - Implementing procedure to document receipt of a copy of the protective order

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Scene 5 – The Minor

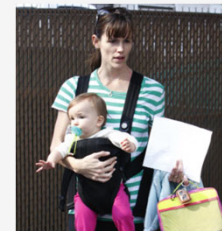


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Scene 5 – The Minor

- Jenna Rink, her 15 year old step-daughter, Lucy, and Lucy's 3-month old baby, Matty, are all suffering from what seems to be terrible food poisoning
- They arrive at the hospital and are assessed; the ED physician orders IV fluids, a variety of tests, and a chest x-ray for the baby to rule out pneumonia
- Jenny and baby Matty are discharged home same day, but Lucy is admitted for further observation
- Lucy starts experiencing unbearable stomach pain, and the hospitalist and GI on-call assess Lucy and determine she needs an appendectomy



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Scene 5 – The Minor

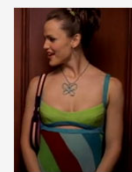
Who consents?



For Lucy?



Lucy



Jenna



Matty



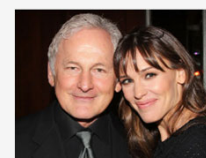
For Jenna?



For Matty?



2 Docs



Lucy's Dad

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Scene 6 – Law Enforcement

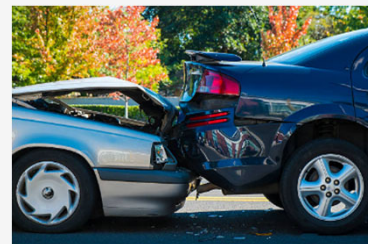


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Scene 6 – Law Enforcement

- Remember Susana?!
- While she is being held in the ED, Susana runs out of the hospital, into the parking lot and jumps into a little silver sedan
- The keys are in the ignition along with Mr. De Niro, who is in the passenger seat waiting for his friend Sylvester
- Susana slams on the gas and crashes the car into the parked car in front of them
- Susana and Mr. De Niro are brought into the ED to be assessed for injuries resulting from the car crash
- Law enforcement is called, and thinking she was driving while intoxicated demands the hospital staff perform a blood draw
- Susana is then arrested, discharged and hospital staff provides law enforcement with Susana's discharge paperwork



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Scene 6 – Law Enforcement



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Questions?

Raise your hand to ask a question.

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Thank you!



Jackie Garman
Vice President, Legal Counsel
California Hospital Association
jgarman@calhospital.org

Julia Michael
Senior Counsel
Kaiser Foundation Hospitals and Health Plan
Julia.b.Michael@kp.org

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