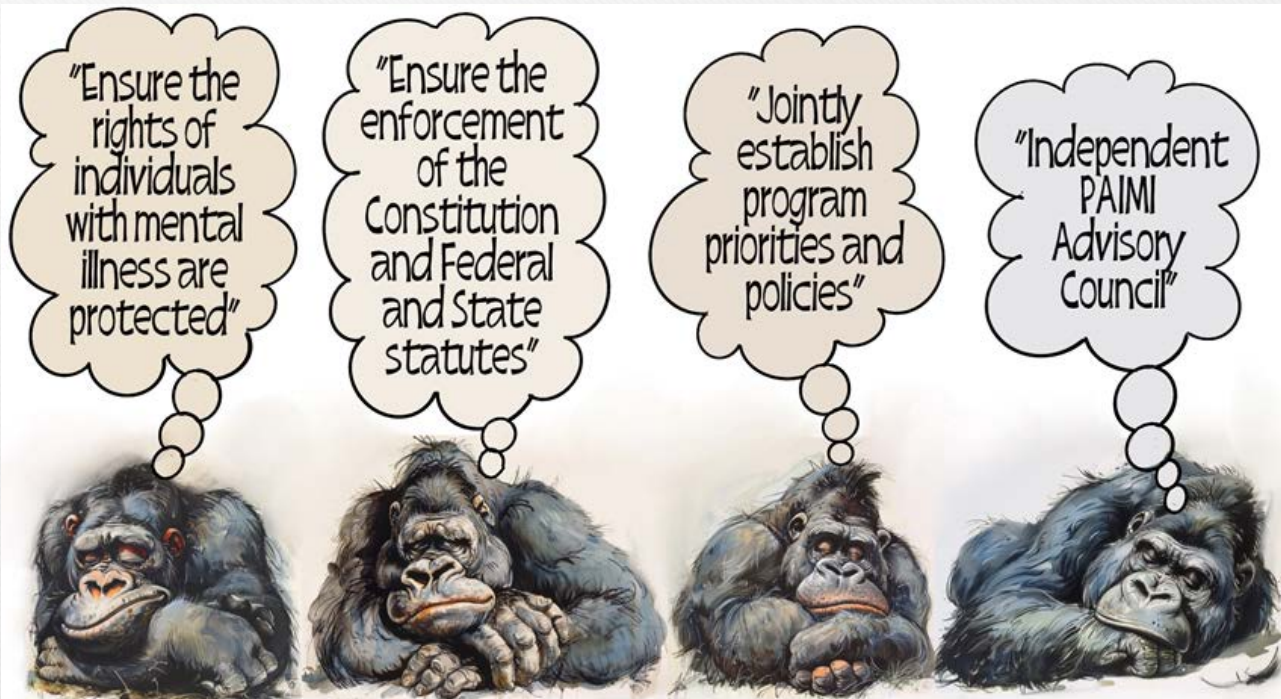


PAIMI Advisory Councils: SLEEPING 800 POUND GORILLAS? Judi's Room, June 5, 2024

Kristina (KK) Kapp

Jim Gottstein





Kristina (KK) Kapp

A human2human culture, restoring the heart back in humanity...

- **Our Mission:**
- In a spirit of HUMAN 2 HUMAN understanding; sowing seeds of belief, watering with encouragement of empowerment individual strengths and beauty; cultivating connection and unity within the community.

**Protection & Advocacy for
Individuals with Mental
Illness Act**

PAIMI

Original Purpose, current presences and future potential

Based on Investigation of Abuse/Neglect Willow Brook Facility



To
Honor Those
Who Struggled Here
on the Grounds of the
Willowbrook
Institution
We Preserve
This Former
Building Number
In Their Respectful
Remembrance



History and Purpose of the Act

- A designated agency in each state and territory (initially Covered People with Developmental Disabilities)
- Expanded to include individuals with mental illness in 1986
- Initially limited to individuals in facilities, later expanded to community
- Purpose: protect and advocate for the rights of individuals with mental illness
- Focus on abuse, neglect, and rights violations
- Investigate complaints and pursue administrative, legal, and other appropriate remedies

PAIMI Act

- Protection and Advocacy for Individuals with Mental Illness
- The PAIMI program was established in 1986 and is administered by the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Center for Mental Health Services (CMHS) and the federal Department of Health and Human Services. Under PAIMI, P&As are mandated to protect and advocate for the rights of people with mental illness and investigate reports of abuse and neglect in facilities that care for or treat individuals with mental illness.
- The Act was subsequently amended to allow P&As also to serve individuals with mental illness in public and private facilities and for people who reside in the community.

PAIMI Act of 1986

- The PAIMI grants are authorized under the PAIMI Act of 1986 [42 U.S.C. 10801(b)(1), et seq., as amended in 2000].
- Protection and Advocacy for Mentally Ill Individuals Act of 1986 - Title I: Protection and Advocacy Systems - Part A: Establishment of Systems - Directs the Secretary of Health and Human Services to make allotments for establishing and administering State systems designed to protect and advocate the rights of the mentally ill. Sets forth the authorities such a system shall have.

The PAIMI Act Dictates the Advisory Council Include:

- Attorneys and Mental Health Professionals.
- People who are knowledgeable about mental illness and have demonstrated a substantial commitment to improving mental health services.
- A provider of mental health services.
- People who have received or are receiving mental health services and family members of people who have.
- The Advisory Council will make every effort to include members of racial and ethnic minority groups.

PAIMI Advisory Council

- A key difference between PAIMI and the other programs is that PAIMI regulations require P&As to have a PAIMI Advisory Council to “advise the system on policies and priorities to be carried out in protecting and advocating the rights of individuals with mental illness.”
- At least 60 percent the PAIMI Advisory Councils’ members must be people who have received or are receiving mental health services or who are family members of such.

PAIMI Advisory Council Members Act as an Empowerment Agent, Rights Liaison & Community Connector

Specifically, they

- Assist the P&A in identifying issues that are of most importance to the mental health community
- Work with the P&A staff and the Board of Directors to jointly develop the annual objectives and priorities for the PAIMI program
- Educate the public about the mission and purpose of the P&A

What We Do As Members of the Advisory Council

- Assist in the setting the PAIMI priorities.
- Educational opportunities to learn self advocacy skills.
- Opportunities to educate the public and people with mental illness on the rights of people with mental illness and the PAIMI program services.
- Ability to work with the PAIMI program to meet their goals.
- Supporting people that are receiving services to be safe and free from harm.
- Taking on a leadership role in advocacy.
- Assisting to change the mental health system



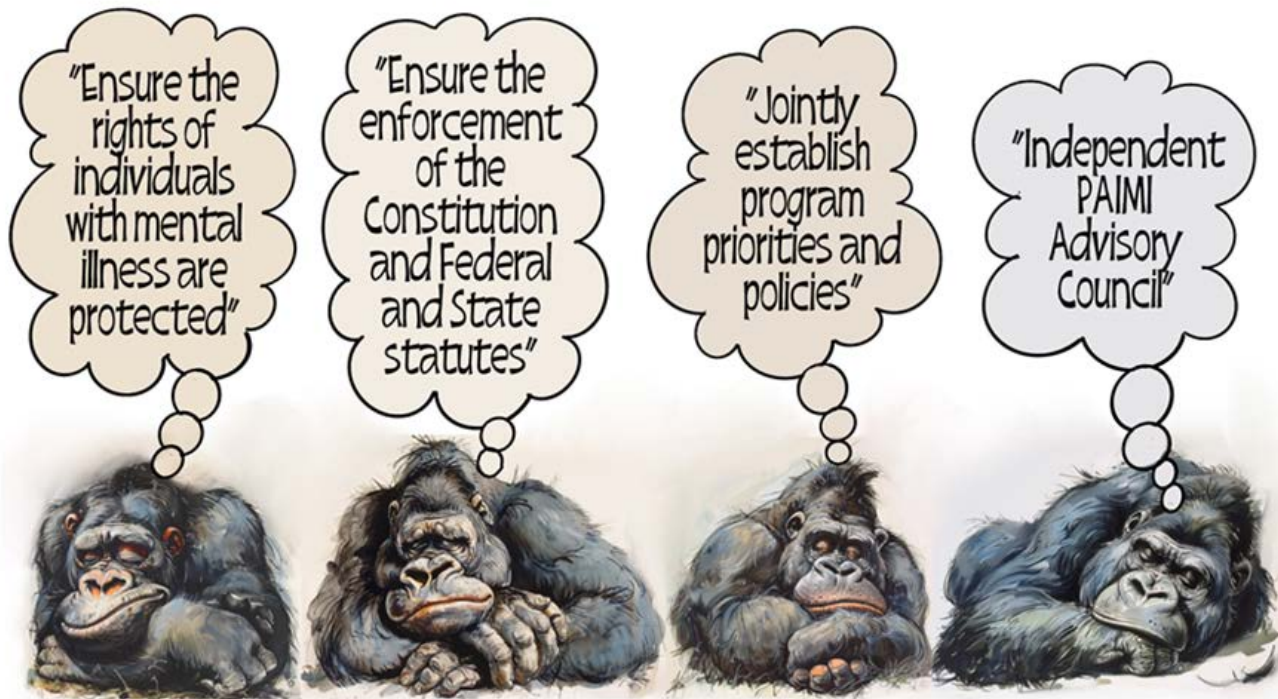
James B. (Jim) Gottstein, Esq.

Mission:

Mount a Strategic Litigation Campaign
Against Forced Psychiatric Drugging and
Electroshock.



Sleeping Gorillas by Bob Parsons



42 U.S.C.A. § 10801

PAIMI Act

(b) The purposes of this chapter are--

(1) to ensure that the rights of individuals with mental illness are protected; and

(2) to assist States to establish and operate a protection and advocacy system for individuals with mental illness which will--

(A) protect and advocate the rights of such individuals through activities to ensure the enforcement of the Constitution and Federal and State statutes; and

(B) investigate incidents of abuse and neglect of individuals with mental illness if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred.]

42 U.S.C.A. § 10805(c)

PAIMI Act

(2) The governing authority established under paragraph (1) shall--

(A) be responsible for the planning, design, implementation, and functioning of the system; and

(B) consistent with subparagraph (A), jointly develop the annual priorities of the system with the advisory council.

Regulations

42 C.F.R. § 51.22

(a) Each P&A system shall have a governing authority responsible for its planning, designing, implementing and functioning. It shall, jointly with the advisory council, annually establish program priorities and policies.

42 C.F.R. § 51.23

(a) Each P&A system shall establish an advisory council to:

- (1) Provide independent advice and recommendations to the system.
- (2) Work jointly with the governing authority in the development of policies and priorities.
- (3) Submit a section of the system's annual report as required under § 51.8.

Involuntary Commitment Permissible Under US Constitution When:

1. Confinement takes place pursuant to proper procedures and evidentiary standards,
2. Finding of "dangerousness either to one's self or to others," and
3. Proof of dangerousness is "coupled ... with the proof of some additional factor, such as a 'mental illness' or 'mental abnormality.'

Kansas v. Crane, 534 U.S. 407, 409-10, 122 S.Ct. 867, 869 (2002).

- Being unable to take care of oneself can constitute danger to self if "incapable of surviving safely in freedom." *Cooper v. Oklahoma*, 517 U.S. 348, 116 S.Ct. 1373, 1383 (1996).

Forced Drugging under US Constitution: *Sell*

Court Must Conclude:

1. Important governmental interests are at stake,
2. Will significantly further those state interests - substantially unlikely to have side effects that will interfere significantly (with achieving state interest),
3. Necessary to further those interests. The court must find that any alternative, less intrusive treatments are unlikely to achieve substantially the same results, and
4. Medically appropriate, i.e., in the patient's best medical interest in light of his medical condition, considered on drug-by-drug basis.

Sell v. United States, 539 U.S. 166, 177-8, 123 S.Ct. 2174, 2183 (2003) (Competence to Stand Trial Case).

REPORT
ON
IMPROVING
MENTAL HEALTH
OUTCOMES

James B. (Jim) Gottstein, Esq.; Peter C. Gøtzsche, MD;
David Cohen, PhD; Chuck Ruby, PhD; Faith Myers

September 2023

- Psychiatric Incarceration Massively Associated with Suicide
- Psychiatric Drugs Increase Harm to Self & Others
- Psychiatric Drugs Shorten Life Spans by 20-25 Years
- Psychiatric Drugs Reduce Recovery from Possible 80% to 5%
- There Are Other Proven, Effective, Safe & Non-Coercive Approaches

Rights Violations

- No More than 10% of Psychiatrically Incarcerated (involuntarily committed) Meet Commitment Criteria
- No One Can Ever Properly be Drugged Against Their Will under *Sell* Criteria
 - Best Interests
 - No Less Intrusive Alternatives

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Available at:
PsychRights.Org

Involuntary Commitment and Forced
Psychiatric Drugging In the Trial Courts:
Rights Violations as a Matter of Course

James B. Gottstein



Immediate National Focus

- Community Assistance, Recovery and Empowerment (CARE) Court created by Cal HHS with new similar bills current up for vote in 14 states
- Wide sweeping new Guardianship Bills —similar bills current up for vote in 11 states
- Criminalization of Mental Illness Fifty years of failed public policy has forced law enforcement officers onto the front lines of mental health care and criminalized mental illness

Would You Like To
JOIN your State's
PAIMI Council

Elevate Voices



Believe IT . . .

Become IT . . .

Be IT . . .