



HUMAN RIGHTS COMMITTEE

2006 Annual Chairperson's Report

Prepared by
Jose A. De Castro-Palomino
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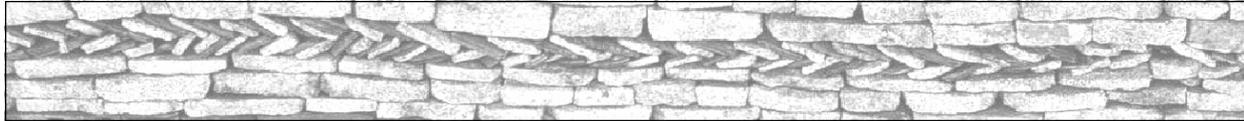
Cover: Wall of **Great Zimbabwe**

This complex of ruins from which the modern nation of Zimbabwe took its name is one of the country's greatest historical and cultural attractions. As Paul Tingay's helpful guide explains, Great Zimbabwe, the largest ruins in Africa, covers almost 1,800 acres.

Sited on an open wooded plain surrounded by hills, the ruins comprise the vast Great Enclosure complex, and on a nearby kopje the Hill Complex, a veritable castle of interlocking walls and granite boulders, while all around in the valley lie a myriad other walls. The ruins feature an array of chevron, herringbone and many other intricate patterns in its walls, and the astonishing fact is that despite the dry-stone technique used in Great Zimbabwe's construction (no mortar binds the stone blocks), the complex has endured for seven centuries. [Zimbabwe, Globetrotters Travel Guide, London: New Holland Publishers, 1994, 97.]

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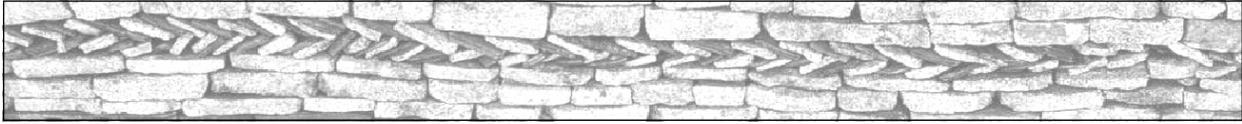
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INTRODUCTION



The Human Rights Committees function as independent advisory oversight bodies throughout the State of Arizona. Their responsibilities are to monitor and ensure the civil and human rights for persons with developmental disabilities as guaranteed in the U. S. Constitution, federal law regulations, and the Arizona Revised Statutes.



Geographic Composition of the Human Rights Committees

District I

Maricopa County – Karen Van Epps, Chair

District II

Pima County – Helena Kalmis, Chair

District III

Coconino, Apache and Navajo Counties – Cynthia McKinnon, Chair
Yavapai County – Doug Bergstrom, Ph.D., Chair

District IV

Yuma County– Gary Reeves, Chair
Mohave and La Paz Counties, Debbie Mitchell

District V

Gila and Pinal Counties – Mike Brune, Chair

District VI

Cochise, Graham, Greenlee and Santa Cruz Counties – Joe Hunter, Chair

COMMITTEE RESPONSIBILITIES



The Human Rights Committees provide independent oversight and submit recommendations to the Director of the Department of Economic Security, and the Assistant Director of the Division of Developmental Disabilities:

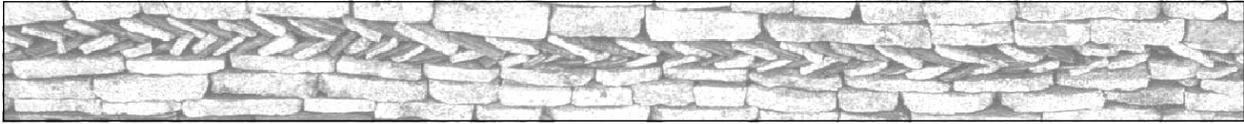
- To ensure that the rights of persons with developmental disabilities are protected as provided in the Arizona Revised Statutes § 36-551.01 and Arizona Administrative Code R6-6-903;
- With regard to research in the field of developmental disabilities; and
- With regard to incidents of possible abuse, neglect or denial of individual rights.

In addition to the responsibilities listed in law and rule, the Committees review other performance indicators as described in the Division's Administrative Directive 46 issued by the Assistant Director.

Examples of the types of information provided to the Committees include:

- Incidents of abuse or neglect
- Violations of rights
- Research proposals in the field of developmental disabilities
- Copies of residential monitoring compliance reports and summaries of homes monitored in the area along with corrective action plans

WHO ARE THE HUMAN RIGHTS COMMITTEE MEMBERS?



Human Rights Committees are made up of dedicated volunteers who donate their time to the Division. Each Committee has a Chairperson and Vice Chairperson. Although there are many professionals represented, most of the members are parents of persons with developmental disabilities. The Committees also include individuals with developmental disabilities whose life experience and contributions provide a valuable and unique perspective for the Committees' work. Many of the volunteers have been members of their Committees for several years, providing the organization with continuity and expertise. The Committees are supported by Division Human Rights Committee Staff Liaisons who provide the professional support to their operations.

ACTIVITIES PERFORMED BY THE HUMAN RIGHTS COMMITTEES



The Human Rights Committees perform a variety of activities related to their volunteer functions. Activities range from helping the Division in their recruitment of additional Human Rights Committee members to providing technical assistance to the Division and the provider community.



RECRUITMENT AND TRAINING

The search for qualified individuals willing to donate the time and expertise required to serve as Committee members has historically been a challenge for the Committees and the Division. This challenge is due to factors including lack of staff resources, the nature of the work, and the time commitment required of the volunteers. A continued emphasis and commitment to recruitment and diversification of the Committees is starting to yield positive results, however, finding individuals to fill the membership categories listed in statute remains a problem.



RECRUITMENT AND TRAINING

In 2006, the Committee members and Division staff conducted recruitment through a variety of activities. These activities included making presentations to organizations, advocacy groups and individuals who may be interested in becoming members of the Committees, and publishing recruitment ads in the local newspaper and other publications. Although it is the responsibility of the Division to recruit new members with the aid of advocacy organizations, Committee members themselves do much of the direct recruitment through word of mouth.

The Division Liaisons and Committee members have concentrated their recruitment efforts in attempting to fill the categories stipulated by statute. These categories include Psychology, Law, Medicine Education, Special Education, and two parents of a person with Developmental Disabilities. Efforts have also been made to recruit members from the different geographical areas (counties) each Committee represents.

Of concern to everyone is the difficulty in finding qualified persons interested in volunteering for such a position, especially in the more rural areas and reservations across the state. The group continues to review the current work of the Liaisons and the time allocation necessary to complete the work. As recruitment activities are implemented, Committees share their experiences and results at each quarterly Chairperson's meeting.

Human Rights Committees recognize the rich cultural and ethnic diversity of Arizona and strive to reflect that diversity in Committee composition. Human Rights Committee Staff Liaisons and Human Rights Committee members conduct a variety of outreach activities with the purpose of bringing to their Committees a broad representation of the communities they serve.

In 2006, the Chairpersons continued to analyze Committee recruitment activities based on outcome. Members agreed that recruitment efforts should extend to the entire community in order to ensure a broader representation. The Chairpersons also expressed that, in their opinion, diversity includes geographical areas, cultural background, disabilities, as well as required professional and personal experiences. The Districts continue to focus their recruitment efforts in expanding the rich cultural diversity found in all districts of the state.

Although recruitment is not listed as an issue under the Statewide Issues and Recommendations portion this report, it continues to be a concern to the Committees. HRC Liaisons and Committee members have worked with the Division's District Administrators and District staff to expand recruitment activities and invest more staff time to conduct those activities. New membership recruitment is very labor intensive and not always productive due to the nature of the work conducted by the Committees and the demand on a volunteer's time. In spite of those barriers, the Division needs to continue exploring various activities that may lead to positive outcomes.

The Chairpersons recommend that the Department of Economic Security appoint the Committee's nominee, or respond in writing to the Committee within 30 days upon the receipt of the completed applicant's packet stating why the nominee was not appointed .



Application Process for Human Rights Committee Membership:

Once an individual expresses interest, he or she is invited to attend the open portion of the Committee meeting to observe the work performed by the group, and evaluate if he/she is interested in working in the area of human rights as part of a Committee. If the person is interested in volunteering on the Committee, he/she can obtain an application form from the Committee Staff Liaison or a Committee member, complete it and return it to the Division of Developmental Disabilities. The applicant may then be invited to interview with the Committee. If the Committee determines that the person would make an appropriate member, his/her name is submitted to the Director of the Department for potential appointment.



Ethnicity:

Chairpersons, Committee members and Division of Developmental Disabilities staff are presently conducting comprehensive statewide recruitment efforts to better reflect the rich and diverse composition of the state. Although the Division, as well as Committee members, have increased the scope and number of recruitment activities, it has been difficult to recruit persons who are interested in becoming Human Rights Committee members that meet statutory requirements.

Chairpersons agree that a well-rounded membership is key to the representation of all members of the community but have experienced frustration in trying to meet statutory membership requirements and increase diversity.



TECHNICAL ASSISTANCE TO DIVISION AND PROVIDER STAFF:

The Committees provide technical assistance, when necessary, to providers and Division staff in areas listed under their authority. In most cases, assistance is provided to address behavior plans that interfere with individual rights for persons residing in state funded residential programs. The situation may or may not infringe on the individual's rights, but may nevertheless be at odds with the principles of self-determination, independence, or with issues related to least restrictive environment considerations. Subsequent discussions and free flow of ideas allows for a better understanding of the complex interactions between behavior plans and individual rights.

A number of Committees have discussed the issue of monitoring group homes to assess the quality of life of the individuals living there. During the 2006 calendar year, the Committees did not conduct any monitoring visits to group homes. Several options have been discussed for accomplishing this task. The members discussed potentially assisting the Division's monitoring staff or joining forces with The Arc of Arizona in their monitoring activities. Currently, The Arc of Arizona conducts monitoring visits concentrating on quality of life indicators, while the Division primarily focuses on statutory requirements, observations, and documentation. The Arc of Arizona is currently revising its monitoring tool to focus more attention on evaluating quality of life for individuals living in group homes. José De Castro-Palomino, HRC State Coordinator, has been appointed as the Division Liaison to the Arc's monitoring Committee. He will act as the Liaison between the Division monitoring role and the Arc's quality of life monitoring.



RESEARCH IN THE FIELD OF DEVELOPMENTAL DISABILITIES

The Committees have a statutory responsibility to review and approve all research conducted in the field of developmental disabilities for clients served by the Division. The Division will report the findings to the Human Rights Committees when they become available to the public.

In 2006, the Division and the Committees did not receive any proposals for research in the field of developmental disabilities. However, there are two outstanding research projects that are nearing completion. Once the studies are completed and a report issued, the committees Chairpersons will be forwarded copies so they can be shared with HRC members.

RELATIONSHIP BETWEEN THE HUMAN RIGHTS COMMITTEES AND THE DIVISION'S RESIDENTIAL MONITORING ACTIVITIES



The purpose of the Division residential monitoring unit is to evaluate contracted provider compliance with regulations and provide technical assistance to providers in attaining and maintaining compliance with Arizona Administrative Code R6-6-801 et seq. and R6-6-901 et seq. (Articles 8 and 9). The relationship between The Arc of Arizona's Group Home Monitoring Committee and the Division Monitoring Unit is one of open communication, information sharing and exchange of ideas on issues that concern the rights and quality of life for persons with developmental disabilities. Although the monitoring conducted by both groups is carried out through different means using separate tools, the ultimate goal remains the same - to safeguard individual rights.

The Division has developed a comprehensive Risk Incident Management System (RIMS). The computerized RIMS database provides a platform for the reporting and input of incidents, tracking the notification of key personnel and agencies, the assignment of personnel to fact-find or investigate incidents, tracking incident closure, and completing follow-up actions. RIMS is also used for analysis and determining incident trends. The Division continues to develop RIMS so it can improve the trend analysis used to track progress by agencies.

The Chairpersons, recognizing the value of the data and trend analysis generated by the Monitoring Unit and the Risk Incident Management System, decided to add the monitoring reports as an additional component of their review activities. The reports have given Committees a better understanding of the long-range performance of individual providers, including their strengths and areas of needed improvement.

In 2006, the Division developed a means of summarizing incidents and monitoring reports for a more concise viewing of information. Currently, the new reporting system can generate information by provider, provider home, and individual rules contained in Articles 8 and 9. The Committees will be using the available data to monitor specific areas such as medication procedures and approved behavior interventions plans specific to any setting or provider agency, as well as track choices and steps made towards applying the principles of Self-Determination to living environments and consumer choice.

Also in 2006, Jose De Castro-Palomino, HRC Statewide Coordinator, was invited by the Arc of Arizona to be the Liaison between the Division and the Arc's Quality of Life Committee. This Committee is funded by a contract from the Division to conduct quality of life reviews of group homes. The work conducted by the Arc staff is shared with Division's Central Office and District monitors. The sharing of information allows for a broader picture of the quality of life and application Self-Determination Principles for persons living in state funded group homes.

THE ROLE OF THE HUMAN RIGHTS COMMITTEES IN THE DIVISION'S QUALITY ASSURANCE PROCESS



As part of the Division's Quality Management process, the Statewide Quality Management Committee (SQMC) monitors and evaluates quality indicators and outcomes in the delivery of services. The information gathered and the work completed through this process is shared with the Arizona Health Care Cost Containment System (AHCCCS).

The work performed by the Human Rights Committees is now being reviewed by the SQMC as a means of measuring quality within the area of individual rights. One of the SQMC's goals is to "enhance the communication and coordination between the Division's Quality Management Unit and the Committees."

Annually, Human Rights Committee Chairpersons attend the SQMC meetings to provide an update on the activities performed by their local Committees, share their Annual Reports and discuss emerging issues and trends affecting their communities. The SQMC develops its annual goals to address the recommendations made from these reports and from the issues and recommendations identified in the Chairperson's Annual Report.

CHAIRPERSONS' MEETINGS



The Committee Chairpersons meet quarterly to review and discuss individual issues and practices that may have statewide impact. Recommendations on issues and policy changes are directed to the District Program Managers/Administrators and the Assistant Director for review and comment. The meetings also serve as a venue to:

- improve communications among local Committees,
- identify statewide issues,
- recommend solutions to the identified concerns, and
- foster the discussion and resolution of issues between the Committees and the Division's Administration.

The meetings afford the Chairpersons the opportunity to compare notes and help each other to improve their operations and to evaluate and plan for consistency in operations, thus elevating the level of awareness of human rights issues at the state level.

2006 STATEWIDE ISSUES AND RECOMMENDATIONS



ISSUE 1: PREVENTIVE DENTAL COVERAGE FOR ADULTS WITH DEVELOPMENTAL DISABILITIES

Lack of medically covered preventive oral hygiene for adults with developmental disabilities.

RATIONALE:

The State of Arizona does not include preventive dental care as a covered service under Title 19 (ALTCS) Federal program. These services provided under Title 19 are available to states that choose to provide and pay for these services under their Title 19 program. Legislative cost analysis suggests the cost for such a program would be very expensive in the Arizona's current fiscal climate. The high costs are related to the total population that would have to be served, including the elderly, the low-income population served by AHCCCS, and persons with developmental disabilities.

Currently some dental services are being covered under a pilot project by the state Legislature. However, the limited number of possible clients capable of enrolling in the program does not approach the need for dental coverage for all unserved individuals.

As the developmental disabilities population starts to age, the need for preventive dental services will increase and the long standing unmet needs and cost will skyrocket.

Recommendation:

The Chairpersons recommend that the Division of Developmental Disabilities should continue to inform and educate legislators of the needs in this arena, as well as explore the possibility of insurance options for dental services.



ISSUE 2: GUARDIANSHIP

The Chairpersons recognize there are not enough legally appointed guardians for vulnerable adults with developmental disabilities. As the Division expands services to more families, the need for fiduciary/guardianship services continues to grow. Funding for public and private fiduciaries has not kept pace with increased need, although this is not under the Division's authority to impact.

This service is crucial to ensure and safeguard the rights of individuals with developmental disabilities and most importantly, the right to informed consent.

In addition, the Chairpersons feel that Public/Private Fiduciaries need to better understand the rights and needs of people with developmental disabilities and the steps necessary to become self determined. Some adults with developmental disabilities who have an unmet need of guardianship face the risk of exploitation.

Recommendation:

The Division should share with the Committees the results and methodologies of the statewide survey that identifies the number of individuals that are in need of a legally appointed guardian.

If the survey results reflect a need to expand the current guardianship network, the Chairpersons recommend that the Division submit a budget proposal requesting funding for contracted guardianship services.

The Division of Developmental Disabilities should offer Public Fiduciaries training specific to the field of developmental disabilities such as Person Centered Planning, Principles of Self-Determination and most importantly, individual rights.



ISSUE 3: BEHAVIORAL HEALTH—Step down facilities for mental health

In many circumstances persons who have a mental health crisis are sent to jail as the only alternative to receiving mental health services. Arizona lacks a transitional program where an individual can go to secure mental health services

until the crisis is over. In addition, the Chairpersons feel that Regional Behavioral Health Authorities' staff need to be better informed of the special needs and characteristics of persons with developmental disabilities. Behavioral Health staff should receive training in Positive Behavior Supports, Person Centered Planning, Client Intervention Techniques, Counseling, and the Principles of Self-Determination. Persons with developmental disabilities have special needs that are hard to understand by the traditional mental health professional.

Additionally, persons with developmental disabilities often are not offered options that use the least restrictive alternative consideration in their mental health treatment.

Recommendation:

Work with the Department of Behavioral Health and the Legislature to fund facilities that focus exclusively on mental health populations as an alternative to incarceration as the only option.

Expand the knowledge base of Behavioral Health Authorities' staff such as therapists, nurses, prescribers, and clinical liaisons to include the field of developmental disabilities.

The Division of Developmental Disabilities should continue to offer training to Behavioral Health staff on Positive Behavior Supports, and least restrictive alternatives. This training has the potential to expand treatment options and improve discharge planning.

The Division should continue to encourage the local Regional Behavioral Health Authorities to increase the number of specialists and Child and Family Teams for children jointly served by the Regional Behavioral Health Authorities and the Division.

The Division should explore with the Regional Behavioral Health Authorities the feasibility of increasing the types of therapy modalities that can target the special needs of persons with developmental disabilities.



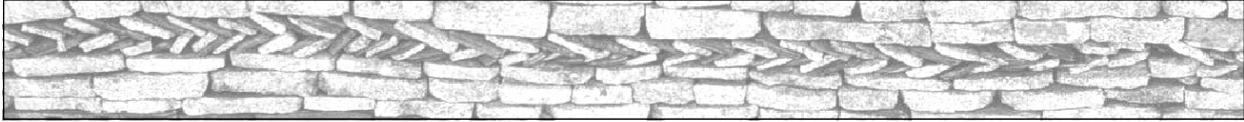
ISSUE 4: CONTINUED IMPLEMENTATION OF THE SMART CARD

In the past year the Committees have seen an increase in counties and cities implementing a Smart Card program. This year Flagstaff will become another city implementing such a system. The program allows first responders to be aware of the special needs of persons with developmental disabilities when they arrive at the scene of an emergency.

Recommendation:

The Division should continue to encourage and provide support to cities and counties so they can implement the program. The Division should work with counties to reach the goal of a statewide implementation of the program.

HRC Performance Indicators



District	Incident Reports Reviewed	Behavior Programs Reviewed	Volunteer Hours Donated
I	1352	767	783
II	1125	310	830
III (Prescott)	69	59	270
III (Flagstaff)	252	107	545
IV (Lake Havasu City)	No data Available	No data Available	No data Available
IV (Yuma)	84	21	Estimated 50
V	209	143	880
VI	103 (35 Investigative follow up)	47	252
Total	3194	1454	3610