

**DEVELOPMENTAL DISABILITIES HUMAN RIGHTS COMMITTEE
CHAIRPERSON MEMBERSHIP ROSTER**

Human Rights Committee (HRC)
Arizona Revised Statutes § 41-3801 & § 41-3804
To contact the HRC you may call 1.844.770.9500

NAME	MEMBERSHIP CATEGORY	Expertise
Karen L. Van Epps	District Central Chairperson	Advocacy
Suzanne Kensington	District East Chairperson	Parent
Lynda Stites	District South Chairperson (Tucson)	Law
(Vacant)	District South Chairperson (Sierra Vista)	
(Vacant)	District North Chairperson (Prescott)	
Cynthia McKinnon	District North Chairperson (Flagstaff)	Medicine
(Vacant)	District West Chairperson	

41-3801. Human rights committee on persons with developmental disabilities

A. The human rights committee on persons with developmental disabilities is established in the department of economic security to promote the rights of clients who are receiving developmental disabilities services from the department pursuant to title 36, chapter 5.1.

B. The committee shall be organized pursuant to this section and the requirements of section 41-3804.

C. The director of the department of economic security may establish additional committees for each district office established pursuant to section 41-1961 or to oversee the activities of any service provider.

D. Each human rights committee established pursuant to this section shall consist of at least seven and not more than fifteen members appointed by the director of the department of economic security with expertise in at least one of the following areas:

1. Psychology.
2. Law.
3. Medicine.
4. Education.
5. Special education.
6. Social work.

E. Each human rights committee shall include at least two parents of children who receive services from the division of developmental disabilities.

41-3804. Human rights committees; membership; duties; client information; immunity; violation; classification

A. Subject to the approval of the appropriate department director, each committee established pursuant to this article shall adopt guidelines that govern its operation, including terms of members, quorum and attendance requirements and removal of a committee member if necessary. Each committee shall adopt these guidelines by majority vote within the first three months of its formation. These guidelines shall not conflict with this article. The director of the appropriate department shall approve the guidelines unless they are inconsistent with the department's statutes, policies, procedures or rules, or if the guidelines do not promote participation by all interested members of the community that the committee serves. In addition to the procedures in the guidelines, each human rights committee must approve the removal of any committee member on majority vote of the committee.

B. Employees of the department of economic security, the department of child safety, the Arizona health care cost containment system and the Arizona health care cost containment system administration may serve on a committee only as nonvoting members whose presence is not counted for the purpose of determining a quorum.

C. Advocacy groups, local advisory councils, committee members and the director of the appropriate department may submit names of candidates to fill committee vacancies. The appropriate director shall appoint a person to fill a vacancy subject to the approval of the committee.

D. Each committee shall meet at least quarterly each calendar year.

E. Each committee shall provide independent oversight to:

1. Ensure that the rights of clients are protected.
2. Review incidents of possible abuse, neglect or denial of a client's rights.
3. Make recommendations to the appropriate department director and the legislature regarding laws, rules, policies, procedures and practices to ensure the protection of the rights of clients receiving behavioral health and developmental disability services.

F. Each committee shall submit written objections to specific problems or violations of client rights by department employees or service providers to the director of the appropriate department for review. The appropriate department director shall respond, in writing, to written objections within twenty-one days after receiving the objections.

G. Each committee shall issue an annual report of its activities and recommendations for changes to the director of the appropriate department, the president of the senate, the speaker of the house of representatives and the chairpersons of the senate health and human services committee and the house of representatives health committee, or their successor committees.

H. A committee may request from the appropriate department the services of a consultant or department employee to advise it on specific issues. The consultant may be a member of another human rights committee, a department employee or a service provider. Subject to the availability of monies, the appropriate department shall assume the cost of the consultant. A consultant shall not participate in committee votes.

I. Subject to federal law, committee members and consultants have access to client information and records, including quality of care reports and, on request, case presentations, adult protective services investigation case status and outcomes, substantiations, recommendations and other quality of care findings from peer reviews or any successor report or process, maintained by the appropriate department, provider or regional behavioral health authorities to the extent necessary to conduct committee duties. Each person who receives information or records pursuant to this subsection shall maintain the information or records as confidential and sign an agreement to comply with all confidentiality requirements. Any client information or records shall be released to the committee without the designation of personally identifiable information unless the personally identifiable information is required for the official purposes of the committee. A violation of this subsection is a class 2 misdemeanor. For the purposes of this subsection, "personally identifiable information" includes a person's name, address, date of birth, social security number, tribal enrollment number, telephone or fax number, e-mail address, social media identifier, driver license number, places of employment, school identification or military identification number or any other distinguishing characteristic that tends to identify a particular person.

J. If a committee's request for information or records from a department is denied, the committee may request in writing that the director of the appropriate department review this decision. The

agency director or designee shall conduct the review within five business days after receiving the request for review. The agency shall bear the costs of conducting the review. A final agency decision made pursuant to this subsection is subject to judicial review pursuant to title 12, chapter 7, article 6. The agency shall not release any information or records during the period an appeal may be filed or is pending.

K. Confidential records and information received by the committee or its consultant are subject to the same provisions concerning subpoenas, discovery and use in legal actions as are the original records and information.

L. The human rights committees may exchange information and engage in planning and coordination activities between committee members in the performance of committee duties pursuant to this section.

M. The human rights committees may encourage public awareness and involvement in their activities by supporting committee members with affiliation agreements with postsecondary education-sponsored internship placements pursuant to the appropriate department's approved operating procedures.

N. The appropriate departments shall coordinate education and training programs for committee members to facilitate their role as human rights committee members. The appropriate departments shall coordinate statewide meetings of committees at least every two years and provide staff for the committees.

O. Any person who, in good faith and without malice and in connection with duties or functions of a committee established pursuant to this article, takes an action or makes a decision or recommendation as a member or agent of a committee or who furnishes records, information or assistance that is related to the duties of a committee is not subject to liability for civil damages in consequence of that action. The court shall determine the presence of malice by clear and convincing evidence.

P. Title 38, chapter 3, article 8, relating to conflict of interest, applies to all committee members.