## Statewide Human Rights Committee (HRC) Meeting Minutes

**Department of Economic Security**  
**Division of Developmental Disabilities Office**  
5328 E. Washington, Phoenix, AZ  
Building C

March 20, 2017  
10:00 am - 2:30 pm

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<th>Meeting Called By</th>
<th>Human Rights Committee (HRC)</th>
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| Meeting                 | Statewide Human Rights Committee  
| Full Council            |                              |
| Facilitator             | Chair: Suzanne Kensington     |
| Note taker              | Andrea Elliott                |
| Attendees               | **HRC Members Present:** Suzanne Kensington, Karen Van Epps, Maryann Germain, Carol McNulty, Patricia Thundercloud  
|                         | **HRC Members Absent:** Cynthia McKinnon, Jennifer Huot, Lynda Stites, Larry Meads, Valerie Meads  
|                         | **Division of Developmental Disabilities (DDD) Staff:** Richard Kautz, Ileen Herberg, Daniel Stutzman, Celene Galaviz, Andrea Elliott  
|                         | **On the phone:** Mona Zucker, Debra White (DDD) |
| Agenda Topics:          | Welcome and Introductions, Approval of February 2017 Minutes, Changes to September 2016 minutes, Old Business, New Business, AG opinion on Redaction/Admin Directives, APS-Substantiated vs. Unsubstantiated, Contracts Questions, QA Questions, Need for Investigative Unit, ARC Monitoring and Contract Compliance, Records Access, Roundtable |

### Welcome and Introductions

**Committee**

**Discussion**

The **Human Rights Committee (HRC) members** introduced themselves in person and on the phone. **Suzanne Kensington was delayed due to traffic.**

Celene Galaviz, Ileen Herberg, Daniel Stutzman, Andrea Elliott and Richard Kautz introduced themselves as Division of Developmental Disabilities staff members.

Daniel is the new HRC Liaison for District North and Andrea is the new HRC Liaison for District Central and District East.
Suzanne proposed the following changes to the September 2016 minutes.

- Page 2 - paragraph 8 should read "Suzanne said Jon Meyer was in attendance at the NCI committee meeting that Pat Volle facilitates. Suzanne is on the committee.
- Paragraph 10 - Mona requested minutes from the NCI meeting from Richard Kautz.
- Page 3 paragraph 1 "The Program Review Committee needs someone from the provider agency who runs the Behavior Plan instead of just the paid plan writer. DC and DE are the only districts that have a database to track the status of BTPs and if current plans are in place.
- Paragraph 3 - Life-saving measures were discussed in regards to members who have "Do Not Resuscitate" (DNR) orders in place. Caregivers must perform CPR until first responders arrive and present the DNR order to the first responders. Caregivers don't have the medical training to make those decisions.
- Eileen's name should be Ileen under Eligibility Issues.
- Page 4 - Roundtable - administrative assistances should be HRC Liaisons.

Suzanne proposed the following changes to HRC Workshop, Day 1 and 2. January 12th and 13th.

- Add that Al is now Customer Service - handles complaints. Ileen and Richard are HRC and special projects. Richard is statewide HRC Liaison and 3 new HRC liaisons will be hired. The job was posted today. Anthea is LCB admin.
- Page 2 paragraph 8 - We submit our questions on an Excel spreadsheet in Dropbox, so that each member of the committee can comment on their assigned categories of the IRs.
- Paragraph 11 - We feel that the information on IRs is too limited. We would like to see antecedents and precursors, current diagnosis, is there a BTP in place, is it effective. Death IRs don't show name, DOB lots of times because once a member has passed they are inactive in the DD system and it removes their information.
- Paragraph 14 - policy is police
- same for 15

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• 16 - District East reviews all IRs that were opened in the previous month and all the IRs that were closed. We feel it is important to review open IRs even though they don't have all the information needed, in case there is a red flag, we don't want to have to wait months to get vital information.
• Page 3 after paragraph 9 add Ileen will ask Lori Lockyer about random visits.
• Paragraph 13 - We don't get any response from ARC from the many phone calls and emails we have sent to them.
• Page 4 - add There is a criminal justice liaison. Justin Harris works for Ai training first responders.
• Page 5 paragraph 14 - contact should be contract
• Page 10 2nd box first line - Lynda Stites still doesn't receive ISPs with the BTPs.
• Page 14 - HRC Training paragraph 5 - Tim came to our district and provided training as well. It was a 3-hour training and we got our certificates. It could be condensed to 1 hour for HRC members, the certificate is not necessary. I would have liked more focus on Emergency Measures.
• Page 15 - paragraph 10 - insurance should be assurance

Suzanne made a motion to approve minutes, motion was seconded by Pat. Motion carried.

Old Business

| Discussion | In regards to the HRC not getting enough Incident Reports, Ileen followed up with Lori Lockyer and the HRC will be receiving all of the Incident Reports. Ileen asked for Incident Reports to also include the precursor and antecedent. |

New Business

| Discussion | **Legislative Information:** Senator Barto had a meeting at the capital with Karen, Suzanne, Mona and Linda regarding HRC Mental Health and HRC DDD proposed legislation changes. The hearing is at the House next Thursday (3/30/17) and Senator Barto has invited the HRC to speak to it.
• Adding any policy that DDD makes that affects the HRC should be shared with the HRC prior to it going into effect. |
Karen would like to speak to the redaction issue and the need for an investigative unit for DDD. She stated, “APS is not looking at our issues as we are.” Concerns that direct care providers are let go from an agency but since there is no record, the person can go work for another agency.

AG Opinion of Redaction/Admin Directives

Karen shared an email that was sent to her by Dr. Laura Love that clarified that there is no Administrative Directive on redaction. Andrea copied the email and distributed it to the HRC members and DDD staff members. Previously, Amy Lesnick referred to the fact the HRC receives redacted reports as an Administrative Directive. Ileen confirmed that it was called an Administrative Directive in error. Ileen told the HRC that DDD made a decision that the Program Review Committee (PRC), that DDD is in charge of, would receive redacted information if the HRC was to receive redacted information. Everyone has an opportunity to ask for additional unredacted information.

Maryann commented that they need to go to the AG. Ileen referred to the email from Dr. Love, giving the HRC the option of meeting to discuss it with Dr. Love or elevating to Interim Director, Henry Darwin. The HRC agreed that a meeting with Lisa Cavazos-Barrett would be the first step and then decide if they need to go the director.

Carol commented that she was mad that they took out the whole section on the guidelines addressing DDD responsibilities to the HRC.

Karen commented that she did not feel trusted or getting what she needs to get.

Mona expressed concern that guidelines came out without the HRC having an opportunity to address the DES director, which is what we were told the process was. Pat said that if anything pertains to us, one of the HRC members should be present if a decision is made that affects the HRC. Maryann asked if they were part of the DES process, not DDD as it is sometimes blatant that they are not.

Suzanne asked what about redaction was making it so difficult. Karen commented that it was illegible, with black lines through everything making it difficult to read. Maryann stated that their reports have the birth year redacted. Ileen responded that the birth year should not be redacted. District East receives reports redacted using software. District Central and West are
receiving reports that have been redacted by hand. Mona commented that there needs to be consistency. Ileen will look into having all reports redacted using software for every district.

### APS – Substantiated vs. Unsubstantiated

**Mona Zucker**

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<td>Ileen shared that Adult Protective Services (APS) has offered to provide training at the next Quarterly Human Rights Committee Meeting if this is something that the HRC was interested in. The HRC agreed that they would like APS to provide training at the next quarterly meeting.</td>
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### Contracts Questions

**Network**

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<td>Debra White from Contracts participated by phone to answer HRC questions. She will address the network portion of the contracts.</td>
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<td>- Protection of Members – Quality Assurance (QA) tracks and trends incident reports. This is discussed internally between QA, Monitoring, and Networking. Depending on the issue it can go back to the team for further discussions, it could go to Network to provide technical support, to Monitoring to provide advance monitoring, or to Contracts for contract actions. When sent to contracts it would start with a letter of concern or corrective action plan (CAP).</td>
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<td>- Karen expressed concern that some agencies have had multiple CAPs but are still able to provide services. Debra responded and explained that there are weekly statewide meetings regarding contracts and that certain things need to be confirmed and supported by facts. Agencies that are on the watch list or may be struggling are discussed. Contracts works closely with the Attorney General’s (AG) office. In order for contract action to occur, the AG’s office requirements for termination must be satisfied. It requires extensive gathering of information and investigation. This does require significant time for contract action to occur.</td>
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<td>- Maryann asked when the last meeting was if there was no one in contracts. Debra responded, “The last weekly meeting was last Tuesday and the next one will be tomorrow.” (3/21/2017). The last meeting was held prior to the employee leaving and they have an interim person in contracts until an employee is hired and trained.</td>
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• Mona expressed concern that there are repeated incidents that are not corrected and that there is not a level of accountability.
• Debra explained that contracts are terminated when necessary if the agency continues to be out of compliance. The following steps can be taken:
  o If needed, an enrollment suspense will occur, meaning the agency cannot take on new clients.
  o Contract Action where services are suspended. A transition plan is created to transition the affected members to another qualified vendor while the AG and Contracts is working with the vendor to meet the requirements.
  o If the agency cannot meet the requirements, termination of contract.
• Per Richard, in order to get Corrective Action Plans, the HRC needs to submit a Public Records Request.
• Debra addressed where and how members in group homes are placed when the members need to be moved to new homes.
  o Look at existing capacity and work hard at transitioning members to a new home.
  o If Contracts, the AG’s Office, Monitoring, and QA all support members needing to be moved, they are moved.
  o The placement may not always be based on the family’s preference but is based on what is available if it is an emergency or a health and safety issue.
• Arizona does not currently have a Scorecard, although DDD is looking at Scorecards to increase quality of services. The HRC is interested in offering assistance in developing these. Ileen will reach out to the Eleda Greenfield and let them know the HRC would like to be involved. Agency with Choice is an option but the vendor has to opt-in. To find out if an agency participates in the Agency with Choice, families can ask Contracts or Network. There are currently three vendors that have opted in.
• Currently, DDD operates under three different models of services.
  o Qualified Vendor: The vendor controls who they hire, training for their staff, any discipline for staff, and termination of staff.
  o Independent Provider: Guardian or responsible person is normally the employer of record. They determine who is hired, fired, and what training is necessary.
• Agency with Choice: A combination of the above models. There is a qualified vendor. The guardian is involved. The agency works with families to interview potential providers, hiring, and training. The family can fire the provider from working with the member but not from the agency.

• A member can chose what agency he or she wants to utilize but the agency must also agree to provide services.

• Debra explained the Vendor Call process:
  1. Local Vendor Call
  2. Statewide Vendor Call
  3. Direct Referral where DDD is contacting agencies statewide
  4. Expansion where DDD advertises for any vendor who wants to expand their business.
  5. Wrap around with Behavioral Health

• DDD staff cannot recommend qualified vendors only provide resources.

• Per Debra, DDD does not have specific policy on the rights of parents/guardians. DDD does have Client Rights. It should be a team solution and can be elevated above the Support Coordinator, if necessary. Maryann noted that information given to guardians on the law on reciprocity in regards to guardianship is not always correct. Maryann also noted that if the guardian is not fulfilling his or her duties, then it is a legal matter and needs to be referred to the court. She feels that there is a lack of action by DDD protecting the rights of the member when the guardian is not acting in the best interest of the client.

• Debra addressed question of vetting new vendors. Anyone can apply, there is no vetting procedure, and must meet qualifications. DDD works with agency before and after award providing assistance, reviewing plan, work policies and ensuring the requirements of DDD, ALTCS, AHCCCS, etc., are met. Network conducts a readiness review and Contracts gives final award. Unless an agency is under contract action, DDD cannot prevent a vendor from opening multiple homes or expansion. However, DDD will provide information upfront and monitor.

• DDD does not have a step-down unit for medication adjustments or alternative to hospitalization. HRC expressed concerns that the mental health facilities are not equipped to deal with DDD members
and members are unnecessarily chemically and physically restrained. HRC suggests a secured facility that provides a higher level of care to DDD members.

- DDD has done a vendor call for an adult transitional group home for members who are discharge ready from the hospital or jail and need a place to go while the team plans for an appropriate placement. This is a pilot to be located in Flagstaff and, if successful, the plan is to open transitional homes statewide.

### QA Questions

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<td>QA was not able to attend the meeting to answer questions.</td>
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### Need for Investigative Unit

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<td>According to the HRC, DDD needs actual investigators, not note-takers, to investigate incidents regarding our members. APS returns many reports unsubstantiated, with less than 2% substantiated. This does not improve quality of life for our members.</td>
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### ARC Monitoring and Compliance

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<td>The HRC would like additional information in the ARC reports. Please see the following list of questions provided by Suzanne.</td>
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- Do you like where you live - why or why not? Did you get to choose where you live?
- Do you like your staff? Do you feel they have the appropriate training? Did you get to choose who works with you? Are the staff respectful of you?
- Do you like your housemates? Did you get to choose your housemates?
- Do you know what your goals are that you are working on? Did you get to choose your goals? Is there a BTP? Are staff knowledgeable about the BTP?
- What do you do in the community, where and how often? DTA, job, errands, entertainment, friends, church or community groups?
- Do you feel safe, why or why not?
Look in frig, freezer and pantry. Is there a meal plan posted. Are the food choices nutritious? Do they like what they eat?

- Health - ask about their health and doctor's appointments.
- Is there anything you need that you don't have?
- Is there anything that can make your life better/happier?

**Records Access**

**Discussion**

Mona wanted to know why we don’t get the records we request and if there is a list of what can be received.

- Richard noted in the next two weeks we will have a new records request form. Request for records will have to come from the district chairs. Karen wanted to know if this was for case files as well. Ileen noted for those requests they still have to go through OAR.
- Maryann also noted that financial records are important to obtain as 2,500 accounts are handled by only a few people and spend downs remain important because if they are not done timely a member can lose their SSI eligibility. Karen noted that such an instance is an HRC concern if an individual loses eligibility.

**Roundtable**

**Discussion**

- HRC discussed the lack of notification when members are incarcerated. Neither the guardian nor DDD know where the member is. Often either the provider or Crisis have called the police. Crisis will refuse to come out until the police come out. James Weekly is the jail liaison. HRC believes we need a DDD Crisis unit that can go remove members from jail.

- A new flyer and postcard are currently with graphics being printed.
- BTP monitor, Carol Kachedurian, invite to next meeting.
- DDD cannot demand that an agency install cameras in a group home.
- The next meeting will be in Phoenix in order to have APS provide training at the meeting.
• Criminal justice reports will be given to us and they indicate the number of members incarcerated.

• Ileen said that there will be an all-day HRC training. She would like input from everyone on what they would like to be trained on.

• Lisa Cavazos-Barrett is in charge of the PRCs.

• HRC recruitment – on newsletter, social media and DDD website. PRC is utilizing our recruitment flyer to aid in their recruitment efforts.

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<th>Suzanne Kensington</th>
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| Conclusion   | Next meeting will be on June 19, 2017 at 10:00 am at the Phoenix location. Meeting adjourned by Suzanne Kensington |