

**Independent Oversight Committee (IOC)
Meeting Minutes
District Central**

Department of Economic Security (DES)
Division of Developmental Disabilities (DDD)
4000 N. Central Avenue
Phoenix, AZ 85012
9th Floor Conference Room #912A
November 26, 2018
10:00 am to 3:00 pm

Call to Order	Karen Van Epps
Start Time	10:25 AM
Facilitator	Karen Van Epps
Note Taker & Liaison	Eric Houghtalin
Attendees	<p>IOC Members Present: Karen Van Epps, Mandy Harman, Carol McNulty, Heidi Reid-Champigny, Eva Hamant, Linda Mecham (by phone), Lisa Witt, Eduarda Yates (by phone)</p> <p>IOC Members Absent: Debbie Stapley, Natasha Beard, Andrea Potosky</p> <p>Division of Developmental Disabilities (DDD) Staff: Eric Houghtalin, James Maio, Marleen Riggs</p> <p>Arizona Department of Administration (ADOA) Staff: Chris Kleminich, ADOA Liaison</p> <p>Number of Public in Attendance: 0</p>
Agenda Topics	Welcome/Call to Order; Welcome and Introductions; Approval of Minutes; ADOA Liaison Update; IOC Liaison Update; Discussion of Article 9 Rewrite; Discussion on the taking of IOC Meeting Minutes; Discussion of the Statewide IOC Meeting; AHCCCS Notice to Cure Discussion; Guardianship Issues Discussion; Report on Private Residence; Announcements; Call to the Public; Discussion, Review, and Possible Action on Committee Membership; and Discussion and Review of Incident Reports and Behavioral Plans.

Welcome/Call to Order

Committee

Discussion	The meeting was called to order (1 st Carol McNulty /2 nd Linda Mecham) at 10:25 AM. The Independent Oversight Committee (IOC) members introduced themselves in person. DDD Staff introduced themselves. ADOA Staff: Chris Klemminich introduced himself. The Independent Oversight Committee (IOC) members introduced themselves in person. DDD staff members introduce themselves.
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Minutes Approval

Committee

Discussion	<p>Carol McNulty: Expressed concern that an IR was not discussed on the executive session meeting minutes.</p> <p>Eric Houghtalin: Reminded committee that the way that the executive session meeting minutes have been recorded is the approved way and that adding detail to the executive minutes could be potential violation of HIPAA.</p> <p>Carol McNulty: Moved to approve the public meeting minutes. Eva Hamant: Seconded the motion to approve the public meeting minutes. The vote was all for the approval except for Mandy Harman, Eduarda Yates, and Lisa Witt (these members were not present for the September meeting and abstained from the vote). The motion passed.</p>
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ADOA Update

Chris Klemminich

Discussion	Chris Klemminich (phone): Will be filling a new role. Mike Beller will be the new point of contact for the IOC as of next month.
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IOC liaison Update

Eric Houghtalin

Discussion	Eric Houghtalin: Advised the committee of the format of the changes to the IOC agenda and that he was going to be out of the office soon for a surgery. He advised that the members can continue to reach out to him but should also CC either Jeffrey Yamamoto or Richard Kautz to ensure that any issues are resolved quickly for the next couple of weeks.
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Discussion of Article 9 Rewrite

Karen Van Epps

Discussion	<p>Karen Van Epps: Informed the committee that she has been working on getting more information about the article 9 updates with little success. She has reached out to Stephanie Schwartz-Jacobs with no success. Schwartz-Jacobs gave Karen the name of Tina Shultz (the person in charge of policy). When called Shultz informed Karen that she had been out for two months on sick leave. Shultz informed Karen that her office is looking for how Articles 9 and 21 might contradict each other regarding members with serious mental health issues (SMI designated). Karen said that she wasn't sure why the attorney general's office had to look at article 9 either. Karen said that she will be following up as more information is available.</p>
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Discussion of the Taking of the IOC Meeting Minutes

Committee

Discussion	<p>Karen Van Epps: Stated that the DC IOC needed to have written meeting minutes for the meetings to help them follow up and with the quarterly summary/annual reports. She's ok with ADOA asking for audio minutes but wants to continue having written minutes.</p> <p>Chris Klemnich: Advised that both will be available to the committees in the future.</p> <p>Linda Mecham: Voiced concerns for the DDD families to be able to get the minutes as well as being able to send them to other interested parties.</p> <p>Eric Houghtalin: Advised that even if ADOA goes to all audio, that he would continue to type minutes for DC IOC.</p>
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Discussion of Statewide IOC Meeting

Committee

Discussion	<p>Committee Members: Asked about the contents of the meeting.</p> <p>Karen Van Epps: Advised that she didn't recall and asked Eric Houghtalin for a breakdown.</p> <p>Eric Houghtalin: Advised that he didn't have a summary of the meeting with him at the time of this meeting, but that it was mostly a meet and greet with DDD Assistant Director Greene.</p>
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AHCCCS Notice to Cure Discussion

Committee

Discussion	<p>Karen Van Epps: Advised that the notice to cure was mostly about Quality Assurance. She told the committee that she sent Director Michael Trailer, DES, a letter to get a response about the AHCCCS report (notice to cure). She wanted to see incidents currently being investigated by adult protective services to be sent back to DDD for follow up.</p> <p>Carol McNulty: Asked Eric Houghtalin what if he were the member with a developmental disability being abused.</p> <p>Eric Houghtalin: Replied that she was preaching to the choir.</p> <p>Committee Member: Stated that the same incidents could keep occurring repeatedly with no resolve and the offender could just keep working in the field though they had been terminated from the job they held at the time of the incident report.</p> <p>Eric Houghtalin: Stated that the potential cure could include professional licensing similar to the process that a certified nursing assistant goes through to be certified. This could provide a stop to the revolving process that has become a problem for workers that reoffend.</p> <p>Committee Members: Advised that this is not possible due to the lack of state funds to pay for the certification oversight and processes.</p> <p>Karen Van Epps: Stated that it was important to pull back the investigative piece from APS back to DDD. She suggested that problems could be fixed within a day.</p> <p>Linda Mecham: Suggested that the term investigated not be used if DDD is involved. She suggested a term like follow up.</p> <p>Karen Van Epps: Suggested that nothing (incident reports) ever gets substantiated.</p>
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Linda Mecham: Suggested a sub-committee (4 members) to research ideas.

Eric Houghtalin: Asked if there was a move to form a sub-committee as suggested.

Linda Mecham: Moved.

Lisa Witt: Seconded the motion.

The vote was taken, and all members present voted yes.

Committee Member: Asked if the sub-committee was subject to open meeting laws.

Chris Klemnich: Answered yes.

Carol McNulty: Asked what about the fact that we're autonomous?

Chris Klemnich: Asked when the committee has had sub-committees in the past, what have they done.

Karen Van Epps: Answered that they haven't had any.

Linda Mecham: Informed the committee that when they were on DDAC, the sub-committees did not require that it was part of open meeting laws. It was part of our responsibilities to gather information for the next meetings.

Chris Klemnich: Advised that if the sub-committee was comprised of a group larger than a quorum that it would be subject to open meeting laws.

Eric Houghtalin: Requested that Karen reach out to his supervisor to advise him that there was a sub-committee formed and that he would do the same on his end.

James Maio: Advised that a lot of the items on the AHCCCS Notice to Cure report were already being addressed. He let the committee know that a third-party has already been employed to act in an advisement capacity.

Karen Van Epps: Who has been hired?

James Maio: Advised that he was unsure of the name of the company or organization. Advised that DDD has also hired a bunch of nurses as well.

Eric Houghtalin: Asked if James Maio would be willing to answer the questions of the sub-committee and communicate information as he learns more.

James Maio: Advised that he would be able to do so.

James Maio: Advised that there is a way to add more than one category to incident reports.

Karen Van Epps: Advised that she sent a letter to DES Director Michael Trailer regarding the notice to cure.

Eric Houghtalin: Asked Karen to forward a copy of the letter to either him or his supervisor.

Karen Van Epps: Advised that she would.

James Maio: Advised that QA had posted and hired for six nurses in the department and that they usually quit within less than a month.

Committee Member: Asked if there was any indication why the nurses quit.

James Maio: It was a tough job with no clear leadership.

	<p>Committee Member: Nurses could be putting their licenses at risk working for QA.</p> <p>James Maio: Advised that he was recently deposed for an agency that was closed in 2015. He stated that the agency sued and was reinstated. He said that is was difficult to get rid of bad agencies. He also stated that the agencies are prone to sue if they lose the ability to work through DDD. He advised that, as a result, the division tries to rehabilitate the agency rather than close them down.</p> <p>Committee Member: Advised that a lot of time that the agencies claim to not be getting direction on how to fix problems.</p> <p>James Maio: Added that nobody gets closed for their first offense anyway. They need a series of things that show a trend and not be doing anything about it to fix it. He added that the agency that he was deposed for was on a contract action for three separate occasions over a period of two years that took anywhere from 3 to 8-9 months each time and they were upset on the last time (when the office of special investigations identified that the company was falsifying incidents) that we (DDD) wasn't going to give them a chance to fix it.</p> <p>Karen Van Epps: Asked how they could fix it.</p> <p>James Maio: Added, "when you can't trust what they're saying in the first place and this is at a management level (massaging incidents)." How can you trust what they tell you is fixed?</p> <p>Karen Van Epps: Stated that we (DDD) can't tell them (the agencies) how to fix themselves.</p> <p>James Maio: Advised that the state can provide technical assistance. We (DDD) cannot dictate what the company does because if something happens, we're accountable. DDD can give recommendations (phrases like <i>'this is best practice'</i>).</p> <p>Eric Houghtalin: Advised that the committee allow the sub-committee to work with DDD and QA contacts to follow up on this subject for the next meeting.</p>
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Guardianship Issue Discussion

Karen Van Epps

Discussion	<p>Karen Van Epps: Advised that she found out there was five additional documents that need to be signed by a medical doctor in addition to the current documents required by the courts.</p> <p>Linda Mecham: Advised that she looked on the Superior Court website, typed "annual report guardians" and there was nothing there. She advised that the only medical questions were: who the doctor is, when was the last time individual was seen, and attach the physical.</p> <p>Karen Van Epps: Advised that she will follow up.</p> <p>James Maio: Added that it looks like a lot of the questions could come directly from the physical.</p> <p>Committee Member: Advised that the document was to be filled out and given to the professional provided by the court.</p>
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Report on Private Residences

Karen Van Epps

Discussion	<p>Karen Van Epps: Reported that she went to a meeting with Rob Beckett. She learned that there was a new private group called Azul Luna that is building homes in a gated community around Cave Creek. The homes were \$300,000 – 500,000 to purchase the house with a monthly fee of \$1100 – 1200. These homes would be staffed and are for anybody with a disability. This would be the member’s home and that the only thing that DDD would be providing is Habilitation.</p> <p>James Maio: Asked who could afford that price. He added that the average income for one of the DDD members is very low.</p> <p>Karen Van Epps: Advised that the division has trusts of over \$1,000,000.</p> <p>Karen Van Epps: Advised of private opportunities that are out there for members. She noted Rainbow Acres (has nothing to do with DDD) as an example. She stated that people are coming from out of the state because they have no places to live. She also named First Place (for autism diagnosed people) and stated that the annual fee was about \$47,000. She also mentioned Treasure House (unsure of fees – added that this was sponsored by Kurt Warner).</p>
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Announcements

Committee

Discussion	<p>Karen Van Epps: Called for committee announcements.</p> <p>Eva Hamant: Stated that she still has a problem with the fact that members cannot have more than \$2,000 in the bank at any time and the amount has been the same since 1980.</p> <p>Lisa Witt: Added that she believes that the members should be allowed to save a little bit.</p> <p>Karen Van Epps: Answered that is why they have the Able Account.</p> <p>Committee Member: Rebutted that the Able Account just doesn’t hack it.</p> <p>James Maio: Added that the amount should be increased with the rate of inflation.</p> <p>Lisa Witt: Stated that members should be allowed to save for a future purchase, trip, etc.</p> <p>Eduarda Yates: Added that she agrees that \$2,000 isn’t enough with inflation.</p> <p>Eduarda Yates: Is concerned that the division has not raised the minimum wage for providers.</p> <p>Mandy Harman: Noted that pay is equal to the amount of quality that is given unless the person cares about their job (suggesting most people are just in it for the check).</p> <p>Eva Hamant: Raised the burial plan issue. Advised that she emailed Eric Houghtalin (IOC Liaison) and that he suggested that having support coordinators follow up with who received a burial plan would be very difficult, but that the DDD Assistant Director’s Office might be able to help.</p> <p>James Maio: Asked if client funds had already run a report.</p>
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Karen Van Epps: Answered that they did for people that used **Maria Garcia**.

James Maio: Added that a report would have been run for all funds used for burial plots, but that DDD might have been looking for those involving **Maria Garcia**.

Eva Hamant: Asked if the support coordinators got the list.

James Maio: Stated that he believed that the list was reviewed to see if there was anyone being forced into buying a burial plan.

Eric Houghtalin: Explained why the whole list might not have been shared with the entire body of support coordination.

James Maio: Suggested that the list could still have been sent to the supervisors and shared with support coordinators on an as needed basis.

Linda Mecham: Advised that the issue was that there was no statement of goods and services in the policies. She believes that this is abuse.

Karen Van Epps: Advised that the committee plan was that support coordinators should not help with burial plans in any way.

Eric Houghtalin: Answered that support coordinators are cautioned to not give any recommendations for any services whatsoever.

James Maio: Suggested that it would be nice to be able to give a list to people for their consideration.

Linda Mecham: Suggested that the appropriate wording would be something like a support coordinator telling the member or guardians that they should go to the funeral home closest to them and see if they are comfortable there.

Committee Member: Stated that support coordination isn't allowed to do that.

James Maio: Added that some people might want to be buried out of state as well.

Eric Houghtalin: Asked Linda Mecham to consider writing something for the division to review and possibly pass out to the members/guardians that would help them avoid being ripped off or otherwise fiscally abused.

James Maio: Also suggested adding an article to the newsletter.

Linda Mecham: Said that she would be open to the idea. She also advised the committee that an insurance policy belongs to the member and not the funeral home. In other words, the policy would go wherever the member finds themselves wanting to be laid to rest.

Karen Van Epps: Stated that the burial plans need to reflect itemized (statement) goods and services.

Eric Houghtalin: Asked for District Central IOC members to consider volunteering for Program Review Committee in District East as the current IOC members in DE all work when the PRC is held for DE members.

Eva Hamant: Suggested that she might be able to help once a month, but she would need dates.

Karen Van Epps: Added that all Coolidge plans needed to have a DE IOC member there. She suggested to send all Coolidge plans to the DC PRC. She added that DE IOC was not doing their jobs.

Eric Houghtalin: Advised that he was actively recruiting a former family member of one of our DE DDD Members. He explained that the

	<p>member's mother is also an online professor for Arizona State University and, if recruited, should be able to provide more support in the DE PRC meetings.</p> <p>Eva Hamant: Asked if the DE PRC Chair would be willing to move the meetings to days and times more acceptable to the DE IOC members.</p> <p>Karen Van Epps: Called for the DE PRC Chair to be retrained.</p> <p>Carrol McNulty: Advised that incident reports for her daughter are being sent to DE.</p> <p>Eric Houghtalin: Told the committee that all IOC member family's IRs will be centrally reviewed in Sierra Vista as the IR count is low and they review the day of the meetings anyway.</p> <p>Carol McNulty: Stated that she would like to review her daughter's IRs to make sure that they are correct.</p> <p>Eric Houghtalin: Asked Carol to let him know when there are IRs for her daughter and that he would personally make sure that she gets the copy of her IR, but that the formal review must be done by another IOC to decrease the appearance of wrong-doing.</p>
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Discussion, Review, and Possible Action on Committee Membership

Committee

Discussion	<p>Karen Van Epps: Natasha lost her job in Phoenix and now works in Tucson. No calls have been made to excuse her from service and she had not made a notification to resign.</p> <p>Carol McNulty: Moved to vote to remove Natasha Beard from the IOC in District Central.</p> <p>Linda Mecham: Seconded the motion.</p> <p>The vote was all affirmative. There was no abstaining or no votes. The motion carried.</p> <p>Karen Van Epps: Asked members to start recruiting.</p> <p>Eric Houghtalin: Asked for names so that he could get them to volunteer coordinator. He also passed out his card to encourage members to send him names.</p>
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Call to the Public

Committee

Discussion	No members of the public attended the meeting.
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Discussion and Review of Incident Reports and Behavioral Plans

Committee

Discussion	<p>Karen Van Epps made a motion to adjourn to executive committee meeting as there was no public was present. Lisa Witt seconded the motion. The committee voted, and the committee adjourned to the executive session with all yes votes.</p> <p>"Committee moves into executive session at 12:43 AM pursuant to A.R.S. 41-1959 and A.R.S. 38-431.03(A)(2) to discuss incident reports and behavioral health plans concerning members of the</p>
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