



**Division of Developmental Disabilities (DDD)
District Central Independent Oversight Committee (IOC)
Public Meeting Minutes Summary
Monday, May 24, 2021 – 10:00 AM to 1:00 PM**

Call to Order

Meeting called to order by Committee Chairperson, **Karen Van Epps**. The date is May 24, 2021 at 10:10 am. **The meeting took place Virtually due to COVID-19**. Physical location when meetings resume in person will be at 4400 N Central Ave, Ste (to be determined) Phoenix, AZ 85012.

Welcome and Introductions

Attendance Virtually:

- **Karen Van Epps**
- **Sherry Wilhelmi**
- **Eva Hamant**
- **Marlene Riggs**
- **Linda Mecham**
- **Carol McNulty**

Attendance by Phone:

- **Eduarda Yates**

Absent:

- **Andrea Potosky**
- **Debbie Stapley**
- **Mandy Harman**
- **Lisa Witt**

Public in Attendance:

- **Sheila Maguire**

Health Plan Liaisons:

- **None**

ADOA:

- **Larry Allen**

DDD:



**Division of Developmental Disabilities (DDD)
District Central Independent Oversight Committee (IOC)
Public Meeting Minutes Summary
Monday, May 24, 2021 – 10:00 AM to 1:00 PM**

- **Jeffrey Yamamoto** (IOC Liaison)
- **Richard Kautz** (DDD IOC supervisor)
- **Leah Gibbs** (DDD OIFA Administrator)
- **Michelle Pollard** (National Core Indicator (NCI))
- **Tim Payne** (DDD Senior Trainer/Instructor of Article 9)
- **Patricia Sandino** (PRC Chairperson)

Call to Public

Sheila Maguire introduced herself. She is a potential member for the DDD IOC District Central Committee. She worked previously in DDD and done so for 37 years. She is retired and is looking for opportunity in this committee. She had not filled out her application and was informed that once she did, she would be background checked and then the committee could vote her into the IOC.

Incident Report regarding Eva

Eva Hamant stated that she had concerns with some IRs she reviewed especially with regards to “suicides” IRs. She has seen an increase in these reports and thinks that they should be tracked along with the Behavior Plans from PRC.

The committee agreed that the years’ worth of IRs for the individuals should be included with the Behavior Plans along with the Planning Document.

Sherry Wilhelmi Motioned that -PRC should include all IRs since the last approval to current BP to be included with the Behavior Plan and Planning document, prior to meeting.

Eva Hamant Seconded the motion that PRC should include all IRs since the last approval to current BP to be included with the Behavior Plan and Planning document, prior to meeting.

A vote was taken with all members in attendances saying “Aye” with no “Nays” from the committee. The committee passed the Motion of asking PRC include all IRs since the last approval to current BP to be included with the Behavior Plan and Planning document, prior to meeting.

Discussion on PRC form

Karen Van Epps began by saying that the PRC is now requiring a disposition form and that she believes is unnecessary. She said she was unaware that this document existed until it was sent to her in the last couple of months. She said she would never sign off on the use of this document. The



**Division of Developmental Disabilities (DDD)
District Central Independent Oversight Committee (IOC)
Public Meeting Minutes Summary
Monday, May 24, 2021 – 10:00 AM to 1:00 PM**

document has two signature lines and is not necessary and it is redundant. When there is a member in attendance to the meeting their comments should be recorded on the PRC disposition form.

Richard Kautz informed Karen that this form has been being used for several years and is used when the IOC members cannot be present during the PRC meeting. This has been used by other districts to give comments or state they believe Human Rights have been violated. He will be having a meeting with Mary DeCarlo later this week and will discuss the form in question and if PRC need it or can be changed. This will be addressed at the next Quarterly Statewide Meeting.

Patricia Sandino stated that she would inform Mary DeCarlo of the IRs request with the BP. She also stated she will take a closer look at the form and see its merits. She reiterated that the PRC disposition sheet is still being signed by IOC member.

Linda Mecham informed the committee that while talking with Patricia Sandino that she's concerned that the Support Coordinators do not fully understand the over-limits of their spending accounts and that certain members cannot have an excess amount of money in their accounts. This excess can affect their eligibility for services. This should be a training review for staff. **Leah Gibbs** agreed she would inform the right department for advisory to this issue.

Discussion on Mesa Group Home incident

Karen Van Epps Skipped this topic and opted to re-address this at the next meeting

Discussion on Article 9

Karen Van Epps introduced **Tim Payne** from the DDD Training Dept.

Tim Payne began with his introduction and informed the committee about the possible changes in Article 9. He stated that for the IOC there may not be very much change but for members in congregate settings there is significant changes. He mentioned that he finished a meeting with subject matter experts in Article 9 and that they were concerned that the language is difficult to understand. The language was supposed to be more in alignment with current Behavioral Health terminology. The language change in the new proposed Article 9 is has caused problems because of how the change is separated from Restricted/prohibitions to Restrictions A and B. There are some cross over problems not only in new terms, but some prohibited techniques are now in the Restricted B category, which approval can be approved. Tim explained the changes to some emergency measures techniques to the committee. Tim reminded the committee that that he and his working task force have supplied their concerns to the proposed Article 9. He wants to make sure that the Committee gets their concerns to the individual named to receive all comments before the deadline at the end of the day.



**Division of Developmental Disabilities (DDD)
District Central Independent Oversight Committee (IOC)
Public Meeting Minutes Summary
Monday, May 24, 2021 – 10:00 AM to 1:00 PM**

Karen Van Epps stated that DDD is changing Article 9 only for the reason to “...make it clear concise and understandable to read”. There was no good cause or study done on its current merits. She feels that this is an unnecessary rewrite and why Behavioral Health is making the changes to Article 9.

Tim Payne believes that the Behavior Health was looking to strengthen and update the language to meet the current systems and had no intentions to undermine the credibility of the existing Article 9 and the rights of the members. The problem is in the communications of the proposal.

Eva Hamant commented on several points. One was the definition of Response Cost and two the make up of the committee. The definition of response cost was not given. Tim commented on the makeup of the committee was explained that the community member is not the provider agency. The makeup of the committee is a concern for his workgroup and has been asked to clarify the individual makeup and why provider vendor is not included.

Tim Payne is also questioning and asking for clarification the individual makeup of the Program Review Committee. Training may not revise much for the Article 9 proposal.

Sherry Wilhelmi commented that her experience with Behavioral Health during Child and Family Team (CFT) meetings only is concerned with the medical model of working with members. The “least restricted” is no longer the purpose but just “safety” of members.

Tim Payne reminded that Article 9 was intended for vulnerable adults and not children. Children only have the same rights of other children. Their rights are not to be abused and not neglected; all other restrictions are not covered. He commented on the training of the proposed Article 9 and its language to be trained to the direct care workers and whether the behavior health professional writing the plan has actual interaction with the member, as stated in Article 9. He questioned the funding and who is required to train the proposed Article 9. He’s waiting for clarification on all his group questions.

Sherry Wilhelmi mentioned that the removal of the chemical restraint is concerning to her. She said this opens the door for Behavior Health can use it to complete members goals. Karen agrees.

Tim Payne summarizes that 30 years ago the emphasis was to get the DDD community to be a productive and increase potential part of the community in least restricted manner is now being changed back to an institutional model to keep members safe.

Linda Mecham reminded the committee to include the original intention for Article 9 and that they include it along with the reasons in their comment/concern letter to DDD.

Tim Payne concluded that the committee sends their comments to DDD.

Carol McNulty makes the statement that IOC members may not be able to make all meetings.



**Division of Developmental Disabilities (DDD)
District Central Independent Oversight Committee (IOC)
Public Meeting Minutes Summary
Monday, May 24, 2021 – 10:00 AM to 1:00 PM**

Tim Payne response is that they send their concerns to DDD. Reimbursement may be provided in the future for the IOC volunteers in PRC. The committee should ask in their letter for it.

DDD Staff Updates

Leah Gibbs from DDD OIFA updated the committee on COVID-19 and DDD.

She began with AHCCCS/DDD Flexibilities will be following the Public Health Emergency protocols until they are stopped. This will probably be until the end of the year. If there is a stoppage before then there will be a 60-day announcement before the flexibilities expire. Some of those flexibilities include allowing the parent to be the direct care worker for their minor child as well as having a respite maximum assessment to not exceed 720 hours during the respite year as compared to the 600 hours prior to the pandemic. At this time, the respite increase will discontinue September 30, 2021. AHCCCS hasn't notified the Division of any intent to continue that beyond that date. If we receive that information, we'll certainly let you know. The new service that we've been providing called Home Delivered Meals for members who have needed that continues to be in place. We gave extended the contract through September 20th with the option to continue to extend through the Public Health Emergency.

- 45,189 members being served by DDD
 - 40,187 members are living in their own home/family home
 - 5,002 members are living in licensed facilities
- 2,843 members tested positive for COVID-19
 - 1,723 residing in their own/family home
 - 1,120 residing in licensed facilities
- 74 Member deaths attributed to COVID-19 (30 lived in a family/own home & 44 lived in licensed facilities), No deaths since beginning of March
- Tracking weekly. January was high of positivity, now single digits
- Support Coordinators are making contact and informing the members families ages 12+ on all the vaccinations for COVID-19.

Leah Gibbs continued they have posted to COVID-19 dedicated webpage, a document that has been put out by the Centers for Disease Control and Prevention (CDC). They're calling it Myths & Facts about the COVID-19 Vaccine. They are encouraging our Support Coordinators when their speaking to our members that are struggling on whether to move on with vaccine or not to make this available to them. We can't force anyone to do anything that they don't want to do or should do, but we're making the information available. All members who are targeted-support coordination eligible and long-term care eligible can get that transportation to get vaccinated. Our health plans have been wonderful in coordinating that care and just as wonderful about making sure members who are homebound are getting vaccinated in their homes. On the 13th of May, the CDC came out with new



**Division of Developmental Disabilities (DDD)
District Central Independent Oversight Committee (IOC)
Public Meeting Minutes Summary
Monday, May 24, 2021 – 10:00 AM to 1:00 PM**

mask guidance and in that guidance there's a lot of confusion because of our population and our living situations and our executive order that's in place in Arizona. They define an individual as fully vaccinated 2 weeks after they have received their 2nd dose of a 2-dose series vaccine or the single dose vaccine. The guidance indicates that if someone is fully vaccinated, they can resume activities without wearing a mask or staying 6ft apart, except where they're required by federal, state, local, tribal or territorial laws, rules, or regulations, or if it's a local business or workplace that has guidance that requires masking. There has been a newly published document on the DDD website requiring vendors to differentiate between vaccinated individuals and non-vaccinated/unknown. She is foreseeing that many vendors will be reaching out with questions regarding that document. We are able to ask individuals if they have been vaccinated, but they are not obligated to answer. Lastly, the Division has gone back to implementing on-site, in-person monitoring of facilities and of programs as of the 3rd of May. It was virtual and only going out in-person if there were any health and safety concerns or they were aware of an issue. Continuance for virtual meeting is occurring.

Karen Van Epps mentioned about what does "eye on member" mean. Is it just seeing the member on the screen?

Leah Gibbs stated that they SC will interact with the member and if necessary, will go to the residence to confirm for health and safety.

Linda Mecham asked if/when the Day Treatment Programs (DTA) will begin to open?

Leah Gibbs informed her that DDD never closed the DTAs, and it is a business decision from the DTAs.

Linda Mecham mentioned that what is the results of those who cannot mask up can be exempt still?

Leah Gibbs stated that this is being discussed and this is the struggle with DDD. The final conclusion will be provided soon.

Updates from Integrated Health Plans

No one from the health plans were present

Updates from Arizona Department of Administration

Larry Allen stated that All IOC Committee Guidelines are posted on our IOC website for Public Comment. They are up on our website till 6/1/21 and at that time they will be pulled, and all public comments will be considered. After that Director Tobin will sign off on the guidelines and they will be posted on your tab on the website.



**Division of Developmental Disabilities (DDD)
District Central Independent Oversight Committee (IOC)
Public Meeting Minutes Summary
Monday, May 24, 2021 – 10:00 AM to 1:00 PM**

State fiscal year ends on 6/30/21 and year end reports (Annual Reports) will need to be put together and to me no later than 8/15/21. I know there will be some overlap, but we need to get back on track with the timing on the reports per the statute.

Karen Van Epps asked for the IOC website

Larry Allen confirmed the website is IOC.AZ.Gov

Discussion and Review of Incident Reports and Behavioral Plans

For April IRs, the Committee members have been given 695 for April incident reports in the Shared Drive. This included 130 open and 565 for closed reports.

Type	Open	Closed
Accidental Injury	11	107
Consumer Missing	1	17
Deaths	1	4
Emergency Measures	3	37
Human Rights	4	3
Legal	0	28
Medication Errors	8	62
Neglect	10	30
Other Abuse	13	7
Other-Behavior	6	181
Other -Injury unknown	62	51
Physical Abuse	11	17
Property Damage	0	2
Suicide	0	21
TOTALS	130	565

Questions for QIM have been sent. Committee members will send the incident reports questions to the DDD Liaison **Octavia Lamb**.

Roundtable concerns from members



**Division of Developmental Disabilities (DDD)
District Central Independent Oversight Committee (IOC)
Public Meeting Minutes Summary
Monday, May 24, 2021 – 10:00 AM to 1:00 PM**

Karen Van Epps and Linda Mecham would take concerns/comment via email for a letter to be crafted by the committee on the concerns with the proposed changes to Article 9. The committee agrees.

Other concerns will be brought up at the next meeting said a member but not today.

The #6 topic (Mesa Group home incident) was skipped on the agenda and will be placed on the next meeting's agenda.

Adjournment

The meeting was adjourned by Karen Van Epps. The public meeting ended at 12:29 pm.

The next District Central IOC meeting will be held on June 28, 2021 at 10:00 am.
