



Central Independent Oversight Committee for the Mentally Ill

DEFINITIONS APPLICABLE TO THESE GUIDELINES:

1. RIGHTS:

- A. Adequate, humane, safe services provided in accordance with generally accepted national standards.
- B. All civil and legal rights accorded by law, statute or rule and regulation.

2. CLIENTS:

Persons receiving services including but not limited to under title 36, chapter 5 of Arizona Revised Statutes, individuals deemed to be in need of special assistance, the seriously mentally ill, and enrolled children as defined by AHCCCS (Arizona Health Care Cost Containment System).

3. COVERED SERVICES:

As referenced in the AHCCCS Medical Policy Manual (AMPM) 310 B (Title 19-21, Behavioral Health Services Benefit) and AMPM 320 T2 Non Titled Services and Funding. Professional case management, psychological, psychiatric, medical, rehabilitation, residential, vocational, transition, medication therapy, outreach, recovery, clinical, inpatient hospitalization, co-occurring, outpatient support, crisis, medically necessary transportation, in-home support and respite.

4. INDEPENDENT OVERSIGHT:

In addition to the activities specified in A.R.S. 41-3804(F), independent oversight includes data/trend monitoring and analysis, site visits and investigation of possible human rights violations of clients and enrolled children.

5. QUORUM:

Quorum means one person more than half the voting members.

ARIZONA

INDEPENDENT OVERSIGHT
COMMITTEE

ARTICLE I. COMMITTEE PURPOSE

- A. To promote, and protect the rights of clients. To do all those things, which are, required of the Central Arizona Independent Oversight Committee (Counties to include Maricopa and a portion of Pinal) by Arizona Revised Statutes (ARS), the Arizona Administrative Code (AAC), AHCCCS policies and/or court order, as each is applicable and as each may be amended from time to time.
- B. The Committee will provide specific, independent oversight and review to ensure the rights of clients are protected. Efforts will be in alignment as detailed in ARS 41-3803, 41-3804 and AAC R9-21-105
- C. The Committee may, when economically feasible, conduct research in the areas of independent review, provision of services and client rights within the field of mental health.
- D. The Committee may review all proposed research that is intended to be implemented in the IOC jurisdiction that involves clients and provide feedback on potential rights violations.

ARTICLE II. COMMITTEE MEMBERSHIP

The Central Arizona Independent Oversight Committee will be composed of at least 7 and not more than 15 vong members: as delineated in ARS 41-3803, 41-3804 and AAC R9-21-105

- A. The term of membership on the Committee FOR VOTING AND NON-VOTING MEMBERS will be for three years or until resignation or removal. Priority for vong membership shall be in filling the legislatively mandated representatives. Upon conclusion of their term, a member is eligible to continue to serve, by the Committee submitting a recommendation to the Director for reappointment. No State DHS (Department of Health Services), DOA (Department of Administration) or AHCCCS employee shall be eligible for vong membership. No more than two individuals contracted by the Arizona Department of Health Services, AHCCCS or the RHBA (Regional Health Behavioral Agency) for Central Arizona, whose services fall under the review of this Committee shall be eligible for vong membership.
- B. Attendance at all meengs is required. Members with three unexcused absences may be subject to removal from the Committee by Committee vote, in which the absentee member will not be allowed to vote. An excused absence requires 24-hour notice to the Chair or Vice Chair. Extenuating circumstances may excuse this notice provision. Within 48-hours after absence, the member must notify the Chair or Vice Chair of extenuating circumstances.

ARIZONA

INDEPENDENT OVERSIGHT
COMMITTEE

- C. Members may be removed from the Committee by a majority vote of the remaining members for good cause. Removal from the Committee shall be by reason of violation of confidentiality laws; a conflict of interest with the purpose, focus or work of the Committee; unexcused absences from three (3) regular meetings; and/or failure to meet the minimum attendance requirements. In the event of violation of attendance requirements as set forth in these guidelines, the Committee may consider the position vacant and proceed to fill such vacancy as stipulated elsewhere in these Operating Guidelines.
- D. Membership on the Committee is contingent upon the member participating in confidentiality training and executing a confidentiality agreement. Members must also receive training in the Arizona Open Meeting Law requirements in person, virtual attendance or on-line video training. All members shall participate in at least one IOC site visit every year unless specifically exempted by vote of a majority of the committee. There shall be a minimum of two IOC members with appropriate identification (voting or non-voting) on each formal IOC visit. Visits to sites may be conducted with or without advance notice to the site.
- E. Adult students of accredited educational institutions, after signing confidentiality agreements, may be permitted to participate in site visits or other non-voting activities with approval of the chair, the vice-chair or a majority of the IOC and with approval of the specific site visit team.
- F. If a member has a conflict of interest the member must recuse himself or herself from vote. A conflict of interest arises in any circumstance in which the member's ability to exercise independent judgment, is or may be impaired. Failure to recuse is grounds for removal.
- G. Before a prospective applicant can be nominated and voted on the prospective applicant shall attend 3 (three) IOC meetings.
- H. Consultants or staff persons, in the discretion of the committee, may serve on the committee for advice on specific issues. Consultants may be a member of another committee or an employee of the state, regional authority, or service provider but shall not vote or otherwise direct the committee's decisions.

ARTICLE III. MEETINGS

- A. The Committee will meet quarterly at minimum. One meeting a year will be designated the annual meeting.
- B. Members of the Committee will be notified of regular scheduled monthly meetings, even when standing meeting dates are in place. Members will be notified 24 hours in advance if the meeting date, time or place is changed or canceled.
- C. All meetings must comply with the open meeting law as prescribed by statute A.R.S. 38-431 to 431-.09

ARIZONA

INDEPENDENT OVERSIGHT
COMMITTEE

D. ANNUAL MEETINGS:

- A. The Central Arizona Committee will attend the Statewide IOC meeting when possible. The Central Arizona IOC will hold an annual meeting to be held in the 1st Quarter of the fiscal year.
- B. The Officer in charge of the records of the Committee will make a complete record of the members entitled to vote, arranged in alphabetical order. Such records shall be produced and kept open at the time and place of the meeting, and will be subject to the inspection of any interested party.
- C. Notice of the time and place of the Central Arizona Annual Meeting shall be given by the Secretary by mailing, emailing or faxing a copy of the notice to each member at his address of choice, as it appears on the books of the Committee not less than 24 hours or more than five days before such meeting.

E. SPECIAL MEETINGS:

- A. Special meetings of the Members may be called by the Chair or in his or her absence by the Vice Chair, on receipt of a written request from any Member of the Committee. All meetings will be recorded and must comply with Arizona's open meeting law.
- B. Notice of the time and place of meetings shall be PROVIDED BY THE CHAIR AND AHCCCS VIA, POSTING ON A DESIGNATED WEB PAGE, AND to each member at his EMAIL address of choice, as it appears on the books of the Committee not less than 24 hours or more than five days before such meeting.

ARTICLE IV. ORGANIZATION

- A. The Members must elect a Chair, Vice Chair, and Secretary from the Committee membership. These Members elected shall serve as the Officers and Executive Committee. The term of office shall be three years with no limit. The election of officers will occur at the annual meeting. The Chair may appoint Subcommittee Chairs from the Committee's membership as necessary to carry out the business of the Committee.
- B. The Subcommittee Chairs will appoint Subcommittee members as needed.
- C. The Executive Committee is composed of the Chair, Vice Chair, Secretary, and Subcommittee Chairs.

ARIZONA

INDEPENDENT OVERSIGHT
COMMITTEE

D. DUTIES OF THE OFFICERS

- A. The Chair, the Vice Chair, or in the absence of both a member of the executive committee shall set agendas and preside over all regular meetings of the Committee and be responsible for the general supervision of the affairs and activities of the Committee.
- B. The Secretary or a member of executive committee, keeps the minutes and attendance at all meetings, serves as custodian of all mailing lists and official correspondence and submits reports as required.
- C. Committee members may submit agenda items to Chair seven days prior to the date of the meeting. The Chair will then submit items to the IOC Coordinator at least 24 hours prior to the meeting.

ARTICLE V. COMMITTEE GUIDELINES

- A. The Committee will from time to time promulgate guidelines consistent with these guidelines, applicable statutes and validly adopted administrative rules. These guidelines, and any amendments thereto shall be submitted to the director of the ADOA for approval and shall not become effective until approved.

ARTICLE VI. AMENDMENTS

- A. These guidelines may be amended by a majority vote of the Committee members at any regularly scheduled meeting provided that the proposed amendments are submitted to all members of the Committee not less than 14 days before formal consideration and vote on the amendment. A copy of these guidelines and the operating procedures adopted by this Committee shall be on file with ADOA.
- B. The guidelines adopted by this Committee shall be amended as required to comply with circumstances and/or changes in the law, rules or policies pertaining to the oversight of programs for persons receiving mental health services from the Arizona Health Cost Containment System. Amendments shall be proposed by the Chair and/or voting committee members may be amended by a vote of the Committee at any regularly scheduled meeting, provided a quorum is present and the proposed amendments have been submitted to all members not less than 14 days before formal consideration and vote on the amendment.

ARIZONA

INDEPENDENT OVERSIGHT
COMMITTEE

Chair Signature: *Jack Potts, M.D.* Date: 1/31/2021

(Jack Potts, MD for the Committee)