



**Department of Economic Security**  
**Division of Developmental Disabilities**  
**District West Independent Oversight Committee (IOC)**  
**Public Meeting Minutes**  
**8990 W Peoria Ave, Peoria AZ 85345**  
**1<sup>st</sup> floor Southwest Conference room**  
**Oct 22<sup>nd</sup>, 2019**  
**5:30 pm – 7:30 pm**

<b>Call to Order</b>	De Freedman
<b>Start Time</b>	5:44pm
<b>Facilitator</b>	De Freedman
<b>Liaison &amp; Note taker</b>	Jeffrey Yamamoto
<b>Attendees</b>	<p><b>IOC Members Present:</b> Diedra (De) Freedman, Brad Doyle, Bernadine Henderson, Julie Heineking, Laurene Zemis, Pat Thundercloud, Pamela Grady</p> <p><b>IOC Members Absent:</b> Michelle Lagas, Jennifer McNeill, Cynthia Macluskie</p> <p><b>Division of Developmental Disabilities (DDD) Staff:</b> Jeffrey Yamamoto (DDD IOC Liaison) Jaime Reddy (DDD Community Engagement Manager) Desi Preciado (DDD Criminal Justice Liaison) Michelle Pollard (DDD NCI coordinator)</p> <p><b>Arizona Department of Administration (ADOA):</b> Larry Allen (phone)</p> <p><b>On the phone:</b> Laurie Ganzermiller (United Health Care: UHC Director Special Programs)</p> <p><b>Public:</b> Laurie Ganzermiller (UHC Director of Programs)</p>
<b>Agenda Topics</b>	Call to Order, Welcome and Introductions, Call to Public, DDD Criminal Justice Liaison, ADOA update, discuss letter concerning sent to DDD, IOC liaison update with DDD Staff update, Annual Report Discussion, Review and possible action on membership, Discussion and review of Incident Reports (IRs) and Behavior Plans (BP).

**Call to Order**

**De Freedman**

<b>Discussion</b>	De Freedman called meeting to order at 5:44 PM
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**Welcome and Introductions**

**Committee**

<b>Discussion</b>	<p>The <b>Independent Oversight Committee (IOC)</b> members introduced themselves. Diedra (De) Freedman, Brad Doyle, Bernadine Henderson, Julie Heineking, Laurene Zemis, Pat Thundercloud, Cynthia Macluskie, Pamela Grady</p> <p><b>Division of Developmental Disabilities (DDD) Staff:</b> Jeffrey Yamamoto (DDD IOC Liaison), Jaime Reddy (DDD Community Engagement Manager) Desi Preciado (DDD Criminal Justice Liaison) Michelle Pollard (DDD NCI coordinator introduced themselves. ADOA- Larry Allen introduced himself.</p>
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**Call to Public**

**Committee**

<b>Discussion</b>	<p><b>De Freedman:</b> Announced for Call to the public, <b>Laurie Ganzermiller:</b> Introduced herself to the committee as the Director of Special programs for United Health Care (UHC). She oversees the IOCs for UHC. She thanked the committee for inviting her to the meeting. She mentioned that Sophia Legaspi typically will attend the meetings as the UHC IOC administrator and she's just filling in.</p>
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**DDD Criminal Justice Liaison**

**Desi Preciado**

<b>Discussion</b>	<p><b>Desi Preciado:</b> Started off by stating that she is tracking 35 total members in the state currently incarcerated or recently incarcerated and only 9 are from District West. With 8 Adults and 1 minor who recently transferred from Maricopa County Sheriff's Office Jail (MCSO) to the Durango facility. Two of the Adults are still at the Department of Corrections (DOC) the other 6 are out but are being monitored by the DDD Liaison. Making sure that they are receiving services or remain eligible.</p> <p><b>De Freedman:</b> Confirmed that a member with a guardian can still be arrested even if non-verbal and IQ of a 4-year old?</p> <p><b>Desi Preciado:</b> Confirmed that statement.</p> <p><b>Bernadine Henderson:</b> Asked what type of incidents are the members being incarcerated for? Also, what type of crime would a non-verbal be arrested for?</p> <p><b>Desi Preciado:</b> Answered that it varies from case to case, there have been kidnapping (forceful detainment) to sexual misconduct (sending sexual pictures to a minor over the internet). Non-verbal can be arrested for assault on a person.</p> <p><b>Bernadine Henderson:</b> Asked why a member with diminished capacity be incarcerated for any time?</p> <p><b>Desi Preciado:</b> Explained that they may be arrested but not serve any significant time due to a process of determining their mental incapacitation called "Rule 11". This is when the member is evaluated by two different</p>
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	<p>psychological professionals to determine if they can defend their actions or know if they can be determined incompetent to go to trial.</p> <p><b>De Freedman:</b> Informed the committee on the prior year incident that a minor under the Department of Child Safety (DCS) did not get a Rule 11 until he became an adult at age 18 and was able to call for a Rule 11 as an adult and get out.</p> <p><b>Brad Doyle:</b> Asked in a scenario, if all the paperwork show the incapacitation for a member can it be used to fast track to the courts in a Rule 11 proceedings.</p> <p><b>Desi Preciado:</b> She wasn't sure but will get back with the answer. But by statutes need two evaluations from the independent psych evaluators for Rule 11. She commented on her usual process for gaining reports and necessary information to send to both the jail and the public defender to best help the member.</p> <p><b>Brad Doyle:</b> Asked if the MCSO forward any Incident Reports to DDD for their records and it being reviewed by the IOC? Does Support Coordinators (SC) continue to serve member after they get out?</p> <p><b>Desi Preciado:</b> Reports "No" but will ask about this for MCSO. She commented that the same SCs continue to serve the member when they are released. Incarcerated members will have their benefits suspended while incarcerated.</p> <p><b>De Freedman:</b> Are there any Native American incarcerated? If they are a DDD member in a Native American jail would DDD be contacted?</p> <p><b>Desi Preciado:</b> Answered that "No" currently on any incarcerated Native Americans and "No" DDD would not know if any were incarcerated in Native American jails unless SCs informed the Criminal Justice Liaison. Desi does not have any Federal connections yet.</p>
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**Discussion of letter to Assistant  
Director Cheryl Lovell**

**De Freedman**

<b>Discussion</b>	<p><b>De Freedman:</b> Informed the committee that there hasn't been a response from the Assistant Director nor Barbara Crawford.</p>
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**ADOA Liaison Update**

**Larry Allen**

<b>Discussion</b>	<p><b>Larry Allen:</b> Informed the committee that the ADOA IOC manual is no longer available for public comment and that the final version is in front of the ADOA Director for his signature.</p> <p><b>De Freedman:</b> Asked if the email letter sent to Assistant Director Cheryl Lovell can be included on the annual report since there hasn't been a response yet.</p> <p><b>Larry Allen:</b> Acknowledged that if the committee agreed and it's voted in, it can be attached and can be included in the challenges of request. Larry stated he had not read the letter.</p>
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**Voting on membership retention**

**De Freedman**

<b>Discussion</b>	<p><b>De Freedman:</b> Began discussion on the two members (Michelle Lagas and Jennifer McNeil) who have been absent from meetings for 14 months without written or oral communications on their intended attendance for meetings. She suggested that a letter go out to ask for their resignation.</p> <p><b>Pat Thundercloud:</b> Suggested with their long absence that the committee just terminate their membership due to the Guidelines stating that if they miss 6 meetings in a 2-year period the committee can vote member off the committee.</p> <p><b>Brad Doyle:</b> Commented that asking for a resignation letter would not "leave a bad taste in their mouths" on being on the committee.</p> <p><b>Bernadine Henderson:</b> Agreed that the committee to vote to end their membership since there hasn't been any communications for over a year.</p> <p><b>De Freedman:</b> Asked the other members what they thought.</p> <p><b>Committee:</b> Agreed that they can be voted out, but a letter be sent to "Thank" them for their service.</p> <p><b>De Freedman:</b> Agreed to the compromise and would craft the letter for the two members and vote them out. She then asked for a motion.</p> <ul style="list-style-type: none"><li>• <b>Brad Doyle:</b> motion to vote out two members Michelle Lagas and Jennifer McNeil and send them a thank you letter for their service.</li><li>• <b>Bernadine Henderson:</b> Seconded the motion.</li><li>• Vote was taken for the motion to approve. There were 7 "yay" and No "nay" all present members approved (De Freedman, Brad Doyle, Bernadine Henderson, Julie Heineking, Laurene Zemis, Pat Thundercloud, Pamela Grady).</li><li>• Motion passed to vote out members Michelle Lagas and Jennifer McNeil and send them a thank you letter for their service.</li></ul>
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**IOC liaison update and DDD Staff**

**Jeffrey Yamamoto**

<b>Discussion</b>	<p><b>Jeffrey Yamamoto:</b> Commented that the DDD District West annual report is due by the end of the month. He said he was recently certified as an Article 9 instructor and wanted to let the committee know he's available for certifications.</p> <p><b>De Freedman:</b> Asked why the Quarterly Statewide IOC meeting was cancelled?</p> <p><b>Jeffrey Yamamoto:</b> Replied that no topics were sent in to be discussed and only De had replied on attendance.</p> <p><b>Jeffrey Yamamoto:</b> Introduced Jaime Reddy and Michelle Pollard to talk to the committee as DDD Staff updates.</p>
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**DDD Community Engagement Mgr.  
DDD National Core Indicator Coord.**

**Jaime Reddy  
Michelle Pollard**

<b>Discussion</b>	<p><b>Jaime Reddy:</b> Began by informing that she is there because Sheri Wince of DDD asked the Community Engagement team to give a brief update of the October 1<sup>st</sup> Health Plan Transition. She handed out a PowerPoint presentation she uses to discuss the transitions. She briefly went over the handout. The integration is reported to be easier.</p> <p><b>Bernadine Henderson:</b> Asked about vendors balance billing of services.</p> <p><b>De Freedman:</b> Informed her that if they are an AHCCCS registered provider it is illegal. If not, they can balance bill for what is not paid for.</p> <p><b>Jaime Reddy:</b> Agreed to the statement.</p> <p><b>De Freedman:</b> Asked if anyone is tracking the successes in the case of determining and working with younger kids to get them off DDD services?</p> <p><b>Michelle Pollard:</b> Informed the committee that that is what the National Core Indicators (NCI) can do. They are working to promote more success stories for the Division. Explained the data briefs from NCI.</p>
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**Annual Report Discussion**

**Committee**

<b>Discussion</b>	<p><b>De Freedman:</b> Asked opinions on the Annual report. She read the topic points on the annual report. She had pointed out the required changes to the annual report that she would write up.</p> <p><b>Jeffrey Yamamoto:</b> Informed the committee that the report is for the past 18 months including all of 2018 and up to June 30<sup>th</sup> of 2019.</p> <p><b>Committee:</b> Agreed they understood the annual report.</p> <p><b>De Freedman:</b> Asked Jeffrey to fill in the numbers for the report when it's sent to him from the Chair. Also, to include the resignation and the letter sent to Cheryl Lovell.</p>
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**Voting on meetings rest of year**

**De Freedman**

<b>Discussion</b>	<p><b>De Freedman:</b> Asked if the committee wanted to continue to have the meeting in November being two days before Thanksgiving.</p> <p><b>Committee:</b> The consensus is that they would continue to have the November 26<sup>th</sup> meeting but cancel the December 24<sup>th</sup> meeting.</p> <ul style="list-style-type: none"> <li>• <b>Brad Doyle:</b> motion to vote to continue to hold the November 26<sup>th</sup> meeting but cancel the December 24<sup>th</sup> meeting</li> <li>• <b>Bernadine Henderson:</b> Seconded the motion.</li> <li>• Vote was taken for the motion to approve. There were 7 "yay" and No "nay" all present members approved (De Freedman, Brad Doyle, Bernadine Henderson, Julie Heineking, Laurene Zemis, Pat Thundercloud, Pamela Grady).</li> </ul>
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- Motion passed to vote to continue to hold the November 26<sup>th</sup> meeting but cancel the December 24<sup>th</sup> meeting.

**Discussion, review of Incident Reports (IRs) & Behavior Plan (BP)**

**De Freedman**

<b>Discussion</b>	<b>Jeffrey Yamamoto:</b> Quality Improvement (QI) Delorah Grant informed the committee that there is a printer issue in the Surprise office, and she is unable to provide the Sept of IRs. Here are the totals for what is in the Aug IRs.		
	Aug IRs Total __973__ Open __168__ Closed __805__		
	<b>Type</b>	<b>Open</b>	<b>Closed</b>
	Accidental Injury	27	115
	Deaths	2	5
	Emergency Measures	8	32
	Human Rights	11	6
	Legal	5	15
	Medication Errors	11	78
	Missing	9	10
	Neglect – Potential & Imminent	18	19
	Other Abuse – Sexual, Verbal & Emotional	3	6
	Other – Behavior	66	492
	Other Injury Unknown – Hospitalization	0	0
	Physical Abuse	6	13
Property Damage	0	7	
Suicide	2	7	
<b>TOTALS</b>	<b>168</b>	<b>805</b>	
All 170 of the “Open” IRs were distributed during this meeting. Number of Questions for QA: 11 Number of Behavior Plans turned in by IOC Members: 16 signed disposition sheets, 4 “no action w/comments “and 0 “violates” Number of New Behavior Plans given by PRC: 37			

**Adjournment of meeting**

**De Freedman**

<b>Conclusion</b>	<b>De Freedman</b> adjourned meeting <b>at 7:53pm</b> , the next meeting will be held on November 26 <sup>th</sup> , 2019 at 5:30pm at the Peoria Office location.
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