



**Arizona Department of Administration
Arizona Department of Economic Security
Division of Developmental Disabilities (DDD)
Statewide Independent Oversight Committee Meeting
Meeting Minutes**

October 21st, 2020 - 10:00 am to 12:00 pm

This meeting took place by electronic means due to concerns about Covid-19. There was not a physical location.

Call to Order

Meeting was called to order by Karen Van Epps. The date was Oct 21st, 2020 at 10:06 am. The address of the meeting was Virtual, no physical address.

Welcome and Introductions

Present:

- **Karen Van Epps** (District Central Chairperson) (Facilitator)
- **Suzanne Hessman** (District East Chairperson)
- **De Freedman** (District West Chairperson)
- **Robert Malloy** (District North Vice-Chairperson)
- **Cynthia McKinnon** (District North Chairperson)
- **Jessica Richards** (District South: Tucson Chairperson)
- **Jeffrey Yamamoto** (DDD IOC Liaison)
- **Richard Kautz** (DDD Chief Advocate)
- **Leah Gibbs** (DDD OIFA Administrator)
- **Zane Garcia-Ramadan** (Assistant Director of DDD)
- **Michelle Pollard** (DDD NCI Coordinator)
- **Kin Counts** (District East IOC member)
- **Lynne Tomasa** (District South: Tucson IOC member)

Health Plan Present:

- **Janet Holtz** (Mercy Care)
- **Summer Kamal** (Mercy Care)
- **Sophie Stevenson** (United Healthcare)



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Public Attendance:

- Erica McFadden

Call to the Public

Sophie Stevenson: United Healthcare – No new updates. Just to add to the record she added that United is working together with DDD and Mercy Care on the Augmentative Communication (Aug Comm) transition on Jan 1,2021. **Karen Van Epps** asked about who has the responsibility for current Aug Comm orderings. **Zane Garcia-Ramadan** informed Karen that DDD will continue for any existing ordering and support but later will still support the existing orders until filled. The Health Care programs will begin the new orders starting on Jan 1,2021. **Karen Van Epps** asked about the Complex Care for Members. Sophie responded that United Health Care has a Complex Care team which supports any DDD member needing or reaching out to the team. **De Freedman** added that United Health Plan has responded favorably to a member in District West. The United medical director has helped with a particularly hard problem for this member. She wanted this information to be placed on the minutes.

Janet Holtz and Summer Kamal: Mercy Care - Summer mentioned that she can always be available to help with difficult decisions. Janet responded that there are not any recent updates. Summer asked that her information to be sent to members.

DDD Updates: Assistant Director Zane Garcia-Ramadan

Zane Garcia-Ramadan: Updated some of the key work being done at DDD. He wanted to give a COVID response information first. The information is on the “Response of COVID-19” page on the DDD website. He informed the DDD member population for death rate is higher than the general public. Most



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members do have co-morbidity conditions which probably leads to higher results. DDD is working with the provider network who has mitigated the infections as best as possible. The providers are following the Center for Disease Control (CDC) and Arizona Dept. Health Services (ADHS) guidelines for COVID-19. The DDD members showing positive for COVID-19 is 2.0% while the general public is at 3.24% as of 10/20/20. This is great that the mitigations put into place are working. Zane commented that DDD is tracking along the same trends as the state. There is a rise in new cases recently along with the state. DDD is not letting up with the vigilance in mitigation strategies. DDD member COVID-19 numbers are 898 positive report and 43 member deaths reported by COVID-19. It has been more than a month since last death.

Zane Garcia-Ramadan stated DDD has been doing flexibilities for services to be performed. He wanted to focus on two flexibilities. The first is ADHS Guidelines concerning visitations for congregate settings. Guidelines are for only specific for Intermediate Care Facilities (ICFs) and Nursing Care facilities. DDD is allowing the providers to follow the guidelines and lighten up some of the restrictions as long as they have a specific plan around the lightened restriction. This plan would have to be safe and healthy. All the members and families would have to agree with the modified provider guideline before it could be enacted. The second flexibility is remote learning support. Remote learning is still happening, and in-person learning is now available. DDD is currently allowing for paid attendant care and nursing assistance during the actual remote schooltime period. There are criteria which need to be followed to receive this flexibility. Parents and primary caregivers are not eligible to be paid.

Zane Garcia-Ramadan stated that Abuse and Neglect Task Force recommendations are being implemented and that there is currently a public opinion comment opened concerning the posting for provider and vendors, about abuse and neglect in their facilities. Training would also be addressed for staff around abuse and neglect. **Karen Van Epps** asked for the link to be sent out. The website link for public comment will be sent out to all the IOCs.

Zane Garcia-Ramadan continued with the concern for voting by members in the current COVID-19 restrictions and public gatherings. He informed the group that DDD has charged that the individual providers will be responsible to take the members to voting sites if wanted. Early ballots could be



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delivered by providers or transportation of member to drop off early ballots or voting. The county has also available virtual voting for those who cannot be moved or not in receipt of early ballot.

Zane Garcia-Ramadan mentioned that the Arizona Health Care Cost and Containment System (AHCCCS) policy for the Electronic Visit Verification (EVV) system is to begin on Jan 1st, 2021. DDD is responsible to make sure that all Home and Community Based Support (HCBS) are using this method to report billable hours. DDD is actively working with AHCCCS to make sure everyone is up to date with the training and technologies including families. **Karen Van Epps** asked what is DDD doing for those area which may lack internet connections. Zane responded that this is a concern and there are troubleshooting groups to try and resolve these problems. He had nothing more to add about this concern.

Cynthia McKinnon asked Zane on how the data was collected concerning the DDD members and COVID-19. Whether it was mass testing or by illness/contact only. Zane responded by illness or contact through the ADHS reports and member living facilities. Currently there is not a mandated testing policy for either the public or DDD members.

Lastly **Zane Garcia-Ramadan** commented that DDD is continuing to make improvement through the "Current 2 Future" initiatives. DDD is trying to eliminate systemic problems in the organization and make it better for the members we serve. This include areas such as the Quality Improvement system, Vendor call system, Incident reporting, and nursing assessment to name a few. These were all being worked on when the COVID-19 pandemic raised and now even though it's still being worked on the emphasis is on COVID-19 mitigation.

Karen Van Epps asked about the policy that DDD members have the right to not wear a mask in a Day Treatment program for Adults (DTA). Zane replied that DDD has not given any restrictions to DTA for being open or not and that the DTA and other Vendors have the rights to request members wear mask to mitigate the potential spread of COVID-19 to the rest of their members and staff. DDD will offer alternate solutions for their members to have these activities. DDD and the Vendor is trying to manage the risks.



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Kin Counts asked about the EVV system and who oversees it in 2021. Zane answered that DDD will have full responsibility after January 2021. AHCCCS will help until then and DDD is relying heavily on AHCCCS on making sure it starts off well.

District Updates

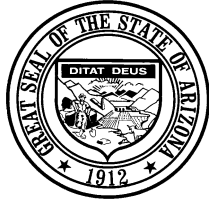
District East

Suzanne Hessman: Advised that the committee has added one new member but lost a member. Sarah McGovern has been elected as the new Vice-chair for the IOC. They have 11 members. They continue to review Incident Reports (IRs) and having meetings through Google Meets. They are working on the Annual Report.

District North

Cynthia McKinnon: Advised that they gained one person recently. Jody is from San Diego and has a lot of experience with advocacy of the disabled. Bob Malloy will be the new Chair on January 1st, 2021. Cynthia asked if she could read a letter to the committee concerning her resignation. The Chairs agreed and she read her letter. Her letter is below.

Having served in the HRC since the late 1980's I am leaving my position of IOC Chairperson at the end of this year. There was a time when : Members participated in public activities. Members danced with other folks at Blue's night while sipping bright pink Shirley Temple's Members attended classes on sex ED and appropriate interactions between members. Members went on long overnight bike rides. There was a time when the HRC of all of Northern Arizona met with members from every county. There was a time when staff and members attended the HRC/ PRC meetings so that members could express their thoughts about their lives, living situation , and day programs. There was a time when the HRC/PRC travelled to remote areas of N Arizona in order to see facilities and to resolve conflicts of traditional belief and DDD oversight



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requirements . There was a time when a non verbal man attempted to remove a testicle with a piece of glass he got from breaking a lamp. The physician who had cared for him for months without getting either ultrasound or x-rays which would have identified a fractured testicle was referred to the local Morbidity and Mortality Committee for review by fellow physicians rather than involve legal entities. There was a time when an infant girl was hospitalized with a fractured skull and returned to family, when all long bones were fractured again hospitalized and returned to family, when left by a fire , feet were burned off , flown to NM for care and scheduled to be returned to family..I met with my liaison (as the HRC had no response from responsible parties) and (for the first and only time) broke my confidentiality pledge to visit the FBI , sent letters to many Federal , State, and local politicians as well as tribal officials . The child was moved into a safe group home where she is well cared for. There was an NAU student with Cerebral Palsy came to the HRC as NAU placed him in a room that his wheelchair did not fit into and with a roommate . We appealed to the state and he was placed in a home where his aide could care for him and this young man became a member of our committee. At one time AZ DDD held statewide retreats for Staff, administration , and HRC AND PRC MEMBERS. WE WORKED TOGETHER ON POLICIES , ATTENDED LECTURES BY PHYSICIANS, LEGAL EXPERTS , AND OUT OF STATE DDD PERSONNEL WHO SHARED METHODS TO FIND AND EMPLOY MEMBERS IN WORK SITUATIONS THEY LOVED, AND COMMUNICATED FREELY. The Central Office reacted immediately to problems and were experienced mentors for all committees finding solutions for families, members , and providers alike. Now the State leadership that has evolved since the departure of Janet Napolitano has created a different reality for the VOLUNTEERS who provide the legally required oversight and human rights protection for the members. Rather than support the HRC these new DDD leaders looked for ways to stifle , to obstruct, and to prevent us from performing our duties under the law. HRC was charged with rewriting portions of regulations...the results of which we never saw. HRC's were encouraged to have ONE structure statewide disregarding the populations served, the geographic size and the diversity of members , and variety of cultures and Nations served in District North. DDD required diversity in all HRC committees and refused to approve volunteers who did not meet the criteria . District N met the requirements but lost



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Native members because of problems with reimbursement of mileage. The DDD cancelled the HRC for three months which violate State Law requiring oversight And caused many long time VOLUNTEERS TO LEAVE HRC RESULTING IN THE CLOSING OF COMMITTEES which remain closed today. DDD aggressively acted to delete ALL personal information on documents including type of residence, date of birth ...Suggesting that " person with autism " was sufficient information for reviewing BTPs. Even today all but first names and first letter of last name is required ... I have known these individuals for decades but new committee members have no history and no way to know what is usual or out of character. When I receive death notices there is NO INFORMATION as the member is automatically deleted from the computer system which in itself prevents the legally required OVERSIGHT . During a fractious meeting I said that everyone at the statewide meetings were acting from good intention to provide best care for members . Now IOC is buried beneath various entities, each of whom have a different role. The DDD fired the skilled mentors at central office and created a vindictive and frightening atmosphere for employees who never knew if THEY would be next to have State troopers at their shoulder at the end of the day with boxes for all personal items and then be shame walked out of the building. Many longtime and knowledgeable people found other positions outside the state system and DDD has suffered from these losses . Now the low levels of funding and the low wage scale in Arizona is causing endless turnover of group home staff causing disruption and failure to follow BTPs to the detriment of members. The use of police intervention is used rather than using the behavior program often resulting in incarceration of individuals already adjudicated as legally incompetent . No IOC can function without the timely delivery of DOCUMENTS (District North has not received an IR since May !) AND RAPID RESPONSE TO QUESTIONS. THE FAILURE IN THIS MATTER MAY WELL RESULT IN MASS EXIT OF GOOD WILLED , EXPERIENCED AND CARING COMMITTEE MEMBERS. The decades during which I worked advocating for medical care, for justice, for education , for inclusion , FOR HUMAN rights for a population with no voice and for group homes that assisted members to become independent are lost and those objectives forgotten or overlooked by DDD. We now have labyrinthine structure in which IOC seems to be an afterthought as the system has failed to provide the basic requirements to perform oversight. Thank you for these many years of



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working to improve and protect lives. It is my hope better times will resolve the issues I have raised. CYNTHIA MCKINNON

District Central

Karen Van Epps: Agreed with Cynthia's comments. Asked that Cynthia's resignation letter be part of the minutes. Karen informed that members are not excited about being members without meeting in-person. They want to find out what can be done. She has been reading Behavior Plans and working with Program Review Committee (PRC) and do not have any problems with them.

District West

Diedra Freedman: Advised that the District West IOC has made meetings. She has 8 members. She added that they are continuing to review IRs. She noted the concerns that they have been having with PRC and she has contacted with Mary DeCarlo to see if the BPs can be sent early and commented on prior to the PRC meeting. She is waiting on a response from Mary. De asked for the letter from Cynthia to be included in the minutes.

District South (Sierra Vista)

No representation from District South Sierra Vista: No update was given.

District South (Tucson)

Jessica Richards: Advised that District South (Tucson) is looking for a Co-Chairperson to work with Jessica Richards. They are still reading and reviewing closed IRs. They are also looking for new recruits, but it has been slow due to Covid-19 restrictions. Working on annual report. They have 8 members.



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Division of Developmental Disabilities Updates

Leah Gibbs and Richard Kautz: Leah Gibbs is still doing Town Hall event will be 1st Thursday from 6-8 pm monthly. **Richard Kautz** advised the chairs that he is working with Jeffrey Yamamoto and the IT folks to bring an electronic platform to review Incident Reports (IRs). There is difficulty to get out the IRs to the committees due to COVID-19. **Karen Van Epps** informed she has been in contact with Representative Barto to get rid of any redactions in the Incident Reports. Richard emphasis is that DDD will follow the legislative laws until they are re-written or eliminated and the redactions are still going to happen. Richard is asking for an expedited hiring for the other IOC Liaison.

Arizona Department of Administration Updates

Larry Allen is still working from home. Google meetings have been going OK, but he wrote down concerns to meet in-person from the Central Chair. He did not have any additional updates for the group.

De Freedman asked for electronic training and conferences on multiple IOCs including AHCCCS and State Hospital and Dept of Child Safety. Larry said he had brought up this with AHCCCS once and he said that he would try to reintroduce the idea again to the other IOCs as well as the AHCCCS IOC.

Restitution and IR Redactions Discussion

Karen Van Epps: Opted not to discuss these topics. They were her topics that she added to the agenda. Redactions were mentioned in the DDD update.



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Member Voting in Group Homes Discussion

Karen Van Epps said that this was addressed by the Assistant Director Zane Garcia-Ramadan during his update. Voter Assistance is happening, and they did not have any other questions on this topic.

COVID Statistics

Cynthia McKinnon was satisfied by the update from Assistant Director Zane Garcia-Ramadan on COVID-19. The statistics and comments were made during the Assistant Directors update.

Liberty Services Discussion

De Freedman: Asked about the Liberty Contract on Quality Improvement and how it is proceeding. What were the recommendations? There was no comment from DDD on this topic. **Jeffrey Yamamoto** was asked to find out about this reporting. Jeffrey will follow up with this topic.

IOC Site visitation Discussion

De Freedman introduced **Erica McFadden** to discuss this topic. Erica is from the DDPC. She informed the group that the Abuse and Neglect Task Force recommended that more oversight be done in the facilities. She said that there is no oversight for DDD except from IOC. The IOC use to be able to do site visits to congregate homes for safety. They are no longer able to do that. She is proposing to get the ability for the DDD IOC's to do on site visitations again for their members. She wants the group to help solicit for this protective body for new oversight. She gave her information so that she can be reached to help the IOC members explore the legislative avenues to have more oversight.



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Roundtable Topics for Next Meeting

Karen Van Epps: Will want to get the Liberty Group discussion re-added to the next meeting. Milage for reimbursement.

Suzanne Hessman: wanted to add the PRC to the next agenda about working IOC members not making the PRC and new strategies to help this process.

Next Meeting Date/Time/Facilitator Discussion

Jeffrey Yamamoto: Advised that Karen Van Epps the next scheduled time would be Jan 20th, 2021.

Facilitator to be determined at later date.

Adjournment

The meeting was adjourned at 11:46 am by **Karen Van Epps**. The next meeting will take place virtually on January 20, 2021 at 10:00 am.