

**Human Rights Committee (HRC)
Statewide
Open Meeting Minutes**

Department of Economic Security
Division of Developmental Disabilities (DDD)
5328 E. Washington St. Building C, Phoenix AZ 85034
April 18th, 2018
10:00 am – 1:00 pm

Call to Order	Suzanne Kensington
Start Time	10:00 am
Facilitator	Suzanne Kensington
Note taker	Jeffrey Yamamoto
Attendees	<p>HRC Members Present: Suzanne Kensington, Karen Van Epps, Lynda Stites, Diedra (De) Freedman, Patricia Thundercloud, Linda Mecham, Heidi Reid-Champigny.</p> <p>HRC Members Absent: None</p> <p>Division of Developmental Disabilities (DDD) Staff: Richard Kautz, Jeffrey Yamamoto, Daniel Stutzman, Taylor Pike</p> <p>On the phone: Cynthia McKinnon</p> <p>Public: None</p>
Agenda Topics	Call to Order, Welcome and Introductions, Approval of January Quarterly Minutes, District Updates, Social Determinates, Metadata Analysis, Program Review Committee (PRC) proposed policy changes, Article 9, Planning Document, Senate Bill 1450 (SB 1450), Annual Report, HRC involvement with Intermediate Care Facilities (ICFs), DDD updates, Roundtable, Adjourn

Call to Order

Suzanne Kensington

Discussion	Suzanne Kensington called meeting to order at 10:10 am.
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Welcome and Introductions

Suzanne Kensington

Discussion	<p>The Human Rights Committee (HRC) members introduced themselves in person and on the phone. Suzanne Kensington, Karen Van Epps, De Freedman, Cynthia McKinnon, Lynda Stites, Pat Thundercloud, Linda Mecham and Heidi Reid-Champigny.</p> <p>Richard Kautz, Jeffrey Yamamoto, Daniel Stutzman, Taylor Pike, introduced themselves as Division of Developmental Disabilities (DDD) staff members.</p>
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Approval of January 2018 Minutes

Karen Van Epps

Discussion	<p>Lynda Stites: Motioned to approve the January 2018 Statewide minutes. Pat Thundercloud: Seconded the motion. All in favor, committee approved the January 2018 Statewide minutes as written.</p>
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District Updates

Committee Chairs

Discussion	<p>Suzanne for East: District East is going well we have 10 members plus one non-voting member that is a facility representative for Arizona Training Program Coolidge (ATPC). We also have 4 or 5 new members and they are being trained. Recently, Tim Payne did Article 9 training and Barbi did Achieving Better Life Experience (ABLE) Program training. We need to get new members trained on Behavior Plans (BPs).</p> <p>Karen for Central: We have two new members Heidi and Natasha. We have been requested by the Pinal County Fiduciary to help support a member in Hacienda. The Annual Report is complete. Final resolution was made to member who was fraudulently charged for a burial plan. The support coordinator and supervisor involved were terminated and the member's funds were returned.</p> <p>De: Asked Richard if there is criteria listed for Intermediate Care Facility (ICF) care versus nursing home care? Richard: Replied, yes there is. Karen: Added that there are specific criteria which must be met to get into an ICF.</p> <p>De: Asked Richard if there are guidelines in place that help support coordinators do their jobs? In reference to client funds. Richard: Yes. Linda Mecham: Added that there are and support coordinators are supposed to inform everyone on the team when a member is above the \$1,500 allowance which may jeopardize their benefits. So as a team they can help with the member's money.</p>
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	<p>De: Asked if there is a mechanism where a member who doesn't have a fiduciary or guardian to help with finances to get one as a service?</p> <p>Richard: Yes, there are private fiduciaries which can be hired instead of the public fiduciary.</p> <p>De: Remarked that The Arc of Arizona may be able to assist with this.</p> <p>Suzanne: Summarized and made a request for Richard to get clarification of the policy that support coordinators need to follow for making financial decisions regarding their members for the next meeting.</p> <p>Richard: Agreed to do so.</p> <p>Lynda for South: We are up to 11 new high quality members. We are looking to training them on reading Incident Reports and Behavior Plans. No issues on meeting places any more. Taylor sets up meetings at the downtown office.</p> <p>De for West: We are a new committee with 6 members, Pat is the only veteran for the committee. We had Article 9 training. We are reading IRs and BPs. We are hoping to gain a few more members with some recommendations from Tim Payne (DDD Lead Training Officer).</p> <p>Cynthia for North: We have two new members with a total of 6 members. We are burdened by the number of plans and IRs since they are reviewing for all of District North. Disturbed by the amount of IRs occurring in their District but glad they are being reported and being addressed.</p>
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Social Determinates

De Freedman

Discussion	<p>De: Explained the "social determinates of health" as being looking at the whole person including history and physical health and medication to get a better picture of the member and therefore a better understanding for their quality of life and health. De would like to see the HRC's working along with Dr. Kowalik to push for the using of social determinates for our members to improve on their quality of life and integrate into the community as a mission of the HRC's.</p> <p>Karen: Replied that Dr. Kowalik is aware of the mission of the HRC's and has not been supportive to HRC's in the past.</p> <p>Suzanne: Asked that it may be helpful to have her attend the next Statewide HRC meeting and asked Richard if he could invite her.</p>
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Metadata Analysis

De Freedman

Discussion	<p>De: Explained we should be looking at the quality of services being provided to our members and we should be looking at the metadata of our quality of care complaints. The Division does track and trend these complaints and they should be accessible.</p> <p>Linda Mecham: Commented about a quality care complaint she experienced of which was "closed" without much investigation.</p>
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	<p>Suzanne: Requested for Richard to get a report of quality of care complaints for the Division.</p> <p>Richard: Responded that he would like to get which specific data from the HRC chairs he needs to request from the Division.</p> <p>De: Requested that a meeting with someone from Quality of Care unit would be a better way to start the process and find out how they track the information.</p> <p>Richard: Replied he would look into who to contact for this to happen.</p>
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PRC-Proposed policy change

Pat Thundercloud

Discussion	<p>Pat: Concerned that the proposed Article 9 change for the elimination of the behavior plans (BPs) with only behavior modifying medication is not a good idea for our members. Direct Care providers need to have the instruction guidelines that the BPs give to them so that there are less Incident Reports due to not understanding the behaviors of those members. BPs are necessary for all members as it gives consistency to their daily lives. She has written to the Policy unit at the Division about her concerns of this elimination.</p> <p>Committee: If a member is residing in any state funded facility or participating in a day program they must have a BP.</p> <p>De: Remarked that there is a new service of "Debilitation Consultation" where a Board Certified Behavior Analyst (BCBA) is available to work with DDD members. Will this affect the availability of BPs in the future?</p> <p>Karen: Commented that there are only 10 contracts available for the program and only 2 of those contracts are for adults, the other 8 are for children for the state.</p> <p>De: Requested that Megan Woods be invited to the HRC Statewide meeting to give the answer of who is going to write those BPs?</p> <p>Pat: Asked the Committee to back the "no change" to the BP portion of the Article 9 revisions.</p>
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Article 9

Karen Van Epps

Discussion	<p>Karen: Article 9 revision began in secret with only behavioral health involved. It was later brought out to the public to be reviewed. Karen sent in her comments to the Division Policy unit be reviewed by the Article 9 revision committee. She has a concern regarding Behavior Plans (BPs) being written by Board Certified Behavior Analyst (BCBA) and also be the only ones who designate who receives a BP. The concern is they don't have enough time with the member nor are there enough of them to provide coverage for all of our members.</p> <p>Linda Mecham: Additionally commented while our members are entitled to all types of services that there isn't funding for all of the services including a direct care wage increase to hire and retain good care workers for their agencies.</p>
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	<p>Karen: Concerned that because Article 9 is the one constant to all DDD staff and providers that any changes may compromise the care of our members.</p> <p>Suzanne: Suggested that all committee chairs put together a letter supporting that Article 9 remain unchanged. She also stated that if Dr. Kowalik and Megan Woods do attend the next meeting that the Committee give them their letter and voice the Committee’s concerns.</p>
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Planning Document

Karen Van Epps

Discussion	<p>Karen: Says providers do not like the document and the document also no longer contains the “working with me”, “what works for me” and “what doesn’t work for me” sections. This section is important since it tells everyone about the member. It now has goal objectives with graphics of achievement levels which seems too basic- “kindergarten stuff” for the member’s team to use to evaluate members progress.</p> <p>Karen: Read excerpts of a redacted planning document to the Committee. She asked if a copy could be made for the Committee. Daniel made copies. There are over 40 pages to this document and this is supposed to help promote more “conversations” but seems too excessive compared to the old Individual Support Plan (ISP) that it’s replacing.</p> <p>Linda Mecham: Commented that the document also is supposed to be reviewed quarterly and it take about 2 hours to go through it with the team. This is too long to spend on this document.</p> <p>Cynthia: Asked that a copy of the planning document and the Article 9 revisions be sent to all chairs.</p> <p>Richard: Agreed to have that done.</p>
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SB 1450

Karen Van Epps

Discussion	<p>Karen: Stated that this is the bill that is changing the name of the “Human Rights Committees” (HRCs) to the “Independent Oversight Committees” (IOCs) with all committees being brought under the Arizona Department of Administration (ADOA). She did not know how the bill will change the committee but knows that Senator Barto wanted to give the committees more power in their oversight abilities.</p> <p>Jeffrey: Replied that the bill was signed on April 17th by the Governor.</p> <p>Karen: She asked Richard if he knew how it would change the committee.</p> <p>Richard: He did not know and is awaiting information from the Department management.</p> <p>De: Asked who is the Director of ADOA?</p> <p>Suzanne: Gilbert Davidson is the Acting Director of ADOA.</p>
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Annual Report

Karen Van Epps

Discussion	<p>Karen: Asked if everyone had finished with their Annual Report?</p> <p>De: Commented that Jeffrey helped to complete West's Annual Report.</p> <p>Karen: Said her report contains the number of Behavior Plans reviewed of 698 plans. The pilot project nursing homes, bed bugs, therapist shortage, client service funds and lack of support coordinators are in her report. She recommends that the HRC's Annual Report be structured different with the individual District Annual Reports are closer to the beginning of the report.</p> <p>Suzanne: Commented that people will read it or they won't and if they are interested they can flip to the section that they want to read.</p> <p>Committee: Added that there is a table of contents so it is easy to find where things are located.</p> <p>Richard: Said that the Annual Report is shorter than in the past.</p> <p>Cynthia: She is in agreement to move the District Reports right after a brief introduction of the Committees and place the policies at the end.</p> <p>Richard: Replied that as soon as he gets the reports from the Districts he would assemble the Annual Report and send it to Ileen. He requested to have the District Reports soon as he would like to have the compiled Annual Report completed by July 1st.</p>
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HRC involvement with ICFs

Karen Van Epps

Discussion	<p>Karen: Leah Gibbs spoke to her committee about visiting the four Intermediate Care Facilities (ICFs) in Phoenix. Karen and Heidi has visited all four facilities with Daniel.</p> <p>Taylor: Informed the Committee that District East had toured the Arizona Training Program in Coolidge (ATPC). She also informed the Committee that this is part of the Centers for Medicaid and Medicare Services (CMS) requirements.</p> <p>Karen: Mentioned how few residents are in the Phoenix facilities. She is also concerned that the facilities are not close to capacity and that there are members who do need that level of care that aren't in the facilities.</p> <p>Linda Mecham: Commented that DDD in the past that has been trying to dictate to and even shut down the HRCs. Now with the need for DDD to have independent oversight of the ICFs for CMS requirements, HRCs should take this opportunity to establish more of a relationship with the Division. District Central had submitted a letter to DDD with suggested guidelines that would help keep consistency of how the HRCs are treated through administration changes.</p> <p>Suzanne: Replied that this may be a moot point if the HRCs are under the Arizona Department of Administration (ADOA) and not DDD.</p>
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DDD Updates

Richard Kautz

Discussion	<p>Richard: Stated that Senate Bill 1450 was already discussed. Recruitment efforts for all committees is still going forward. Prescott Valley is at 3 members, waiting on their appointment letters.</p> <p>Karen: She added that there is a new District Program Manager (DPM) in District Central, Megan Dougherty. She is happy to have a new person in that position due to problems in the past.</p> <p>Richard: Said there is also a new DPM for District East, Lydia Glover.</p> <p>De: Asked the question if corporate culture has changed from previous administration.</p> <p>Richard: Stated that the corporate culture in DDD is good. The staff is empowered to make any decisions necessary.</p>
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Roundtable

Committee Members

Discussion	<p>Karen: Asked to have Senator Barto to attend the next Statewide meeting to ask her about her vision of the HRCs.</p> <p>De: Asked Richard to find out if there can be an annual training for the HRCs. It may be a request for ADOA for all three committee boards to go to an annual training.</p> <p>De: Suggested that the HRCs invite their State Senators and Representative's to their district meetings to see what the HRC's do.</p> <p>Linda Mecham: Volunteered to send out, to the Committee, a form letter to the legislature for additional funding of DDD members to be distributed to their districts members and their families. She also mentioned that if properly funded the direct care providers would not be so transitional and the members would have more continuity of care.</p> <p>De: If quality of care is lacking then a quality of care complaint should be filed against the agency.</p> <p>Linda Mecham: Replied that retaliations in all forms often occurs when there are too many complaints filed by families. Sometimes working with the agency can work out the best.</p> <p>Committee: All agreed that retaliation is a real problem with providers.</p> <p>De: Asked the question about when the SB 1450 goes into effect.</p> <p>Daniel: Responded in 90 days.</p>
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Adjournment

Suzanne Kensington

Conclusion	<p>Suzanne Kensington: Adjourned the meeting at 12:38 pm. The next meeting will be held on July 18th, 2018 at 10:00 am in Phoenix at the Washington Office location.</p>
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