



**Division of Developmental Disabilities (DDD)
District West Independent Oversight Committee (IOC)
Public Meeting Minutes Summary
Tuesday, May 24th, 2022 – 5:30 PM to 7:30 PM**

Call to Order

This meeting is being held virtually due to the Coronavirus (COVID-19) concerns.

Meeting called to order by **De Freedman**. The date was May 24th, 2022, at 5:38 pm. The address of the meeting was Virtual, no physical address.

Welcome and Introductions

Attendance in Person: **None This meeting was virtual only due to COVID-19 concerns**

Attendance by Google Meets unless noted:

- **Diedra (De) Freedman**
- **Cynthia Macluskie**
- **Brad Doyle**
- **Bernadine Henderson**
- **Heidi Lewis**

Absent:

- **Julie Heineking**
- **Heidi Miller**
- **Pat Thundercloud**

Public in Attendance:

- **Shelly Vinsant** (potential member)
- **Jill Nico** (potential member)

Arizona Department of Administration (ADOA): **Larry Allen**

Healthcare Plan Liaison: **Summer Kamal** (Mercy Care); **Karen Kramer** (United HealthCare)

DDD staff and Guests:

- **Jeffrey Yamamoto** (DDD IOC Liaison)
- **Joan McQuade** (DDD OIFA Manager)
- **Kirk Cree** (DDD Community Engagement Supervisor)
- **Linda Mecham** (DDD District Central IOC Chair)

The Committee, DDD staff and guest, United Healthcare and Mercy Care introduced themselves.

The IOC make up in attendance: **De Freedman** is a former Lawyer, **Pat Thundercloud** is a retired Physician's Assistant, **Bernadine Henderson** is a former Special Education School



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Teacher and a current Foster Parent, **Cynthia Macluskie** is the President of the Greater Autism Society of AZ. **Brad Doyle** is a Parent and Advocate, **Heidi Miller** is a Parent and Advocate. All these members have/had children who have services with DDD. **Heidi Lewis** is a lead trainer for Practical Training Solutions.

Introduction of possible new member

Shelly Vinsant introduced herself. She is a parent of child with Autism receiving DDD services. She is a graduate with a Psychology degree and provides habilitation for her son. Ran a parent with children with autism support group for 10 years.

Jill Nico introduced herself. She is a parent of a child with Dow Syndrome receiving DDD services. She is a special disability services analyst at Estrella Mountain Collage and Chair the Advocacy for the Down Syndrome Network. She also sits on the board for Raising Special Kids.

Call to Public

De Freedman: Called for public to announce themselves. No Public in session.

Proposed Article 9 Discussion

De Freedman asked **Linda Mecham** to summarize the changes in the revised Article 9. **Linda Mecham** began with the history of where Article 9 came from and Karen Van Epps importance to the process of creating Article 9. Karen Van Epps and her mother were involved with the process of ridding AZ of the institutions. She helped create the original Article 9. The new revision was proposed last year but was failing on the disability front. The revision was retracted and was revised with the input of IOC and other stakeholders. The latest version of the revision is completed with the OK from the IOC members participating in the newest revision. She went through the IOC concerns from the prior year and were all included into the newest revision.

De Freedman asked about language of document and that the regulations are present but not the spirit behind the regulation seems to be missing. She stated that these are the minimum standards for DDD members and that hopefully the Policies will pick up more of the extra protections that are wanted for the members. She appreciates all the work the committee put to make sure that the minimum standards are there but wished that Article 9 had more protections built into it.

Linda Mecham stated that it was a long hard process to get all the minimum standards that IOC believe are necessary into the newest revision and there were compromises which had



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to be made to have this version. During the discussion it was even mentioned that DDD should even re-open the institutions if the protections are not in the Article 9. This is where the minimum has been put into this version. **De Freedman** asked **Jeffrey Yamamoto** to display the revised Article 9, he did present it.

Brad Doyle asked Linda if she knew the reason why there was a necessity to rewrite Article 9 in the first place.

Linda Mecham read the section of justification from the Arizona Administrative Register for Article 9.

“The purpose of this rulemaking is to improve the standard of care for vulnerable populations and enhance existing safeguards by discouraging the use of punitive and outdated behavior management techniques. The proposed rules reflect current professional standards in the field and encourage development of appropriate behavioral interventions for DDD members. In addition, these proposed rules will make the rules more clear, concise, and understandable by revising definitions and modernizing language.”

Linda Mecham stated that the definitions are in statutes, and it appears that the language is not concise and clear.

Cynthia Macluskie stated that two concerns are missing from Article 9. The first is that a behavior may have more than one reason for happening. Article 9 does not address looking for other reasons for behaviors, i.e., medical or pain. The other concern is that Behavior Plans are authored by less qualified people or that the author has not spent any time with the member than what is required by policy.

Linda Mecham agreed on the second concern and that the team and the Board-Certified Behavior Analyst (BCBA) author need to collaborate to write the Behavior Plan (BP) for the member for the best outcome.

Bernadine Henderson replied to Linda that during the rewrite discussions, she believes that the plans are all reviewed by a BCBA and that is where the safeguard comes from for the BP.

De Freedman called on **Heidi Lewis** to comment from her perspective as an Article 9 instructor.

Heidi Lewis stated that the concern she would have been is what training is being given to the authors of the BP. How extensive is this training? Who is doing the training?

Linda Mecham stated that many of the concerns brought up are written in new Policy.

De Freedman called on **Summer Kamal** to comment from her perspective as a BCBA.

Summer Kamal stated that the BCBA role also looks at the medical reasons for behavior. She agrees with **Cynthia Macluskie** on this point. This is ideal for the integrated health plans.

Brad Doyle stated that the Functional Behavior Analyst (FBA) needs to be done when there are severe behaviors before a BP can be written. The FBA should be easily available to be done regardless of insurance.

Bernadine Henderson asked if the committee was going to get together before the close of



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public comment to write something jointly from the IOC.

De Freedman informed Bernadine that they can later vote to have another meeting before the June 12th deadline.

De Freedman asked for a motion to create an Ad Hoc subcommittee group to discuss Article 9 and Policies.

- **Bernadine Henderson** motioned to vote to create an Ad Hoc subcommittee group to discuss Article 9 and Policies.
- **Cynthia Macluskie** Seconded the motion.
- **The committee voted and all members present said “aye” there were no “nay” votes.** All IOC members present are listed in the attendance roll call in the Welcome & Introduction
- **Motion carried and an Ad Hoc subcommittee group to discuss Article 9 and Policies was created. Members would be Bernadine Henderson, Cynthia Macluskie, Heidi Lewis, and De Freedman.**

De Freedman asked for a motion to have an emergency public District West IOC meeting on Tuesday June 7th at 5:30 PM. to vote on the Ad Hoc committee recommendations to send for public comment.

- **Bernadine Henderson** motioned to vote to have an emergency public District West IOC meeting on Tuesday June 7th at 5:30 PM. to vote on the Ad Hoc committee recommendations to send for public comment.
- **Brad Doyle** Seconded the motion.
- **The committee voted and all members present said “aye” there were no “nay” votes.** All IOC members present are listed in the attendance roll call in the Welcome & Introduction
- **Motion carried and an emergency District West IOC meeting is scheduled on Tuesday June 7th at 5:30 PM. to vote on the Ad Hoc committee recommendations about Article 9 and Policies to send for public comment.**

DDD Policy Revision Review Discussion

De Freedman did not want a discussion, but on Policy 901 page 3 she stated that there was the definition for Independent Oversight Committee states that they oversee the right of “behavioral health members” and it should be “DDD members”.

Vote on Meeting Locations Including Virtual

De Freedman asked for a motion to have all of District West IOC meeting take place virtually and not in person any longer.



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- **Brad Doyle** motioned to vote to have all of District West IOC meeting take place virtually and not in person any longer.
- **Bernadine Henderson** Seconded the motion.
- **The committee voted and all members present said “aye” there were no “nay” votes.** All IOC members present are listed in the attendance roll call in the Welcome & Introduction
- **Motion carried and virtual meetings will be the standard way for conducting DW meetings**

DDD Staff Updates including DDD Community Engagement

There may have been question(s) and vote(s) taken during this section and those are listed in the “Discussion and Voting on Request for DDD” section of these minutes.

Kirk Cree introduce himself and asked what questions the IOC had.

Cynthia Macluskie asked Kirk about the fact that Phoenix PD using the 24-hour customer service line on the weekends, and it does not seem to be manned or that the person answering the line has no idea what to do for the crisis call from PD. Is there some oversight on that customer service line? On whom mans the line?

Kirk Cree is having a face-to-face meeting with Phoenix PD on Tuesday next week and will bring up this a possible concern for Phoenix PD. He regrets hearing about the neglect of answering the line and will bring it up to the OIFA management. Also, the medallion program for those out of state.

Cynthia Macluskie stated that she is being contacted by many people who cannot get in touch with someone at the customer service line to resolve issues. She cannot blame them as there is no one picking up at DDD. The system is not working for the DD public.

Cynthia Macluskie commented that DDD did respond well to an incident occurring the prior Friday on a homeless woman and adult son with Autism and being able to help them in this crisis. She wanted to thank the OIFA team on this incident.

Cynthia Macluskie asked when the support coordinators were going in person to 90 reviews.

Kirk Cree answered that since April 1st the member/family can choose to continue with virtual or face-to-face meetings. All support coordinators know this, and it was communicated in several documents sent out to the members and families.

Cynthia Macluskie stated that many people do not know this, and she will spread the word.



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Health Plans (HP) updates

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Summer Kamal (From Mercy Care) stated that there is a training overview of contracts for Mercy Care. The trainings help with reminders of benefits for members. Mercy Care have trained 576 Support Coordinators internally for Mercy Care. Looking to complete this 1-hour training annually.

De Freedman asked if the IOC be invited to a training session.

Summer Kamal will check schedules and get back to the IOC.

De Freedman asked **Larry Allen** if he could arrange a meeting where All DDD IOCs could have the two integrated health plans present a complete benefit program available to ALTC members.

Larry Allen stated that he will try. He would like an email about specifics on the request sent to him.

Karen Kramer (United Health Care) did not have any updates.

Cynthia Macluskie asked if UHC or Mercy Care train other health plans on cultural diversity or dealing with the disabled community?

Both UHC and Mercy Care stated they do not. All Health Plans have offices or people who teach that in their own plans in cultural competency.

ADOA Update

Larry Allen had no new update.

De Freedman asked about the attendance of the ADOA liaison being in the Executive Session.

Larry Allen stated that he will double check on his attendance not being required in Executive Session.

Discussion and Voting on Request for DDD

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Jeffrey Yamamoto stated there were no outstanding questions for DDD.

De Freedman agreed and went to the next agenda item.



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DDD IOC Liaison Updates

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Jeffrey Yamamoto began by informing the members that the IOC usually take the summer break for June and July. Since June already has an emergency meeting scheduled did the committee still want their meetings in late June and July.

De Freedman asked for a motion to cancel the late June meeting and scheduled July meeting, returning to meetings on August 23rd.

- **Brad Doyle** motioned to vote to cancel the late June meeting and scheduled July meeting, returning to meetings on August 23rd
- **Cynthia Macluskie** Seconded the motion.
- **The committee voted and all members present said “aye” there were no “nay” votes.** All IOC members present are listed in the attendance roll call in the Welcome & Introduction
- **Motion passed and the IOC cancels the late June meeting and scheduled July meeting, returning to meetings on August 23rd**

Discussion, Review, and Possible Action on Committee Membership

There may have been question(s) and vote(s) taken during this section and those are listed in the “Discussion and Voting on Request for DDD” section of these minutes.

Jeffrey Yamamoto asked **De Freedman** to reach out to Lisa to inform her of the August meeting.

De Freedman asked for motion to vote **Shelly Vinsant** to become full member the DW IOC

- **Cynthia Macluskie** motioned to vote **Shelly Vinsant** in as a new member to the District West IOC.
- **Bernadine Henderson** Seconded the motion.
- **The committee voted and all members present said “aye” there were no “nay” votes.** All IOC members present are listed in the attendance roll call in the Welcome & Introduction.
- **The motion passed making Shelly Vinsant a new member**

Discussion and Review of Incident Reports (IR) & Behavior Plans (BP)

There may have been question(s) and vote(s) taken during this section and those are listed in the “Discussion and Voting on Request for DDD” section of these minutes.

Bernadine Henderson addressed the new members and ask them to help with the BP and IRs and



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do their due diligence in looking for rights violations. She also suggests making sure that they look for consistency across all documents in the behavior plans.

For March IRs, the Committee members have been given weekly the past months of incident reports in the Shared Drive. The reported March IRs are listed below. **Total= 822 Open=50 Closed= 872**

March 2022

Type	Open	Closed
Accidental Injury	4	123
Consumer Missing	2	12
Deaths	3	2
Emergency Measures	1	19
Human Rights	1	2
Legal	3	0
Medication Errors	5	38
Neglect	19	72
Other Abuse	2	5
Other Behavior	1	373
Other Hospitalization, Unknown injury	2	166
Physical Abuse	7	8
Property Damage	0	2
Suicide	0	0
TOTALS	50	822

The IRs will be reviewed by the committee members.

Number of Questions for QIM: members of the committee will comment on incident reports directly and the liaison will send to QIM.

All PRC meetings are being attended by Bernadine Henderson and Pat Thundercloud.

Number of Behavior Plans turned in by IOC Members: 0

The Program Review Committee (PRC): None.

Adjournment

De Freedman adjourned the meeting at 7:42 pm

The next District West IOC meeting will be held on Tuesday June 7th, 2022, at 5:30 pm. Will be virtual meeting should COVID-19 concerns still be in effect.