



**Division of Developmental Disabilities (DDD)  
District West Independent Oversight Committee (IOC)  
Public Meeting Minutes Summary  
Tuesday, October 25, 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 October 25th, 2022, at 5:36 pm. The address of the meeting was Virtual, no physical address.

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**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**
- **Shelly Vinsant**

Absent:

- **Pat Thundercloud**

Public in Attendance:

- **Diane Concolino**

Arizona Department of Administration (ADOA):

- **Larry Allen**

AHCCCS IOC Liaison

- **Fredreaka Graham**

Healthcare Plan Liaison

- **Janet Holtz** (Mercy Care) Ombudsman
- **Dawn McReynolds** (United HealthCare) Member Advocate

DDD staff and Guests:

- **Leah Gibbs** (DDD Office of Individual & Family Affairs Administrator)
- **Martha Williams-Hayes** (DDD District West Quality Supervisor - incident entry)
- **Diane Kress** (DDD District West Quality Supervisor - investigative)
- **Michelle Rademacher** (DDD IOC Liaison - DW, DS, DN)
- **Joan McQuade** (DDD OIFA Manager - support IOC Liaisons)



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The Committee, DDD staff and guest, ADOA introduced themselves.

The IOC make up in attendance: **De Freedman** is a former Lawyer and a Chief Compliance Officer as well as a parent of former DD member. **Bernadine Henderson** is a former Special Education School Teacher and a current Foster Parent as well as parent of two DD members. **Cynthia Macluskie** is the President of the Autism Society of Greater Phoenix, parent of DD member and licensed insurance agent.. **Brad Doyle** is a Parent and Advocate; **Shelly Vinsant** is a Parent and Advocate as well as a past administrator of West Valley Autism support group and has a BA in Psychology. All these members have/had children who have/had services with DDD.

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**Call to Public**

**De Freedman** asked the person present to introduce themself.

**Diane Concolino** introduced herself as a District West IOC candidate. She stated she is a newly retiree from the State of Arizona for 12 years, worked with Child Protective Services, Adult Protective Services, and Vocational Rehabilitation. She has a bachelor's of science from the state of NY. She has a grandson on the spectrum and is a habilitation provider for him. No questions for the IOC today.

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**Statewide DDD IOC Chairs Meeting Update**

**De Freedman** informed the committee that DDD is moving forward and has submitted the Article 9 proposed revisions. In the next 120 days Governor's Regulatory Review Committee, GRRC will be having a public hearing. When we find out when it is, De stated she will let the committee know so that members may attend. DDD shared all the public comments (to include the IOC's comments) in the package to GRRC. DDD provided a copy of the submitted proposal package to the IOC chairs. **De Freedman** stated she sent an email sharing the package with District West the committee members. De shared that Jon Meyers of the DDD Planning Council (DDPC), executive director, gave a presentation on the behavioral health crisis white paper that DDPC published in January. Cynthia Macluskie of Greater Autism Society (also District West IOC member) was instrumental in that paper. The Autism Society provided most of the data for the report and most of the investigative work. Also Arizona Center for Disability Law and a couple other organizations contributed. Jon Meyers will be presenting at the District West IOC meeting on that report. The reason that it is important is that DDD announced that DDD will be developing training materials/programs for behavioral health providers that provide services to individuals with developmental disabilities and intellectual disabilities. De stated, we all know that behavioral health providers' professional expertise is not there. DDD is going to use ARPA funds to work on the problem. DDD promised to work with the health plans (United and Mercy Care) to develop training for providers. De promised she would keep asking questions. District West IOC will be very interested and very vocal.



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The next DDD Statewide IOC meeting is in January. De stated, although the meeting is for the chairs, you are all welcome to attend if you like. If you have any issues to be brought up, let De know. She will bring them up.

**Cynthia Mackluskie** mentioned that the group that wrote the white paper continues to meet every two week. She shared that they will be releasing a flier on AAC devices so that families can educate group homes, behavioral health facilities, hospitals, etc. about their civil rights and that their devices cannot be taken away. Cynthia stated that the committee brought to AHCCCS' attention that the committee found some hospitals, behavioral health facilities and some group homes were confiscating AAC devices and using a variety of reasons, most common being privacy, and also using it as a weapon or using it as a form of punishment by taking it away. Cynthia stated the Committee views that this goes against an individual's rights and is illegal. The committee notified AHCCCS and families that had that experience. Cynthia shared that there are currently five families in the valley that recently had that experience and have hired an attorney. Cynthia stated AHCCCS gave a directive to all the health plans to report back on what they are doing about the issue. Cynthia stated the health plans were supposed to submit an action plan on safeguarding the members rights.

**Bernadine Henderson** asked when the date of the next DDD Statewide Chairs IOC meeting is? It was verified to be on the 18th of January 2023.

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**Review Discussion and Vote on DW IOC Annual Report**

**De Freedman** informed the committee that she input the numbers which were provided by Michelle Rademacher, DDD IOC liaison. De stated she added a paragraph at the bottom about the DW IOC Article 9 revision statement.

**Bernadine Henderson** clarified the language of what was provided and asked the committee about the actual reviewing of Behavior Plans, BPs, and the fact that the committee has not reviewed them all. De stated, how about District West IOC received 562 in 2022 and we continue to do our best to review them. Bernadine Henderson and Pat Thundercloud continue to attend the Program Review Committee, PRC, meetings. Committee discussed the wording on reviewing BPs. The committee discussed the daunting task of reviewing BPs as they are busy individuals. The goal of the committee is to review every BP and as we recruit and retain more members we are hopeful our goal is reached next year. De stated she will send the document to Larry Allen and Michelle Rademacher for final date and spell check.

- **Cynthia Mackluskie made a motion to accept the report for 2022.**
  - **Brad Doyle Seconded the motion.**
  - **All the members present (see Welcome and Introductions for attending members) voted “aye” and there were no “nay” votes**
  - **Motion carried,** The District West IOC accepted the annual report with the caveat that Larry Allen and Michelle Rademacher will review for spelling and date errors.
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**DDD Staff Updates**

**Leah Gibbs** (DDD Office of Individual & Family Affairs Administrator) regarding House Bill 2113 which makes Down's Syndrome DDD's fifth qualifying diagnosis has closed for the public comment period on the policy to that yesterday. DDD made a couple of minor changes based on feedback from the Down's Syndrome Network. Over the next 48 hours, DDD is updating the webpage and the application packet. DDD is going live and accepting applications with the primary diagnosis for the eligibility with DDD. Anyone applying with the diagnosis still needs to have significant functional limitations in three out of the seven categories. **De Freedman** added that she asked **Zane Garcia Ramadan** (Assistant Director) during the statewide meeting, that the IOC could be sure that DDD took the opportunity to include the functional eligibility requirements as education to the public to make sure that families were not confused. Leah added we can now start our campaign of education. DDD is working on that. De added the comment that Leah is the best advocate for families. De stated when she comes to her (like Mary and Delorah) automatically Leah gets with the OIFA friends, with the health plan liaisons and takes care of it. Leah clarified her official title is bureau chief. She is grateful for the tremendous support when she works with our health plans.

**Leah** provided an update to House Bill 2560 which is about legislation that passed about DDD partnering with the Arizona Center for Disability Law, ACDL. ACDL will be conducting some monitoring to group homes for members who are identified as having complex needs. Most updated, the Division has submitted a contract to Arizona Center for Disability Law who is reviewing the contract and will be getting back by early November about any concerns or recommendations. The goal is to start implementing in January 2023. Also DDD will be doing reports to the legislature at the end of year regarding the experiences and the findings of the investigative work that will be done as part of the pilot that is running January 2023 to end December 2025. Leah stated she would have more as the contract gets finalized. Leah shared that when the project gets finalized, she requested some outreach to IOCs and to have transparency on what that agreement and process looks like.

**Leah** provided an update on the new billing system which went live in September 2022. DDD was not in compliance with using the Medicare/Medicaid rules for billing claims and using the appropriate CPT and HCPCS codes (Healthcare Common Procedure Coding System). DDD has implemented their new billing system by working through an agency called Wellsky. The Division provided training to all of the qualified trainers and continues to provide q&a sessions as well as full training classes. There are a handful of vendors struggling however by far the majority are doing well. Leah stated DDD is working collaboratively with the vendors. **Cynthia Mackluskie** commented about hearsay from families on the Wellsky system regarding issues with doing speech and occupational therapy in one day, or doing two hours of speech. She asked how that is being resolved. Leah stated that has been resolved. Leah added, there are federal mandates in the coding system on how many hours of therapy can be provided in a given day. Leah stated the most common problem identified is when a child is receiving feeding therapy and speech language pathology therapy on the same day.



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She stated vendors have a workaround in knowing how to bill the therapies and which code to use (using the billing code for speech therapy with double the rate). Our therapy providers are aware and training continues. When it comes to occupational therapy and speech therapy on the same day it depends on how many units (max units) allowed by medicaid. Cynthia asked if it affects EPSD. Leah stated she would ask Patrick and get an update. DDD is aware and doing workarounds.

**De Freedman** added the comment that there is a great graphic that was part of the presentation done at the last town hall meeting that lays out the billing requirements regarding therapies. It was done at the DDD town hall. De stated, we put it on the Arizona Autism Coalition page. This was obtained and a link to the information is:

[chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://des.az.gov/sites/default/files/media/DDD\\_Town\\_Hall\\_Meeting\\_Presentation\\_070722.pdf?time=1666747508073](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://des.az.gov/sites/default/files/media/DDD_Town_Hall_Meeting_Presentation_070722.pdf?time=1666747508073) . **Janet Holtz** asked who

within DDD would she refer families who call with questions to contact? Leah stated to first have them contact their support coordinator and they can also contact the customer service and we would then work with our therapy liaisons. Leah stated per Cynthia's questions, there is a maximum of 8 units (a unit = 15 minutes) which is equivalent to two therapy hours of occupational therapy in a day. Physical therapy, there is a 6 unit max in a day, speech therapy of 1 unit (untimed unit) can be either one hour or two hours and we set up rates to accommodate that.

**Leah** stated that the Electronic Visit Verification, EVV, requirements are up and running. AHCCCS postponed the go live date for hard edits to January 1st. Any member receiving Attendant Care (ATC), Homemaker (HSK), Habilitation Hourly (HAH), Respite (RSP), or Home Health Nursing (HHN) should already be using the electron verification process. Some vendors chose a different system but it all should be electronically Leah asked if anyone is not receiving the service that way, please let her know so that DDD can do outreach to that agency to try and figure out what is happening because they should have a system up and ready now. Leah stated it was the Cares Act legislation. It is a federal requirement and supposed to be happening across the entire country. **Brad**

**Doyle** commented on EVV and FAQs. He said it sounds like there is no more editing allowed however editing is going to need to happen due to missed punches, software glitches, forgetting to punch in or out. Brad said you are going to get paid if you are using the EVV system but the safeguards are in place. He added there is a safeguard that locks you out and you have to notify the Coordinator to input a manual one in. Brad said he would like AHCCCS to put in their FAQs to where they make it clear not to panic if you are a provider and forgot to put the timecare in you will get paid. **De Freedman** commented that on November 5 the Arizona Autism Coalition will have a day of learning and a panel talking about EVV. Mercy Care will be present because they do HCBs services for their EPD population. Banner will be there too. They are going to talk about how they work with their providers, what works. DDD is on the panel. She stated any questions if you can't attend, shoot them to De and she will get answers. It is open to the public. The subjects covered pertain to anyone with IDD individual, regardless of having autism in our name. Leah added there are ways we can make exceptions due to moral or religious beliefs, connectivity issues in the home,



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use of the device can have an adverse health effect on the person using it, or in the situation of live in caregivers supporting their family members, some FOB exceptions, but there are ways to work all of that out.

**Leah** updated related to the American Rescue Plan Act, ARPA, funding. DDD is excited to be rolling out some training for the behavioral health agencies that are supporting our members. DDD wants to gather best practices to make sure those agencies are aware of those practices in working with people who have intellectual and developmental disabilities and . We are also continuing to move forward in rolling out the positive behavior support training for direct care workers as well as family caregivers who are interested in receiving that information.

**Leah** stated on October 13, the Secretary of Health and human services extended Public Health Emergency, PHE. DDD is being told that this is the last time it will be extended. DDD expects around mid November to receive formal information that we will be on a 60 day notice to unwind the flexibilities that have been input during the PHE. The Division wants to be very thoughtful, careful and communicate to ensure enough time is afforded. Reminding that ARPA will continue some of those flexibilities one being for parents who are providing services for minor children. There are some rules that deviate from what the Division has been doing under their regular funding. Those rules will implement a 40 hour per week maximum for parents as paid caregivers to minor children (which is combination mom and dad for the same member). There is a very active group of families who would love to see some very specific changes to what AHCCCS is publicizing around the use of the ARPA funds for that project. Some conversations are occurring. The outcomes are not known. As the unwinding window moves forward, the Division will be communicating that out through electronic newsletters, webpage, town hall and to partners in our community to help get information out to families. **Bernadine Henderson** asked for clarification on when the PHE ends. Leah stated, January 15th. Bernadine as if parents are able to do Habilitation and Attendant Care? Leah stated that is the agreement with AHCCCS on a verbal basis, but FAQ have not been updated yet to reflect that. Leah stated the parents cannot do more than 40 hours max combined on the services. Parents cannot do 30 hours of Habilitation and 30 hours of Attendant Care. **De Freedman** added that AHCCCS has authority from the feds to fund that through to 2024.

**Cynthia Macluskie** stated there has been some communication from Support Coordinators, SC, telling parents that they are now required to be present for any behavioral health medication appointment on the call participating. Cynthia stated it was talked about with an adult. The SC stated it is required by DDD and AHCCCS as well as in a new policy. Leah stated there is a new policy coming related to Crisis and a mandate for when a member engages with Crisis making sure members are getting connected to the provider in a timely manner. **Brad Doyle** gave an update stating that the director of dental at AHCCCS regarding dental code D9920 which is behavior management. The director of dental was very helpful and stated it was moving slowly but adults over the age of 18 to get dental behavior management is going to be an added benefit. **De Freedman** reminded people about the statement that came out in June between the American Medical Association and the American



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Dental Association that individuals with IDD are not being served properly by their providers and they need to work on developing procedures and policies to make sure that their member's needs are being met.

**Joan McQuade** (DDD OIFA Manager - supports IOC Liaisons) shared working on the backlog. We had some staffing issues with contractors. A new one is starting Monday. We are working on the backlog to get caught up.

**Diane Kress** (DDD District West Quality Supervisor - investigative) no update but questions will be taken to Delorah. **De Freedman** requested what the policy and procedures for DDD Quality Management are and how quality is interacting with Adult Protective Services and Law Enforcement. District West IOC wants to understand how the system works so we can make recommendations for policy changes regarding the quality system and how we can all work together to improve the system. De asked if Jan 2023 is the date when AHCCCS system for incidents is moving over? De stated that the IOC will need assistance when the changeover occurs. Diane did not have a date at this time.

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**ADOA Update**

**Larry Allen** reported he will review the report but reminded De Freedman that she will be filing the report. He will send an email. He is setting up an open meeting law training which is about 2 hours. De asked about step by step and written policy and procedures related to IOC membership so a potential member is not prematurely voted in so it does not happen again.

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**Health Plans (HP) updates**

**Janet Holtz (Mercy Care) Ombudsman** reported that the agency continues to engage the Support Coordinators and the families of members regarding the process with the AAC devices. Mercy Care, with a collaboration with DDD are hosting a PCP developmental screening this Thursday. This is to give an overview on ASD and how to identify early signs and symptoms, also talking about AEZip. De Freedman asked if the PCPs understand they can get evaluations for the children without waiting for AEZip. Janet said AHCCCS for Autism, Mercy Care, and DDD will be doing a presentation so those types of questions will be addressed during the presentation. De stated that she is very concerned because the CDC changed their developmental milestones. De stated she is a firm believer in intensive early interventions and how it can change the quality of life for an individual with IDD.

Cynthia Macluskie stated that she heard from families that have AHCCCS not ALTCS and the health plans are required to do evaluations for AAC devices. Cynthia is wondering if the present health plans would be able to do training with the other health plans to educate so they will have a better understanding and the ability to connect families with service. Janet stated she did receive a concern the member was on a completely different plan. The AHCCCS AMPM (310 T or P?) does say that it is



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an AHCCCS covered for all lines of service and doesn't have to be ALTCS. Janet said she can suggest that to UHC leadership and that it may be in AHCCCS hands now. De stated that is a Fredreka Graham question. De asked if that is something that maybe AHCCCS OIFA can take the lead on? Fredreka stated that she would find out who to send the request to. She asked that the request is sent in writing so she does not mix up words and gets the request to the correct person.

**Dawn McReynolds (United HealthCare) Member Advocate** stated she will be attending the meetings moving forward on behalf of United HealthCare. She asks if questions are known to send them to her and she will take that back to her team [Dawn\\_McReynolds@uhc.com](mailto:Dawn_McReynolds@uhc.com).

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**DDD IOC Liaison Updates**

**Michelle Rademacher** shared that the AHCCCS 988 Program Director, CJ Loisel, and her team have agreed to come to each IOC meeting to do a short presentation on the initiative currently serving our members. They are planning to come to the November District West IOC meeting.

Death notifications are now going out more frequently than monthly from DW QI. IOC liaisons are sending the chair an email upon receipt from DW QI. An additional death report is sent to the committee with the monthly meeting reminder email.

The OIFA team reviewed and updated the "EARLY NOTIFICATION - POLICIES / PUBLIC COMMENT" distribution list effective 10/21/22. It has been reviewed to ensure all IOC members are on the list.

On Monday, 10/24/22 an email was sent out by Jeffrey Yamamoto on Monday about Article 9 training for IOC members. Article 9 certification class can be obtained through the Tracorp site. Questions or issues, reach out to the liaisons or the DDD volunteer coordinator.

The Office of Individual and Family Affairs (OIFA) continues to host town hall meetings for members, families and providers. The next town hall meeting will be held on DDD Thursday, November 3, 2022 6:00 - 8:00 pm. The schedule and agenda can be found at

<https://des.az.gov/services/disabilities/developmental-disabilities/town-hall-meetings>.

On 10/17/22 an email was distributed to all DDD IOC members with information on an upcoming meeting to discuss feedback received from the member Abuse & Neglect curriculum. The meeting is scheduled on Monday, November 7, 2022 from 10:30 a.m. to Noon. During the meeting, DDD will review the survey results with IOC partners to determine if there are any adjustments that should be made based on stakeholder feedback. We will also strategize ways to increase member awareness of this training." If you are interested in attending this meeting, please contact Neelo Ahmad, Leah Gibbs' administrative assistant, at [NAhmad@azdes.gov](mailto:NAhmad@azdes.gov) or 602-542-0453 and she will provide an invitation to the meeting.

Any questions from the IOCs to anyone (DDD, Health Plan, AHCCCs) with a request, I am asking that someone from the committee send their inquiry in an email so that there are no interpretation mistakes involved.





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**Discussion, Review, and Possible Action on Committee Membership**

Bernadine Henderson asked Diane if she has any questions before the committee votes. Diane stated she has enough information and is happy to share her experience and knowledge

- **Bernadine Henderson made a motion that the IOC add Diane as a District West IOC member.**
- **Brad Doyle Seconded the motion.**
- **All the members present (see Welcome and Introductions for attending members) voted “aye” and there were no “nay” votes**
- **Motion passed, Diane Cocolino is a new member of District West IOC.**

Cynthia Macluskie stated Olivia is interested in attending a meeting so she can join the committee. De Freedman shared she can join any meeting. She also stated she needs to go through the application process if she wants to become a member.

De added the committee is required to have two members who are currently parents of a DD member. De stated the committee needs members who have medical, law, education, criminal justice, and psychology experience.

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**Committee members elected to go into executive session at 7:23pm**  
**Executive Session: Discuss Specific Details of Death Incident Report**

**De Freedman adjourned the Executive session and returned to an open meeting at 7:56pm.**

The committee reviewed the following proposed questions for DDD:

1. Can a DDD incident report be closed before an autopsy report and/or police investigation is completed? What is the procedure?
2. What is the procedure when a DDD member dies unexpectedly at home in a DDD group home in a DDD adult developmental home or a DDD child developmental home?
3. When is an autopsy done? What is the procedure to request an autopsy and who can request an autopsy?
4. If there are bruises and or other physical signs of abuse what is the reporting procedure and who investigates?



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- **Bernadine motioned that the IOC submit the list of four questions to DDD.**
- **Brad Doyle Seconded the motion.**
- **All the members present (see Welcome and Introductions for attending members) voted “aye” and there were no “nay” votes**
- **Motion passed,** De Freedman will send the four questions via email to Mary Demery and Larry Allen with Delorah Grant and committee members cc'd. De asked the committee members not to reply all which could create a quorum and violate open meeting law.
  
- **Brad Doyle motioned to remove Julie as a member of the committee.**
- **Diane Cocolino Seconded the motion.**
- **All the members present (see Welcome and Introductions for attending members) voted “aye” and there were no “nay” votes**
- **Motion passed**

**De Freedman** announced that the Sunday before Christmas she will be having a gathering at her house, a Christmas cookie open house. It will be from 1-4pm.

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For all of **July** IRs, the Committee members have been given **572** for June incident reports in the Shared Drive. This included **26** open and **546** for closed reports.

<b>Type</b>	<b>Open</b>	<b>Closed</b>
Accidental Injury	<b>3</b>	<b>73</b>
Consumer missing	<b>2</b>	<b>11</b>
Deaths	<b>1</b>	<b>4</b>
Emergency Measures	<b>0</b>	<b>11</b>
Human Rights	<b>1</b>	<b>2</b>
Legal	<b>0</b>	<b>0</b>
Medication Errors	<b>3</b>	<b>32</b>
Neglect	<b>11</b>	<b>27</b>
Other Abuse	<b>1</b>	<b>7</b>
Other-Behavior	<b>2</b>	<b>248</b>
Other -Injury unknown	<b>0</b>	<b>120</b>
Physical Abuse	<b>2</b>	<b>10</b>
Property Damage	<b>0</b>	<b>1</b>
Suicide	<b>0</b>	<b>0</b>
<b>TOTALS</b>	<b>26</b>	<b>546</b>



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For all of **August** IRs, the Committee members have been given **891** for June incident reports in the Shared Drive. This included **62** open and **829** for closed reports.

<b>Type</b>	<b>Open</b>	<b>Closed</b>
Accidental Injury	<b>2</b>	<b>120</b>
Consumer missing	<b>4</b>	<b>16</b>
Deaths	<b>5</b>	<b>8</b>
Emergency Measures	<b>3</b>	<b>16</b>
Human Rights	<b>2</b>	<b>12</b>
Legal	<b>1</b>	<b>1</b>
Medication Errors	<b>2</b>	<b>50</b>
Neglect	<b>20</b>	<b>64</b>
Other Abuse	<b>9</b>	<b>20</b>
Other-Behavior	<b>4</b>	<b>316</b>
Other -Injury unknown	<b>1</b>	<b>173</b>
Physical Abuse	<b>8</b>	<b>24</b>
Property Damage	<b>1</b>	<b>7</b>
Suicide	<b>0</b>	<b>2</b>
<b>TOTALS</b>	<b>62</b>	<b>829</b>

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 them 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 public meeting at 8:10pm on October 25, 2022.

The next District West IOC meeting will be held on Tuesday November 22 , 2022, at 5:30 pm. This will be a virtual meeting.