

**CENTRAL ARIZONA
INDEPENDENT OVERSIGHT COMMITTEE
ON THE
MENTALLY ILL**

November 1, 2022

The Honorable Karen Fann
President, Arizona State Senate

The Honorable Russell Bowers
Speaker, Arizona House of Representatives

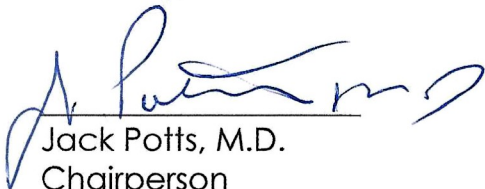
Dear Arizona Legislature President Fann, and Speaker Bowers,

On behalf of the Central Arizona Independent Oversight Committee on the Mentally Ill (CAIOC) it is my pleasure to present to you the 2021/2022 annual Independent Oversight Committee report for Central Arizona (Maricopa County). The report has been prepared in accordance with the requirements of A.R.S. § 41-3804(H).

The report reflects the caring work of the all-volunteer, statutorily designated, committee of Central Arizona. If you have questions or wish to discuss the contents of this report, please feel free to contact me at 602-885-1225, or IOC@ADOA.gov.

Thank you for your support of our work and the mentally ill of Arizona who may not be able to speak for themselves.

Sincerely,



Jack Potts, M.D.

Chairperson

for the - Central Arizona Independent Oversight Committee

Copy:

Senator Nancy Barto – Chair Senate Health and Human Services Committee

Joanne Osborne – Chair House of Representatives Health and Human Resources Committee

Don Herrington – Interim Director DHS

Jami Snyder – Director AHCCCS

Michael Faust – Director DCS

Michael Wisehart – Director DES

Andy Tobin – Director DOA

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FISCAL YEAR 2021-2022 ANNUAL REPORT

As provided in A.R.S. §41-3804(h), the Central Arizona Independent Oversight Committee on the Mentally Ill (the "Committee") is pleased to present its 2021/2022 Annual Report for your review and consideration. The Central Arizona Committee on the Mentally Ill had the responsibility for overseeing Maricopa County through the fiscal year ending in July 2022.

This Report summarizes the Committee's work during the fiscal year as well as anticipated work for the next year. A more detailed accounting of our activities and the issues that we addressed, is available at the Arizona Department of Administration's web-site: <https://ioc.az.gov/committees/ahcccs>, where there are copies of our meeting agendas and a recording of each of our meetings. These recordings serve as our meeting minutes and the record of the committee's activities as required under Arizona's Open Meeting Law, ARS §§ 38-431.01 (B), (C), (D) and -431.03(B)).

As one of four Independent Oversight Committees on the Mentally Ill ("IOC") the Committee's statutory mandates are outlined in A.R.S. § 41-3804. Each IOC shall provide independent oversight to:

1. Ensure the rights of clients are protected.
2. Review incidents of possible abuse, neglect or denial of a client's rights.
3. Make recommendations to the appropriate department director and the legislature regarding laws, rules, policies, procedures, and practices to ensure the protection of the rights of clients.

Additionally, the Committee submits written inquiries to specific problems or violations of client rights that the Committee has identified for review by the director of the department that is responsible for the client and, then, reviews the written response of the director to each objection. The Committee also issues an annual report of its activities and recommendations, if any, to various state agencies and the legislature.

TARGETED AREAS OF FOCUS FOR THE COMMITTEE'S WORK

In its last Annual Report, the Committee identified targeted areas of focus for its work for 2021/2022 and met ten times from July of 2021 through June of 2022, and through these meetings made steps in each of the following areas:

- Understanding members' access to telephone services at all housing placements and residential treatment facilities;

We continue to review various phone use policies from Behavioral Health Residential Facilities to ascertain their differences and how they impact the rights of the mentally ill.

- Reviewing members' experiences at psychiatric screening agencies;

Members visited the CBI psychiatric center in Mesa to review conditions. Visits to the other psychiatric screening agencies (urgent psychiatric centers) will be continued as they were delayed secondary to various restrictions. A formal investigation was requested of and conducted by AHCCCS into ConnectionsAZ and their record keeping policies. Violations were identified and were reported as corrected.

- Continuing review of IAD reports and clarifying what can and should not be redacted as well as attempting to coordinate limited review criteria with other IOCs ;

The committee reviewed hundreds of IADs and worked with AHCCCS to correct the many inappropriate redactions on the IADs. Progress was made but this is a continuing issue that we will continue to pursue.

- Reviewing options to identify unlicensed residential facilities (e.g., boarding homes) where the SMI resides and may be particularly vulnerable to exploitation.

Little progress was made in formally identifying unlicensed boarding homes where SMI residents may reside. A list of such residences for Phoenix was obtained. However, this is an issue of state-wide concern and the IOCs will work on making it mandatory for the ReBHAS and provider agencies to routinely report unlicensed facilities where their clients reside.

Additionally, the Committee pursued a broad agenda to engage with agencies and health plans providing services to members and with other IOCs providing oversight across the state.

- **Collaboration with Other Agencies.** Each meeting of the Committee includes updates from AHCCCS, Mercy Care, and the major health plans (contractors) whose members fall within the ambit of the Committee's statutory responsibilities. Over the past year, these updates helped the Committee gain better understanding of the organization of service delivery.
- **Close interaction with other IOCs.** The Northern, Southern and Arizona State Hospital IOCs are invited to attend our meetings. The Central IOC has formally placed a representative of the other IOCs on the Mentally Ill as a non-voting member so they may fully participate in our meetings.
- **State-wide teleconference between all the IOCs.** Through Larry Allen of the ADOA, state-wide teleconferences have been held with the IOCs for AHCCCS and DDD. This helped initiate conversations as to how we can benefit each other's populations and aid those most in need. This collaboration will continue.

- **Olmstead Plan Update.** Representatives of the IOCs met and developed and submitted formal input to AHCCCS regarding their long overdue (by decades) update to the Olmstead Plan which deals with transitioning vulnerable individuals into the community.
- **Activities of the Committee in furtherance of our mission:**
 - **New Member from Pinal County.** With expansion of Mercy Care's geographic coverage anticipated in October 2022 that is to include Pinal and Gila Counties, we were able to recruit Pinal County Assistant County Attorney Geraldine Roll, as a new member representing the criminal justice system.
 - **Other IOC Meetings.** The Committee Chair, also frequently attended the other IOCs' monthly meeting and provided updates while members of the other IOCs attended our meetings.
 - **Educational Sessions.** Informative and educational updates were provided to the Committee from: The Arizona Behavioral Health Planning Council, Mercy Care(presentation on Adult Residential Facilities), monthly updates by the 'provider/contract' agencies under the ReBHA - Mercy Care: (Banner Health, Molina Health Care, United Health Care, Arizona Complete Health, CareFirst), and ongoing updates by AHCCCS (specifically Fredreaka Graham – our AHCCCS liaison).
 - **Site Visits.** Members of the Committee made unannounced site visits to six (less than during pre-pandemic times) licensed facilities where SMI residents live or were housed. There were no significant problems noted in any. Issues as to the quality and quantity of therapeutic activities as well as the quality of 'individualized' treatment plans were raised leading to further discussions about in-depth investigations.

CONTINUED FOCUS ON TARGETED AREAS

As always, time and manpower constraints limit exploration of issues and attainment of goals. In this post-pandemic transition year, the Committee generally conducted its meetings virtually but were able to have one in person meeting that was attended by limited members. On two occasions when a quorum was not present meetings were held for informational purposes and with no formal business conducted. The Committee also gradually resumed site visits to places where members reside and receive screening, evaluation, and treatment services.

The Committee's meetings and site visits affirmed that four key areas merit continued focus in the upcoming year:

- Violations of human rights of individuals living with SMI residing in unlicensed group homes. These homes are beyond the reach of the Arizona Department of Health Services licensing (“ADHS”), which creates a distinct risk of economic and other exploitation.
- Actual levels and quality of services, therapeutic activities, and individually oriented treatment in licensed Behavioral Health Residential Treatment Facilities.
- Reviewing and analyzing IADs and discussing results with providers and agencies to monitor individual and systemic violations or harm to these vulnerable mentally ill individuals.
- Working with AHCCCS and providers to develop a better method for not over-redacting IAD’s that respects member rights while enabling the Committee and AHCCCS to work together on oversight and protection of members’ human rights.
- Improving community awareness of protections and options for the SMI population.

Annual Meeting of all IOCs. The Committee hopes to promote/facilitate an annual meeting of all IOC members in the next year, even if virtually (as was done with the chairs this last year). By sharing experiences and developing more informed and efficient methods to discharge their statutory duties, the IOCs working together can better discharge their responsibilities as defined in A.R.S. §§ 41-3803 and -3804 and the Arizona Administrative Code in R9-21-105.

Cross-Participation in IOC Meetings. The Central Arizona IOC Committee Chair and members will continue to attend and participate in the other Arizona IOC’s monthly meetings. Each committee’s members participation at other committees’ meetings generates helpful information and resources for each of the committees.

ADDITIONAL PRIORITIES

Membership: The Committee will seek to add members from the areas required by statute that are un(der)represented by current members, notably: a current or former client of the behavioral health system; housing; public safety.

Enhanced Number and Scope of Site Visits, including Pinal and Gila Counties. The ability to make site visits to members’ residences and treatment facilities across the continuum of care is a unique feature of Arizona’s legislation that authorizes the IOCs. A.R.S. §41-3804(M) provides that the Committee *“shall, for a client who needs special assistance, and may, for any other client who is seriously mentally ill make regular site visits to a residential environment and meet with the client in a residential environment to determine the client’s satisfaction with the residential environment ...”* Year after year, the

Committee finds that site visits are time-consuming but enlightening. The Committee will attempt in the upcoming year to include visits to Gila and Pinal Counties. A primary focus is to conduct more site visits.

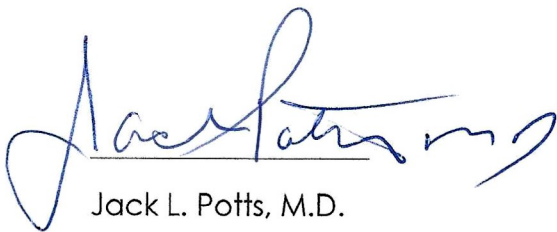
EXPRESSION OF GRATITUDE

This has been a transitional year that has taken its toll on the volunteer members of the IOC primarily because of the lack of in-person meetings and the constraints COVID fluctuations placed on conducting site visits. Enough cannot be said about the quality of our all-volunteer committee members and their caring attitude for those vulnerable mentally ill individuals we help oversee.

The Committee benefitted from the attendance and regular reporting by representatives of area health plans, Mercy Care, and AHCCCS and, more recently, DDD. Furthermore, the provider agencies: Banner Health, Molina Health Care, United Health Care, Arizona Complete Health, CareFirst have always attended, reported updates and generally been responsive to our questions.

The Committee expresses its appreciation and respect for the diligent, extremely competent work by Larry Allen and the Arizona Department of Administration. From technical support for virtual communications to meeting logistics to compliance advice to facilitating outreach with other IOCs, Mr. Allen has supported the Committee in many ways. The Committee has continued to experience a vast improvement in the relationship between AHCCCS and this Independent Oversight Committee; in large part because of the efforts of the AHCCCS IOC liaison Ms. Fredreka Graham. We are grateful.

Respectfully submitted this First day of November 2022.



Jack L. Potts, M.D.

Chair, (for the Committee)

Current Members

Jack Potts, MD (Medicine, Psychology)- Chair
Marie Raymond (Family Member – Parent, Education) – Vice Chair
Jim Ward (Mental Health) – Secretary (resigned September 2022)
Matthew Moody (Mental Health, Social Work)
Holly Gieszl, Esq. (Law, Health Care Law and Standards)
Joy Green, (Family Member-Parent)
Josh Mozell, Esq. (Law, Mental Health, previous case-manager)
Kathi Roe (Family Member – Parent, Special Education)
Geraldine Roll, Esq. (Law, Criminal Justice System)