



November 1, 2022

The Honorable Karen Fann
President, Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

The Honorable Russell Bowers
Speaker, Arizona House of Representatives
1700 West Washington Street
Phoenix, Arizona 85007

Dear President Fann and Speaker Bowers,

On behalf of the DDD South Independent Oversight Committee, please find the 2021-22 Annual Report that outlines our committee's activities and recommendations. The report was prepared in accordance with the requirements of A.R.S. § 41-3804(H).

Thank you for your continued support of the committee volunteers that are protecting those in need.

Sincerely,

Robert J. Malloy
District Chairman, North

cc: Nancy K. Barto, Senate Health and Human Services Committee Chairman
Jami Snyder, Director of Arizona Health Care Cost Containment System
Mike Faust, Director of Arizona Department of Child Safety
Don Herrington, Interim Director of Arizona Department of Health Services
Michael Wisehart, Director of Arizona Department of Economic Security
Joanne Osborne, House of Representatives Health and Human Services Committee



DDD District North Independent Oversight Committee Function

Independent Oversight Committee (IOCs) is required by ARS 41-3801 and 41-3804 and functions as an independent advisory committee for members served by the Arizona Division of Developmental Disabilities. District North serves the northern section of the state to include Yavapai, Mohave, Coconino, Navajo, and Apache. Area wise this is over half the landmass of Arizona.

Each committee shall provide oversight to:

Ensure that the rights are protected.

Review incidents of possible abuse, neglect, or denial of a client's rights.

Make recommendations to the appropriate department director and the legislature regarding laws, rules,

Policies, procedures, and practices ensure the protection of clients' rights receiving behavioral health and developmental disability services.

Each committee shall issue an annual report of its activities and recommendations for changes to the ADOA Director, the Director of the Department of Economic Security, the President of the Senate, the Speaker of the House Representatives, the Chairpersons of the Senate health and human services committee and the House of Representatives health committee, or their successor committees.

Our primary efforts due to COVID 19 meeting restrictions has been focused on reviewing incident reports given to us by DDD Quality Management and Behavior Treatment Plans submitted to DDD, that have been approved by Program Review Committee for DDD, for individuals who live in a DDD residential settings and are taking any medication(s) that assist in behavior modification.

The committee reviews data trends regarding providers and the number of incidents they report in a month. We also look at individual members and the number of incidents they have in a month to see what resources need to be extended to them or action taken by the committee to improve the quality of life.



Membership:

Robert Malloy Chairman

Sandra Malloy

Jody BonDurant-Strong

Don Harrington

Per ARS 45-3901, our committee is to be composed of at least seven and no more than fifteen members with members having expertise in the following areas: psychology, law, medicine, education, special education, social work, criminal justice, and at least two parents of children/adults who receive services from DDD.

Membership of the committee was only four members starting in July 2021. Recruiting new members is an ongoing process, and DD/DES has been helpful; we had one new member volunteer and appointed this year. All our current members have been trained in Article 9 standards.

Northern is a large physical territory and even without COVID 19 restrictions meeting physically was one of the problems recruiting members. All our committee members work and the committee has voted to virtual even if meeting restrictions are lifted. The statutory intention of this committee is to protect our members and enhance the quality of their lives as it pertains to DDD services.

Meetings

Ten virtual meetings were scheduled. Two were not held due to a quorum of committee members.

Incident Reports

District North reviewed a total of 3486 incident reports and 226 behavior plans from 4097 clients. These came from these sources: 53 Adult Developmental Homes providers from 19 agencies, 4 Children Developmental Homes from 4 agencies, and 175 Group Homes from 28 agencies.

2020-2021 District North IOC received incident reports dealing with reported Physical Abuse, Sexual Abuse and Other Abuse, Neglect, Accidental Injury, Missing Clients, Emergency Measures, Human Rights Violations, Medication Errors, Death, Suicide, Hospitalization, and Theft and Property Destruction.



Because the committee had only four members, we could only review "open" incident reports and some "closed" human rights reports. Less than 1% required followed up on the Arizona Administrative Code, Title 6, Chapter 6, Article 9 violation questions. The District North Quality Improvement unit led by Staci Rodarmel and Robin Glau supervisor does an outstanding job reviewing incident reports for human rights violations. Our committee found no incident reports with rights violations not caught by their team.

In 2021 DDD developed a secure electronic review system that eliminated paper incident reports being mailed to committee members. This was a significant improvement over the previous system. Incident reports reviewed by the committee are timely due to Michelle Rademacher & Jeffery Yamamoto administrative actions.

Committee Observations.

Due to COVID 19, the committee did not perform onsite inspections. The committee did take part in policy notification reviews. Over thirty policies from the Department of Economic Security, Division of Development Disability were reviewed and comments pasted back to appropriate agencies staffing the policy review.

One of the major policy changes of many was the addition of Down syndrome as a qualifying diagnosis for services from the Division of Developmental Disabilities (DDD). This change will reduce the burden on families in the first part of the eligibility process for DDD services.

The following observations are from incident reports written.

Dental Care

Dental care is still lacking for DDD members, and extraction is most often the choice of treatment after years of neglect. Lack of appropriate dental care is a health threat and the cause of chronic pain in those unable to communicate. We urge full funding of dental care. This was identified in last year's report.



Wages

The suppression of minimum wage and underfunding of DDD providers by the State of Arizona has caused difficulty in hiring and retaining appropriate, skilled, and dependable workers for group homes and has forced providers to leave Flagstaff. Increase of statewide minimum wage and increased payment for providers was provided this year but high turnover of staff is still a problem. This turnover causes the safety and proper supervision, protection, and improvement of quality of life for all members.

Problem with Caretakers

The committee was amazed by the number of reports that include member abuse. Whether it is stealing their funds or physical abuse of clients. The abuse and neglect of clients report statistics that only 5 out of 100 face any charges that only adds to the problem. The committee desires that Abuse & Neglect and Neglect protocols come with more teeth, much like what we find in Article 9. Because the abuse is perpetrated by caretakers, it needs to be taken more seriously.

Police Involvement

Many times when providers call "crisis," they are told to call the police. The police do not have the appropriate training to deal with our members. The police and the jails and courts are not a proper place for our members. Involving the police can result in a tragedy such as death.

Taking a client to jail treats them as a typical criminal, and police do not understand their unique mental situation and specialized needs. Clients have been denied their medication while in jail resulting in further behavioral and medical issues. These issues are directly in opposition to laws and policies in place to ensure our client's human rights. Policy changes need to be instituted to prevent these things from happening. This is a recurring observation from last year's report.

Housing Support

High functioning individuals who need assistance for physical care but are otherwise independent are necessary. These individuals are often housed with severely behavioral individuals or in individual homes where regular interaction with the community is difficult to obtain. We are aware of support for particular (higher functioning autism spectrum individuals), and DDD needs to provide the same attention to high functioning individuals with physical disabilities.



Resignation

With regret I must submit my resignation as Chairman of District North Independent Oversight Committee. Poor internet and cellular communication make it difficult to operate virtually in this committee from where I live. I have changed twice in the past year from other service providers without significant improvement in reception. Second, I have some medical issues that are increasingly making it difficult to read and write my comments as a member of this committee.

Robert J. Malloy

Program Chair, District North