

## **Independent Oversight Committee Function**

The Independent Oversight Committee (IOC) is required by ARS 41-3801 and 41-3804 and functions as an independent advisory committee for members being 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 to receive 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.

We are still watching out for COVID-19 incident reports and watching out for what the DDD protocols will be should COVID-19 raise its head again. It has been a busy fall for IOC North, we plan to refocus ourselves on reviewing incident reports given to us by DDD Quality Management and Behavior Treatment Plans submitted to DDD, which have been approved by the 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:**

1. Don Harrington: Member - **Promoted to IOC North chairperson 1-18-23**
2. Becky Keenan: MEMBER - **New Member as of 5/17/2023**

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 2 members starting in July 2023. 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 in 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 2936 incident reports and 46 behavior plans from 3082 clients. District North held a total of 11 meetings over the fiscal year July 2022 - June 2023, and IOC North took part in 4 state IOC Chair meetings.

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.

2022-2023 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 2 to 3 members at one time since Jan. 19, 2023, we reviewed as many incident reports as we could, and we have started reviewing the BTP from the north. We reviewed "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.

### **Committee Observations.**

The committee did take part in policy notification reviews. Over thirty policies from the Department of Economic Security, and Division of Development Disability were reviewed, and comments were passed 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 now available and appears to be working well, except there are too few Dentists participating in this program. 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**

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. When the minimum wage increased in Flagstaff, so did the prices, so the increase in wages had little to no effect. This issue must be solved to create a safe environment for our members. The turnover rate is still worse than before which is causing 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 included member abuse. Whether it is stealing their funds or physical abuse of clients. The abuse and neglect of clients report statistics say that only 5 out of 100 face any charges, which 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; however, the city of Flagstaff has 2 officers who have special training to deal with adults with physical and mental disabilities. These officers train their fellow officers in these techniques to lower the risk of them getting hurt. Most of the police departments do not have the appropriate training to deal with our members. Most members do have high enough intellect levels to understand the consequences of their actions. Therefore, this population is at risk of injury, trauma, or death. due to an untrained police officer. Placing them in Jail or prison only adds to their poor quality of life and places the person with disability and the officer at a higher risk of losing their life.

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**

District North seems to have a good variety of housing options with the exception of IDLA housing. In District North, there is a 2-year-plus waiting list for IDLA housing. There are private companies that offer an excellent array of therapies and activities. However, these types of housing are off-limits to most of those with disabilities due to the high monthly cost.

In group homes the members are placed with 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 (higher-functioning autism spectrum individuals), and DDD needs to provide the same attention to high-functioning individuals with physical disabilities.

## **Resignation**

1. Robert (Bob) Malloy: CHAIRPERSON (May 2020) - **Resigned 12-21-22** health/vision issues, internet/phone connectivity issues
2. Sandra Malloy: MEMBER - **Resigned 12-21-22** taking care of her mother full-time
3. Jody BonDurant- Strong: MEMBER - **Resigned 12-29-22** too many other obligations/not enough time
4. Kim Foy: MEMBER **Resigned 3/1/23** recent events in personal life; unable to fulfill duties
5. Christine Ostendorf: member – **Resigned 10.2023** stating that she is overwhelmed with work and school for her master's.

Donald R Harrington

District North IOC Chair