

maricopa county
Human Rights Committee
 for the mentally ill



Date: March 28 th , 2018	Maricopa Human Rights Committee Draft Minutes
Committee Members Present: Jack Potts; Holly Gieszl; Joy Green; Josh Mozell; Lisa St. George; Jim Dunn; Jim Ward; Deb Jorgensen-via telephone	
Non-Committee Members Present: Yisel Sanchez; AHCCCS; Dana Hearn, AHCCCS; Troy Chester, MMIC, Miral Pierce-Byrd, MMIC	
Other Attendees: Kathleen Roe; Laurie Goldstein; Charles Goldstein-via phone; Anne Ronan; Anna Branson;	
Committee Members Absent: Scott Gormley	
Next Meeting: April 18, 2018	
Approved: _____, Chairperson	

Item	Discussion	Follow-Up/Action	Person(s) Responsible for Follow Up	Target Completion Date
Call to Order and Introductions	Vice chair, Jack Potts calls meeting to order at 5:03pm. Declaration of quorum Vice-chair welcomes guests. Jack announces Scott Gormley's absence and noted he is subbing.			

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Chair	<p>Jack notes that the committee is already aware of Scott's resignation from the committee. Resignation was submitted to the committee.</p> <p>Jack would like to go into executive session after regular meeting to discuss personnel issues.</p> <p>Jack expressed confusion on email sent by Dana on March 15th, wherein she stated AHCCCS had still not received a resignation from Scott Gormley, designated chair. Jack stated this led him to believe they needed to have a formal resignation from Scott to AHCCCS.</p> <p>Scott has not notified AHCCCS of resignation, but committee can notify AHCCCS of resignation.</p>	Further discussion regarding this matter will continue in executive session.	Executive committee	TBD
Public Comment	<p>Dr. Charles Goldstein introduces himself and shares some background about himself.</p> <p>Kathleen Roe introduces herself as a potential member. Kathleen shares some background on herself, special education teacher, mother and has a family member with SMI.</p>			
Approval of Minutes	Committee discussion to approve meeting			

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for February 21, 2018, January 23, 2018 and February Sub-committee	<p>minutes for February.</p> <p>Jack noted changes were made and sent to Yisel.</p> <p>Jim D corrects name on page 2.</p> <p>Jack stated that meeting minutes for subcommittee/executive meeting in January and February should be ready at April meeting. Lisa makes motion to approve meeting minutes, Josh seconds. All voted in favor.</p>	<p>Correction on name pointed out by Jim D</p> <p>Jim W. tasked with completing the subcommittee meeting minutes for January.</p> <p>Holly tasked with executive session minutes for February and March.</p>	<p>Jim W.</p> <p>Holly</p>	<p>April meeting</p> <p>April meeting</p>
SB1450	<p>Jack shared information in SB1450</p> <p>Senator Barto proposal to change name from HRC to 'independent oversight committee' and to change administrative environment to Department of Administration vs. AHCCCS.</p> <p>Bill passed both the Senate and the House. Unsure as to what next steps are. Bill was amended at the request of AHCCCS, removing ASH forensic from HRC oversight, Senator Barto added back in. AHCCCS required HRC to submit three names whenever a member is</p>			

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	proposed not just one.			
Open Meeting Law	<p>Jack reminds everyone that OML training will take place on April 13 and May 4th from 9-11am at AHCCCS.</p> <p>The ombudsman from the AG office will provide training.</p>	Attend training	Committee members	April 13 2018
AHCCCS Update	<p>Dana reviewed what correspondence of deliverables they have access to</p> <p>Jack reminds agreement that any formal request will be in writing</p> <p>Jack notes everyone should have access to the portal for the Special Assistance list if they wish; Jim D does not want access</p> <p>Dana noted that some people may be providers for people on the list so consider conflict of interest</p> <p>Deb notes it will help</p> <p>Jack reminds committee that all formal communications should go through the chair</p>	<p>Yisel should forward special assistance list to Debra</p> <p>Yisel will send FTP (File Transfer Protocol) paper work to committee and they will need to fill out and submit</p> <p>April meeting- FTP training by AHCCCS so that committee can access Special Assistance list there</p>	<p>Yisel</p> <p>Yisel</p> <p>Yisel/ Dana</p>	<p>25th of the month</p> <p>By 4/6/2018</p> <p>April 18 2018</p>

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	<p>Holly discussed person first language poster similar to OSHA poster –</p> <p>Holly thinks it may be good to think about funding to produce person first posters for HRC. Holly notes happy to follow up with Lisa and bring formally.</p> <p>Lisa notes the people we are serving and talking about here need to be respectfully spoken of, not referred to as their diagnosis - help to avoid stigma. Key talking points to help with stigma.</p> <p>Josh inquired where they should go. Holly notes there is no placement strategy yet. Holly shares concept of around the world circle with line through it recognized as “no” or “stop” could be used on the poster.</p> <p>Holly discussed Johns Hopkins and communication of public health messaging.</p> <p>Jim notes there are posters of all kinds available online</p>	<p>Workgroup formed.</p>	<p>Holly Lisa Jim W Josh</p>	<p>April meeting</p>

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	<p>Jack notes he will break and let public talk</p> <p>Public member said for many years it was "that Downs kid" - did signage for handicap.</p> <p>Jim W notes that committee has thrown around "crazy" as well as "this person is schizophrenic" - we are human rights and should champion this change in language.</p>			
<p>MMIC Update</p> <p>Discharge from Level 1 facility to homeless shelters</p>	<p>Miral stated she could provide an update on IAD portion. MMIC uploading all IAD as requested, notification to do this was received mid-March and have been doing since then.</p> <p>Regarding discharges from Level 1 facility to homeless shelters, housing department attended in February and presented on these issues. Lynda answered this question at the time of the presentation. Miral stated she thought questions had been addressed.</p> <p>Miral asks for specifics that were not covered in that presentation. Jack asks for clarification, Miral stated that one of the questions HRC asked for was discharges from Level 1 facilities to homeless shelters.</p>			

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Update on RS	<p>Miral stated Lynda is expert and thought this was addressed in February. Josh stated there was no definitive answer. Jack stated they did not receive a response. Josh stated these are numbers he has wanted for a long time.</p> <p>Miral was unsure as to what numbers Josh is referring to.</p> <p>Miral reiterated that formal request in writing would be more helpful in keeping track of requests.</p> <p>Jack briefly reminds committee who RS is.</p> <p>Man was Special Assistance and diabetic and didn't have water for some time, had trouble getting supplemental cash, and was on COT but hadn't been seen for 4 months.</p> <p>Jack shares correspondence between the committee and MMIC.</p> <p>Jack was also concerned about getting records.</p> <p>Jack shared he was told committee was not</p>	<p>Holly and Josh will draft email with questions to present to MMIC, including COT, per Lisa by next meeting.</p>	<p>Holly Josh</p>	<p>Before April 18 2018</p>

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	<p>allowed to have any confidential information (without an ROI) . Jack stated they are allowed to get this material to his understanding</p> <p>Jack notes he is concerned that they cannot get information on RS</p> <p>Joy notes her concern also.</p> <p>Holly notes she would like to review the statute etc.</p> <p>Josh said it “shall” be given.</p> <p>Miral notes subject to privacy.</p> <p>Holly recited statute and notes that it is Establish purpose - namely an investigation of a COT person and Special Assistance</p> <p>Given risk of patient not being seen and access to water concern. Holly feels this meets the test of the official purpose 38-104 L or I Jack notes they are looking at human rights violations and have asked for those records.</p> <p>Josh if doing things for official purpose of</p>			

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	<p>committee - shall get those records.</p> <p>Miral notes she has laid out her reasoning and notes committee has the right to have it reviewed by AHCCCS.</p> <p>Jack says the chair is not happy with MMIC response and provided ROI to Miral at this point.</p> <p>Jack asked if AHCCCS reviewed decision. Dana clarified that the committee has the right to send to AHCCCS for review and furthermore.</p> <p>Holly inquired if MMIC is Miral's client since Miral is an attorney.</p> <p>Holly notes they will get an attorney for the committee - maybe to talk about it in more detail when in executive session and maybe consider attorney that represented Tucson HCR would take this matter pro-bono.</p> <p>Miral reviewed that at past meetings Jack stated he did not want to personally be grieving party and grievance has been completed through MMIC.</p>			

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	<p>Jack notes they wished to do a parallel investigation with HRC as grieving party to MMIC grievance on RS case</p> <p>Holly cited minute concerns with not enough detail</p> <p>Dana reviewed committee responsible for final meeting minutes and AHCCCS provides administrative support</p> <p>Lisa reviewed it is hard to capture minutes due to people speaking over each other</p> <p>Jack asks for updates from Troy- No updates</p>	<p>Jack will formally request why they cannot get access to records and appeal MMIC denial of records</p>	<p>Jack</p>	<p>Before April meeting</p>
<p>Housing Issues- Concerns and Updates, Anne Ronan</p>	<p>Anne relates information that was shared with her.</p> <p>Anne stated that her concern is that someone from MMIC- UM office is reviewing placement of people with SMI, and they are contacting clinical team directly and instructing them that an individual no longer meets criteria for permanent supported housing and they should submit a step down packet due to the individual no longer meeting criteria.</p>			

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	<p>In particular, there were cases where the client was not consulted and was not part of the conversation or planning. There was no ISP, no notice to the change and no right to appeal. Some people are being forced to leave their long time homes (10-15 years) and find alternate housing.</p> <p>When parents or guardians attempted to file grievances; MMIC said if you did not get NOA, you could not appeal. It would not matter if you did appeal because they did not meet criteria to remain where they were.</p> <p>DHS required all these places be licensed as BHRF and this action then allowed MMIC to require prior authorization as if short term facilities. However, these are permanent supported housing.</p> <p>Many people this is happening to are 60-65. Two sets of protections for SMI and in public health.</p> <p>Federal Medicaid laws (notice of change, right to a hearing and right to continuum pending</p>			

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	<p>hearing). State regulations as a result of Arnold are independent of medicaid funding.</p> <p>Anne notes they got a response back from MMIC Counsel that they are not violating laws and doing what they were supposed to do and they want individual cases. Anne noted these actions violate supported housing laws.</p> <p>Anne will not do individual cases - clinical teams feel bullied and without choice - they are told if they do not agree the individual may be homeless. Anne noted this is against the law and they need to stop.</p> <p>AHCCCS will hopefully get this worked out – regulations could not be clearer.</p> <p>Internal sources – Anne stated that another category in housing - what do we do with people that have lived in these homes long term.</p> <p>Woman today 64 years old, diagnosed with schizophrenia , been there 15 years, that is her home. MMIC said they would terminate her funding for the setting due to not being able</p>			

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	<p>to progress.</p> <p>Anne notes no NOAs and not updating the ISPs.</p> <p>Jim D notes this is UM telling the clinical teams what to do and this is not treatment.</p> <p>Anne notes clinical teams do not agree and a lower level of care will not be able to meet this.</p> <p>Josh asked about communication being in writing - Anne notes team members have seen emails from MMIC.</p> <p>Jim W notes there is a gap between people that need that level of care permanently; he notes Josh discussed this at prior meeting</p> <p>Jim D notes the clinical teams need to push back.</p> <p>Anne notes 2 provider agencies she is hearing from.</p> <p>Anne notes she heard from Dick on another</p>			

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	<p>committee that it has happened with the step-downs and needing hospitals.</p> <p>Anne notes she is looking into the older cases.</p> <p>Josh reviewed due process rights. ISP, NOA</p> <p>Jim W notes one of the issues is if UM says move, the clinical team can push back but however, if the housing is not getting paid - suddenly 3/5 beds not covered and house has to shut down.</p> <p>Jim D notes that clinical team should push back for payment as well.</p> <p>Anne clarified people can appeal without a Notice of Action.</p> <p>Holly notes the person may get kicked out in the meantime.</p> <p>Anne notes providers she is working with are allowing members to stay.</p> <p>Holly notes this is like early days with MCOs - in order to get around quality assurance - big</p>			

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	<p>HMOs (Health Net in CA) would do it through UM and say we don't pay for such services, etc</p> <p>Anne notes federal regulations have incorporated a lot of protection consumers have under Medicaid. Anne read article of privatization in the health care field - protected property interest - due process. Anne notes these people (RBHA) know there are rules.</p> <p>Holly noted injunction.</p> <p>Jack reminded that when ReBHA changed during a site visit they were told letters were sent out to all in BHRF stating their case would be reviewed within 60-90 days; Jack stated that Paul Galdys showed them the letter and issues were raised at the time.</p> <p>Joy notes this happened to her daughter when she was inpatient. Joy notes that it was the insurance company. Anne clarifies they would need a Notice Of Action.</p> <p>Anne notes that if the committee is seeing this in their work to have people contact her</p>			

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	<p>directly.</p> <p>Jim D notes MMIC should come give a report to the committee in regards to UM efforts.</p> <p>Josh notes they need specifics of a case in order to refute MMIC letter. Josh notes he does not want a presentation on that.</p> <p>Holly asked about having a public hearing regarding this matter.</p> <p>Anne notes this is a reflection of a bigger issue; regulations not recognizing long term housing needs. Anne notes they were opposed to treatment similar to inpatient. Due process stuff should be resolved. Anne notes AHCCCS is working with MMIC. MMIC noted they would issue notice of actions. It would be illegal if didn't go through rules and ISP process.</p> <p>Jack discussed corrective action plan option.</p> <p>Anne notes that MMIC will now issue NOAs and that is not what rules provide for.</p>	<p>Committee will conduct site visits with heightened awareness of these concerns</p>	<p>All MCHRC members</p>	<p>Ongoing</p>

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	<p>Jack discussed systemic issue and they are treating BHRF like a SNF. Mental illness is different than a broken femur.</p> <p>Anne notes BHRF providers state they are not getting referrals. People are waiting for dc and there are empty beds not getting referrals.</p> <p>Jack and Joy note they see empty beds all the time during site visits.</p> <p>Anne notes we need a public hearing about the bigger issue.</p> <p>Deb J asked for possibility of those that have been stepped down from last time reviewed and we would have specific names to look at. List was brought by MMIC - maybe not an actual list - but a number of utilization reviews that would happen. Deb notes it was a handout from Troy.</p> <p>Dana clarified Special Assistance list. Also, noted it was not 'live' data. Holly notes 25-30% consistently were not living there. Dana reviewed work done to continue to increase accuracy</p>	<p>Committee is implementing a workgroup to look at this issue. Holly made motion to draft a letter of concern. Joy seconded. All vote in favor.</p>	<p>Josh Lisa Deb</p>	<p>Before April 18 2018</p>

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	<p>Jack notes visits and accuracy has improved; ones that were not there on recent site visit had only been gone 4-6 weeks.</p> <p>Anne said those are people on Special Assistance more likely need that level of care.</p> <p>Jim notes that the list is incorrect or old. Boarding home is mislabeled.</p> <p>Lisa notes she has concern about if anyone is tracking what is happening to these people and that she has observed over the years that people who lose their housing due to things out of their control do not do well. Loss of housing is detrimental to the wellbeing of the people served by the system. Final draft letter should be sent to the chair before next meeting.</p> <p>Joy notes when going on the site visit they can ask about people that were stepped down.</p>	<p>Letter will be developed by workgroup</p>	<p>Josh Deb Lisa</p>	<p>Before April 18, 2018 as noted above</p>
IAD's	<p>Lisa asked question about specific way to write/report on site visits so it is consistent</p>			

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	<p>Jack notes that the way Lisa did it last time was more than adequate; report does not need to be in writing</p> <p>Holly suggests a template</p> <p>Jack notes this process is rotated to keep fresh eyes on it.</p> <p>Group will review schedule</p>	<p>IAD Review Schedule:</p>	<p>April – Deb</p> <p>May – Holly</p> <p>June – Josh</p> <p>July – Jim W</p> <p>August – Lisa</p> <p>Sept – Jim D</p> <p>Oct – Joy</p>	<p>Monthly</p>
<p>Site Visits</p>	<p>Joy reported that she and Jack visited one residence with 5 residents – 3 special assistance- one not there and had left pretty recently – and one in hospital</p> <p>This was a “level 2” residential treatment facility.</p> <p>Talking with staff manager - high turnover with c/m and not always notified of changes; step down process was often delayed because of high turnover. Individual residents would like more freedom. It was too restricted and they were sitting there bored even though</p>			

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	<p>they had activities.</p> <p>Jack notes that Access is housing manager and had full staffing. Home was impressive and very clean.</p> <p>Jack reported that the home was too structured - phone calls were limited to 6-8 PM only; had to give a week notice for outings.</p> <p>Anne notes this is a violation of supportive housing rules.</p> <p>It was noted transport didn't show up three times for one client which discouraged the client from wanting to increase activity level.</p> <p>Members are not allowed to leave property in this program. Jim D asked if this is considered incarcerated. Jim W clarified it is not a locked facility but there are rules for treatment. Some of these facilities sound like adolescent facilities.</p> <p>Anne said she'll send forward report of WICHE of supported housing. Anne notes supported</p>			

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	<p>housing rules apply to all.</p> <p>Jim D notes that residential is different from housing; Anne notes that is not true.</p> <p>Holly notes that she read WICHE Report several times.</p> <p>Anne clarified WICHE reviewing standards for all housing. Systemic problems with housing in Maricopa County.</p> <p>Jack notes committee really appreciated presentation MMIC gave on housing last month.</p>			
Unfinished business	<p>Tasks to be completed - will look at back minutes</p> <p>Next meeting 3rd Wednesday will be back at REN.</p> <p>Clarified to go past 7pm they will need to reach out to REN for permission</p>	<p>Review Minutes</p> <p>Contact REN</p>	<p>Committee</p> <p>Jack</p>	<p>Ongoing</p> <p>April 10</p>

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Future Agenda Items:	<p>Holly shared that she will have daughter come to the next meeting to help her with 'skype' and 'go to meeting' so people can log on to the meetings. Committee discusses skype as an alternative for members to attend.</p> <p>Committee encouraged to look at tasks on previous meeting minutes - chair can delineate.</p> <p>Josh brings up committee tasks according to R9-21-105.</p> <p>Josh shared that committee is responsible for quarterly report on the first days of specific months.... Jack notes no previous reports per his recollection.</p>	<p>Presentation re: attendance options</p> <p>Place on April agenda</p> <p>Holly tasked to draft quarterly report. No need to comment back and forth. Holly will send to chair and chair will send out.</p>	<p>Holly</p> <p>Jack</p> <p>Holly</p>	<p>TBD</p> <p>April 18 2018</p> <p>April 18 2018</p>
NEXT MEETING	<p>Date: April 18, 2018 5:00PM-7:30PM 212 E. Osborn Road, Phoenix 85012</p>	<p>Meeting adjourned to exec session at 7:02pm after Holly moves, Josh seconds, all in favor.</p>		