

maricopa county  
**Human Rights Committee**  
 for the mentally ill



<b>Date:</b> December 20 <sup>th</sup> 2017	Maricopa Human Rights Committee Draft Minutes
<b>Committee Members Present:</b> Scott Gormley, Chair; Joy Green; Holly Gieszl; Jim Dunn; Lisa St. George; Josh Mozell; Jim Ward; Jack Potts, M.D.; Deb Jorgensen	
<b>Non-Committee Members Present:</b> Yisel Sanchez; AHCCCS; Dana Hearn, AHCCCS; Troy Chester, MMIC, Miral Pierce-Byrd, MMIC	
<b>Other Attendees:</b> Anna Branson, Arizona Center for Disability Law; George Grimes	
<b>Committee Members Absent:</b>	
<b>Next Meeting:</b> January 17, 2018	
<b>Approved:</b> _____, Chairperson	

<b>Call to Order and Introductions</b>	<p>Chair, Scott Gormley calls meeting to order at 5:03pm. Roll call, quorum present</p> <p>No introductions</p> <p>Committee adjourns into executive session 5:05pm.</p> <p>Committee returns and reconvenes into regular meeting at 5:30pm</p>
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<p><b>Chair</b></p>	<p>Scott discussed Holly Gieszl and Jack Potts concerning efforts by AHCCCS to remove both from the committee. A quick recap:</p> <ol style="list-style-type: none"> <li>1. Letter from AHCCCS claiming both are not 'members' because AHCCCS cannot locate appointment letters from the previous director (rejected by the committee). AHCCCS followed up;</li> <li>2. Must "re-submit" applications for consideration by the Director (rejected by the committee). AHCCS followed up with;</li> <li>3. Sent supplementary questionnaire demanding responses (rejected by the committee). AHCCS followed up with;</li> <li>4. Letter to Chair 12/13/17 demanding committee 'vote' to continue membership of Dr. Potts and Holly Gieszl due to past personal issues; this information would have disqualified them from consideration.</li> </ol> <p>Scott shares that the letter received from the director now acknowledges membership of Holly and Jack.</p> <p>Scott shared that 2017 was a rough road for the committee with membership challenges and issues with AHCCCS; the committee is looking forward to putting 2017 behind us.</p> <p>Scott shares with the committee that Lynette Toliver decided not to move forward with her nomination.</p> <p>Committee agreed to have Scott write a letter in response to the letter received from Tom Betlach.</p>	
	<p><b>Follow-Up / Action / Target Date</b></p> <p>Jack makes motion to have Chair write and send letter. Seconded by Josh, all voted in favor</p>	
<p><b>Public Comment</b></p>	<p>Public present - no comments.</p>	
<p><b>Approval of Minutes for 7/19/17 executive</b></p>	<p>Committee reviewed July 19 executive session meeting minutes.</p> <p>Committee reviewed October 23<sup>rd</sup> sub-committee meeting minutes</p>	

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<b>session,          10/23/17 Sub-          committee,          11/15/17 &amp;          11/22/17          subcommittee</b>	Committee reviewed November 15 <sup>th</sup> meeting minutes  Committee reviewed November 22 <sup>nd</sup> subcommittee minutes	
	7/19/17 - Jim makes motion to accept meeting minutes, Jack seconds. All vote in favor  10/23/17 - Jack makes motion to accept meeting minutes with minor changes, Jim D seconds. All vote in favor  11/15/17 - Jim makes motion to accept meeting minutes, Josh seconds. All vote in favor  11/22/17 - Jack makes motion to accept meeting minutes with minor changes, Joy seconds. All vote in favor	
	<b>Follow-Up / Action / Target Date</b>  None	
<b>MMIC Update</b>	<ul style="list-style-type: none"> <li>• MMIC provided Member Handbook to all members of the committee</li> <li>• Dr. Potts email inquiry. Jack clarified that committee is not aware of the inquiry made to MMIC. Jack clarified the member scenario and notes were sent to Troy with a copy to Scott. Troy notes there were five issues addressed in the email inquiry.</li> <li>• Troy reported that water has been turned on. Member home visits were attempted on several occasions. Member refused entry at some of the visits attempted. 4 successful visits completed. Some not completed due to member being inpatient</li> <li>• Member refused to participate subsequent visits, but they were attempted.</li> </ul>	

<p><b>Update – Law Enforcement Arrests / Acute facilities</b></p>	<ul style="list-style-type: none"> <li>• PCP coordination occurred in April and September (2) Member claimed to have filed grievances. MMIC discovered a number of grievances and complaints. Reports were investigated and resolved. Member notes filed with clinic - none filed there. Member filed correctly with MMIC.</li> <li>• Jack notes he would like to see the grievances and the outcomes and notes fiduciary responsibility to member since member is on COT. Member missed 4-5 months of treatment and Jack notes he is talking directly with his doctor. Jim D suggests for overview of grievances etc.</li> <li>• Holly and Josh discuss what the committee can do in this situation. Holly clarifies committee can write a report to the director and ask for specific action to be taken. Holly request a copy of IEP, dates of visits and why they were not completed and would like to know what was done when a person under COT in each instance wherein they could not be found.</li> <li>• Dana suggested written formal request per ARS 41-3804 F. Suggested that the committee write formal letter/request. Holly inquired about how long member went without water and wants to know what the process of inquiry is. Troy notes he doesn't know investigator details.</li> <li>• Committee inquires on fidelity report of COT regarding missed appointments and poses a question: can a report be generated on COT patients? Committee discussion on needing to vote on if Hollys request for COT compliance report can be requested and/or exists. Scott notes he wants to see outcome of member specific case. Jim asked for clarification; Holly notes she wants to know number of people on COT etc. Lisa suggested that Holly write a letter and send out to committee. Josh suggested wordsmithing letter.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Jack notes not sure of purview to ask for such report and notes no urgency and letter should come to committee for vote. Deb asks what we do to mine these issues - potential for survey monkey. Jim notes a strategic planning session may be helpful as they continue to update operational guidelines. Jim W clarifies big scope of people on COT in three years; he believes trends in an agency versus county may be more appropriate to start. Jack notes excellent idea and first get response on specific case.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Discrepancy from CRU and actual recorded revisited from many meetings prior; discrepancy included internal reports with provider and did not meet criteria. Inquiry creating tracking and trainings with individual providers. Jack clarified for public that this is about CRU calling law enforcement.</li> <li>• Jack notes they want specifics on internal reports written by CRU. Miral noted internal reports do not fall under G&amp;A scope in AAC. Jack reviewed numbers that have been historically stated and discrepancies. Jack notes reviewing agency response possibly saying they must call if they believe abuse. Provider manual 367 doesn't include internal reports. Troy clarified that they are varied. Jack asked if they could get copy of the names of 6-7 people.</li> <li>• Jack asked if the IAD numbers could be given to the committee. Troy notes it was already provided. Holly notes she recalls Jack asking for all law enforcement calls by facility and reason. Holly asked if MMIC checks on how many times law enforcement is called.</li> <li>• Troy notes as a result of the committee's inquiry about arrests, MMIC now has training: CIT/Cop culture training was done at CRU 2x at the request of the crisis service coordinator, MMIC notes Internal tracking now occurs beyond IADs.</li> <li>• Jack notes they have lost track of the issues but still have IAD numbers from CBI. Jack asks if MMIC can resend RI and SWN numbers for him to look up and IADs. Jack would like information for 2017. Jack notes he has a case and he wants to see if the name shows up on the list. Jane Doe arrested 1/5/17. Jack notes he is looking for a specific date. Dana noted request to be in writing to avoid misinterpretation</li> <li>• Deb asks training clarification. Scott clarified that police (Cop culture) requires collaboration with them by understanding how the Police operate.</li> </ul>
	<p><b>Follow-Up / Action / Target Date</b></p>
	<p>Holly makes a motion to authorize vice chair to send letter to MMIC and director requesting follow up items          Josh seconds, all favor. Lisa suggested the letter be sent in next 10 days <span style="float: right;">1/5/2018</span></p> <p>Holly makes a motion to request compliance of COT from MMIC, Josh seconded motion. All voted in favor</p>

	<p>Holly withdrew motion</p> <p>Troy will resend information sent July / 1/17/18</p>
<b>Annual Report</b>	<ul style="list-style-type: none"> <li>• Deb notes sooner in the more impact on the next session. Scott notes Lisa did great initial outline and idea is not for one person to be burdened. Scott was hoping to have it wrapped up in December.</li> <li>• Lisa reviewed all minutes available from last year and past year reports and modeled what she wrote upon review. Lisa noted that site visits were made by month to show what months she had info on and reiterated roles/duties of HRC as a reference to us all and people who read on-line, so they get a sense of what we are supposed to be doing. Lisa stated people need to review and put in something they feel to be key.</li> <li>• Lisa noted that many minutes were missing from the website (needing committee approval). Scott stated there was at least one cancelled meeting due to AHCCCS issues with membership. Scott suggests sending out the draft and asking for editorial comment. Discussion from all committee as to details of how this will work for everyone to be involved. Committee unable to vote to accept until Jan meeting per Scott. Jim D asks for a clear deadline. Scott sets deadline for 12/29/17.</li> </ul>
	<p><b>Follow-Up / Action / Target Date</b></p> <p>All members to provide feedback to Lisa with comments, recommendations and suggested content by 12/29/17</p>
<b>Bylaw and Operating Guidelines</b>	<ul style="list-style-type: none"> <li>• Current guidelines to be submitted by the chair. Jim D notes there are still typos. Jack notes he thinks this is substantively where committee needs to be. Scott inquired about the final doc option and Jack notes once approved it will be final and for approval must be in track changes.</li> </ul>

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- Holly notes she submitted her requested additions of rules of engagement/code of conduct and she would like it included and an overview. The rights statements #1 is too broad per Holly and she does not think we need the section. Jack makes motion that we accept and amend right here and now. Scott asks about amendment. Holly notes the committee is not required to follow Robert's rules.
- Subcommittee forwarded to committee with recommended amendments. Deb requests clarification on committee membership - can only make a suggestion in the middle of amendments. It is confusing and keeps her quiet. Deb wants to make a case for voting and is not sure that voting should matter on chair / vice chair. Lisa notes it could have consequences that are unseen; just doesn't understand and worries about it. Lisa stated everyone on this committee at one time or another will have to excuse themselves at one time or another and that Non-voting members is a loss to the committee.
- Deb notes it will affect votes that we have been made and votes that are being made with quorum and it is murky what quorum is and commented that even tonight, if four members cannot vote and anyone was excused the committee would only have three people voting. Deb clarifies the issue is not regarding making motions and elected chair but only voting
- Scott referenced back to 10-3-17 subcommittee meeting - asked that existing members (Jim W, Lisa, and Deb be grandfathered in as voting) and noted he would vote against the operating guidelines if the 'grandfather' item is not included.
- Deb advocated for future prospective issues. Jack clarified past concern reflected and the biggest thing is the committee chose to quote regulation. Scott clarifies the committee votes to approve a member – forward to the Director and then the Director approves.
- Holly notes that she is not happy with the proposed By-laws and notes she would be happy to leave out the paragraph and have the committee bound only by what the regulation says that you cannot vote.
- Josh notes we talked about this a lot at subcommittee. Scott notes the subcommittee makes a recommendation to the full committee for consideration and voting. Jack noted a point of order and put in a motion to talk about each line on

	<p>this report. Committee can amend or vote on now per Jack and Josh. Jim stated if guidelines are not accepted this means more work to be done as a subcommittee.</p> <ul style="list-style-type: none"> <li>• Jim advocated that he doesn't want to go line by line. Holly questioned why phrases are repeated in Section II A</li> <li>• Scott expressed opinion that he believes the director of AHCCCS violated regulation by appointing members who cannot vote and, without qualifying their status in the appointment letters.</li> <li>• Deb notes she doesn't have a vote. Josh notes that his vote would be turned on Deb's statements and notes that the extra language can come out. Deb notes prospective members need to have a clear understanding of what the role can be and there are more restrictions.</li> <li>• Scott would like to take a vote of accepting or amendments. Holly suggests deleting last sentence in Article II a. (shows as B). Holly strongly asks for Code of Conduct as it was timely distributed and believes it would to be a mistake to send By-laws to Director Betlach without Code of Conduct.</li> <li>• Jack notes article 5 discusses details. Holly clarifies that it is to be an attachment. Jack notes he is not ready to vote on Code of Conduct. Lisa clarifies that the reference to the code of conduct in the operating guidelines. Jack - Point of order - current order requires chair sends out amendments - Scott notes he thinks he send to the committee.</li> <li>• Jack clarifies amended report was sent to Yisel on November 30th. Jack reported that code of conduct was not sent to the committee for review prior to meeting. Jim D requests clarification on non-voting identification. Continued discussion on affirmation versus vote</li> </ul>
	<p style="text-align: center;"><b>Follow-Up / Action / Target Date</b></p> <p>Jack moves for acceptance of report take out 1. Rights, and under 2 take out last sentence, Under 4, organization - take out from voting membership on voting and non-voting. Anywhere that it says, bylaws change to operating guidelines (page 5). Motion dies due to no second.</p> <p>Holly moves / makes motion - report take out 1. Rights, and under 2 take out last sentence,</p>



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	<p>under 4, organization - take out from voting membership on voting and non-voting. Anywhere that it says, bylaws change to operating guidelines (page 5) and attach code of conduct. Josh seconds.</p> <p>Vote is 4:2 (Scott voted "no") majority</p>
<p><b>Site Visits</b> <b>1<sup>st</sup></b></p>	<ul style="list-style-type: none"> <li>• Jack notes first location independent living and very impressive. Lisa clarified some supervision for part of the day (10 hours clarified by Jack). Site listed three (3) people. One had been there for 6 months, two people are not at the site. Scott and Lisa went to room number 204 as noted on the data sheet – no answer. On-site Manager clarified that she lives in #205. 11/25/2017 data was used and once again, the data is inaccurate – a systemic problem.</li> </ul>
<p><b>2<sup>nd</sup></b></p>	<ul style="list-style-type: none"> <li>• Lisa noted there were activity boards and saw people coming and going, environment was clean but no grass but has gravel planters and bushes. Residence was near a bus line and is HUD owned.</li> </ul>
<p><b>3<sup>rd</sup></b></p>	<ul style="list-style-type: none"> <li>• Jack and Holly went on one visit to a Tungland facility. Two people at three-bedroom facility. Very well kept and have a letter to send about pleased with it and commentary. Backyard was sparse but not a human right's violation. Holly clarified that the yards were dirt. Why have a dirt backyard and front yard? Holly reviewed mental effects of segregated housing as in jail. Holly cited testimony in case that was by Jack Potts that moved the federal court case to be able to see the sun and have exposure. Holly notes going without grass is an unnecessary deprivation. Joy agrees that in her daughter it would make her sick and discussed elderly aunt. Jack notes that this has been put in the letter. Joy questioned where the money is going.</li> </ul>
	<ul style="list-style-type: none"> <li>• Lisa and Scott visited a group home. Lisa reported the furniture was worn but people were happy there and staff was supportive. Lisa clarified it was not dangerous or dirty. Lisa and Scott had the opportunity to meet with liaison who knew everyone and spoke with us for 20 minutes. Liaison was respectful of member not willing to meet with the HRC members. Jack suggested letters be sent, as they have been effective in the past.</li> </ul>

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	<b>Follow-Up / Action / Target Date</b>		
	Committee to send letters to facility owners; address concerns to Troy at MMIC for follow up		
<b>Future Agenda Items:</b>	<ul style="list-style-type: none"> <li>• Lisa asks about a training that member should complete within six months. Yisel clarified, Loyalty Oath, link is provided in the new members letter. Holly suggested that open meeting law training. All HRCs want open meeting laws. Sharon wanted the training at ASH. March potential month for Open meeting law training. Holly notes they are wanting - AG's office potentially but will need to be during business hours</li> <li>• Dana overview of types of residences within their deliverable for February and will reconfirm in January.</li> <li>• Presentation to Valley of the Sun is not on agenda but will go out.</li> <li>• Strategic planning.</li> <li>• Josh suggested the PAD process for a future agenda item. Current process is supposed to be completed in two days and possibly taking 42 days.</li> <li>• Jack notes if unfinished business can go to future agenda items.</li> </ul>		
	<b>Follow-Up / Action / Target Date</b>		
	Jack moves to relocate the annual meeting to January. Jim seconds, all vote in favor.		
<b>NEXT MEETING</b>	Date: January 17, 2018 5:00PM-7:00PM 212 E. Osborn Road, Phoenix 85012	Meeting adjourned at 7:30pm Jack moves to adjourn, Jim seconds. All vote in favor.	