



Arizona Health Care Cost Containment System
Attn: Deputy Director Beth Kohler
701 E. Jefferson St. MD 9000
Phoenix, Arizona 85034

September 15, 2017

Dear Ms. Kohler:

I am writing to you regarding the controversy of the “missing” appointment letters for three of our long standing members. Dr. Jack Potts, Holly Gieszl and Joy Green have attempted to partner with AHCCCS to resolve this issue and have resubmitted copies of their nomination forms.

It is the committee’s belief that the appointment letters AHCCCS is seeking were never issued for these three members and therefore, requesting copies of documents that do not exist is moot. Had the letters been issued, there would be a record of them somewhere. AHCCCS has been unable confirm or produce proof that these letters were actually issued for these three members.

It is alarming to the committee that AHCCCS is now claiming that these members have never been officially sanctioned by the ADHS Director at the time of their applications. For the record, we find this preposterous. Somehow this imaginary letter is the sole determinant for approved membership even though the Arizona Revised Statutes **does not** require a letter from the Director.

You have acknowledged that these members have been issued ID badges through the years which were signed by the Director or his appointee (just recently with photo ID). They have updated several copies of the confidentially agreements (as recently at our last meeting in July) and participated in numerous meetings through the years. We all understand the sensitive information that is shared, discussed and reviewed by members of the committee. The committee is very diligent about honoring the confidentiality agreements that we all sign. The bottom line is - we are very concerned. If AHCCCS still claims they are not and have not been members then, the committee is seeking help from AHCCCS to resolve some very important questions:

1. Does that mean Protected Health Information of thousands of AHCCCS members has been compromised for over 10 years?
2. The committee is concerned about how to respond to inquiries related to compromised Protected Health Information of AHCCCS members and what liability we might have for our participation in this occurrence. What should our response be?
3. Should the committee seek legal advice with respect to our role in AHCCCS member’s Protected Health Information being distributed to “non-members” over the years?
4. How do we respond to inquiries related to “non-members” participating in site visits to AHCCCS member’s place of residence?



5. If AHCCCS issues an appointment letter dated 9/15/2017, does that mean anytime these three members had access to Protected Health Information prior to this letter would result in liability to the committee?

The committee requests that you issue the appointment letter which is the only thing standing between us. Additionally, the sudden request by AHCCCS for these members to now answer more questions is unfounded. We are not an *Arizona State Board or Commission* and members have never been asked these follow up questions. Recent nomination forms submitted, appointments made by the Director and subsequent letters issued to the various HRCs have all been done without any of these follow up questions. Moreover, on your website as of today, the documents to be reviewed and signed by potential members with the questions and responses required are:

- Human Rights Committee Nomination Form
- Participant Public Records Acknowledgement
- HRC Consumer Family Member Acknowledgment
- Confidentiality Agreement Revised

Not once do these follow up questions get asked. It appears you have singled out these three members for further review and scrutiny for no good reason. The committee objects to the treatment and harassment of these three members.

Please let's all move forward. Anticipating hearing the good news shortly.

Sincerely,

Scott Gormley – Chair

CC: Maricopa Human Rights Committee
Senator Nancy Barto