

February 6, 2008

**ARIZONA DEPARTMENT OF HEALTH SERVICES
DIVISION OF BEHAVIORAL HEALTH SERVICES
BUREAU OF CONSUMER RIGHTS**

**PIMA COUNTY HUMAN RIGHTS COMMITTEE
ANNUAL REPORT
JANUARY – DECEMBER 2007**

The Human Rights Committees (HRCs) were created by the Arizona Legislature to assist the Arizona Department of Health Services (ADHS) and the Regional Behavioral Health Authorities (RBHA) in promoting the rights of children and adults who receive publicly funded behavioral health services.

The Pima County Human Rights Committee (PCHRC) is dedicated to promoting and protecting the rights of persons with serious mental illness who receive mental health services, pursuant to Title 36, Chapter 5, from the Arizona Department of Health Services and to do all things which may be required of the PCHRC pursuant to defined by Title 41, Chapter 35, Article I, of the Arizona Revised Statutes; Arizona Administrative Code, Title 9, Chapter 21, Rules 105 and 106; policies of the Arizona Department of Health Services; and/or court order as each may be applicable and as each may be amended from time to time.

The PCHRC provides, within Pima County, specific and independent oversight and review of the following:

- A. Allegations of illegal, dangerous or inhumane treatment of clients and enrolled children.
- B. Reports filed with the State Human Rights Committee concerning the use of restraint, seclusion, neglect, exploitation, mistreatment, accidents, injuries, deaths and failure to treat.
- C. Provision of services to clients identified as needing special services.
- D. Violations of rights of clients and enrolled children and conditions requiring investigations, which may include inspections of client records and/or site visits.
- E. Any other issues affecting the human rights of clients and enrolled children.
- F. Research involving clients and enrolled children within the Pima County mental health services region.

MEMBERSHIP

The Committee has ten members on December 31, 2007. This includes the temporary medical leave requested by Judy Kowalick of NAMI of Southern Arizona, and Marty Scheinkman who is on inactive medical leave. Recruitment of new members continues to be a priority, specifically in the area of Parents or Professionals working with children. Announcements soliciting new members run

regularly in numerous community newsletters, online postings and at community meetings.

The membership is diverse with four family members, one consumer, and others representing law, medical, education, health care and advocacy.

The following are members of the PCHRC as of December 31, 2007:

Ken Karrels, Ph.D. /Chairperson	Dave J. Ruitenberg
Joe Mucenski/1 st Vice Chairperson	Charlie Arbauch
Eleanor Schorr/2 nd Vice Chairperson	Lanice Ameling
Susan L. Hyder	Elizabeth Edwards
John O'Dowd	Mary Wetzel

ORGANIZATIONAL STRUCTURE

The PCHRC met monthly in 2007 on the 4th Tuesday of each month for approximately 2 hours. Each member also participates in at least one sub committee, which addresses more specific issues related to advocacy, rights and protection. The Committee members are very committed to their work and each spends approximately five hours per month in meetings and review of client specific information.

In addition to PCHRC Committee members, the following people attend the monthly general meetings:

- Karen Smith, ADHS HRC Coordinator - reports on recent changes or initiatives within the Division and a variety of topics of interest to the Committee; provides new member orientation as well as continued education as required for Committee members.
- Yisel Sanchez, ADHS Administrative Assistant; records minutes and maintains data.
- Noel Gonzalez, Director of Performance Improvement & Quality Management for CPSA.
- Michelle Michelson, Arizona Center for Disability Law
- Mary Pizzirusso, ADHS-OHR

During 2007, the PCHRC had several guests who provided updates and discussion on various issues. Guests included Margery Sheridan, ADHS BCR Bureau Chief; Eddie Broadway, Deputy Director ADHS; Neal Cash, President/CEO CPSA; Carol Little, Director, SAMHC; Representative Phil Lopes, District 27, AZ. House of Representatives; Susan Gerard, Director of the Arizona Department of Health Services.

SUB-COMMITTEES

Committee members take on one or more additional roles and responsibilities on the following sub-committees:

Incident/Accident, Seclusion/Restraint, Research Proposal Review, Legislative Update, Media Relations, Liaison with local NAMI affiliate, Arizona Center for Disability Law, Site Monitoring, Systemic Advocacy, Review of Policies & Procedures/Operating Guidelines, Record Keeping, Consumer Concerns and Recruitment.

Below is a summary of key sub-committees, their work, findings and recommendations for 2007:

INCIDENT & ACCIDENT

During 2007 there were 719 Incident & Accident reports reviewed by the sub-committee. There were numerous issues, which required follow-up activity or investigations. Each of these issues was discussed at length by the sub-committee and as appropriate by the general committee.

SECLUSION & RESTRAINT

The Seclusion & Restraint sub-committee reviewed 348 reports during 2007. There were numerous issues, which required follow-up activity and/or investigations.

SITE VISITS

In 2007 the PCHRC did not conduct site visits. This is a key priority for 2008.

TRAINING

Training and development of Committee members included:

1. Overview of State Regulations Regarding Abuse, Neglect, Restraint and Seclusion as well as additional excerpts from the Arizona Administrative Code Title 9, Chapters 20 and 21. Prepared by Michele Michelson, AZDL.
2. Ethics Training: PCHRC requested video conferencing and/or computer training for statewide Ethics training for Committee members living outside Phoenix. Localized training in Pima County as alternative to Phoenix travel. PCHRC contacted GOV office regarding.
3. DBHS update on new policy for HRC's.

2007 FOCUS AREAS

The PCHRC 10th Annual Planning meeting was held January 13, 2007. Outcomes of that meeting provided direction for the Committee as follows:

- Electronic log database—in collaboration with DBHS develop a database to track Incident and Accident reports, Seclusion, and Restraint reports for which the committee has requested follow up.
- Follow up on Corrective Action Plans (CAP).
- HRC Reports required by statute—develop system to prepare and submit reports.
- Follow progress of the use of Bond Funding dedicated to the new Urgent Care Center to be located on the University Physicians Hospital grounds.
- Review of mental health services provided for inmates while incarcerated.
- Review the impact of *Arnold v. Sarn* (State of Arizona) statewide specifically regarding parity among Arizona counties.
- Develop strategies to increase both the visibility and effectiveness of the Pima County HRC.
- Site visits.
- Continue review of Seclusion and Restraint reports and Incident and Accident reports.

ACTIVITIES

Activities of the PCHRC in 2007 included the following discussions and/or actions:

- Parity: state funding under *Arnold vs. Sarn*, discrepancies between counties within Arizona.
- Corrective Action Plans: After review of the DBHS corrective action follow up system, PCHRC determined a lack of monitoring implementation of corrective actions.
- Mortality & Morbidity records: PCHRC sued the Arizona Department of Health Services for access to records compiled on mentally ill patients who have died under the state's care. The Pima County Superior Court ruled that ADHS must provide the Committee with copies of the Mortality and Morbidity records and addendums for Pima County.
- List serve developed for all HRC members in the state who have an e-mail address in order to facilitate communication amongst mental health community.

- Creation of database to log S/R reports, and I/A reports. The database allows the collection of information and the ability to draw frequency reports, etc.
- Review of SAMHC handling of incoming crisis calls. Review and subsequent follow-up resulted in significant improvement and an ongoing system of quarterly reports from SAMHC to PCHRC.
- Pima County Jail: ongoing review of internal methods of working with inmates who have a serious mental illness. Some improvement noted although the juvenile side needs improvement, and the use of restraint is key concern.
- Reviewed current copies of CPSA Provider manual and DBHS policy on I&A and S&R reporting requirements.
- PCHRC Members attended first statewide HRC meeting. Request for future meetings to be available via video conferencing.

SPECIFIC FOCUS AREAS FOR 2008

- Recruitment and Community Education/Awareness
- PCHRC Delegation and Duties of Sub-Groups: including site review, paper data processing, advocacy, surveys and family issues, update PCHRC brochure for CPSA to distribute
- Administrative Assistance for PCHRC: including DBHS staff person to assist weekly with administrative/clerical and consultants as needed.
- Interface quarterly with Pima County Mental Health Providers and Consumers: including Mental Health Courts and Veterans Behavioral Health Services
- 2008 slate of officers:

Ken Karrels, Ph.D./Chairperson

Joe Mucenski/1st Vice Chairperson

Susan L. Hyder/2nd Vice Chairperson

The Committee wishes to thank the staff of the Arizona Department of Health Services, Bureau of Consumer Rights, for their support, which has encouraged the work of the Committee.

Respectfully submitted,

Ken Karrels, Ph. D.
Chairperson, PCHRC

Susan L. Hyder
2nd Vice Chair, PCHRC

