

January 12, 2010

## **DRAFT COPY**

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

#### **PIMA COUNTY HUMAN RIGHTS COMMITTEE ANNUAL REPORT JANUARY – DECEMBER 2009**

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, front the Arizona Department of Health Services and to do all things which may be required of the PCHRC pursuant to and 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, 2009 decreasing from fourteen in 2008. Three members approved by committee for another term. 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 five 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, 2009:

Ken Karrels, Ph.D. /Chairperson	Dave J. Ruitenberg	Barbara Carling
Joe Mucenski/1 <sup>st</sup> Vice Chairperson	Charlie Arbauch	Judy Kowalick
Susan L. Hyder/2 <sup>nd</sup> Vice Chairperson	John O'Dowd	
Eleanor Schorr	Elizabeth Edwards	

## **ORGANIZATIONAL STRUCTURE**

The PCHRC met monthly in 2009 on the 4<sup>th</sup> Tuesday of each month for approximately 2 hours. Each member also participates in at least one work group, 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:

- Yisel Sanchez, ADHS Administrative Assistant; records minutes and maintains data.
- Noel Gonzalez, Director of Performance Improvement & Quality Management for CPSA.
- Susan Hodges, CPSA Legal Counsel for CPSA
- Peri Jude Radecic, Arizona Center for Disability Law
- Mary Pizzirusso, ADHS-OHR
- Phyllis Grant, MIKID

Guests included Neal Cash, President/CEO CPSA; Clarke Romans, Executive Director/NAMISA; Bob Ohfest, ADHS Licensing; Fred and Mildred Cooper/Owners of Second Chance Board and Care Home; Phyllis Grant, Director of MIKIDS.

## **Work Groups**

Committee members take on one or more additional roles and responsibilities on the following work groups:

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 work groups, their work, findings and recommendations for 2009:

### **INCIDENT & ACCIDENT**

During 2009 there were 1,053 Incident & Accident reports reviewed by the work group. This is an increase of 183 or 21% as compared to 2008. Alarming, as compared to 2007 the two-year increase is 334 or 46%. There were numerous issues, which required follow-up activity or investigations. Each of these issues was discussed at length by the work group and as appropriate by the general committee.

### **SECLUSION & RESTRAINT**

The Seclusion & Restraint work group reviewed 482 reports during 2009. This is an increase of 25% or 97 reports over 2008. Again, the two-year change is disturbing with 134 or 39% more reports than 2007. There were numerous issues, which required follow-up activity and/or investigations.

### **SITE VISITS**

In 2009, PCHRC members were assigned site visit lists for each provider: Codac, La Frontera, and Cope. Site visit education was provided to committee members and the site visit form updated. Site visits began in November. Group homes where children reside will be added to the site list. The current focus is on unlicensed Board and Care facilities.

### **Community Relations**

Bob Ohlvert, ADHS licensing, spoke with committee regarding licensing procedures for Board and Care homes. Reviewed process for obtaining a license to dispense medication.

Neal Cash, President/CEO CPSA spoke with PCHRC on Budget Issues, and the new UPH Psychiatric Facilities.

Article titled "Slums or Salvation?" published in Tucson Weekly. Article reviewed pros and cons of board and care homes. Committee member interviewed and quoted. Positive feedback from community on article.

PCHRC was present at the NAMI walk, held March 28, 2009. Information provided to families and consumers.

## 2010 FOCUS AREAS

The PCHRC 13<sup>th</sup> Annual Planning meeting was held January 23, 2010. Outcomes of that meeting provided direction for the Committee as follows:

- 1.
- 2.
- 3.

## ACTIVITIES

Activities of the PCHRC in 2009 included the following discussions and/or actions:

1. PCHRC joined representatives from Pima County, University Physician Hospital, University of Arizona Medical, NAMISA and CPSA to form the Behavioral Health Coalition for the Citizens of Greater Pima County. The Coalition met numerous times about the new Crisis Response Center, an expanded Psychiatric Emergency Department and the new Psychiatric Pavilion. Floor plans were reviewed and modified several times. Bonds were sold and building contract awarded. Ground Breaking Ceremony held at UPH site. The committee has major concerns regarding state budget cuts and the negative impact they would have on this project as well as the impact overall on our most vulnerable citizens.
2. Reviewed the future management and coordination of Title 36 proceedings at the new facility. Letter sent to County Officials requesting information on average number of persons going through the process who are inpatients and average length of inpatient stay for these people.
3. Request made that DBHS/IT develop web applications for PCHRC. Suggestions submitted regarding the variety of information desired. The web application would allow committee members access through the internet. Committee members would have the ability to see everything on data base, pull down menus, and database would be backed up daily. Electronic security has been established and the web application is currently being built.
4. New PCHRC roles and responsibilities for committee members were developed, assigned and adopted by the committee.
5. Review of M&M reports that do not have corrective action plans. Recommendation that reports be reviewed by committee and specific corrective action plan requested from CPSA.
6. Committee requested update from CPSA on all overdue reports submitted in prior months. Requested M&M reports from QM department for death reports submitted by PCHRC.

7. Reviewed CPSA letter re: Policy decisions for Immediate Implementation, a letter regarding Budget Adjustments for FY '09 for non-TXIX BHS, and business operations finance sheets. Discussed with Neal Cash, CPSA.
8. Discussion with CPSA regarding residence where one member killed another and what happened. CPSA reports all members were removed from facility.
9. Committee requested ADHS include person from the public in the RFP decision process. Request sent to Dr. Laura Nelson. Committee assured that community would be involved in the process but provided no details as to how this will occur.
10. ACDL reported that they are investigating restraints in public schools and Devereaux's use of restraint on juveniles. CPSA restraint training is on going.
11. Review of Crisis call system revealed issues with after hour and weekend calls. Meeting held with CPSA regarding the change from SAMHC to providers. Requested information on how providers are trained to handle crisis calls and staffing levels. Information requested includes: how is data being tracked; how did SAMHC track their info and what do they use now? PCHRC requested measurements be put in place and submitted on a regular basis to PCHRC. Follow up letter sent to Neal Cash/CEO/President, CPSA.
12. Reviewed current process of people released from level one facilities to unlicensed boarding homes. Letter sent to Dr Laura Nelson/ADHS regarding ambiguous language in RHBA's provider manual regarding inpatient discharges. Requested members who are released from court ordered inpatient treatment, who are under court order to take meds, not be placed in board and care facilities that are not licensed to monitor meds.
13. Boarding home reports are not being sent to PCHRC from CPSA. Committee requests reports be submitted on regular basis.
14. Level one facilities are not all reporting to CPSA as mandated. 33 level one facilities in Tucson were visited by AZDL. Many level one facilities were found to actually be level two facilities. Training will be provided to facilities where needed.
15. Crisis Intervention Training: spoke to the Chief of Police regarding sending police to CIT training. Letter sent to UA requesting campus police also attend CIT training.
16. Review of crisis response efficiency for MIKID. Issues include availability of Spanish speaking responders, the deficiency in responders when a child is aggressive, and the need to inform or request CIT trained officers. MIKID works with 75-80 families from La Frontera and AzCA. These clients often present challenges due to violent behavior and language barriers making it difficult to deliver services.

17. Committee reviewed the Federal Medicaid program and how different states provide services under the Medicaid program in their public mental health systems. Information was provided by Bazelon.
  
18. Committee members were asked to review and comment on the draft Arizona Department of Health Services/Division of Behavioral Health Services (ADHS/DBHS) documents outlining: Provider Manual Section 3.4, Premiums; and Provider Manual Form 3.4.2, Non-Title XIX/XXI Premium Assessment for Persons Determined to Have a Serious Mental Illness (SMI).
  
19. Letter sent to Margery Ault, DBH, Office of Grievance and Appeals requesting information on the suicide and death rate of SMIs in 2007 and 2008. Information requested regarding specific efforts the DBH has implemented to reduce suicide and death rate, and what, if any, of these efforts focused on GSA-5 and its networks.
  
20. Reviewed discharge-planning procedures as client's transition from hospital to appropriate housing and post discharge services. Specifically Friday discharges, medication availability over weekend, and follow up to discharge plan.
  
21. Advocated for and reviewed systemic issues regarding client receiving services from local provider.
  
22. Provided assistance writing a letter for family member. Letter sent to the state requesting information about her sister's death. DBHS Grievance and Appeals department conducted further investigation.
  
23. Fred and Mildred Cooper attended as guests. The Cooper's are owners of the Second Chance, an unlicensed room and board home. Discussions revealed members who are court ordered being placed in home. Site visit planned and cancelled due to home being sold.

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  
2<sup>nd</sup> Vice Chair, PCHRC

