

March 2, 2011

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

**PIMA COUNTY HUMAN RIGHTS COMMITTEE
ANNUAL REPORT
JANUARY – DECEMBER 2010**

ARS 41-3803. Human rights committee on the mentally ill

A. The human rights committee on the mentally ill is established in the department of health services to promote the rights of persons who receive behavioral health services pursuant to title 36, chapters 5 and 34.

B. Each region of the state covered by a regional behavioral health authority shall have at least one human rights committee with the authority and responsibilities as prescribed by the department of health services pursuant to rules adopted by the department relating to behavioral health services.

C. The director of the department of health services may establish additional committees to serve persons who receive behavioral health services or to oversee the activities of any service provider.

D. Each committee established pursuant to this section shall consist of at least seven and not more than fifteen members appointed by the director of the department of health services with expertise in at least one of the following areas:

Psychology, Law, Medicine, Education, Special education, Social work.

E. Each human rights committee shall include at least two parents of children who receive behavioral health services pursuant to title 36, chapter 34.

F. Each human rights committee shall include at least two members who are current or former clients of the behavioral health system.

G. Each committee shall be organized pursuant to this section and the requirements of section 41-3804.

MEMBERSHIP

The Pima County Human Rights Committee (PCHRC) has ten members on December 31, 2010 remaining the same as 2009. Three members approved by committee for another term. One member resigned due to moving out of state and was replaced by Phyllis Grant, Director of Mentally Ill Kids in Distress (MIKID). 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, 2010:

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

ORGANIZATIONAL STRUCTURE

The PCHRC met monthly in 2010 on the 4th 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, Arizona Dept. of Health Services Human Rights Committee Coordinator; records minutes, maintains data.
- Noel Gonzalez, Director of Performance Improvement & Quality Management for Community Partnership of Southern Arizona (CPSA).

Guest Speakers Included:

- Veronica Zunga, Arizona Center for Disability Law (ACDL); Vanessa Seary, CPSA; Debbie Okojie, Consumer Advocate; Cindy Greer, CPSA; Ed Gentile D.O., CPSA; Rena Queyada, Cope; Linda Cook, Cope; Lyle Forth, Cope; Douglas Long, La Frontera, Clarke Romans, NAMI of Southern Arizona, Julie Jielsm, Cope; Evette Vera, Cope; Holly Darevisen, Codac, W. Mark Clark, Codac; Margery Ault, Arizona Dept. of Health Services (ADHS) Division Chief; Rodgers Wilson, ADHS Medical Director; Michelle Ryan, ADHS; Kathleen Dostalk; Suzanne Hodges/Legal Counsel for CPSA; Peri Jude Radecic, Arizona Center for Disability Law.

Work Groups

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

Incident/Accident/Death, Seclusion/Restraint, Research Proposal Review, Legislative Update, Media Relations, Liaison with National Alliance on Mental Illness of Southern Arizona, 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 2010:

INCIDENT & ACCIDENT

During 2010 there were 1234 Incident & Accident reports reviewed by the work group. This is an increase of 181 or 17% as compared to 2009. 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 430 reports during 2010. This is actually a slight decrease of 52 reports or <11%> over 2009. There were numerous issues, which required follow-up activity and/or investigations.

SITE VISITS

In 2010, PCHRC members were assigned site visit lists for each provider: Codac, La Frontera, and Cope as well as children's homes. Site visit education continues to be provided to committee members. The site visit form has been updated to incorporate critical data for visits to children's homes. Site visits in 2010 included a visit to SLS Aztec House, a home for children 13-17 years of age. A site visit was also conducted at a boarding home, Aumega House. This visit was very memorable because of the exemplary work the manager was doing at the home. A follow up letter was sent to the home's manager.

Community Relations

PCHRC was present at the 2010 NAMI walk, held March 27. Information provided to families and consumers.

Numerous articles appeared in local and state newspapers regarding the impact of Medicaid cuts to the Seriously Mentally Ill. One article, "Cracks Begin to Show from Mental Health Cuts" was followed up by committee inviting the reporter to attend future meeting for discussion.

2011 FOCUS AREAS

The PCHRC 14th Annual Planning meeting was held January 29, 2011 Outcomes of that meeting provided direction for the Committee as follows:

1. Schorr Awards
2. Morbidity & Mortality (M&M) Info/Appeal
3. Prevention
4. Community Outreach
5. Mental Health First Aid
6. Legislation
7. Research
8. Advocacy
9. Jail –In/Out
10. Post incarceration
11. Release
12. AHCCCS reinstatement
13. Crisis Intervention Training (CIT)
14. University of Arizona Campus Police Training
15. Education
16. Site Visits
17. Crisis First Aid- Possible expansion

ACTIVITIES

1. Activities of the PCHRC in 2010 included the following updates, education, discussions and/or actions:
2. Margery Ault, ADHS Division Chief met with the committee for detailed update on budget cuts and service package changes. Handouts provided.
3. Michelle Ryan, ADHS and Dr. Wilson, ADHS Medical Director discussed changes within the Incident/Accident/Death reports and changes to the mortality reporting, the addendum process and termination of same. The changes were prompted by a review of the AHCCCS quality management and utilization system when Dept. of Behavioral Health Services (DBHS) was found to be out of compliance. Michelle reported that AHCCCS required DBHA to have a better tracking and trending of issues within the system, including incidents, accidents and deaths.
4. The PCHRC is currently in the process of having an Administrative hearing on the denial to be provided information on “death cases” as ordered by the Pima County Superior court.
5. Jennifer Alewelt, ACDL works for the protection and advocacy of individuals with mental illness. She requested to work closely with PCHRC to identify issues and determine best plan to make the biggest impact given the limited resources.

6. The proposed closing of the mental health courts was reversed. Judge Lex was honored for his work in the Mental Health Court and a new judge was introduced. Announcement was made that the mental health court has been reestablished. A prosecutor and public defender will also be assigned.
7. Crisis Intervention Training (CIT) classes were held throughout the year. Phoenix reports the possibility of eliminating classes, 350 law enforcement positions and considering dropping the CIT program due to lack of funding. Phoenix has decided to continue the CIT program and continue to train law enforcement officers and other first responders.
8. PCHRC members attended the NAMI convention in Washington, D.C. June 29-July 3.
9. PCHRC has asked the University of Arizona and been denied on several occasions to send some of their officers to the 40 hour CIT trainings. They continue to refuse and said that they get enough training on dealing with people with Mental Health issues, and state that the U of A community has a great Mental Health system in place. Efforts by the PCHRC were renewed after one of the U of A officers shot an individual just off campus during what appeared to be a Behavioral Health crisis. Following the incident another letter was sent to U of A President Shelton requesting they reconsider CIT training. A response was received stating that he spoke with the Police chief and determined U of A has no need for CIT training.

10. PCHRC contacted Anita Royal, Pima County Public Fiduciary, to discuss the problems she has had because of the budget cuts. She has decided that her agency will not accept guardianships of non-Title XIX mentally ill persons because they are not staffed to provide the services they need.
11. Demonstration of the DBHS Data Web Application provided to committee. PCHRC is the first HRC to assist in the creation and application of user-friendly web based data.
12. Kathleen Dostalick, Director of Grievance and Appeals Administration and Title 36 for CPSA, reported to PCHRC on the new Court Ordered Evaluation and quarterly evaluation process. On July 1, CPSA entered into a contract with Pima County to manage the court ordered evaluation process. Prior to this UPH managed the contract. UPH will be assisting with the transition through October.
13. PCHRC sent letter to Network Providers regarding the change in the crisis system in Pima County. It has been over two years since CPSA changed the crisis system to require providers to provide these services instead of SAMHC. Providers were invited to attend PCHRC meeting to discuss how their agencies have responded to the change and their assessment of the quality of crisis services provided to their members under the current system. The following agencies/persons attended and provided presentations and discussion regarding their crisis service practices:
 - Edward M. Gentile D.O., MBA, CPSA; Chief Medical Officer
 - Cindy Greer, Chief Clinical Network Management/ CPSA

- Vanessa Seary, Chief Clinical Officer/CPSA
 - Codac
 - Cope
 - La Frontera
1. Committee reviewed and commented on proposed new and/or revised policies from DHS/DBHS regarding the behavioral health system.
 2. A pilot program began in May in Pima County whereby individuals who enter jail in Pima County have their AHCCCS benefits suspended instead of terminated. The Center for Medicare and Medicaid Services has set an expectation on this issue since 2004. This change will allow for a smoother re-entry from jail and avoids coverage gaps. This is still a problem. People have to wait for days after release to get their benefits back.
 3. Guest Debbie Okojie, Consumer advocate, updated the committee in regards to an investigation that took place at Palo Verde Hospital a few years back. Since the investigation, numerous changes have taken place. Tucson Medical center had departments who were hostile towards venerable patients, which was condoned by the administration. Since the investigation, the Director resigned. Other management and staff who discriminated against patients also resigned. In addition, Palo Verde recently let go a number of staffers who were found to be lacking in caring for patients.
 4. Committee requested ACDL to schedule a visit to UPH at Kino. PCHRC has received reports that the plan of correction issued last March is not being followed. ACDL states Kino is a priority.
 5. Susan Hodges /CPSA reviews with committee June 11 report provided by ADHS. Highlights included 3,290 non-title 19 persons with serious mental illnesses (SMI) in the system. After July 1, there will be no requirement for individual service plan for non-title 19 individuals with SMI. Persons who have been working providing services in the non title 19 system will move to the title 19 system to increase services in that area.
 6. Phyllis Grant of MIKIDS met with CPSA and NRBHA. MIKIDS has decided every family in their system will be given a questionnaire that mentors can go through item by item. The questionnaire will include questions such as is there a crisis plan, did the family help develop it, and many other specific questions that focus on crisis.
 7. Committee requested that all death reports be submitted with a request for investigation.
 8. Committee requested CPSA to provide the committee with a copy of their Quality Management Investigation Procedures.
 9. Committee member met with State Representative Farley regarding the possibility to get a Bill passed in legislature to require a license for all boarding homes that take in Mental Health clients. PCHRC also spoke with CPSA on the possibility of CPSA to help pay the cost of the state hiring a person to inspect Boarding and group homes.
 10. 14th annual PCHRC meeting held January 29, 2011.

11. Guests included Southern Arizona Mental Health Crisis (SAMHC) and The Honorable AZ State Representative Steve Farley D28

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

Cc:

Jan Brewer	Arizona Governor
Bob Walkup	Tucson Mayor Tucson City Council Pima County Board of Supervisors
John S. McCain	U.S. Senator
John Kyl	U.S. Senator
Kirk Adams	Speaker of House Arizona
Russel Pierce	President Arizona Senate
Will Humble	Director Arizona Department of Health Services
Dr. Laura Nelson	Arizona Division of Behavioral Health
Neal Cash	President/CEO Community Partnership of Arizona (CPSA)
Clark Romans	Executive Director, National Alliance on Mental Illness, Southern Arizona
John Humenik	Editor & Publisher, The Arizona Daily Star
Al Melvin	District 26 Arizona Senate
Vic Williams	District 26 Arizona House
Nancy Young Wright	District 26 Arizona House
Olivia Cajero Bedford	District 27 Arizona House
Phil Lopes	District 27, Arizona House
Jorge Luis Garcia	District 27 Arizona Senate
Paula Aboud	District 28 Arizona Senate
David Bradley	District 28 Arizona House
Steve Farley	District 28 Arizona House
Matt Heinz	District 29 Arizona House
Daniel Patterson	District 29 Arizona House
Linda Lopez	District 29 Arizona Senate
Jonathan Paton	District 30 Arizona Senate
Frank Antenori	District 30 Arizona House