

# Welcome to Training for the Rights of Individuals living with a Serious Mental Illness

You were automatically muted upon entry.

Please only join by phone or computer.

Please use the chat feature for questions or raise your hand.

Thank you.

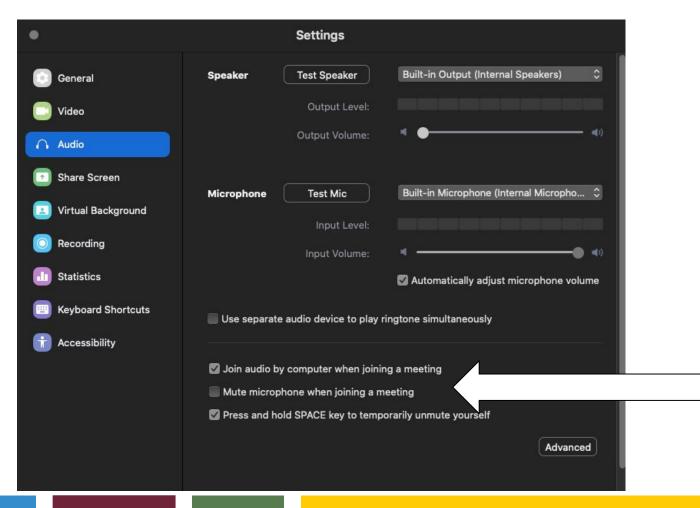


### **Zoom Webinar Controls**





# Audio Settings





### Welcome!

#### What to expect during the training:

- Information regarding the rights of individuals designated with a Serious Mental Illness (SMI),
- Real-time answers to related questions in the chat, and
- Links to relative sources.

#### What to expect after the training:

- Concluding with Q&A session,
- Each participant will receive this presentation following the training,
- Contact information for the OHR for questions on other topics, and
- Each participant will receive a survey link.





## Agenda

- Overview: The Division of Community Advocacy and Intergovernmental Relations (DCAIR)
- Overview: The Office of Human Rights (OHR)
- → SMI Rights
- Navigating SMI Rights
- Overview: The Office of Individual and Family Affairs (OIFA)
- Resources
- Upcoming AHCCCS Forums and Trainings





<sup>\*</sup> AHCCCS Acronyms Guide















# Rights for Individuals with a Serious Mental Illness (SMI)

Presented by: The Office of Human Rights (OHR) & The Office of Individual and Family Affairs (OIFA) AHCCCS/Division of Community Advocacy and Intergovernmental Relations (DCAIR) February 28, 2023









## **Overview**

Division of Community Advocacy and Intergovernmental Relations (DCAIR)

Alex Demyan

DCAIR Interim Assistant Director



### **DCAIR** Departments

The Division of Community Advocacy and Intergovernmental Relations (DCAIR) is an AHCCCS division that houses functions that interface with our members, family members and other stakeholders. These areas are very important as they ensure the voice of the community is heard.

Office of Individual and Family Affairs (OIFA)

Peer and Family Support, and Member Engagement

Office of Human Rights (OHR)

Advocacy for persons with a Serious Mental Illness

Federal Relations and Communications (FRAC)

Waiver, State Plan, Tribal Relations, and Communications



## DCAIR Community Involvement

DCAIR routinely engages with our communities to educate, inform, and solicit feedback from members, families, providers, and stakeholders. We also facilitate or participate in workgroups & committees to address health care needs including:

- Behavioral Health Planning Council
- Arizona Council of Human Service Providers
- See the <u>AHCCCS Community</u> <u>Events Calendar</u> for more public events.

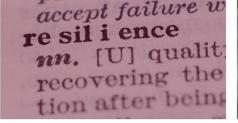
- OIFA Advisory Council
- The State Medicaid Advisory Committee













### **Overview**

The Office of Human Rights (OHR)

Brenda Morris, OHR Administrator



# The Office of Human Rights

### **Mission Statement**

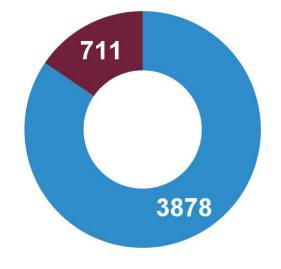
The OHR Provides advocacy to individuals living with a SMI to help them understand, protect and exercise their rights, facilitate self-advocacy through education, and obtain access to behavioral health services in the public behavioral health system in Arizona.



# Special Assistance Data as of February 1, 2023



 Served Directly by OHR













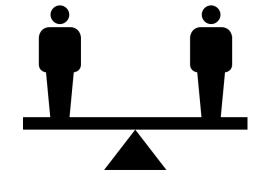


# SMI Rights Denard Stewart, OHR Advocate



### **Rights Overview**

- In the public behavioral health system in Arizona, individuals living with an SMI have specific rights, including:
  - Civil rights and other legal rights, and
  - Rights in the public behavioral health system.\*
- A person does not lose legal rights when determined to have an SMI.\*\*



<sup>\*\*</sup>A guardianship order or a court order for treatment **does** affect certain rights.



<sup>\*</sup>See A.A.C.R9-21-201 through 211 for a comprehensive listing.

### Support & Treatment

The right to support and treatment is a basic right for people living with an SMI. The support and treatment must be:

- Individualized and responsive,
- Culturally sensitive,
- □ Built on strengths, and
- Address unique needs.





## Support & Treatment

Must be in the written Individualized Service Plan (ISP) and be team-based and recovery-focused. The plan for support and treatment, can includes a variety of care, including but not limited to:

Clinical case management	Outreach	Mobile crisis teams
Crisis intervention and resolution services	Supported housing & residential services	Vocational training
Day treatment	Rehabilitation services	Family support services
Social support	Recreation services	Peer support
Counseling	Transportation*	Medication services

<sup>\*</sup> To and from covered Medicaid services



### Treatment...

Must be provided in a way that...

- Preserves dignity,
- Protects privacy,
- Integrates into the community,
- Promotes the least restrictive environment,
- Recognizes the right to undergo normal experiences, and
- Respects the right to be represented.



### Treatment...

\*Must support

- Freedom of choice,
- Member participation, and
- The right to receive services voluntarily, consent or refuse treatment and a discharge plan and prompt consideration for discharge from inpatient facilities.

\*All treatment rights are implemented to the fullest extent possible and could be affected by court order or treatment or guardianship.



### Records

- Records must be complete, accurate, relevant and timely.
- Copies must be provided in a timely manner per written request.\*
- Records are private and can only be released to individuals or agencies authorized by federal or state law.
- All parties must comply with the Health Insurance Portability and Accountability Act (HIPAA) in accordance with A.R.S. §36-509.

<sup>\*</sup>There can be an exception. This is in accordance with <a href="the Arizona Administrative">the Arizona Administrative</a>
<a href="Code R9-21-201">Code R9-21-201</a>





### **Seclusion & Restraint**

- Providers cannot use seclusion (placed in a room from which you are not allowed to leave) or restraint (tied down with straps, physically held or given medication to control behavior/ restrict movement temporarily), except for certain inpatient providers/facilities.\*
- Seclusion and Restraint can only be used under limited circumstances such as:
  - If there is immediate danger to oneself or others;
  - if staff has unsuccessfully made other attempts that are less restrictive, and
  - only until the danger has passed and everyone is safe.

 Staff can never use seclusion or restraint as a convenience or to discipline, coerce, or retaliate against a person.

#### The Office of Human Rights (OHR) at AHCCCS reviews Seclusion and Restraint reports.

<sup>\*</sup>Facilities run by the Department of Economic Security, Division of Developmental Disabilities (DES/DDD) providers have different rules which allow them to use seclusion/restraint under certain circumstances, even if the person is also SMI.











# Civil and other Legal Rights

Andrea Sitter, OHR Advocate



# Civil & Other Legal Rights







Freedom from Discrimination



Right to be Informed



Privacy & Religious Freedom



Communication, Visitation & Association



Voting, Licenses & Managing Own Affairs \*



<sup>\*</sup>A guardianship order or a court order for treatment does affect certain rights.

### Freedom from Abuse



- Services in the behavioral health system must be delivered in a manner that keeps individuals free from abuse including:
  - Physical
  - Sexual, and
  - Verbal (mental or verbal abuse, such as screaming, ridicule or name calling).
- All providers MUST protect a person from abuse, neglect, exploitation, mistreatment and commercial exploitation.
- Providers may NOT use corporal punishment or unreasonable force.
- Providers may NOT transfer or threaten to transfer for punitive reasons.



### Freedom from Discrimination

It is unlawful for the Regional Behavioral Health Agreement (RBHA) or Tribal Regional Behavioral Health Authorities (TRBHA) to discriminate based on:

- Race
- Creed or religion
- Sex or sexual preference
- Age
- Disability (physical or mental)



This is in accordance with the Arizona Administrative Code R9-21-201



# Right to be Informed

Providers must inform the person of their rights using language and terms that are easily understood.

#### This means:

- The right to have an interpreter/ translator or to be served by staff who speak the language, and
- Communication that is most easily understood by the individual.



This is in accordance with the Arizona Administrative Code R9-21-201



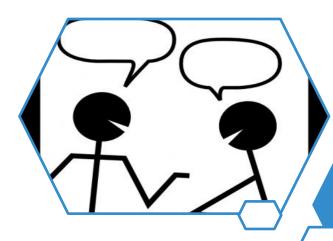
### Privacy & Religious Freedom



- Right to privacy in general,
- Right not to be fingerprinted and/or photographed without authorization,
- Freedom to practice a religion of choice, and
- Freedom from being forced to practice a religion.



# Communication, Visitation & Association



Tip: It is important for those receiving treatment in a facility to know the guidelines regarding communication and visitation.

All members with a SMI designation have the right to:

- Make and receive confidential telephone calls,
- Have unrestricted ability to send and receive unopened and uncensored mail,
- Visit and be visited by others,
   and
- Associate with others of person's choosing.

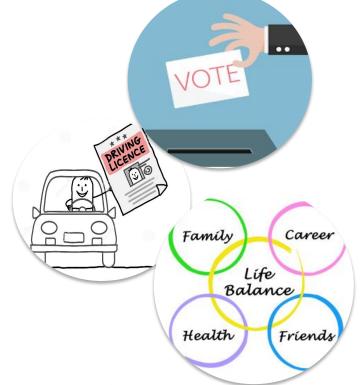


Voting, Licenses & Managing Own Affairs\*

#### These include the right to:

- Vote,
- Hold professional or occupational licenses,
- Hold a drivers license,
- Handle own personal and financial affairs,
- Marry, divorce, have a family, choose where to live,
- Get, keep, give or sell personal property, and
- Enter into contracts.

<sup>\*</sup>A guardianship order or a court order for treatment **does** affect certain rights.



This is in accordance with the Arizona Administrative Code R9-21-201











# Navigating SMI Rights

Autumn Ross, OHR Advocate



### Navigating SMI Rights

There are several ways individuals can protect their SMI rights:

- Informal approach (provider),
- Complaint,
- Appeal, and/or
- Grievance.

Staff **cannot** retaliate against a person for self-advocating and/or using the processes in place to address problems.

R9-21-203.A.8

One-pager on SMI complaints, appeals, and grievances is available <u>here</u>.



# What do I do if...

## Options:

Addressing Rights Violations

team directly.

File a complaint with the TRBHA or RBHA

Discuss the issue with the

Filing a grievance including what solution you seek

My right(s) were violated and I made my clinical team aware of it?



# What do I do if...

Options:

Addressing Service-Related Issues I am dissatisfied with a service,

I need a service, or

My clinical team recommends a service that I do not want?

Talk to your clinical team or request a meeting to discuss.

If a team meeting does not change the outcome, you can file a complaint with the RBHA or TRBHA.

File an appeal, to include details about the service and why it is needed.



### The SMI Grievance and Appeals Process

These are formal actions that can be taken when a member needs to resolve an issue.

**SMI Grievance:** Grievances are filed when there is an allegation that a member living with a serious mental illness has had their rights violated.

**SMI Appeal:** Appeals are filed when a member disagrees with decisions regarding eligibility for behavioral health services, including TXIX services, fees and waivers; assessments and further evaluations; and services and treatment plans.











### The SMI Grievance Process

Shannan Ortiz, OHR Lead Advocate



### **SMI** Grievance



- A grievance may be filed by any individual when a violation of an individual's rights may have occurred, such as:
  - A member was mistreated or felt abused\*, and/or
  - A concern about the quality of care or services a member received.
- Grievances must be filed within one (1) year from the alleged rights violation.\*\*

<sup>\*\*</sup>This timeframe may be extended for good cause as determined by AHCCCS or the Contractor in accordance with <a href="AHCCCS Contractor Operations">AHCCCS Contractor Operations</a> Manual (ACOM) 446



<sup>\*</sup>Abuse means, the infliction of, or allowing another person to inflict or cause, physical pain or injury, impairment of bodily function, disfigurement or serious emotional damage which may be evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior. Abuse shall also include sexual misconduct, assault, molestation, incest, or prostitution of, or with, a client under the care of personnel of a mental health agency.

## Filing a SMI Grievance

 An individual, and their guardian, shall communicate the grievance orally or submit the grievance in writing to any employee of a mental health agency who shall forward the grievance to the appropriate person as identified in R9-21-404.\*



• If asked to do so by a member, an employee shall assist them or shall direct them to available staff who shall assist them in making an oral or written grievance.

<sup>\*</sup> It is best to file grievances in writing using the <u>SMI Grievance/Appeal Form</u> and keep a copy for your records.



#### The SMI Grievance Process



Within five days of receipt of a grievance, the person filing the grievance shall be informed by the agency director, in writing, that the grievance request has been received.



Within seven days of receipt of the grievance, the person filing the grievance shall be informed by the agency director, in writing, of the dated appointment and name of the investigator, and procedure by which the investigation will be conducted.

This process is in accordance with the AHCCCS Contractor Operations Manual 446

All timelines are subject to an extension in accordance with the Arizona Administrative Code R9-21-410



### SMI Grievance Resolution After Investigation

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Within 10 days of completing all interviews with the parties, but not later than 30 days from the date of the appointment, the investigator shall prepare a written, dated report briefly describing the investigation and containing findings of fact, conclusions, and recommendations.



Within five days of receiving the investigator's report, the agency director shall review the report and prepare a written, dated decision/resolution letter.

All timelines are subject to an extension in accordance with the Arizona Administrative Code R9-21-410



### **Grievance Decision**

The grievance decision letter will indicate one of the following:

#### **Substantiated**

This means that the grievance has been proven to be valid, true or verified. This often comes with a corrective action plan.

#### OR

#### Unsubstantiated

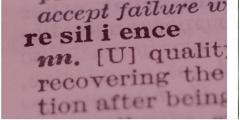
This means that the grievance has not been proven to be valid, true or verified.

The letter **MUST** include a notice of the right to request an appeal of the decision within 30 days from the date of receipt of the decision.











### The SMI Appeal Process

Dijana Hastings, OHR Data and Policy Manager



### The SMI Appeal Process

An **appeal** is a formal way of disagreeing with a decision about services. Issues that can be appealed include:

- The reduction, suspension, or termination of a service,
- The Individual Service Plan (ISP) or discharge plan,
- Failure to provide services,
- Denial of a service,
- Fees assessed to the individual or the denial of a fee waiver,
- Result of a grievance decision,
- Non-compliance with the SMI grievance process, and/or
- Denial of a request for services outside of the provider network if the network is insufficient.





### Filing an Appeal

- An appeal can be completed in writing or verbally.
- It is best to file in writing using the <u>SMI Grievance/Appeal Form</u> and keeping a copy for your records.
- An appeal can be expedited upon request if it involves:
  - The denial or termination of crisis or emergency services,
  - The denial of admission to or the termination of inpatient services, or
  - The individual can show good cause to support the need for an expedited appeal.
- Services may continue during the appeal process if requested and filed timely



### **Appeal Process and Outcomes**



#### After an appeal is filed:

- An informal conference is held to try to find a solution to the appeal.
- If the issue is not resolved, a second informal conference can be scheduled.
- If the issue is not resolved through the informal conference(s), a member has the right to request an administrative hearing.
- At the administrative hearing, the member will present evidence through testimony of witnesses and records to support the appeal.
- The administrative law judge then issues a decision in writing.



### Roadmap to the Appeal Steps



This must be done within 60 days of an action, notice or decision.



At the conclusion of the informal conference, the member can agree with the resolution, withdraw or opt to escalate the matter if necessary.



At the conclusion of the second informal conference, the member can agree with the resolution, withdraw or opt to escalate the matter if necessary.

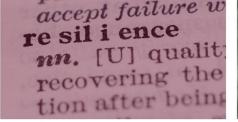


<u>Uniform Administrative</u> <u>Hearing Procedures -</u> <u>Chapter 6, Article 10</u>











### Overview

The Office of Individual and Family Affairs (OIFA)

Jamie Green
OIFA Health Care Advocacy Coordinator



#### **OIFA Mission**

The Office of Individual and Family Affairs promotes recovery, resiliency, and wellness for individuals whose lives have been impacted by mental health and/or substance use challenges.





### Office of Individual and Family Affairs (OIFA)

The AHCCCS Office of Individual and Family Affairs (OIFA) takes pride in helping members and family members in the public health care system. OIFA is dedicated to three core areas:







Our actions, initiatives, and successes drive us toward our core goals.



#### Member Voice and Education Events



View the calendar of events at: <a href="https://www.azahcccs.gov/shared/AHCCCScalendar.html">https://www.azahcccs.gov/shared/AHCCCScalendar.html</a>





### Health Plans, ACC-RBHA and TRBHA Contacts

Health Plans, ACC-RBHA or TRBHA	Customer Service	Webpage
Banner – University Family Care LTC	1-833-318-4146	Banner UFC
Mercy Care LTC	1-800-624-3879	Mercy Care LTC
Care1st Arizona	1-866-560-4042	<u>Care1st Arizona</u>
Mercy Care RBHA	1-800-564-5465	Mercy Care RBHA
AHCCCS American Indian HP	1-800-654-8713	American Indians-AIHP
United Healthcare LTC	1-800-293-3740	UHC LTC
Arizona Complete Health	1-888-788-4408	AZ Complete Health
Gila River TRBHA	1-520-562-3321	Gila River TRBHA
Pascua Yaqui TRBHA	1-520-879-6060	Pascua Yaqui TRBHA
Navajo Nation TRBHA	1-928 871-6000	Navajo Nation TRBHA
White Mountain Apache TRBHA	1-928-338-4811	White Mountain Apache TRBHA



#### Resources: Rule and Statutes

#### **Arizona Administrative Code:**

Rights for Members Living with a Serious

Mental Illness-Arizona Administrative Code
(R9-21)

#### **Arizona Revised Statutes:**

<u>Court Ordered Evaluation and Treatment-</u> <u>A.R.S. Articles 4 & 5, 520-544</u>

Confidential Records-A.R.S. 36-509

<u>Guardianship of Incapacitated Adults- Title</u> <u>14, Chapter 5, Article 3</u>





#### Resources: Policies and Manuals

#### **AHCCCS Medical Policy Manual (AMPM)**



<u>Special Assistance for Members with a SMI - AMPM 320-R</u>

Behavioral Health Covered Services- AMPM 310-B

Medical Records and Communication - AMPM 940

Case Manager Requirements - AMPM 570

**AHCCCS Contractor Operations Manual (ACOM)** 

SMI Appeals-ACOM 444

SMI Grievance and Investigations-ACOM 446

SMI Grievance/Appeal Form





### Additional Advocacy Resources

**AHCCCS OHR Web page** 

**AHCCCS OIFA Web page** 

**AHCCCS Related Acronyms** 

**AHCCCS Contract and Policy Dictionary** 

**AHCCCS Community Events Calendar** 





#### Sources for Feedback

AHCCCS/DCAIR facilitates community forums, listening sessions and trainings to educate and solicit community feedback. We do so in many different ways such as public comments on policy, Q&A with the community, calls received by the Advocate of the Day (AOD), other departments at AHCCCS such as the Office of Individual and Family Affairs (OIFA), in addition to trainings like this.





### Advocate of the Day



OHR operates a single statewide phone line during business hours to provide technical assistance to anyone living with a Serious Mental Illness. Technical assistance could include:

#### 2022 Calls



- Providing education and resources for behavioral health services in Arizona,
- Helping a person understand their rights as an individual living with a Serious Mental Illness,
- Helping an individual to understand their treatment options, and
- Educating about the grievance and/or appeal process.

1-800-421-2124

### **Community Education**

DCAIR hosted seven community education sessions in 2022 on a variety of topics which has resulted in providing education and engagement with over 1700 attendees in the following trainings:

- Rights of Individuals living with a Serious Mental Illness,
- Court-ordered Evaluation and Court-ordered Treatment for Individuals Living with a Serious Mental Illness,
- The Individual Service Plan and Why it Matters for Individuals Living with a Serious Mental Illness,
- Inpatient Treatment and Discharge Planning for Individuals with a Serious Mental Illness,
- The Grievance and Appeals Process for Individuals Living with a Serious Mental Illness,
- The Power of Collaboration and Advocacy for Individuals Living with a Serious Mental Illness, and
- Why Assess for Special Assistance for Individuals Living with a Serious Mental Illness.

The feedback and questions we receive inspires additional training, updates to our website and the development of one-pagers to share with the community.

Previous OHR trainings are available here.







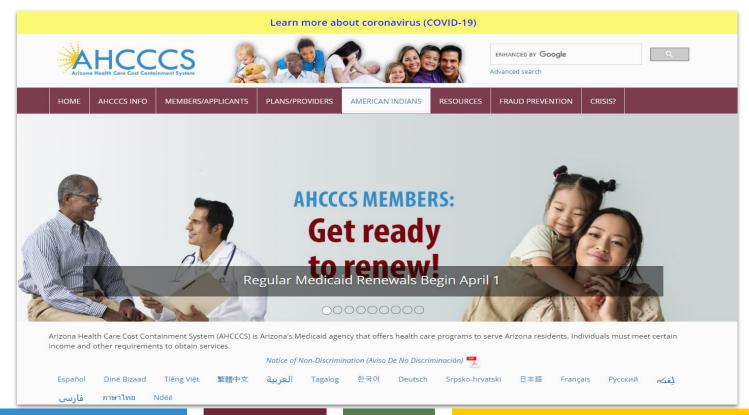




# AHCCCS Website www.azahcccs.gov



### Navigating the AHCCCS Website











A list of resources to assist you with getting the help you need



**Apply Now** 

Apply for AHCCCS Benefits at Health-e-Arizona Plus









Contracted Health Plan Audited Financial Statements

Change in Ownership Activities

Operational Reviews

Quality and Performance Improvement

Request to Lift Enrollment CAP

System Of Care



#### Governmental Oversight

Federal and State Requirements

Legislative Sessions

Waiver

State Plans

**Budget Proposals** 

County Acute Care Contributions



#### Health Plan Report Card

Reports to CMS

Reports to the Legislature

Population Reports

Enrollment Reports by Health Plan

Financial Reports

Behavioral Health Reports

#### Solicitations & Contracts

Solicitations, Contracts & Purchasing

Open Solicitations

Closed Solicitations

Contract Amendments

Medicare D-SNP Agreements

Bidders Library

Vendor Registration

#### Public Health

COVID-19 Information

Monkeypox Virus and Vaccination Information



#### **Training**

Fee-for-Service Provider Training

MCO Provider Training

#### Grants

Federal Funding Accountability and Transparency Act

Current Grants

#### Electronic Data Interchange (EDI)



**EDI Testing** 

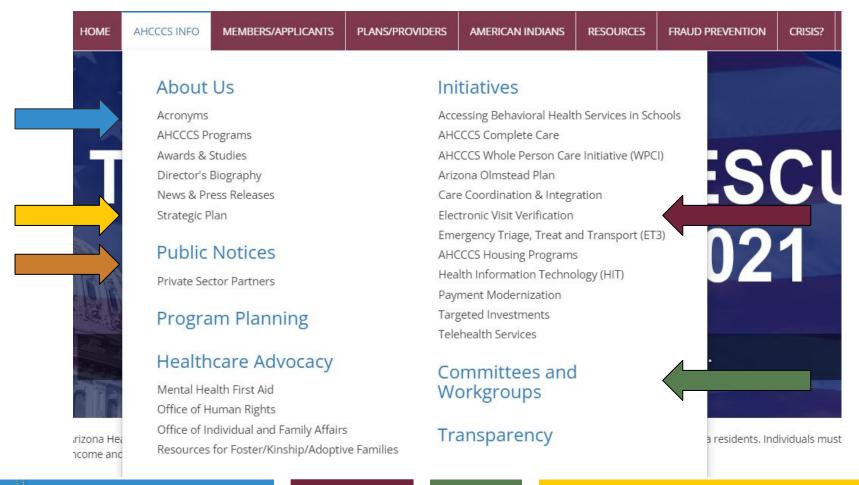
**EDI Change Notices** 

#### Community Partners (HEAplus)

#### Pharmacy









# Learn about AHCCCS' Medicaid Program on YouTube!







Watch our Playlist:

Meet Arizona's Innovative Medicaid Program











## **Upcoming Forums and Trainings**



### **Upcoming AHCCCS Advocacy Training**

Register for upcoming trainings by clicking on the name of the course.



3/29	Case Management Responsibilities When Providing Service to an Individual Living with a Serious Mental Illness	
4/19	The Individualized Service Plan and Why it Matters for Individual Living with a Serious Mental Illness	
5/23	The Role of the Office of Human Rights for Individuals Living with a Serious Mental Illness	
6/21	The Grievance and Appeals Process for Individuals Living with a Serious Mental Illness	
7/19	Covered Behavioral Health Services for Individuals Living with a Serious Mental Illness	



### **Upcoming Forums and Events**

**Hot Topics: Renewing Your AHCCCS Coverage & Applied Behavioral Analysis** 

Mon., 3/20, 11:00 a.m. - 11:30 a.m. Register in Advance

#### **Jacob's Law Training**

Thurs., 3/23, 2:00 p.m. - 4:00 p.m. Register in Advance

**OIFA Health Care Navigation: Peer-Run Organizations** 

Tues., 3/28, 12:00 p.m. - 12:30 p.m. Register in Advance

**OHR:** Case Management for Individuals Living with a Serious Mental Illness

Wed., 3/29, 1:00 p.m. - 2:30 p.m. Register in Advance



### Follow & Support AHCCCS on Social Media









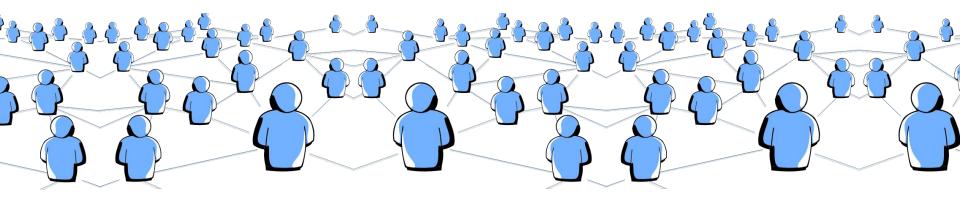
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Channel: **AHCCCSgov** 





## Questions?





### Thank You.

