

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-fourth Legislature - First Regular Session

HOUSE AD HOC COMMITTEE ON ABUSE AND NEGLECT OF VULNERABLE
ADULTS

Report of Interim Meeting
Tuesday, September 17, 2019
SHR 1 -- 1:30 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

9-19-19

Convened 1:30 P.M.
Recessed
Reconvened
Adjourned 4:09 P.M.

Members Present

Representative Jennifer Longdon, Chair
Representative Timothy M. Dunn, Vice Chair
Colby Bower
Sherri Collins
Sarah Kader
Dana Kennedy
Cheryl Knupp
Erica McFadden
Elizabeth Ortiz
April Reed
Jose de Jesus V Rico
Jami Snyder
Michael Traylor

Members Absent

Agenda

Original Agenda – Attachment 1

Request to Speak

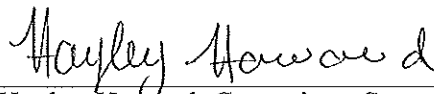
Report – Attachment 2

Committee Attendance

Report – Attachment 3

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
Kathy Berr	DES	4
Dr. Erica McFadden	AZ Developmental Disability Planning Council	5
Elizabeth Ortiz	AZ Prosecuting Attorney's Advisory Council	6
Mary Lynn Kasunic & Regan Smith	Area Agency on Aging	7
Sarah Kader	AZ. Statewide Independent Living Council	N/A



Hayley Howard, Committee Secretary
September 19, 2019

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

Interim agendas can be obtained via the Internet at <http://www.azleg.gov/Interim-Committees>

ARIZONA STATE LEGISLATURE

Conv: 1:30 PM
Adj: 4:09 PM

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

HOUSE AD HOC COMMITTEE ON ABUSE AND NEGLECT OF VULNERABLE ADULTS

Date: Tuesday, September 17, 2019

Time: 1:30 P.M.

Place: Senate Hearing Room 109



AGENDA

1. Call to Order
2. Presentations:
 - Abuse and Neglect Prevention Task Force
 - Arizona Developmental Disability Planning Council
 - AARP of Arizona
 - Arizona Prosecuting Attorneys' Advisory Council
 - Long Term Care Ombudsman
 - Statewide Independent Living Council
3. Committee Discussion
4. Public Testimony
5. Adjourn

Members:

Representative Jennifer Longdon, Chair
 Representative Timothy M. Dunn, Vice Chair
 Dr. Cara Christ
 Sherri Collins
 Sarah Kader
 Dana Kennedy
 Cheryl Knupp

Erica McFadden
 Elizabeth Ortiz
 April Reed
 Jose de Jesus V Rico
 Jami Snyder
 Michael Traylor

* The committee may go into an executive session to receive testimony or documents that are pursuant to House Rules.

9/12/19
9/17/19
jy
jjb

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

Information Registered on the Request to Speak System

House Ad Hoc Committee on Abuse and Neglect of Vulnerable Adults (9/17/2019)

4, Public Testimony

Support:

Cynthia Elliott, representing self

All Comments:

Cynthia Elliott, Self: I appreciate the opportunity to address the committee on this extremely important issue.

Convened: 1:30pm

adjourned: 4:09 pm

ARIZONA STATE LEGISLATURE
Fifty-fourth Legislature - First Regular Session

COMMITTEE ATTENDANCE RECORD

HOUSE AD HOC STUDY COMMITTEE ON ABUSE AND NEGLECT OF
VULNERABLE ADULTS

CHAIRMAN: Jennifer Longdon VICE-CHAIRMAN: Timothy M. Dunn

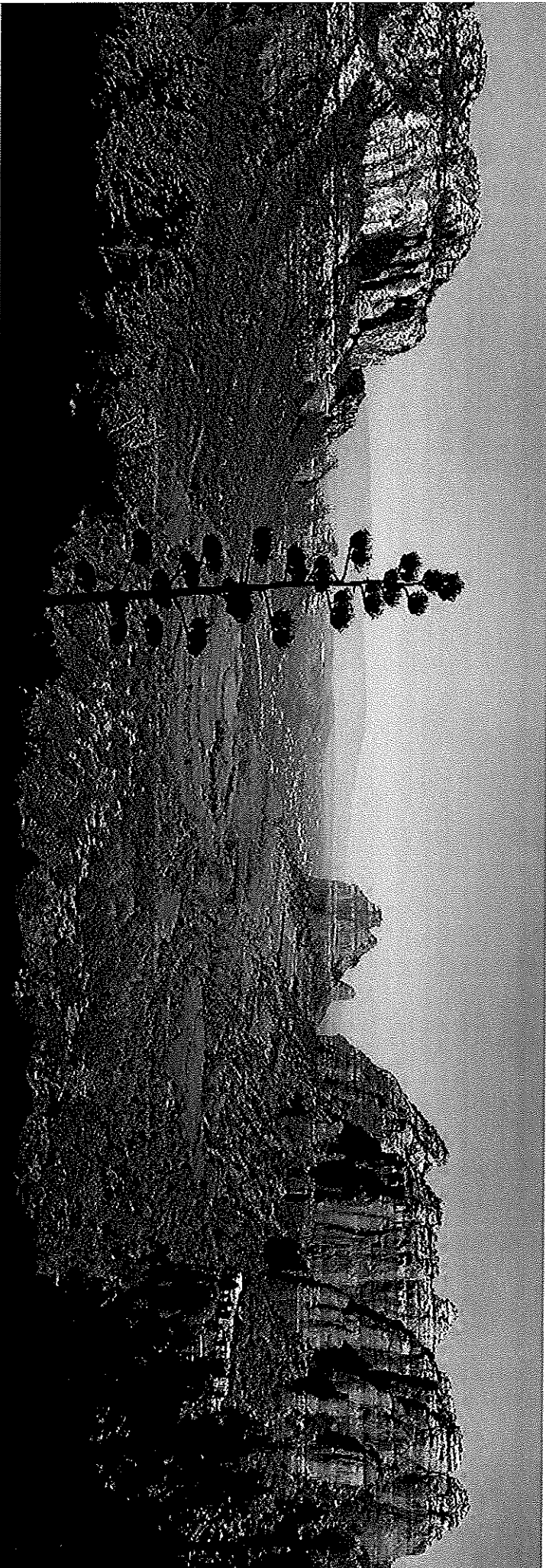
DATE	09/17/19	/19	/19	/19	/19
CONVENED	1:30 pm	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	4:09 pm				
MEMBERS					
_____ Colby Bower	✓				
Sherri Collins	✓				
Sarah Kader	✓				
Dana Kennedy	✓				
Cheryl Knupp	✓				
Erica McFadden	✓				
Elizabeth Ortiz	✓				
April Reed	✓				
Jose de Jesus V Rico	✓				
Jami Snyder	✓				
Michael Traylor	✓				
Dunn, Vice-Chairman	✓				
Longdon, Chairman	✓				

√ Present --- Absent exc Excused



DEPARTMENT OF ECONOMIC SECURITY

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Update on the Executive Order 2019-03 Task Force

Executive Order 2019-03

Enhanced Protections for Individuals with Disabilities

1. AHCCCS, ADHS, DES with disability advocates shall review current protocols and jointly develop training on preventing abuse and neglect, recognizing the signs and symptoms of abuse & neglect, and reporting of abuse & neglect
2. AHCCCS, ADHS, DES shall ensure that all state contracts include a requirement that all staff, contractors, vendors with direct contact annually undergo training in preventing, recognizing and reporting abuse & neglect
3. AHCCCS, ADHS, DES shall ensure that all state contracts for residential, group homes, and day programs include a requirement for prominent posting of signage with approved language on how to report abuse & neglect
4. AHCCCS, ADHS, DES shall ensure that all contracts include a requirement that a check of the APS registry before someone is hired
5. AHCCCS, ADHS, DES shall convene a working group of individuals with disabilities, advocacy organizations, providers and family members. To consider additional steps that can be taken to protect and improve care for individuals with disabilities and make recommendations and submit a report to the Governor's office by November 1, 2019

Task Force Members

- Director Christ of ADHS and key staff
- Director Trailor of DES and key staff
- Director Snyder of AHCCCS and key staff
- Lindsay Ashworth; Sexual Violence Response Manager, Arizona Coalition to End Sexual and Domestic Violence
- Representative Nancy Barto; Arizona Legislative District 15
- Senator Kate Brophy McGee; Arizona Legislative District 28
- Megan Cox, Partner, Lincoln Strategy Group, DD family member
- Asim Dietrich, JD; Staff Attorney, Arizona Center for Disability Law
- Stuart Goodman; Principal, Goodman Schwartz Public Affairs
- Emily Jenkins, JD; CEO Arizona Council of Human Service Providers
- Gina Judy, MAOM; COO, Easterseals Blake Foundation and Chair, Developmental Disabilities Advisory Council
- Dana Kennedy, MSW; State Director, Arizona AARP
- Cindy Leach, RN, NHA; COO, CopperSands; Arizona Health Care Association Board Member

Task Force Members, Continued

- Representative Jennifer Longdon, Arizona Legislative District 24
- Ann Monahan; Board President, Arizona Autism Coalition; VP, State and Governmental Affairs, Hope Group
- Erica McFadden, PhD, MSW; Executive Director, Arizona Developmental Disabilities Planning Council
- Jon Meyers, Executive Director, The Arc of Arizona
- Joyce Millard Hoie, MPA; Consultant; Parent
- Sean Mockbee; Managing Partner, Sunshine Village Memory Care and Paseo Village Assisted Living
- Janna Murrell; Assistant Executive Director, Raising Special Kids; Parent
- Phil Pangrazio; President & CEO, Ability360
- Suzanne Pfister; President & CEO, Vitalyst Health Foundation
- Ellen Poole, Representative, MGA Home Health Care
- David Reed; Executive Director, San Carlos Apache Health and Human Services

Task Force Members, Continued

- Denise Resnik, Co-Founder and Emeritus Board Member, Southwest Autism Research & Resource Center; Founder, First Place; Parent
- Kim Russell; Executive Director, Arizona Advisory Council on Indian Health Care
- Wendy Shaw; CEO, AIRES, LLC; Vice Chair, Arizona Association for Providers for Persons with Disabilities
- Connie Thompson RN, BSBA; Clinical Care Supervisor for Prior Authorization, Care 1st/WellCare Health Plans
- Heidi Trelease; Director of Residential Operations and Quality Assurance, The Tungland Corporation
- Jason Vail Cruz; Sexual Violence Policy Coordinator, Arizona Coalition to End Sexual and Domestic Violence (through July 2019)
- Karen Van Epps; Chair, District Central Independent Oversight Committee; Family member of individual with Down syndrome; Member, Developmental Disabilities Advisory Council
- David Voepel, CAE; CEO, Arizona Health Care Association

Organization

- Facilitator – Sharon Flanagan-Hyde
- Monthly Task Force Meetings
- Monthly Work Group Meetings

Work Groups

- **Agency Alignment**
 - Identifies areas where AHCCCS, DHS and DES need to continue working to ensure a streamlined system of protection for vulnerable adults
- **Incident Reporting and Investigation**
 - Identifies potential gaps or duplication in reporting and investigation of incidents by various entities including AHCCCS, DHS, DES and Law Enforcement
- **Incident Stabilization and Recovery**
 - Identifies strategies and solutions for individuals after abuse or neglect occurs
- **Member and Family Education**
 - Identifies gaps and opportunities for education of individuals and families on the system, including DES/DDD, DES/APS, DHS, AHCCCS and other entities.
- **Prevention**
 - Identifies strategies and opportunities to for prevention of abuse and neglect of vulnerable adults.

Guiding Principles

- Work toward action items in a positive way
- Keep recommendations as simple as possible
- Keep discussions and recommendations:
 - Person- and family-focused
 - Culturally sensitive and competent, including concerns of indigenous populations.
 - Evidence-based and data-informed
 - Informed by best practice and lessons learned in other states
- Seek innovative, system-level change with optimism
- Work toward collaboration among all entities and stakeholders
- Each Work Group is tasked with incorporating outcome measures in their recommendations

Current Status

- Work Groups developed recommendations
- Task Force reviewing and revising draft recommendations
- Next Task Force Meeting: September 20, 2019
- Recommendations and report due to the Governor by November 1, 2019

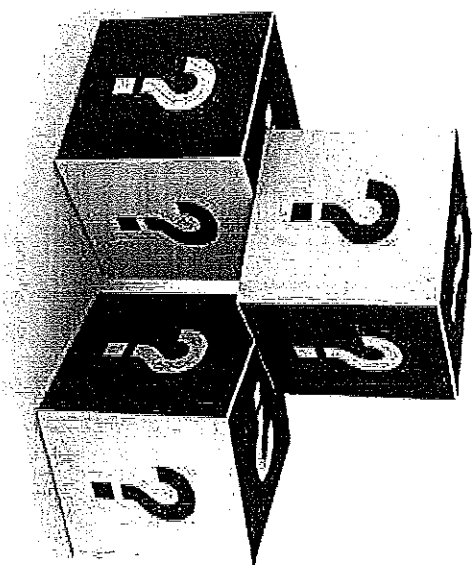


Reporting and Preventing Maltreatment of Vulnerable Adults:
Key Findings and Recommendations

Erica S. McFadden, MSW, Ph.D.

To be addressed

- What did you learn when you began to investigate your exposure?
- What changes do you feel need to be initiated?
- What do you think you have left to do/next steps?
- What do you need from the AZ Leg to get it done?



What are Councils on Developmental Disabilities (DD)?

- Authorized through federal DD Assistance and Bill of Rights Act of 2000
- Federally funded, self-governing organizations in every state and territory
- Engage in “advocacy, systems change, and capacity-building” addressing most pressing needs of people with DD in each region
- Advance public policy that help individuals gain more control over their lives
 - “Provide information to policymakers by supporting and conducting studies and analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations directly to Federal, State, and local policymakers,... and State agencies.” (*Public Law 106-402*)



ADDPC Required Activities

Governor-appointed 23-member Council with 6 staff. The Council SHALL:

- ✓ Serve as a forum through which issues regarding people with DD may be discussed
- ✓ Review and make recommendations on services and programs for people with DD and make those recommendations available to the Governor, Legislature and government agencies as requested
- ✓ Monitor programs and services to encourage efficient and coordinated use of resources
- ✓ Advise the public and private sector on programs, policies, and concerns pertaining to services for persons with DD and their families



ADDPC Response to Abuse

Council Goal Revised to Include:

“...diminish discrimination, neglect, abuse and exploitation”

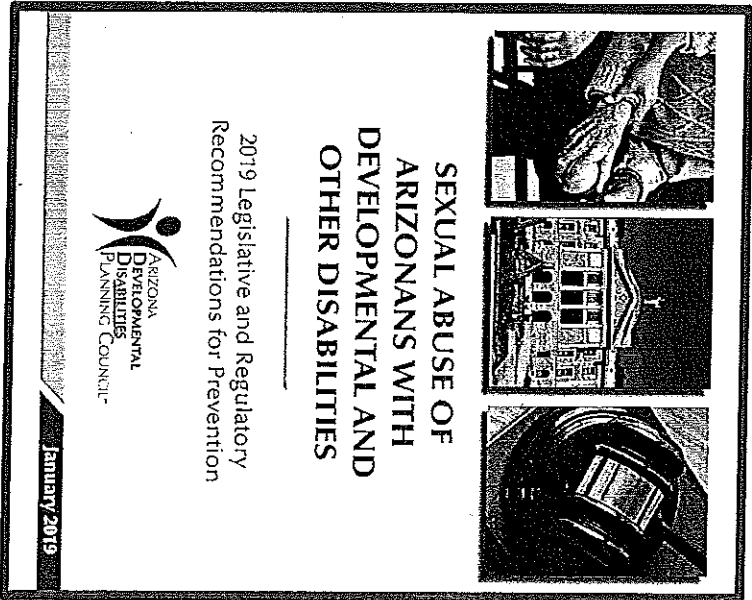
Other Activities sponsored to date:

- \$93,000 grant to Improvement Assurance Group - report due Summer 2020
- Producing video on sexual abuse and people with disabilities
- ACEs training inclusive of people with disabilities
- Supported Decision-Making Coalition
- Ongoing in-house research




Reports: Preventing Abuse

January 2019



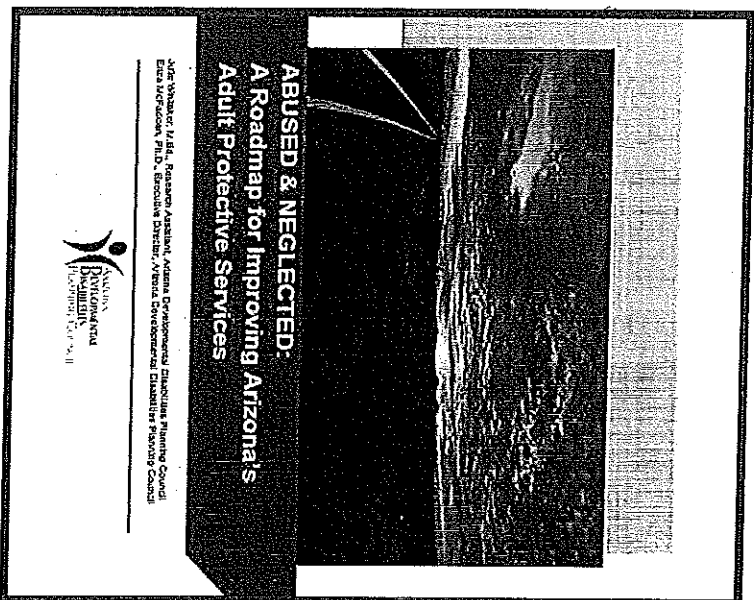
**SEXUAL ABUSE OF
ARIZONANS WITH
DEVELOPMENTAL AND
OTHER DISABILITIES**

2019 Legislative and Regulatory
Recommendations for Prevention




January 2019

September 2019



**ABUSED & NEGLECTED:
A Roadmap for Improving Arizona's
Adult Protective Services**

Alicia Whittaker, LEdA, Research Assistant, Arizona Developmental Disabilities Planning Council
Erica McPherson, PhD, Executive Director, Arizona Developmental Disabilities Planning Council

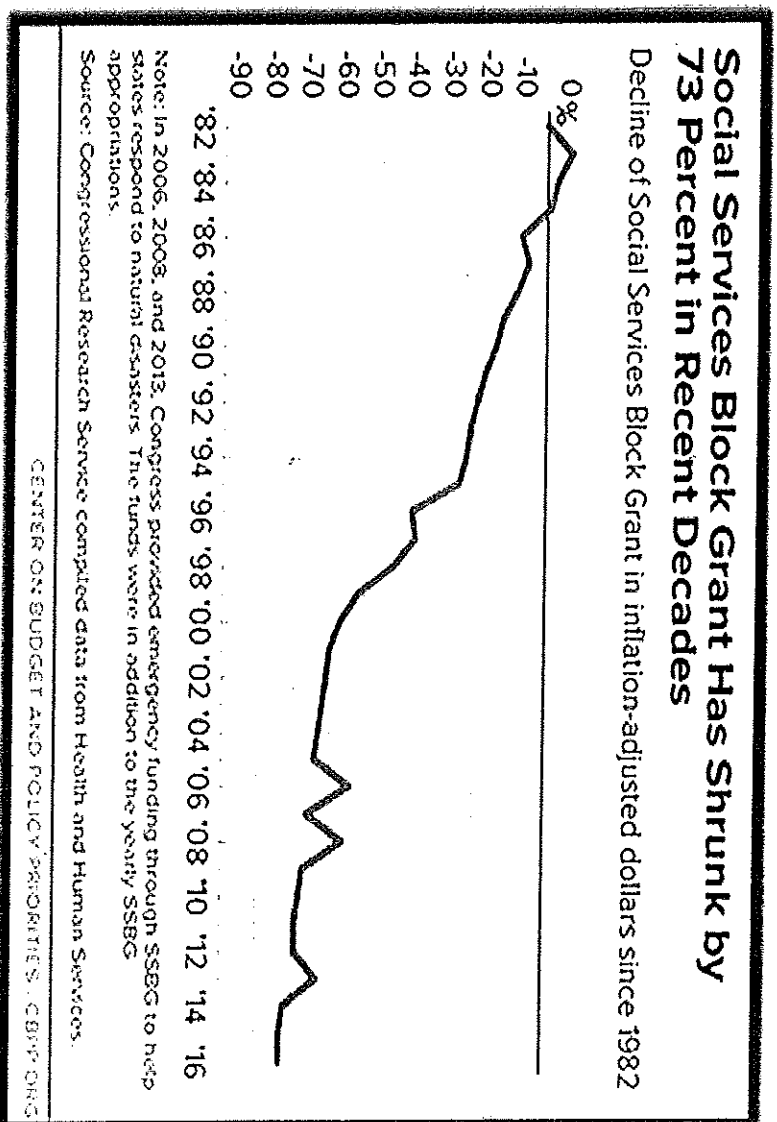


Post Sexual Abuse Report – What We've Learned

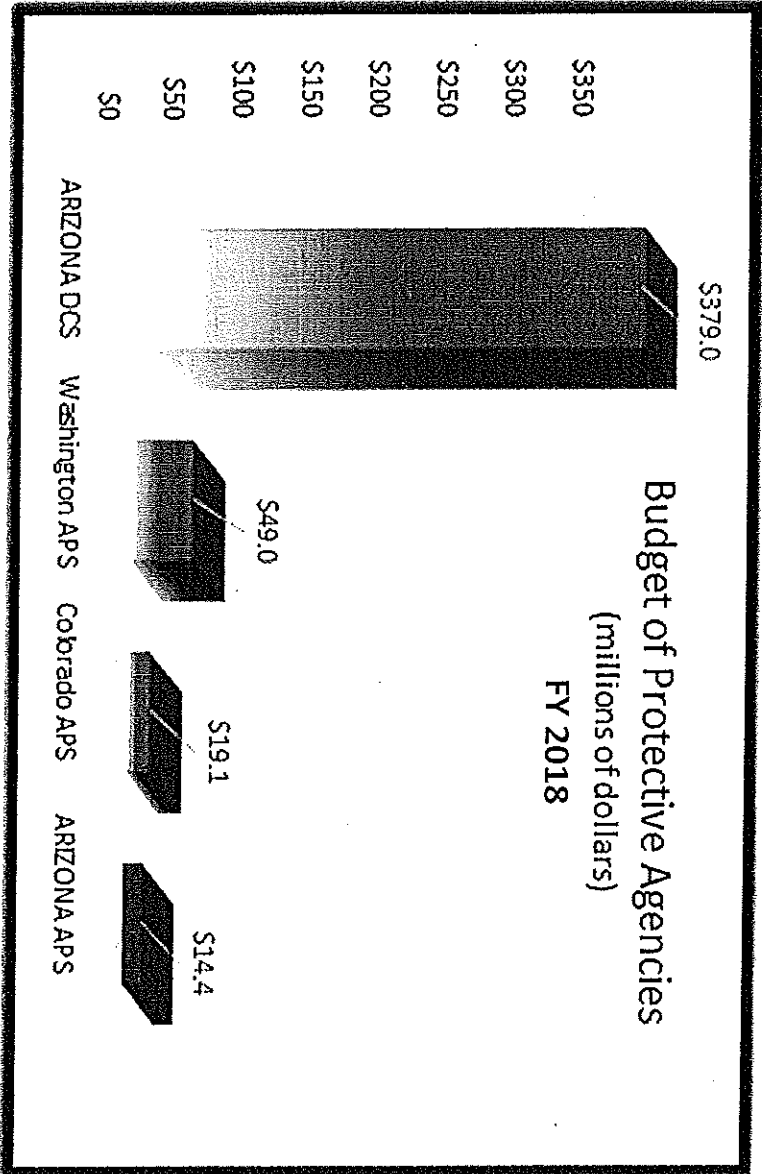
- **Usefulness of One-time APS Registry Checks:** Job hopping continues. Direct care workers or support professionals work multiple jobs, may come from another state, or work in private care or hospital settings.
 - **Abuse and Neglect Training:** There is still a lack of overall, consistent annual training on awareness, recognition, reporting, and post-reporting care among individuals, families, and some provider agencies
 - **Addressing Healthy Relationships:** Fear exists around discussion of healthy relationships of people with DD
 - **Anti-retaliation/Reporting Enforcement:** Victims are afraid to report. Unclear how penalties for failing to report are enforced.
 - **Shortage of Staffing:** Contributing to resistance to additional requirements.
-

Our Look Into APS – What We've Learned

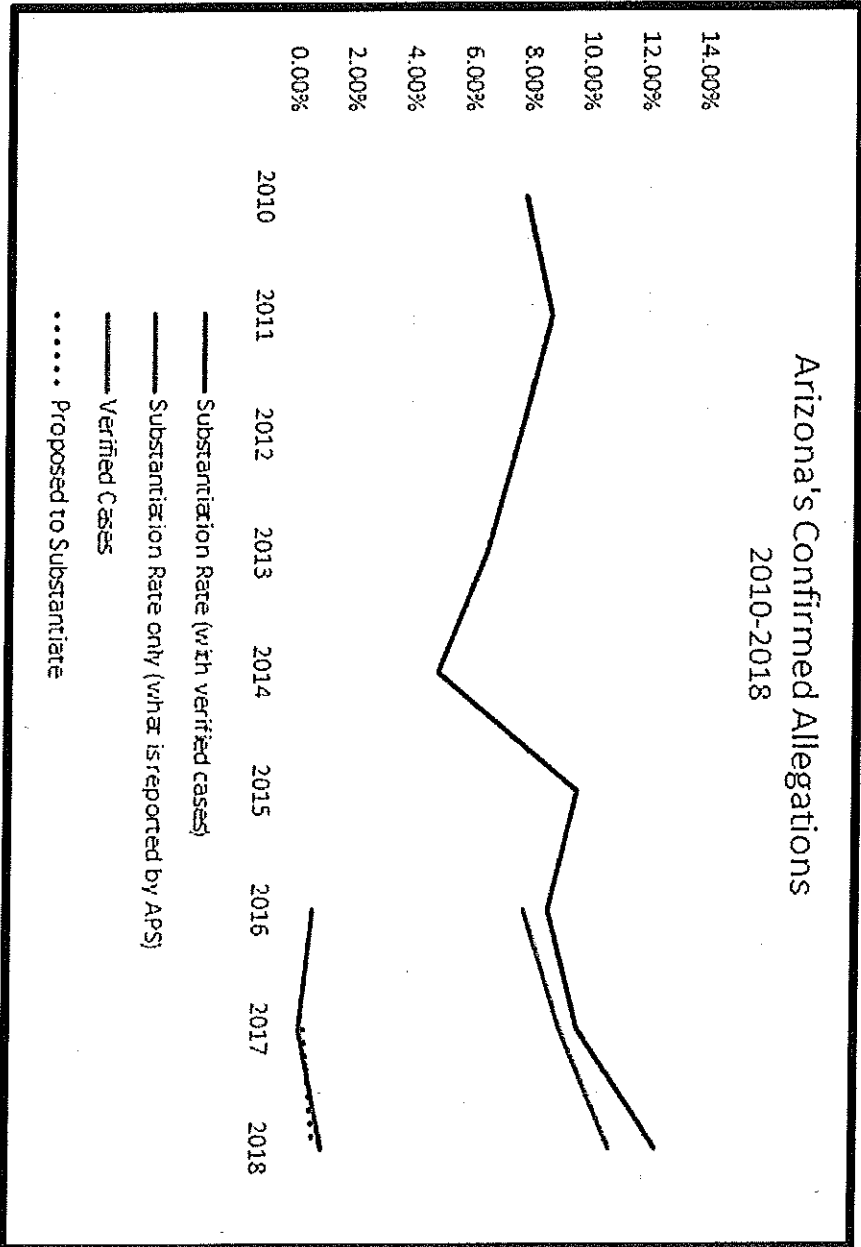
- No federal requirements or oversight
- Very little federal funding from SSBG funds



Our Look Into APS – What We’ve Learned



Our Look Into APS – What We've Learned



Our Look Into APS – What We’ve Learned

Administration for Community Living says higher substantiation rates come with more education and training requirements.

- Currently, no minimum education requirements in AZ
- Limited ongoing training
- Little information about how to interact with people with DD
- Heavy emphasis on case closures by 60 days/high caseloads may contribute to premature case closures
- Data collection and reporting remains an issue

The good news: DES just received a new 3-year federal grant for investigator training

What Changes Can We Make?

Transparency:

- Agencies should publicly report what changes/actions have been made (successes and barriers), at least semi-annually to support prevention efforts and ensure progress, e.g., status of anti-retaliation language to protect victims?
- Require posting of all residential inspection reports for easy access

Quality Assurance:

- Work with vulnerable adults and families to develop and report on quality measures/indicators across different agencies, including APS, DDD, DAAS, DHS, and AHCCCS.
- Begin a cross-departmental task force with self-advocates that begins to address serious staffing challenges and its impact to quality care.

Trauma-Informed Care: Give all victims of abuse the option of counseling

Next Steps for our Sexual Violence and DD Roundtable

- 1. Multi-disciplinary Teams:** How are child/family advocacy centers, APS and DCS working together across the state? What is succeeding and what barriers exist?
 - 2. Criminal Justice:** How can we strengthen our criminal justice system to better support victims with disabilities, from police to the judicial system?
 - 3. Trauma-Informed Access:** How well-trained are counselors to work with victims with communication or cognitive disabilities? How accessible are clinics?
 - 4. School Prevention Data:** What do students with DD need to keep them safe?
 - 5. QoC Inspections:** How are these being done, and how effective are they?
 - 6. Tribes:** How are these issues being addressed among tribal communities?
-

Legislative Recommendations

- 1. APS staff training:** Require specific training for APS investigators, similar to CO's statute (HB 17-1284). Include stronger minimum requirements for staffing
- 2. APS registry:** Require annual checks of the APS registry.
- 3. Mandatory reporter training:** Require annual mandatory reporter and duty to report training for everyone obligated to report
- 4. Elevate penalties for failing to report:** Move failing to report sexual assault of a vulnerable adult from a class 1 misdemeanor to class 6 felony, equivalent with similar statute for reporting child abuse
- 5. Create a community advisory committee for APS**

Contact Us



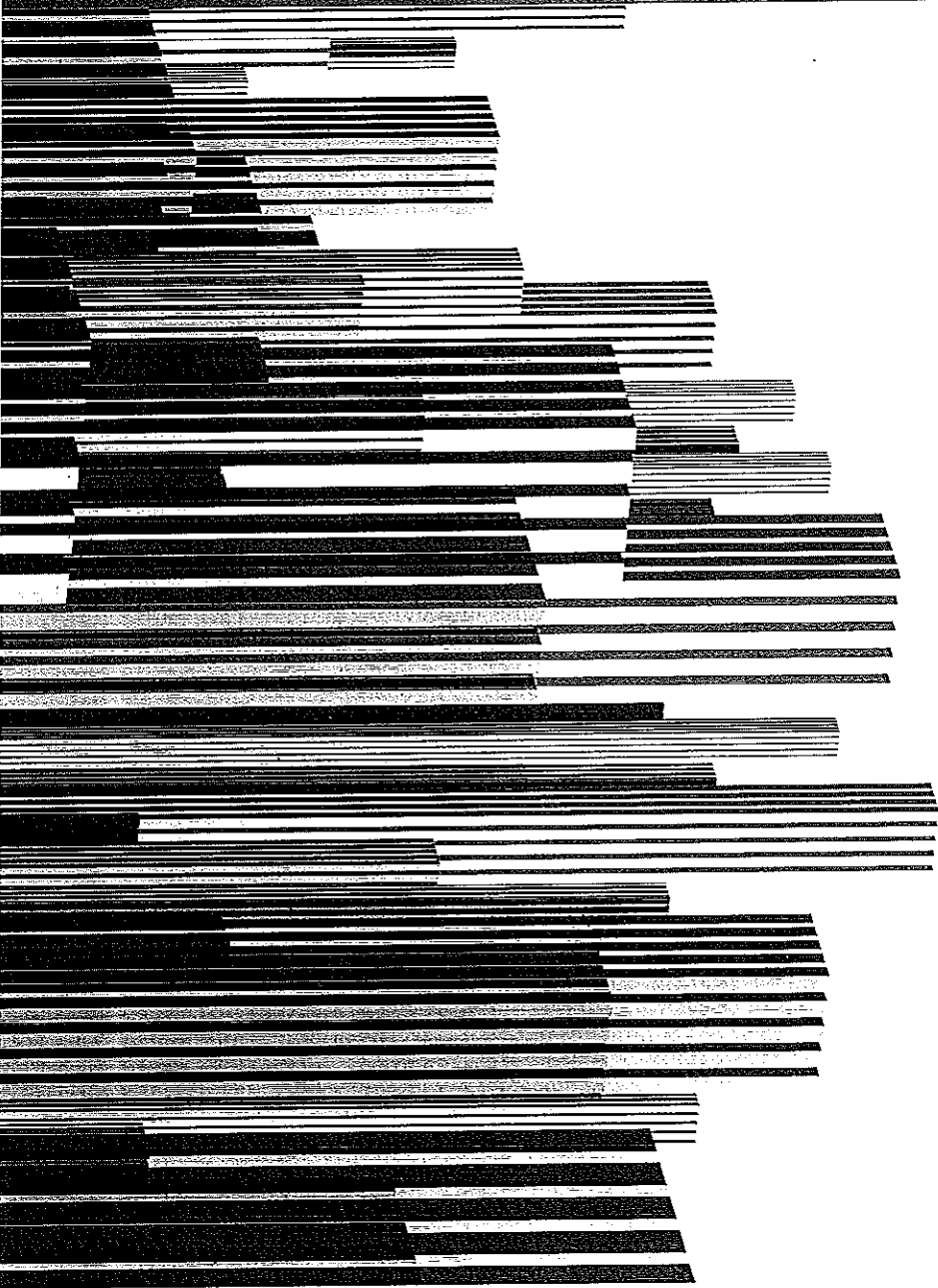
Erica McFadden, MSW, Ph.D., Executive Director
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emcfadden@azdes.gov



**House Ad Hoc
Committee
Abuse & Neglect
of Vulnerable
Adults**

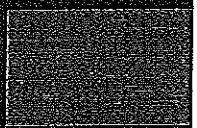
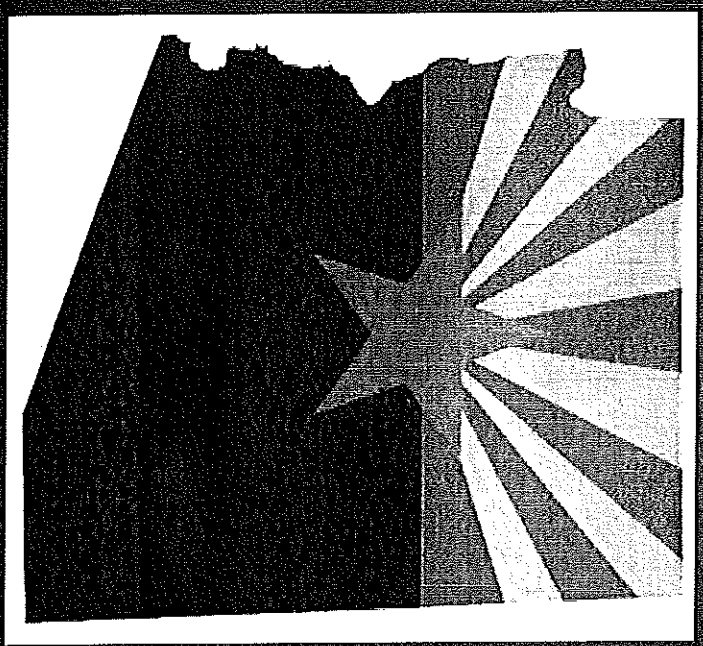
September 17, 2019

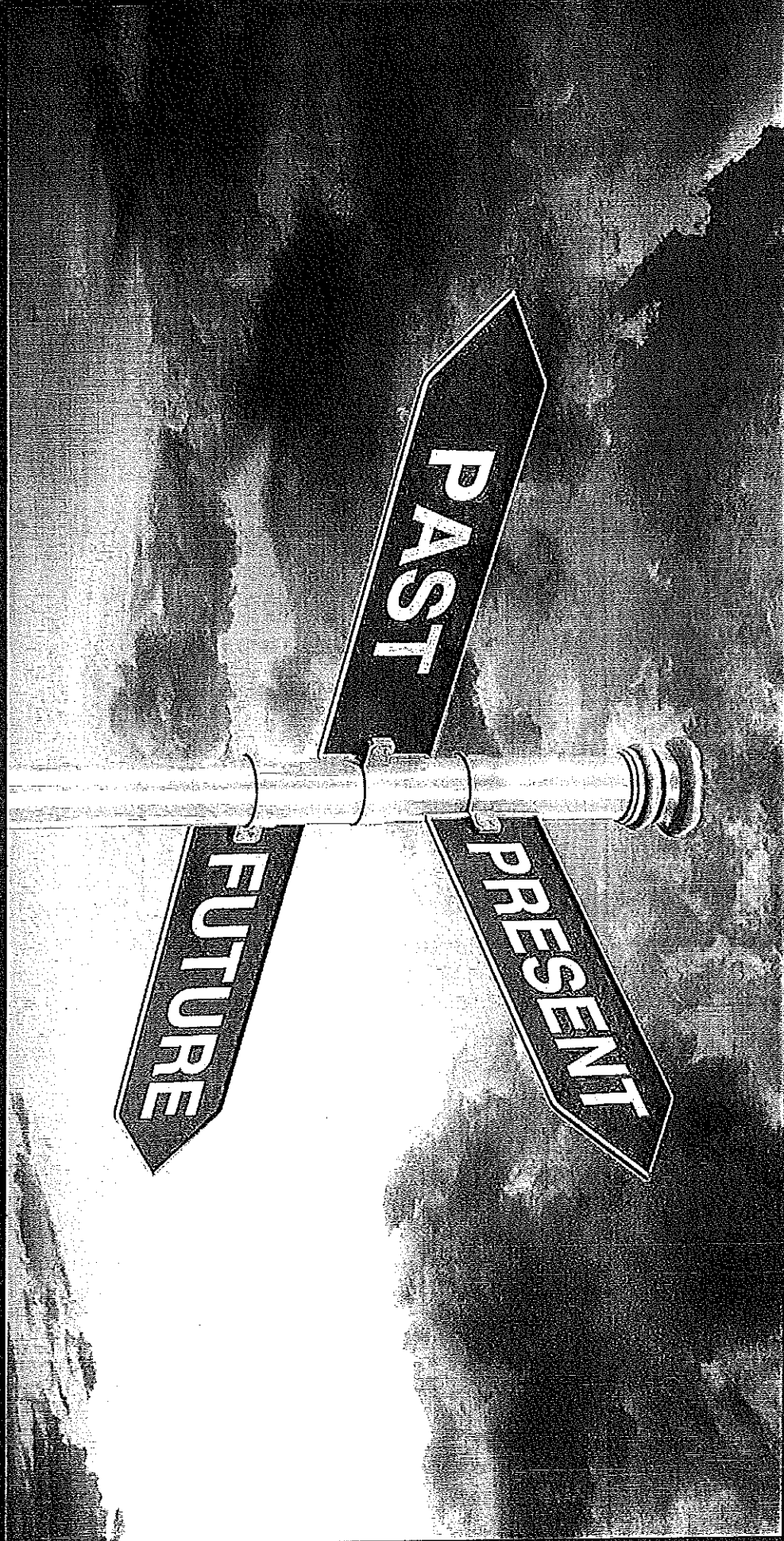
**ELIZABETH BURTON ORTIZ, EXECUTIVE DIRECTOR
ARIZONA PROSECUTING ATTORNEYS' ADVISORY
COUNCIL**



**The opinions expressed in this presentation
are solely that of the speaker and have
neither been reviewed nor approved by the
Arizona Prosecuting Attorneys' Advisory
Council.**

State of the State Protecting Vulnerable Adults

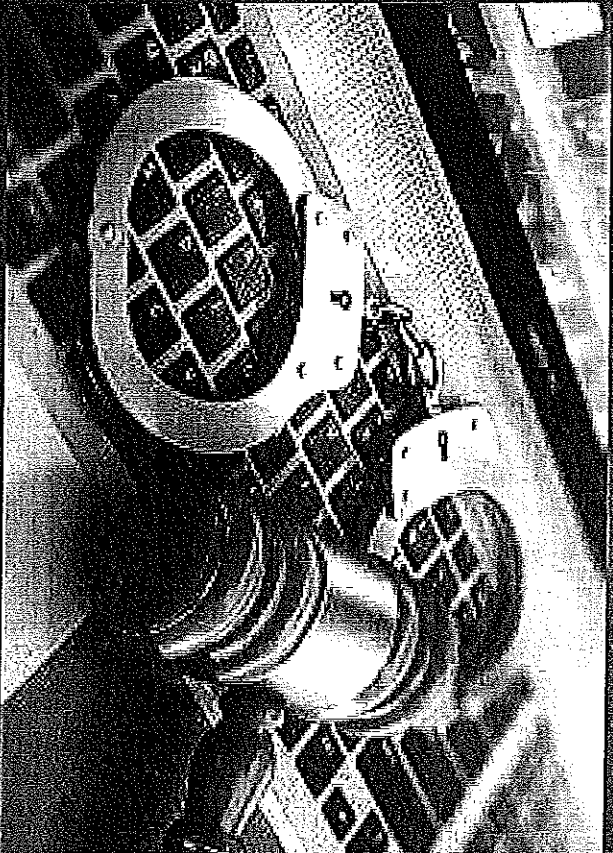




Putting The Pieces Together



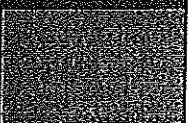
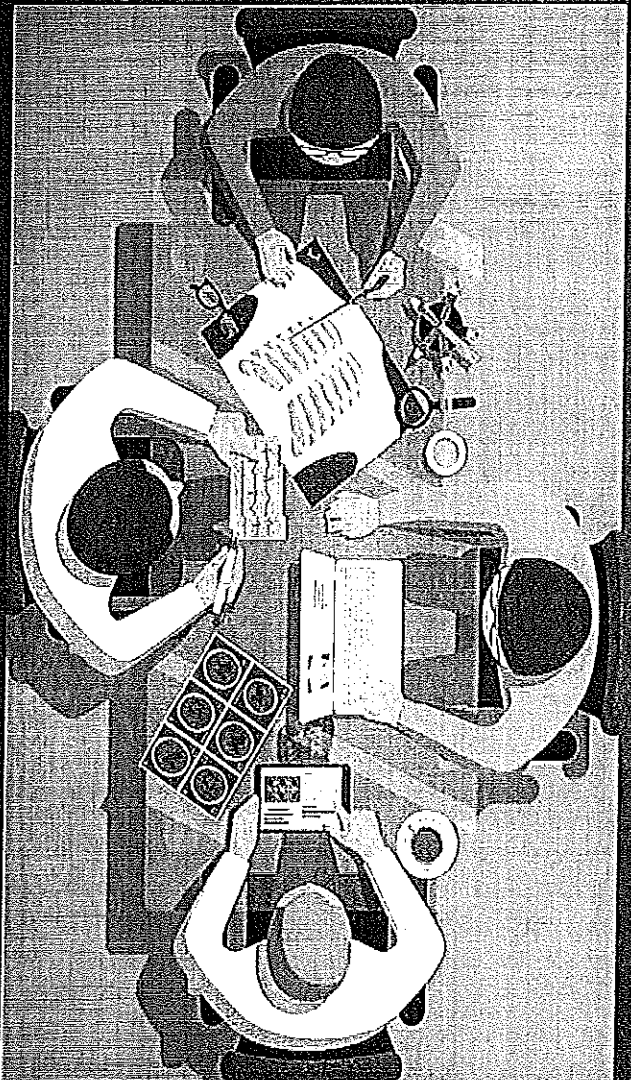
Criminal History Dispositions



A.R.S. section 14-5602 Public Fiduciary



Multidisciplinary Team Review



A.R.S. section 41-198

Domestic Violence Review Team

- ▶ **Non-mandatory**
- ▶ **Examines fatal or near fatal incidents of DV**
 - ▶ **Review only after criminal investigation / proceeding complete**
- ▶ **Report findings/recommendations to AGO**
 - ▶ **No identifying information in report**

Drug Overdose Fatality Review Team

- ▶ Established in Dept of Health Services
- ▶ Develop drug overdose fatalities data collection
- ▶ Annual analysis on incidence & causes
- ▶ Help develop local review teams & standards
- ▶ Develop investigation protocols
- ▶ Study statutes, rules, training, services, etc
- ▶ Educate public regarding incidents, causes & prevention

Contact Information

Elizabeth Burton Ortiz

Executive Director

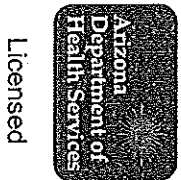
Arizona Prosecuting Attorneys'
Advisory Council

Elizabeth.Ortiz@appaacz.com



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Long-Term Care Ombudsman Program

The Arizona Long-Term Care Ombudsman Program is a federal and state funded program to address resident rights and quality care in skilled nursing, assisted living and adult foster care facilities.

Long-Term Care Ombudsman Program

The Ombudsman program investigates concerns and resolves complaints related to actions, inactions and decisions that may adversely affect the health, safety, welfare and/or rights of the residents.

Long-Term Care Ombudsman Program

- **Ensures residents have regular and timely access to Ombudsmen services**
- **Educates residents, their family and facility staff about resident rights and good care practices**
- **Advocates for changes to improve residents' quality of life and care**

Long-Term Care Ombudsman Program

- **Represents resident interests before governmental agencies and seeks legal, administrative and other remedies to protect residents**
- **Provides information to the public regarding long-term care facilities, services and resident rights**

Long-Term Care Ombudsman Program

**The national Institute of Medicine
recommends
one paid FTE Ombudsman
for every 2,000 licensed beds.**

Statewide Ombudsman Data

Region	Counties	Nursing Homes	Assisted Living	Number of Beds	Paid OMB (FTE)	Number of facilities per Paid OMB	Number of Beds per Paid OMB
One	Maricopa	84	1,591	37,765	8.75	191	4,316
II	Pima	25	369	10,138	3	132	3,379
III	Apache, Navajo, Coconino, Yavapai	16	83	3,466	2	50	1,733
IV	Mohave, La Paz, Yuma	11	44	2,909	2	28	1,455
V	Pinal, Gila	7	7	1,721	0.85	16	2,025
VI	Graham, Greenlee, Cochise, Santa Cruz	5	20	808	0.75	33	1,077
VIII	Inter-Tribal Council	6	27	60	1.6	21	38
TOTALS		154	2,141	56,867	19.0	-	-

To meet the Institute of Medicine standards, AZ Long-Term Care Ombudsman program needs an additional \$1M



AREA AGENCY ON AGING
REGION ONE, INCORPORATED

Mary Lynn Kasunic
President & CEO

Regan Smith
Director

Long-Term Care Ombudsman Program

24-hour *Senior* HELP LINE

602-264-HELP (4357)

Answers@aaaphx.org

www.aaaphx.org