

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-fifth Legislature - Second Regular Session

HOUSE AD HOC COMMITTEE ON ABUSE AND NEGLECT OF VULNERABLE
ADULTS

Report of Interim Meeting
Monday, December 19, 2022
House Hearing Room 1 -- 1:00 P.M.

Convened 1:02 P.M.

Recessed

Reconvened

Adjourned 2:06 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

12-19-22

Members Present

Representative Longdon, Chairman
Representative Dunn, Vice-Chairman
Ms. Collins
Mr. Herrington
Ms. Kennedy
Mr. Meyers
Ms. Ortiz
Ms. Reed
Mr. Rico
Ms. Snyder
Mr. Wischart

Members Absent

Mr. Carey (exc)
Ms. Knupp (exc)

Agenda

Original Agenda – Attachment 1

Committee Attendance

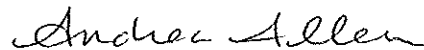
Report – Attachment 2

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
J.J. Rico	Arizona Center for Disability Law	
Nikki Soukup	Arizona Commission for the Deaf and Hard of Hearing	3
Dana Kennedy	AARP Arizona	4

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments</u>
Adopt Committee recommendations			5



Andrea Allen, Committee Secretary

December 19, 2022

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

ARIZONA HOUSE OF REPRESENTATIVES

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

HOUSE AD HOC COMMITTEE ON ABUSE AND NEGLECT OF VULNERABLE ADULTS

Date: Monday, December 19, 2022

Time: 1:00 P.M.

Place: HHR 1

*Convened 1:02p
adjourned 2:06p*

Members of the public may access a livestream of the meeting here:
<https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2022121011>

AGENDA

1. Call to Order
2. Speaker:
 - J.J. Rico, Arizona Center for Disability Law, CEO
3. Discuss, Review and Adopt Committee Recommendations
4. Public Testimony
5. Adjournment

Members:

Representative Jennifer Longdon, Chair
 Representative Timothy M. Dunn, Vice Chair
 David Carey
 Nikki Søukøp Soukup, designee of Sherri Collins
 Thomas Salow, designee of Don Herrington
 Dana Kennedy
 Cheryl Knupp

Jon Meyers
 Bill Wallace, designee of Elizabeth Ortiz
 Christopher Rodriguez, designee of April Reed
 Jose de Jesus V Rico
 Jakenna Lebsock, designee of Jami Snyder
 Michael Wisehart

12/12/2022
RA

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ARIZONA STATE LEGISLATURE
Fifty-fifth Legislature - Second Regular Session

INTERIM COMMITTEE ATTENDANCE RECORD

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

CHAIRMAN: JENNIFER LONGDON VICE-CHAIRMAN: Timothy M. Dunn

DATE	12/19/22	1/22	1/22	1/22	1/22
CONVENED	1:02 pm	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	2:06 pm				
MEMBERS					
Mr. Carey	exc				
Nikki Soukup-designee of Ms. Collins	✓				
Thomas Salow-designee of Mr. Herrington	✓				
Ms. Kennedy	✓				
Ms. Knupp	exc				
Mr. Meyers	✓				
Bill Wallace-designee of Ms. Ortiz	✓				
Christopher Rodriguez-designee of Ms. Reed	✓				
Mr. Rico	✓				
Jakenna Lebsock-designee of Ms. Snyder	✓				
Mr. Wisehart	✓				
Dunn, Vice-Chairman	✓				
Longdon, Chairman	✓				

✓ Present --- Absent exc Excused

Douglas A.
Ducey
Governor



Sherri L. Collins
Executive
Director

Jul 25, 2022

Honorable Jennifer Longdon
Arizona House of Representatives
1700 W. Washington St.
Phoenix, AZ 85007

Dear Madame Chair and Members of the Committee,

I am pleased to submit the following suggested recommendations to incorporate in the final recommendations by the House Ad Hoc Committee on the Abuse and Neglect of Vulnerable Adults.

ACDHH Recommendations for Consideration:

I. House Ad Hoc Committee on Abuse and Neglect of Vulnerable Adults Committee Recommendations (December 17, 2019)

9) Acknowledge that caregivers are vital skilled professionals and that stability and consistency are essential for the wellbeing of our most vulnerable populations and that appropriate compensation, training and support must be addressed...

ACDHH follow up on recommendation #9: Include the ability to effectively provide services towards individuals who are Deaf, Hard of Hearing and DeafBlind particularly in regards to communication access and individuals who may have limited English skills.

II. HHS Committee of Reference and Senate Health and Human Services Committee of Reference Final Recommendations (June 16, 2022)

5) DHS should provide data download to the Auditor General in the format that she prescribes, in fields that she prescribes, and containing the fields that she requests for all complaints...

ACDHH recommendation to build onto recommendation #5: Ensure fields include specifics regarding individuals who are Deaf, Hard of Hearing and DeafBlind, noting communication access.

602-364-0990 TTY 602-542-3323 V 480-559-9441 VP 800-352-8161 V/TTY 602-364-0581 FAX info@acdhh.az.gov

The mission of the Arizona Commission for the Deaf and the Hard of Hearing is to ensure, in partnership with the public and private sectors, accessibility for the deaf, deaf-blind, hard of hearing, and persons with speech difficulties to improve their quality of life.

Douglas A.
Ducey
Governor



Arizona Commission

for the deaf and the hard of hearing

100 N 15th Avenue Suite 104 Phoenix, AZ 85007
acdhh.org

Sherri L. Collins
Executive
Director

What type of disability, what type of accommodation (auxiliary aids) (e.g. videophone, visual alerts, certified ASL interpreters, certified Deaf interpreters, ESL support, captioning systems, etc.)

III. Initial Auditor General's Report and Arizona DHS 30- Month Follow-up – Long-term Care Facility Complaints and Self-Reports (July 14, 2022)

No additional comments related to the auditor's report; reference to DHS presentation for initial five recommendations presented by the Auditor General.

IV. Department of Health Services Presentation to Abuse and Neglect of Vulnerable Adults Ad- Hoc Committee (July 14, 2022)

Recommendation A-

ACDHH recommendation: Surveyors should have knowledge of access to effective communication for residents who are Deaf, Hard of Hearing and DeafBlind in order to recognize communication deficiencies that may be present in complaints that are filed in order to assess abuse or neglect based on language deprivation.

All surveyors should be aware of the Department's obligation to provide equal access to effective communication and how to secure such services for residents who are Deaf, Hard of Hearing and DeafBlind when involved with investigations. Surveyors should be required to participate in an annual training provided by ACDHH.

Recommendation B-

ACDHH recommendation: Execute the complaint and investigation process in American Sign Language (ASL) for residents and family members whose primary language is ASL.

V. ACDHH further recommendations for consideration:

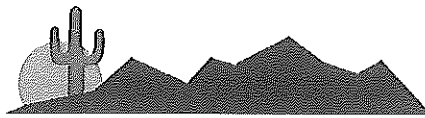
Recommendation: Provide further information and clarification on how DHS specifically meets CMS requirements in serving deaf, hard of hearing and deafblind individuals.

Recommendation: Define "nonverbal" or replace with more detailed description (e.g. Deaf, paralysis, autism, mental illness, dementia, aphasia, stroke, physical illness, etc.) and add emphasis if an individual is unable to communicate for themselves.

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Recommendation: Ensure full representation of all populations served on agency task forces, e.g. ACDHH serving on the DHS Health Equity Task Force.

Recommendation: to create an Independent Oversight Committee for DHS, which is overseen by the Arizona Department of Administration (ADOA) (who also oversees the DES and AHCCCS Independent Oversight Committees).

For instance:

“The DES Independent Oversight Committees, known as IOCs, are groups of local volunteers who provide independent oversight in matters regarding the human rights of members with developmental disabilities who are supported by the Arizona Department of Economic Security/Division of Developmental Disabilities. There is, at a minimum, one IOC committee for each of the 5 DDD Districts. The IOCs review Behavior Plans, Planning documents and Incident Reports. The IOCs also review any other potential human rights violations that are reported to the committee.

The AHCCCS Independent Oversight Committees on Behavioral Health are established in accordance with ARS § 41-3802 and 41-3804. The AHCCCS IOC committee by regions are currently serving: Central Arizona, Northern Arizona, and Southern Arizona. Each IOC may hold community forums. According to statute AHCCCS shall ensure that each Regional Behavioral Health Authority (RBHA) and its providers develop and implement human rights training plans ensuring that providers are properly certified or qualified (as appropriate).” Accessed on 7/20/22: [Incident Process Flow](#)

Thank you for your consideration of our agency recommendations. Please let me know if you have any questions or would like additional information. On behalf of ACDHH, we value the work that the Committee has accomplished and the ongoing work towards bettering the quality of life of our most vulnerable citizens, including those who are Deaf, Hard of Hearing and DeafBlind.

Respectfully,

Sherri Collins
Executive Director
Arizona Commission for the Deaf and the Hard of Hearing

House Ad Hoc Committee on Abuse and Neglect of Vulnerable Adults

Committee Recommendations

AARP Arizona

1. **Funds must be made available to investigate LTC Facilities**
2. **Increase the civil and criminal penalties for those facilities, owners, and staff that abuse, neglect, or exploit older adults**
 - a. This includes closing loopholes that allow for owners to skirt punishment
3. **Establish a threshold for which a thorough investigation is triggered that takes the facility and their practices into account rather than each incident on their own**
 - a. To trigger these investigations there are a few factors to consider:
 - i. Size of the facility/number of residents
 - ii. The level of complaint (Imminent Threat or High Priority)
 - iii. The time between the above level of complaints
 1. For example, if a small group home (12 residents) were to receive 2 complaints at the "High" and "Imminent Threat" levels in under a year's time, that would qualify for a full investigation.
 - b. This means that the presenting problems are investigated, however a deeper investigation is required
 - c. There should be stiff penalties for those who "knowingly" levy false complaints against a facility, their staff, management, or ownership
 - d. If a claim is proven to be false and/or was withdrawn is expunged from the facility's record to not cause harm
4. **Establish criteria for complaints initially filed at the level of "Imminent Threat" or "High Priority" to be downgraded to a lower priority status only when specific criterial are met; failure to do so will result in penalties**
 - a. Given that Department officials moved items to a lower priority status, there must be a process in place downgrade the status of higher level complaints
5. **Lastly, we believe that a focus should be placed on the first recommendation for a couple of reasons:**
 - a. Arizona needs a centralized hub/repository for complaints against facilities in which these complaints are directed to the appropriate agency (Police, AG's office, Ombudsmen, NCIA Licensing Board, APS, ADHS, etc.)
 - b. Arizona also need a Single-Point of Entry (SPE) in order for Arizonans to efficiently access the services they need and that are available to them

**HOUSE AD HOC COMMITTEE ON ABUSE AND NEGLECT OF VULNERABLE
ADULTS FINAL RECOMMENDATIONS**

Recommendation #1: The Speaker continues the House Ad Hoc Committee on Abuse and Neglect of Vulnerable Adults.

Recommendation #2: Improve and enhance methods of effective communication with all vulnerable adults to make sure that equitable communication will meet their needs.

Recommendation #3: Bring stakeholders together to design a single point of entry for complaints of abuse or neglect of vulnerable adults that will be effective for all Arizonans.

December 19, 2022, Adopted at 2:06 P.M