

Welcome to training: Rights for 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

Navigating your bar on the bottom...

Audio Settings

Select a Microphone

Microphone (Realtek High Definition Audio)
Same as System (Microphone (Realtek High Definition Audio))

Select a Speaker

Realtek Digital Output (Realtek High Definition Audio) Realtek Digital Output(Optical) (Realtek High Definition Audio) 6 - DELL U2713HM (AMD High Definition Audio Device)

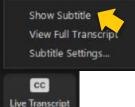
Speakers (Realtek High Definition Audio)
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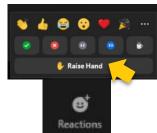
Audio Settings...



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Raise Hand



Chat



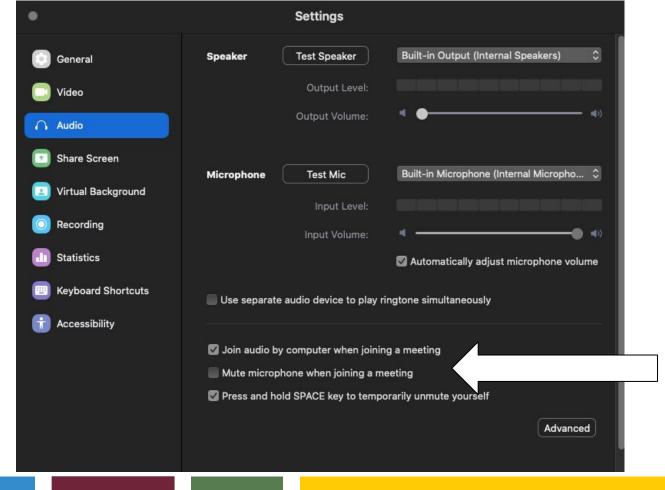
KEYBOARD SHORTCUTS TO RAISE HAND

Windows: Alt+Y to raise or lower your hand

Mac: Option+Y to raise or lower your hand



Audio Settings





Welcome!

What to expect during the training:

- Information regarding Rights for Individuals Living 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,
- Contact information for the OHR for questions on other topics, and
- Survey link.





Frequently Asked Questions

Who is in the audience?

Who can see my chats?

What if I don't want to talk during this meeting but would prefer to talk offline?

Why is this training based on AHCCCS policy and the Arizona Administrative Code?



Agenda

- Overview: The Division of Community Advocacy and Intergovernmental Relations (DCAIR)
- Overview: The Office of Human Rights (OHR)
- Rights for Individuals Living with a Serious Mental Illness (SMI)
- Overview: The Office of Individual and Family Affairs (OIFA)
- Advocacy Resources
- Upcoming Forums and Training

* AHCCCS Acronyms Guide







Rights for Individuals Living 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 22, 2024





Overview

Division of Community Advocacy and Intergovernmental Relations (DCAIR)

> Alex Demyan DCAIR Assistant Director



DCAIR Departments

The Division of Community Advocacy and Intergovernmental Relations (DCAIR) is an AHCCCS division that houses functions that interface with our individuals, family individuals 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)	Office of Human Rights (OHR)	Federal Relations and Special Engagements
		Team (FRAS)
Peer and Family Support,	Advocacy for persons	
and Individual	with a Serious Mental	Waiver, State Plan, Tribal
Engagement	Illness	Relations

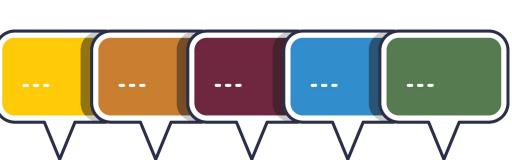


DCAIR Community Involvement

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



Sources for Feedback

- Public comments on policy,
- Calls received by the Advocate of the Day (AOD),
- Q&A with the community, and
- Other departments at AHCCCS like OIFA.







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Overview The Office of Human Rights (OHR) Kisha Kimber, Advocate



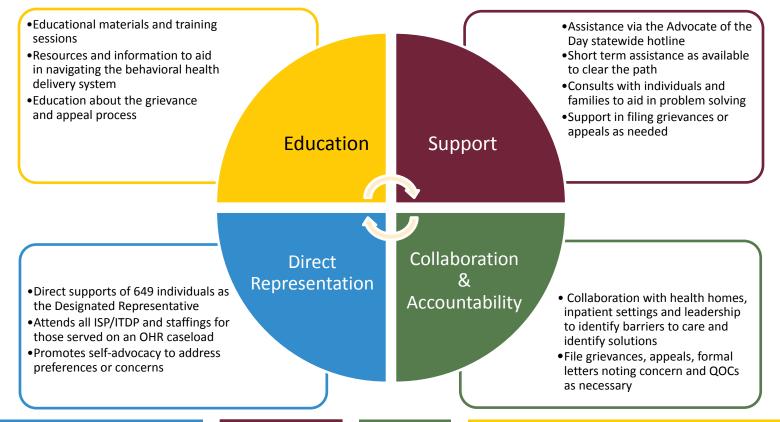
The Office of Human Rights

Mission Statement

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.



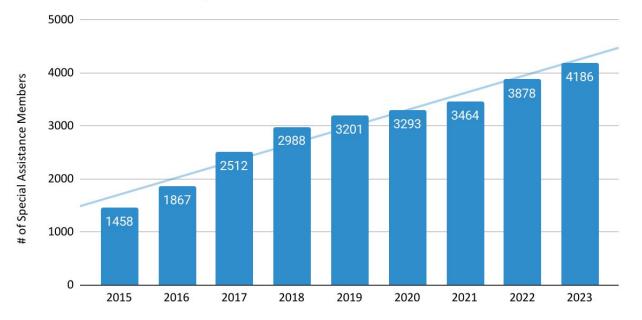
OHR Advocacy at-a-Glance





Education Results in Growth

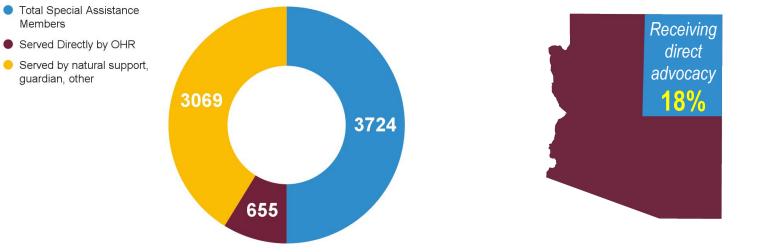
of Special Assistance Growth Trend



Year



Special Assistance Data as of January 1, 2024





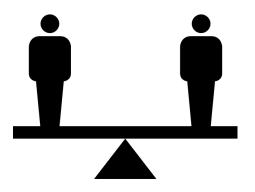


SMI Rights Denard Stewart, Advocate



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.**



*See A.A.C.R9-21-201 through 211 for a comprehensive listing.

A guardianship order or a court order for treatment **does affect certain rights.



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.



SUPPOKI

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

* 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.



*There can be an exception. This is in accordance with <u>the Arizona Administrative</u> Code R9-21-201



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.

*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 Lia Ballesteros, Lead Advocate



Civil & Other Legal 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 AHCCCS Complete Care, Regional Behavioral Health Agreement (ACC-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

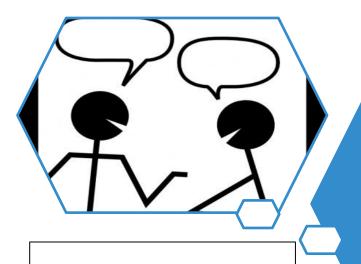


- Right not to be fingerprinted and/or photographed without authorization,
- Freedom to practice a religion of choice, and
- Freedom from being forced to practice a religion.





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.

Career Family Lífe Balance Health Friends

*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



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Navigating SMI Rights Autumn Darsey, 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 here.



What do I do if...

Options:

Discuss the issue with the team directly.

File a complaint with the TRBHA or RBHA

Filing a grievance including what solution you seek

Addressing Rights Violations

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



Addressing Service-Related Issues

I am dissatisfied with a service,

What do I do

if...

I need a service, or

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

Options:

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 ACC-RBHA or TRBHA.

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

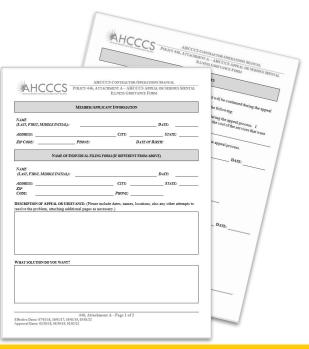


SMI Grievance and Appeal Process

Formal actions that can be taken when a individual needs to resolve an issue in accordance with <u>the</u> <u>Arizona Administrative Code R9-21-401 and 403</u>.

SMI Grievance: filed when there is an allegation that a individual living with an SMI has had their rights violated. This process is in accordance with <u>AHCCCS Contractor Operations Manual (ACOM) 446</u> for grievances and investigations.

SMI Appeal: filed when a individual disagrees with decisions regarding eligibility for behavioral health services, including TXIX services, fees and waivers; assessments and further evaluations; and services and treatment plans. This process is in accordance with <u>AHCCCS Contractor</u> <u>Operations Manual (ACOM) 444</u> for the notice and appeal requirements.







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The SMI Grievance Process

Andrea Sitter, Advocate



SMI Grievance

- A grievance may be filed by any individual when a violation of rights has occurred.
 - SMI rights may have been violated,
 - 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.**



*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. **This timeframe may be extended for good cause as determined by AHCCCS or the Contractor in accordance with <u>AHCCCS Contractor Operations</u> <u>Manual (ACOM) 446</u>



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.

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



Filing a SMI Grievance

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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



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.



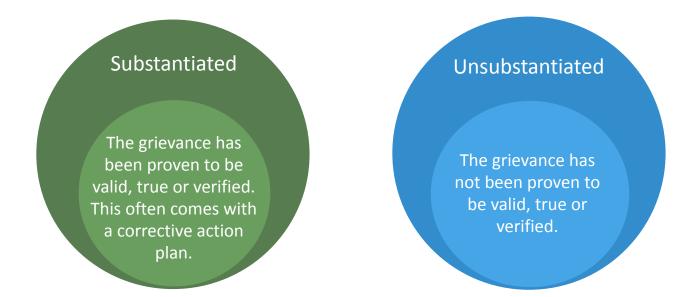
Within five days of receiving the investigator's report, the agency director shall review the report and prepare a written, dated decision accepting or rejecting the report. The decision shall include a notice of the right to request an appeal of the decision within 30 days from the date of receipt of the decision.

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:



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

Denard Stewart, Advocate



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.

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



Roadmap to the Appeal Steps

File Appeal

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

2 Informal Conference

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.



Uniform Administrative Hearing Procedures -Chapter 6, Article 10





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Overview The Office of Individual and Family Affairs (OIFA)

Susan Kennard OIFA Administrator



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: https://www.azahcccs.gov/shared/AHCCCScalendar.html



Advocacy Resources Shannan Ortiz, Lead Advocate



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:



- 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

OHR hosted 10 community education session in the past year, engaging with over **1,800 attendees** at these trainings:

- Why Assess for Special Assistance for Individuals Living with a Serious Mental Illness,
- Rights of Individuals living with a Serious Mental Illness,
- Provider Case Management for Individuals living with a Serious Mental Illness,
- The Individual Service Plan and Why it Matters for Individuals Living with a Serious Mental Illness,
- The Role of the Office of Human Rights for Individuals living with a Serious Mental Illness,
- The Grievance and Appeals Process for Individuals Living with a Serious Mental Illness,
- Covered Behavioral Health Services for Individuals Living with a SMI,
- Court-ordered Evaluation and Court-ordered Treatment for Individuals Living with a Serious Mental Illness,
- Inpatient Treatment and Discharge Planning for Individuals with a Serious Mental Illness, and
- The Power of Collaboration and Advocacy for Individuals Living with a Serious Mental Illness. Previous OHR trainings are available <u>here</u>.





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AHCCCS Website <u>www.azahcccs.gov</u>



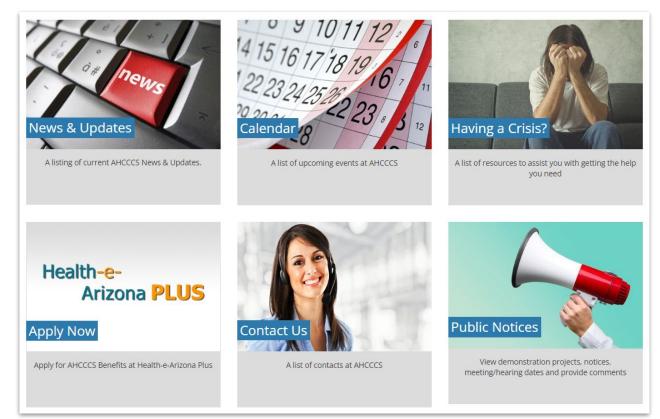
Navigating the AHCCCS Website







Navigating the AHCCCS Website





Oversight of Health Plans

Administrative Actions 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

Dashboards 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

Guides - Manuals - Policies

Training

Fee-for-Service Provider Training MCO Provider Training

Grants

Federal Funding Accountability and Transparency Act Current Grants

Electronic Data Interchange (EDI)

EDI Technical Documents EDI Testing

EDI Change Notices

Community Partners (HEAplus)

Pharmacy



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About Us

Acronyms AHCCCS Programs Awards & Studies Executive Deputy Director's Biography News & Press Releases Community Presentations Strategic Plan

Public Notices

Private Sector Partners

Program Planning

Healthcare Advocacy

Mental Health First Aid Office of Human Rights Office of Individual and Family Affairs Resources for Foster/Kinship/Adoptive Families

Initiatives

Accessing Behavioral Health Services in Schools AHCCCS Complete Care AHCCCS Whole Person Care Initiative (WPCI) Arizona Olmstead Plan Care Coordination & Integration Electronic Visit Verification AHCCCS Housing Programs Health Information Technology (HIT) Payment Modernization Targeted Investments Telehealth Services

Committees and Workgroups

Transparency



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Health Plans, ACC-RBHA and TRBHA Contacts

Health Plans, 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	Care1st Arizona
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	<u>Gila River TRBHA</u>
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: <u>Rights for individuals Living with a Serious</u> <u>Mental Illness-Arizona Administrative Code</u> (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

Guardianship of Incapacitated Adults- Title 14, Chapter 5, Article 3





Resources: Policies and Manuals

AHCCCS Medical Policy Manual (AMPM)

Discharge Planning - AMPM 1020/Utilization Management Special Assistance for Members with a SMI - AMPM 320-R

Behavioral Health Covered Services- AMPM 310-B

Medical Records and Communication - AMPM 940

Case Manager Requirements - AMPM 570

AHCCCS Contractor Operations Manual (ACOM) <u>SMI Appeals-ACOM 444</u> <u>SMI Grievance and Investigations-ACOM 446</u> <u>SMI Grievance/Appeal Form</u>



Additional Advocacy Resources

AHCCCS OHR Web page

AHCCCS OIFA Web page

AHCCCS Related Acronyms

AHCCCS Contract and Policy Dictionary

AHCCCS Community Events Calendar







Upcoming Forums and Trainings



Upcoming AHCCCS Advocacy Training

Register for upcoming trainings by clicking on the name of the training!



3/26	Provider Case Management for Individuals Living with a Serious Mental Illness
4/25	The Individualized Service Plan and Why it Matters for Individuals Living with a Serious Mental Illness
5/28	The Role of the Office of Human Rights for Individuals Living with a Serious Mental Illness
6/27	The Grievance and Appeals Process for Individuals Living with a Serious Mental Illness
7/23	Covered Behavioral Health Services for Individuals Living with a Serious Mental Illness



Upcoming Forums and Events

Hot Topics

Mon., 3/18, 11:00 a.m. - 12:30 a.m. Register in Advance

Jacob's Law

Thurs., 3/28, 1:00 p.m. - 3:00 p.m. Register in Advance

OHR: Provider Case Management for Individuals Living with a Serious Mental Illness Tues., 3/26, 10:30 a.m. - 12:00 p.m. <u>Register in Advance</u>

System Navigation

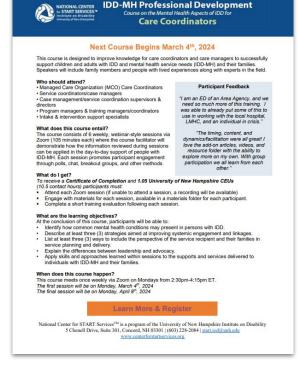
Tues., 3/26, 12:00 p.m. - 12:30 p.m. Register in Advance



Upcoming Forums and Events

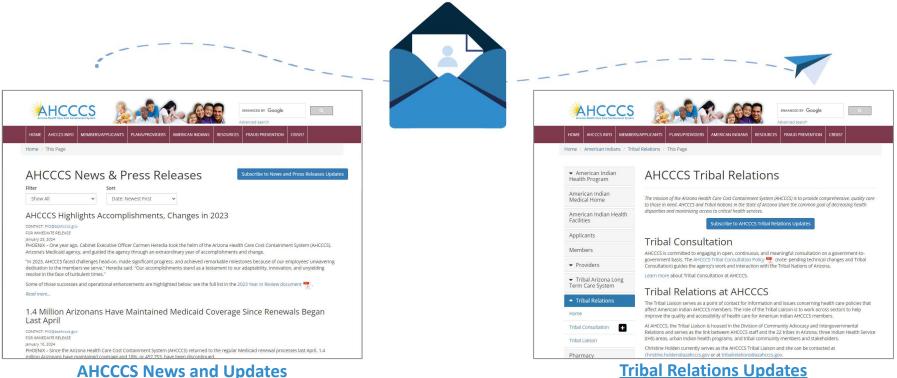
IDD-MH Professional Development course on the Mental Health Aspects of IDD for Care Coordinators (March)

Mondays starting on 3/4, 2:30 p.m. -4:15 p.m. ET, final session is on Mon., 4/8 Register in advance





Subscribe to stay informed!



azahcccs.gov/AmericanIndians/

TribalRelations/

Learn about AHCCCS' Medicaid Program on YouTube!



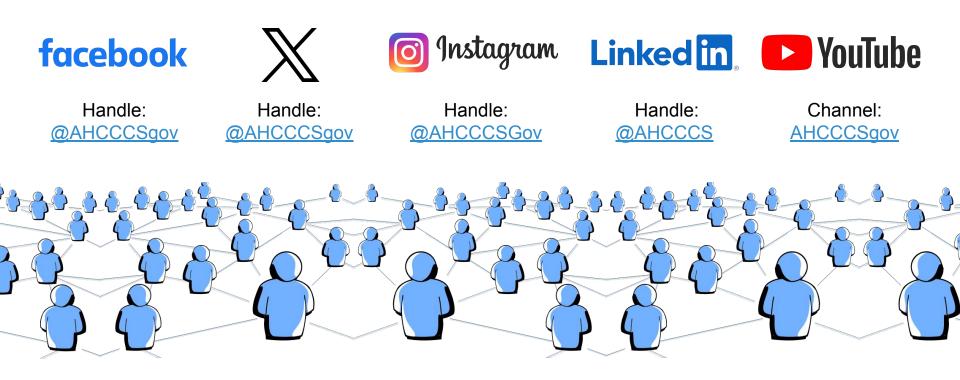
YouTube

Watch our Playlist:

Meet Arizona's Innovative Medicaid Program



Follow & Support AHCCCS on Social Media









Feedback

Questions?



Thank You.

