

### Welcome to Training: The Role of the Office of Human 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...

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#### Select a Speaker

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Speakers (Realtek High Definition Audio)
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#### Turn on Closed Captioning



#### Raise Hand



Chat



#### KEYBOARD SHORTCUTS TO RAISE HAND

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# Audio Settings





#### Welcome!

#### What to expect during the training:

- Information regarding the the Role of the Office of Human 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 Office of Human Rights (OHR)
- The Role of the OHR 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







#### The Role of the Office of Human Rights for Individuals Living with a Serious Mental Illness (SMI)

Presented by: AHCCCS: The Office of Human Rights (OHR) & The Office of Individual and Family Affairs (OIFA)



May 28, 2024



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# **Overview** The Office of Human Rights (OHR)

John Pizzo, OHR Advocate II



### 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 April 1, 2024







#### The Role of OHR

#### Denard Stewart, OHR Advocate



#### The Role of OHR

- OHR is established by <u>The Arizona Administrative Code</u> within AHCCCS, and employs advocates who assist alongside individuals determined to have a SMI with service planning, inpatient discharge planning, and resolving appeals and grievances.
- OHR primarily serves as the designated representative for individuals designated with a SMI and who meet the Special Assistance criteria.



Read from the AHCCCS Medical Policy Manual (AMPM) 320-R for <u>Special Assistance for individuals with a Serious Mental Illness.</u>



#### **Special Assistance**



The support provided to an individual designated with a SMI who is unable to articulate treatment preferences and/or participate effectively in:

- The development of the Individual Service Plan (ISP),
- Inpatient Treatment, and Discharge Plan (ITDP),
- Grievance and/or appeal processes.

This is due to a cognitive or intellectual impairment and/or medical condition.



#### **Special Assistance Criteria**

- SMI determination,
- Has a court appointed guardian or,
- Unable to do any of the following:
  - Communicate preferences for services,
  - Participate effectively in service planning (ISP) or inpatient treatment and discharge (ITDP) planning, or
  - Participate effectively in the appeal, grievance, and/or investigation processes.



It is important to distinguish **unable** from **unwilling** while determining if a person meets criteria for Special Assistance. Resources on Special Assistance criteria are available on our <u>website</u>.



### **Special Assistance Criteria**

The description of the individual's limitations must be linked to one or more of the following categories:

- 1. Cognitive barrier/limitation
- 2. Language barrier
- 3. Medical issue
- 4. Intellectual capacity, or
- 5. Guardianship: individuals who are under a general (not limited) guardianship have been found to be "incapacitated" and automatically meet criteria.



#### Who Can Assess for Special Assistance

Per <u>the Arizona Administrative Code</u> and <u>AHCCCS Medical Policy Manual 320-R</u> the following may determine an individual to be in need of Special Assistance:



- Qualified Clinician
- Case Manager
- Clinical Team
- Tribal Regional Behavioral Health Authority
- Regional Behavioral Health Agreement
- Program Director of a subcontracted provider
- AHCCCS Deputy Director
- Administrative Hearing Officer



#### When to Assess for Special Assistance

At a minimum, and ongoing, basis, member's designated with a Serious Mental Illness must be assessed for Special Assistance criteria and shall occur at the following stages:

- Assessment and annual updates,
- Development of, or update to the service plan,
- Admission to a psychiatric inpatient facility,
- Development of or update to an ITDP,
- Initiation of the grievance or investigation processes
- Filing of an appeal, and
- Existence of circumstances and/or other contributing factors which may be a basis for a grievance, an investigation, or an appeal.







## What the Role Does Not Include Autumn Darsey, OHR Advocate



#### What the Criteria is Not

Per AMPM 320-R, criteria shall not consider an individual who:

- Needs things explained in more basic terms,
- Is able but not willing to participate in treatment, service planning, ITDP, the appeal, grievance or investigation processes,
- Can speak and advocate for themselves but interpersonal issues make coordination of care and treatment planning challenging,



- Needs more regular and effective engagement from the treatment team, or
- Has a special need, (e.g., unable to read or write, needs an interpreter).



#### What OHR Does Not Do



- Drive service options,
- Make decisions or consent for the individual,
- Provide or secure services or any case management responsibilities, nor
- Offer legal advice.

Read more about the AHCCCS policy for <u>Case Manager Requirements</u>





# The Role of the Person Meeting Needs Autumn Darsey, OHR Advocate



## Designated Representative vs. Health Care Decision Maker



**Health Care Decision Maker (HCDM)** - Some treatment planning decisions are made on behalf of individuals if they have a HCDM, which is defined as: An individual who is authorized to make health care treatment decisions and is sometimes filled by guardians. Refer to <u>AHCCCS Contract</u> <u>and Policy Dictionary</u>.



**Designated Representative (DR)** - An individual, parent, guardian, relative, advocate, friend, or other individual, designated orally or in writing by a individual or guardian who, upon the request of the individual, assists the individual in protecting the individual's rights and voicing the individual's service needs. Refer to <u>the Arizona Administrative Code</u>. A DR may also be referred to as a "natural support" or Advocate.

HCDM, also known as guardians, differ from the DR due to their legal authority to make treatment decisions. The DR serves as a "loud speaker" to echo the individual's voice until such time they no longer meet criteria.



#### Who can meet Special Assistance needs?

- Permanent guardians
- Natural supports
- OHR Advocate





### The Role of the Person Meeting Needs

Requires ongoing involvement with the individual and clinical team to support informed choice, protection of rights and development of self-advocacy, and shall align with the individual's decisions. The role includes:

- Knowing the resources available,
- Collaborating with the clinical team to ensure service delivery when discussing options or changes,
- Attending discharge planning and ITDP meetings when the individual is in an inpatient psychiatric setting,
- Maintaining regular contact with the clinical team,
- Assisting in the SMI grievance/investigation and appeals process.



#### When an OHR Advocate is Assigned

- Support with the SMI appeal and/or grievance processes,
- Education on SMI rights,
- Ongoing support in the development on self-advocacy skills while navigating the public behavioral health system.



In accordance with the Arizona Administrative Code R9-21





# OHR's Oversight of Special Assistance Requirements Ywchari Manos, OHR Advocate



#### Required by the Arizona Administrative Code

- In the public behavioral health system in Arizona, individuals living with an SMI have specific rights, including civil rights and other legal rights, in accordance with the Arizona Administrative Code for the <u>Rights for Individuals Living with a Serious</u> <u>Mental Illness</u>.
- Assessing for Special Assistance is a right and requirement as specified in R9-21-301-C.1.A from the Arizona Administrative Code.





### **Required by AHCCCS Policy**

- The <u>AHCCCS Medical Policy Manual</u> (AMPM) provides information to Contractors and Providers regarding services that are covered within the AHCCCS program.
- <u>AMPM 320-R</u> is where to find the policy on Special Assistance for individuals living with a SMI.

HOME AHCCCS INFO MEMBERS/ Home / Plans & Providers / Contractor G	APPLICANTS PLANS/PROVIDERS	AMERICAN INDIANS	RESOURCES	FRAUD PREVENTION	CRISIS?
Oversight of Health Plans Governmental Oversight AHCCCS Medical Policy Manual (AMPM) Information Regarding COVID-19					1)
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ANTS PLANS/PROVIDERS AMERICAN INDIA	INS RESOURCES FRAU	D PREVENTION	CRISIS?	.ov	(ID-19) which is updated CMS-approved flexibilities
view AMPM Policies, select Policy from the AMPM	Table of Contents below.			inui	al (AMPM). In these instances
Approved Policies not Yet Effective					
hapter 100 - Manual Overview					
					omprehensive Health Plan (CHP).
Thapter 200 - Behavioral Health Practice Tools 🔹					
Chapter 300 - Medical Policy for Covered Services					sing services that are covered within anuals (AHCCCS Contractors'
Chapter 400 - Medical Policy for Maternal and Child Health 🔹					
Chapter 500 - Care Coordination Requirements 🔹 👻					
hapter 600 - Provider Qualifications and Provider Requirements					will serve to provide Tribal slows stakeholders to review and ore than 45 days unless not be less than two weeks. The tent
Chapter 700 - School Based Claiming Program/Direct Services Claiming					
hapter 800 - Fee-For-Service Quality and Utilization Management					
hapter 900 - Quality Management and Performance Improvement Program					
hapter 1000 - Medical Management (MM)					
hapter 1100 - Federal Emergency Services (FES) Program					
hapter 1200 - ALTCS Services and Setting for Members who are Elderly and/or Have Physical Disabilities • Ald/or Have Developmental Disabilities					ound in the various ACOM and uals page at the following link:
hapter 1300 - Member Directed Options					
hapter 1600 - ALTCS Case Management				-	
ppendices				-	
MPM Revision Memos					



#### **Assessments and Notifications**



- All individuals with a SMI designation must be assessed for Special Assistance.
- When an individual is identified as meeting criteria for Special Assistance, notification to the OHR is required within five business days.

AHCCCS Medical Policy: Special Assistance for individuals with a SMI: AMPM 320-R



#### **Reassessment Process**

Re-assessments are to be completed on an ongoing basis, but minimally at the following stages:

- Development and review of the ISP,
- Admit or discharge to/from an inpatient psychiatric setting,
- ITDP, and
- Investigation, grievance or appeal process,
- Upon a formal request.



A person who meets criteria for Special Assistance at one time may no longer need the extra support upon a re-assessment. When a individual is clinically assessed as no longer meeting criteria, the team must submit the Part C of the notification to OHR.



### **Coordination and Communication**

- Maintain open communication with the person assigned to meet Special Assistance needs.
  Minimally, this involves providing timely notification to the individual providing Special Assistance to ensure involvement in the following in accordance with the <u>Arizona Administrative Code</u>.
  - Service plan
  - ITDP planning
  - Appeal process
  - Investigation or grievance





#### **Records and Updates**

- Provide records 10 business days following a records request by the assigned person meeting needs.
- Update OHR of all demographic updates within 5 business days of a change for any of the following:
  - Residence information
  - Provider information
  - Clinical information
  - Guardian /Advocate information

\*AHCCCS Policy: Medical Records and Communication







AHCCCS QM OHR Portal User Guide





# Navigating the Rights of Individuals Living with a Serious Mental Illness Darlene Barnwell, 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 here.



### **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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# **Overview** The Office of Individual and Family Affairs (OIFA)

### Jamie Green Healthcare 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: https://www.azahcccs.gov/shared/AHCCCScalendar.html



### **Ending Stigma**

- Stigma shapes how we perceive mental illness and mental health. Stigma may influence who people interact or socialize with.
- Negative public perceptions hamper access to housing, employment, and health care.
- This discrimination can seriously affect a person's willingness to seek or continue treatment for mental illness.
- Stigma erodes a person's self-esteem and sense of dignity so that shame prevents them from seeking help.



### Advocacy Resources Emily Lopex, OHR 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





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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



#### 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**

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Español

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#### Healthcare Advocacy

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	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: <u>Rights for individuals Living with a Serious</u> <u>Mental Illness-Arizona Administrative Code</u> (R9-21)

#### Arizona Revised Statutes:

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

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 Ywchari Manos, OHR Advocate



### Upcoming AHCCCS Advocacy Training

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



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**

OHR: The Grievance and Appeals Process for Individuals Living with a SMI Thurs., 6/27, 1:00 p.m. - 2:30 p.m. <u>Register in Advance</u>

**System Navigation** 

Tues., 6/25, 12:00 p.m. - 12:30 p.m. <u>Register in Advance</u>

#### **AHCCCS Hot Topics**

Mon., 6/17, 11:00 - a.m. - 11:30 a.m. Register in Advance



### Subscribe to stay informed!



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**TribalRelations/** 

### Learn about AHCCCS' Medicaid Program on YouTube!



# YouTube

Watch our Playlist:

Meet Arizona's Innovative Medicaid Program



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Feedback

# Questions?



# Thank You.

