

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, October 15, 2019
House Hearing Room 1 -- 1:30 P.M.

Convened 1:30 P.M.
Recessed 2:51 P.M.
Reconvened 3:00 P.M.
Adjourned 4:01 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

10-16-19

Members Present

Representative Longdon, Chairman
Representative Dunn, Vice-Chairman
Mr. Bower
Ms. Collins
Ms. Kader
Ms. Kennedy
Ms. Knupp
Ms. McFadden
Ms. Ortiz
Ms. Reed
Ms. Snyder
Ms. McCarthy

Members Absent

Mr. Rico

Agenda

Original Agenda – Attachment 1

Request to Speak

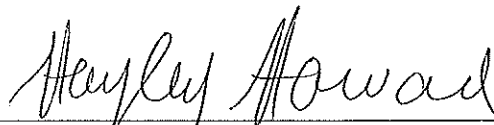
Report – Attachment 2, 3

Committee Attendance

Report – Attachment 4

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
Cheryl Knupp	Beatitudes	5
Sherri Collins	ACDL	6
Dr. Tasha Menaker	AZ Coalition to End Sexual Violence	n/a
Carol Brown	WACOG	7
Rep. Longdon	House of Representatives	8



Hayley Howard, Committee Secretary
October 16, 2019

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

Convened: 1:30pm
recessed: 2:01pm
reconvened: 3:00pm
Adjourned: 4:01pm

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

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

HOUSE AD HOC COMMITTEE ON ABUSE AND NEGLECT OF VULNERABLE ADULTS

Date: Tuesday, October 15, 2019

Time: 1:30 P.M.

Place: HHR 1

AGENDA

1. Call to Order
2. Test and Implementation of Accessibility Technology
3. Presentations:
 - Beatitudes Campus
 - Arizona Commission for the Deaf and Hard of Hearing
4. Stakeholders:
 - Dr. Tasha Menaker - Arizona Coalition to End Sexual and Domestic Violence
 - Carol Brown
5. Review of Identified Issues/Challenges in Protecting Vulnerable Adults and Potential Solutions
6. Committee Discussion
7. Public Testimony
8. Adjourn

Members:

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

Erica McFadden
 Elizabeth Ortiz
 April Reed
 Jose de Jesus V Rico
 Jami Snyder
 Molly McCarthy - designee for DES

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

10/9/19
JY

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 (10/15/2019)*

8, Adjourn

Support:

Cynthia Elliott, representing self; Tonia Rokeby, representing self

All Comments:

Cynthia Elliott, Self: request to speak at today's meetings; Tonia Rokeby, Self: speaking on behalf of myself and my son

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Vulnerable Adults Bill Number _____

Date Oct 15th Support Oppose Neutral

Name Christine Scianna Need to Speak? Yes No

Representing _____ Are you a registered lobbyist? _____

Complete Address 15928 W. Custer LN, Surprise, AZ 85379

E-mail Address cmwebster3753@gmail.com Phone Number 623-521-7457

Comments: Speaking about concerns on group homes.

FIVE-MINUTE SPEAKING LIMIT

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on _____ Bill Number _____

Date _____ Support Oppose Neutral

Name Mark Vallmont Need to Speak? Yes No

Representing _____ Are you a registered lobbyist? _____

Complete Address _____

E-mail Address markvallmont@yahoo.com Phone Number 520-355-0227

Comments: _____

FIVE-MINUTE SPEAKING LIMIT

Mark Valimont
Deaf Activist/Leader/Survivor
11177 N Oracle Rd # 10102
Oro Valley, AZ 85737
520-355-0227 (H)

Thank you for providing us ASL interpreters in this room. It is helpful! So much appreciated. Here is the list of FACTS/HARDSHIP/NEEDS below. We highly/strongly recommend.

ACDL does not provide me an interpreter. So, they referred me to different non profit organizations and they still do not provide an interpreter. Even, they know nothing about Deaf Rights. Imagine? VRS/VRI are not good enough but live interpreters, in person, are the BEST!

ASL utilizes light and still pay a higher electric bill at residence or commercial and shall/should be half. ASL is communication. Many years ago, we used TTY and typed so long to make a phone bill so higher. Hearies only speak and hear fast.

We, Deaf, drive, better than hearies. No offend. Our eyes are sharp. The higher percent of car crash is hearies. We shall/should have a greatly discount on car insurance or half. They keep charging us so higher because we can't hear. Oh please.

Place Deaf in front line to have better services. There are so plenty of hearies in line or go to others.

We need more certified live legal interpreters in person, only 7 in the state and Deaf Advocacy to be stronger.

We need more funds to go to Deaf Community like COPD, Community Outreach Program for the Deaf in Tucson and ACDHH, AZ Commission for the Deaf and HH to serve better too.

We need more protections for Deafies too.

AZ honors Federal Laws for Deaf Rights.

Thank you again for obtaining your attention. Have a nice day.

ACDL

fair housing reasonable accommodation

From: ACDL Disclaimer (acdldisclaimer@azdisabilitylaw.org)

To: markvalimont@yahoo.com

Date: Tuesday, August 27, 2019, 10:19 AM MST

Hello Mark,

I have attached 2 fair housing resources to help you with your reasonable accommodations requests.

Representation Disclaimer

Recently, you requested legal assistance from the Arizona Center for Disability Law (ACDL). Please keep in mind that your request for services does not create an obligation by the ACDL to represent you.

You are responsible for all deadlines and actions in your case, unless and until the Center agrees to represent you. If the ACDL agrees to represent you, our staff will put that agreement in writing in a letter. Both you and the ACDL attorney or advocate will sign the letter outlining the agreement. The letter will state the scope of legal services.

The demand for legal services greatly exceeds our staff and resources. So the Center makes decisions about whether it can accept cases based on many factors.

Those factors include:

- 1) whether the issue is within a service areas the Center is focusing on based on public and our board of director's input,
- 2) available grant funding and eligibility requirements,
- 3) staff workload and commitments, and
- 4) whether the case may positively impact other people with disabilities.

Please click on the link: Intake@azdisabilitylaw.org to verify your email address is correct.

Thank you, Martha.

Re:

AZ tenants

From: mark valimont (markvallimont@yahoo.com)

To: arizonatenants@msn.com

Date: Wednesday, September 11, 2019, 01:16 PM MST

Calling you. Sorry about tech issues.

On Sep 10, 2019, at 11:46 AM, Arizona Tenants <arizonatenants@msn.com> wrote:

We are a private entity; we are not subsidized. We are happy to accommodate your appointment time, but we are unable to provide you with an ASL interpreter.

Specifically, what are you trying to accomplish? I understand that there was some misunderstanding by your landlord regarding your ESA. Correct? I referred you to online ESA registration vendors who would be able to complete your ESA registration.

Has the landlord tendered you any written notice? If so, what type of notice?

Jan

Arizona Tenants
5304 E. Southern Ave., Suite 106
Mesa, Arizona. 85205
HOTLINE: (602) 257-8987

----- Original message -----

From: mark valimont
Date: Tue, Sep 10, 2019 9:41 AM
To: Arizona Tenants;
Cc:
Subject:Re: Schedule appointment

I got it about Cara. To bring my interpreter? I thought you would provide one. From an interpreting agency in PHX? I don't know them.

Sent from Yahoo Mail for iPhone

On Tuesday, September 10, 2019, 9:27 AM, Arizona Tenants <arizonatenants@msn.com> wrote:

Hey Mark,

I spoke to you last week. Our office appointments are made by Cara, who responded to your email. Do you have an ASL interpreter that will come in with you? I am able to coordinate my schedule around your availability, just let me know what day and time you are available.

Thanks.

Jan

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

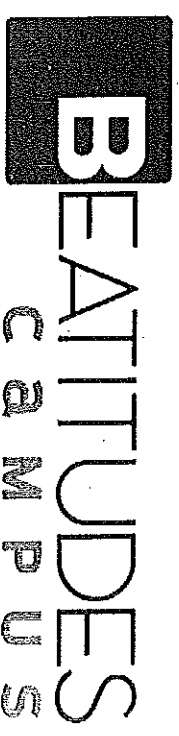
DATE	10/15/19	/19	/19	/19	/19
CONVENED	1:30pm	m	m	m	m
RECESSED	2:51pm				
RECONVENED	3:00pm				
ADJOURNED	4:01pm				
MEMBERS					
Colby Bower- Designee for Dr. Cara Christ	✓				
Sherri Collins	✓				
Sarah Kader	✓				
Dana Kennedy	✓				
Cheryl Knupp	✓				
Erica McFadden	✓				
Elizabeth Ortiz	✓				
April Reed	✓				
Jose de Jesus V Rico	—				
Jami Snyder	✓				
Molly McCarthy- Designee for DES	✓				
Dunn, Vice-Chairman	✓				
Longdon, Chairman	✓				

✓ Present --- Absent exc Excused

House Ad Hoc Committee on Abuse and Neglect of Vulnerable Adults

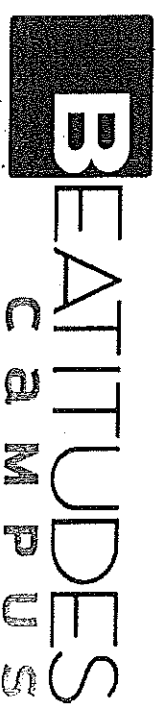
Cheryl Knupp, Sr. Vice President of Health Services and Human Resources

October 15, 2019



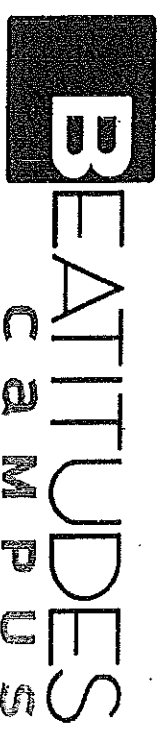
Our Mission

❖ The Beatitudes Campus is a faith-based community offering a wide spectrum of services for older people. Our heritage of Christian hospitality calls us to welcome people of all faith traditions and commits us to a model of wellness that promotes soundness of mind, spirit and body.



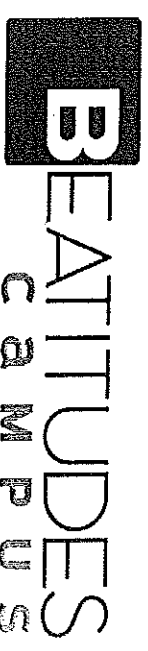
Our Promise

❖ Beatitudes Campus is a not-for-profit life plan community founded by the Church of the Beatitudes, a United Church of Christ congregation. Our heritage of Christian hospitality calls us to welcome all people. This includes outreach to Jewish, Muslim, Hindu, Buddhist and other faiths, as well as those with no connection to a faith community. We value the diversity of all – regardless of gender, race, ethnicity, national origin, disability, marital status or sexual orientation. Our core values of compassion, respect, accountability and excellence drive every aspect of our community, and are what have made Beatitudes Campus a strong and respected leader in senior living since 1965.



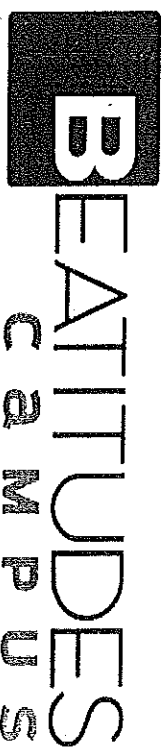
Who We Serve

- ❖ Beatitudes Campus has the ability to serve over 660 individuals daily:
 - We have 461 Independent Living apartments/homes and are in process of building 34 new patio homes to open in early 2020.
 - We have a 72 bed Medicare & Medicaid licensed skilled nursing facility consisting of short stay rehab, long term care and advanced memory care residents.
 - We have 100 Personal Care Assisted Living beds as well as 29 Directed Care beds for memory support and we accept ALTCS.



Who We Serve-continued

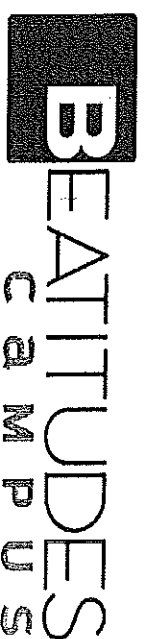
- We offer Medicare Certified Home Health services on campus and to the community through our Beatitudes Home Health Agency.
- We offer non-medical home care services on campus and to the community through our Beatitudes at Home Program.
- We offer Physical, Occupational and Speech Therapy Outpatient services.
- We have an on-site primary care clinic operated and staffed by Mobile Valley Physicians (MVP).



Caregivers, Nursing, and Additional Staff

❖ Beatitudes currently has approximately 450 employees

- All direct care staff are hired under a group/peer review process, their licenses or certifications are checked with governing boards prior to hire and prior to expiration if applicable and they must pass background check, drug test, reference checks and have a valid fingerprint clearance card.
- All non direct care staff must pass a background check, drug test upon hire, and have 2-3 reference checks completed.
- All staff receive training at hire and at a minimum of annually on topics such as Abuse, Resident Rights, Elder Justice Act, Infection Control, HIPAA, etc.
- Direct care staff receive additional training as they are mandated to have up to 12 hours of in services per year as well.



Staff Turnover

- ❖ Campus wide turnover is 55%
 - Nursing turnover is 33%
 - Assisted Living staff turnover is 41%
 - Home Health staff turnover is 17%
 - Beatitudes at Home staff turnover is 29%
 - Housekeeping turnover is 50%
 - Dining Services turnover is 35%

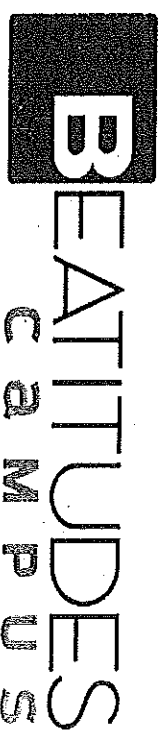
Post Hacienda Exposure

❖ What Beatitudes Campus Did

- Reviewed access into areas with vulnerable adults including securing additional doors with keypad access and reviewed policy regarding who had that access.
- Reviewed our abuse policy and procedures for necessary changes.
- Conducted additional in-service training to staff on abuse, reporting of abuse, timelines for reporting as well as reporting if something just doesn't seem right.
- Educated our Board and staff about what we knew and talking points if residents, families, or consumers shared their concerns

Post Hacienda Exposure

- ❖ What Does Beatitudes Campus Still Need to Do
 - Continuously review who has access to our vulnerable adults and our policy and procedures.
 - Continue to foster a culture of safety in which staff are not fearful to report concerns, errors or near misses. This allows us to look at our processes for compliance and education.
 - Continue to in service our staff, residents and families on what abuse is, who may be abusers, what to do if it is suspected, who to report it to and timelines of reporting.
 - Continue to conduct root cause analysis for any allegation of abuse. For instance, we need to understand why a resident may have hit another resident. Were they in pain, were they agitated, were there warning signs ignored, etc? Knowing these things is key in implementing interventions to prevent it from happening.

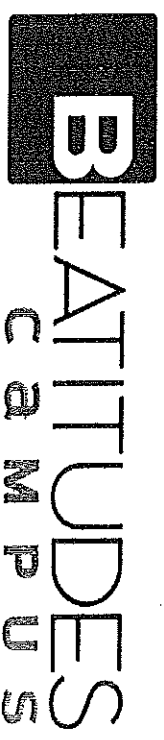


Monitoring for Abuse

- Staff are educated on and monitored for signs of caregiver burnout.
- Residents are monitored for behavior changes that may indicate abuse (change in appetite, fear, isolation, etc).
- Residents are monitored in licensed areas for skin changes including bruises.
- For our independent living residents, we conduct a weekly interdisciplinary team meeting made up of departments across the campus to discuss residents with whom we may have concerns. Possible financial exploitation, self harm, concerns about treatment from family or friends, misappropriation of property, etc as discussed to formulate next steps.
- If abuse is suspected or reported in either skilled nursing or assisted living, the victim is removed from the situation, the alleged abuser is removed from the situation, the police are called, notifications are made to the AZ Dept of Health Services, Adult Protective Services and the Ombudsman through the Area Agency on Aging. Interviews are conducted with the resident if possible, with other residents to see if there are other allegations of abuse, with staff and any witnesses or family that may have been present. Additionally, a 5 day investigative follow up report is then sent to those agencies.
- If abuse is suspected or reported in independent living, we encourage the resident to contact the police and Adult Protective Services. We will make calls for them as necessary.

What Do We Need Help With

- Developing a registry of certified caregivers and a regulatory board to hold them accountable as is done for CNAs, Nurses, Administrators and Assisted Living Managers.
- Working with Arizona LeadingAge and the Arizona Health Care Associations to ensure any proposed legislation can be implemented successfully with their members.

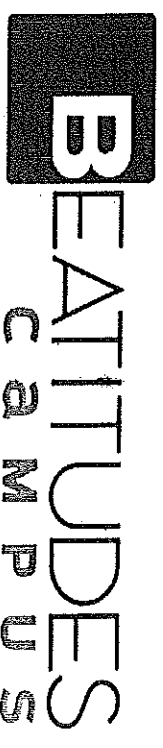


Cheryl Knupp, LNHA, CPASRM

SVP of Health Services and Human Resources

cknupp@beatitudescampus.org

(602)995-2611



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



Arizona Commission
for the deaf and the hard of hearing

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

To ensure, in partnership with the public and private sector, accessibility for the deaf and hard of hearing to improve their quality of life!

OUR PURPOSE



Arizona Commission

for the deaf and the hard of hearing

Commission Objectives

- Information & Referral
- Empowerment
- Community Development
- Outreach and Education



Arizona Commission
for the deaf and the hard of hearing

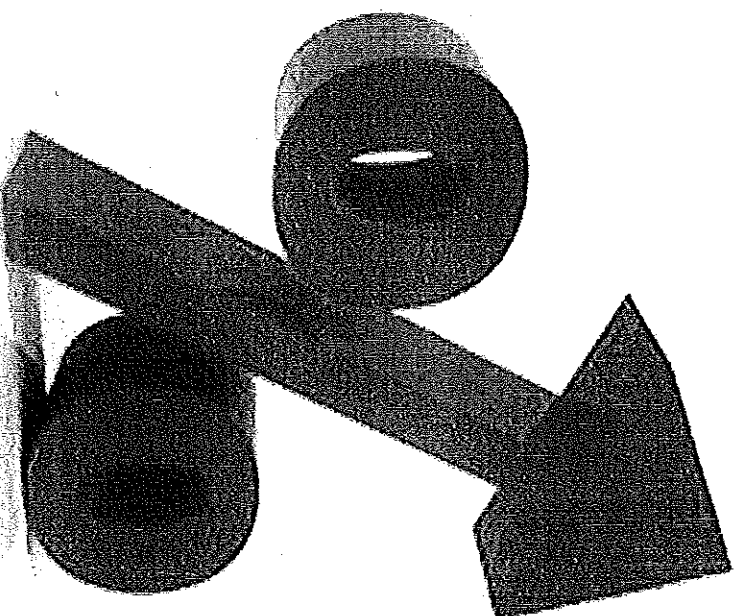
Victimization

Higher rates of domestic violence, sexual violence, abuse, neglect, trafficking, and intimate partner violence THAN the hearing community.

- Domestic violence- 1.5X
- Sexual violence- 3X



Arizona Commission
for the deaf and the hard of hearing



Research Gate. *Child Abuse & Neglect* 28
(3): 241-51 April 2004.

Tactics

- Isolated
- Exploited
- Marginalized



Arizona Commission
for the deaf and the hard of hearing

- *The most isolated, the most invisible, the most lacking of services, resources, and acceptance: individuals who are deafblind or have a combined hearing, vision loss. Truly the most vulnerable and neglected in our society.*

EXPERIENCES LAST 3 WEEKS ALONE

Experience 1

- Deafblind patient was released from hospital and provided in home health care
- Provider sent staff who could not sign
- Family requested staff who could sign or bring an interpreter with staff
- Never received requested services and family was dropped by the home health provider



Arizona Commission

for the deaf and the hard of hearing

Experience 2

- Community organization who provides services to persons with a hearing loss
- Many individuals with co-occurring issues
- Call on agency to investigate suspected abuse and neglect
- No response or requested the Community Org (who called in the abuse) to do to the assessment



Arizona Commission
for the deaf and the hard of hearing

Experience 3

- Deafblind patient at hospital needing surgery
- Was denied on site interpreting CONTINUALLY, only VRI
- Family member was interpreting (NOT ALLOWED BY LAW)
- Family member contacted ACDHH
- ACDHH advocated for the patient and provided TA around Title III of the ADA.



Arizona Commission
for the deaf and the hard of hearing

Systems Issue

- Working in silos; Not working with agencies who can assist
- Not trained on Deafness, Deaf Culture, and Effective Communication needs for Deaf + community
- NO ONE wants to provide the effective communication needed



Arizona Commission
for the deaf and the hard of hearing

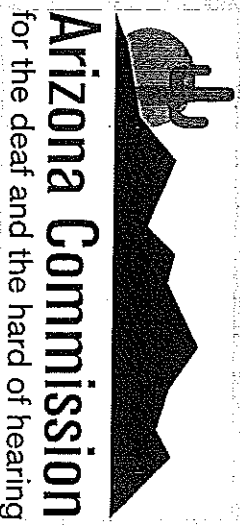
Effective Communication EQUALS THE ABILITY TO UNDERSTAND



Arizona Commission
for the deaf and the hard of hearing

Solutions

- Data Collection
- Training
- Specialized Services
- Redefine Abuse/Neglect (legislative fix)



Proposed Actions for Arizona House Ad Hoc Committee

On Abuse and Neglect of Vulnerable/Elder Adults

Respectfully submitted by Carol Brown

1. Form a Statewide Vulnerable Adult/ Elder Abuse Prevention Council that would help to structure, support, and promote Statewide/Regional/County efforts.
2. Start a statewide Community Pilot Program to provide Voluntary Mandated Reporter Training regarding Elder/Vulnerable Adult Abuse. Yuma is planning to begin this program in the near future.
3. The State to mandate that all providers provide a Client Rights form explaining Client's rights regarding protection from Elder/Vulnerable Adult Abuse/Exploitation
 - This form would include an explanation of what abuse is and who to contact in the event of abuse/suspected abuse.
4. The State to require licensing of ALL Caregivers to include "private" Caregivers. The State would also provide a reporting system on line and by telephone of anyone not able to produce proof of license.
 - This would include establishing penalties for anyone providing caregiving services without a license.
5. Strengthen/Develop laws regarding Mandated Reporting for Elder/Vulnerable Adult Abuse.

ADMINISTRATIVE OFFICE
P.O. Box 21538
305 South Second Avenue
Phoenix, Arizona 85006-1538

FARMWORKER OFFICE
305 South Second Avenue
Phoenix, Arizona 85003-2402

MOHAVE OFFICE
2701 E. Andy Devita, Suite 400
Kingman, Arizona 86401

YAVAPAI OFFICE
148 N. Sumner Avenue
Prescott, Arizona 86301



LAW OFFICES
MARICOPA COUNTY CENTRAL OFFICE
HOUSING UNIT

305 South Second Avenue
Phoenix, Arizona 85003-2402
Telephone (602) 258-3434
FAX (602) 254-3957
TDD (602) 254-9852

SAN LUIS OFFICE
845 East "B" St., Suite 1
San Luis, Arizona 85349

YUMA OFFICE
204 South 1st Avenue
Yuma, Arizona 85364

VOLUNTEER LAWYERS PROGRAMS
Maricopa County - Central Office
Mohave/La Paz Counties - Kingman Office
Yavapai County - Prescott Office
Yuma County - Yuma Office

MEMORANDUM

TO: Representative Jennifer Longdon
Arizona House of Representatives
Legislative District 24

FROM: Stan Silas, Lead/Senior Staff Attorney

SUBJECT: CLS Client – Pending Loss of Housing(REVISED)

DATE: October 15, 2019

Representative Longdon:

I wish to make you aware of a situation in which your committee may have an interest. I previously negotiated a settlement for an elderly client, with her landlord's attorney, allowing her to remain in her dwelling unit until October 31, 2019. On October 2, 2019, I learned that my client had allegedly "continued the flooding of her dwelling unit causing damage to the Plaintiff's property." Her previous alleged lease violations, dating back to September 3, 2019, also involved issues of flooding and the disturbance of the quiet enjoyment of other residents. I was led to believe, by way of email from the landlord's attorney, that the client had "flooded her dwelling unit three more times by sticking towels in the drains of the sinks and the bathtubs and turning on all of the faucets."

On October 2, 2019, I returned home from a trip to Ohio to attend a family member's funeral and became aware of the further flooding allegations. I immediately contacted the Crisis Response Network and gave them the information because I wanted them to help me protect the client's housing. I also contacted the Adult Protective Services agency for help as well because I had never known my client to engage in deliberate acts of "self-flooding." I knew she was a hoarder and my client falsely believed there was a resident with a man living in the unit above hers who was making excessive noise. This belief in turn caused the client to allegedly "bang on the walls and ceiling" in retaliation and was part of the basis for her current eviction.

Based upon what I stated in my verbal report that afternoon to the Adult Protective Service's ("APS") staff on October 2, 2019, the intake person said they would conduct an investigation and reach out to the client within 48 business hours.



Representative Jennifer Longdon
Arizona House of Representatives
Legislative District 24
October 15, 2019
Page 2

I contacted my client the morning of October 7, 2019 to see if she had been visited by APS, and learned that she had not. I then contacted APS again and told the intake staff of my concerns and need for immediate help. The staff told me that she would upgrade my call to a supervisor of the investigator to whom the matter was assigned. I later learned from the social worker from the Cigna Medical Group that APS had been to visit the client that afternoon. I have no idea what services APS has offered to the client but she still remains in her home to date.

Given the critical nature of APS' duties and the extreme circumstances of their clientele, why would an investigation take 48 business hours to perform? If it is truly 48 business hours, then why had no one contacted my client until I called and complained about the lack of service on October 7, 2019 at 11:26 AM? The APS investigator finally went out to the client's home later in the day on October 7, 2019. The original complaint had been submitted to APS in the afternoon on October 2, 2019.

Whatever thoughts or suggestions you may have would be greatly appreciated.