



Welcome to Training for the Rights of Individuals living with a Serious Mental Illness

While you are waiting TEST YOUR AUDIO.
LISTEN FOR MUSIC.

You were automatically muted upon entry.
Please only join by phone or computer.

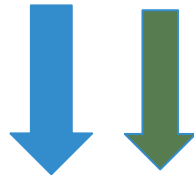
Please use the chat feature for questions or raise your hand.



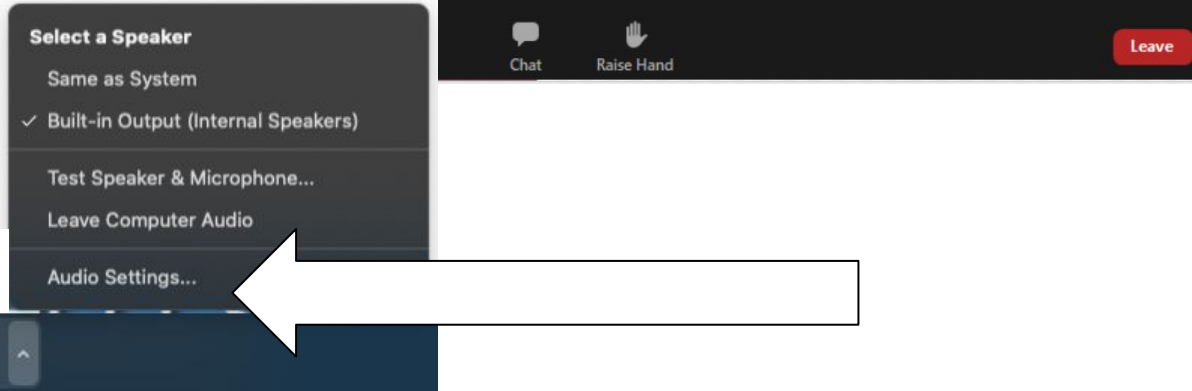
Thank you.

Zoom Webinar Controls

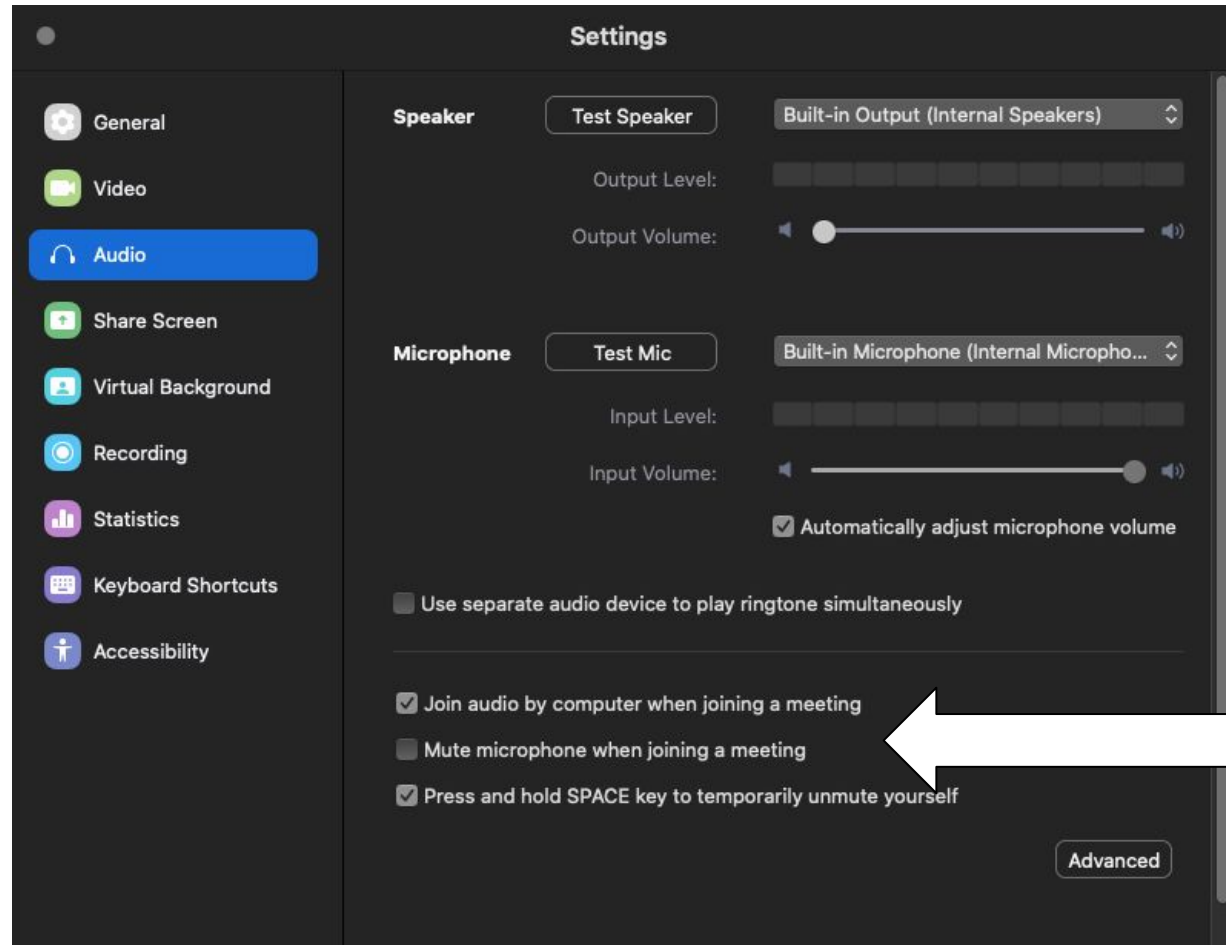
Navigating your bar on the bottom...



- **Windows:** You can also use the **Alt+Y** keyboard shortcut to raise or lower your hand.
- **Mac:** You can also use the **Option+Y** keyboard shortcut to raise or lower your hand.



Audio Settings

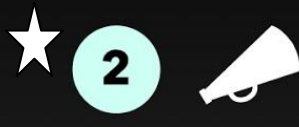


The screenshot shows the Zoom application's settings window, specifically the Audio settings. On the left is a sidebar with various settings categories: General, Video, Audio (highlighted in blue), Share Screen, Virtual Background, Recording, Statistics, Keyboard Shortcuts, and Accessibility. The main panel is titled 'Settings' and is divided into two sections: 'Speaker' and 'Microphone'. The 'Speaker' section includes a 'Test Speaker' button, a dropdown menu for 'Built-in Output (Internal Speakers)', an 'Output Level' bar, and an 'Output Volume' slider. The 'Microphone' section includes a 'Test Mic' button, a dropdown menu for 'Built-in Microphone (Internal Micropho...', an 'Input Level' bar, an 'Input Volume' slider, and a checked checkbox for 'Automatically adjust microphone volume'. Below these sections are several checkboxes: 'Use separate audio device to play ringtone simultaneously' (unchecked), 'Join audio by computer when joining a meeting' (checked), 'Mute microphone when joining a meeting' (unchecked), and 'Press and hold SPACE key to temporarily unmute yourself' (checked). A white arrow points from the right edge of the image towards the 'Join audio by computer when joining a meeting' checkbox. At the bottom right of the settings panel is an 'Advanced' button.

Tips for successful ZOOM PARTICIPATION



MUTE your mic
when you're not
speaking



BACKGROUND
NOISE watch when
turning on mic



Limit the
DISTRACTIONS
around you



Look at the
CAMERA
not your screen



PREPARE & queue
docs or links that
you plan to share



Stay FOCUSED by
not texting or side
conversations



Use GALLERY
VIEW to see all
participants



Use CHAT to ask
questions or share
resources



Rights for Individuals with a Serious Mental Illness (SMI)

Presented by the Office of Human Rights (OHR)

AHCCCS/Division of Community Advocacy and Intergovernmental Relations (DCAIR)

[AHCCCS Acronym Guide](#)



Overview

Division of Community Advocacy and
Intergovernmental Relations (DCAIR)

Dana Flannery

DCAIR Assistant Director and Senior Policy Advisor

Agenda

- ❑ Learning Objectives
- ❑ Overview: The Division of Community Advocacy and Intergovernmental Relations (DCAIR)
- ❑ Overview: The Office of Human Rights (OHR)
- ❑ Overview: The Office of Individual and Family Affairs (OIFA)
- ❑ SMI Rights
- ❑ Navigating SMI Rights
- ❑ Resources

* [AHCCCS Acronyms Guide](#)



Learning Objectives

1

To gain a better understanding about the rights of individuals living with a Serious Mental Illness (SMI).

2

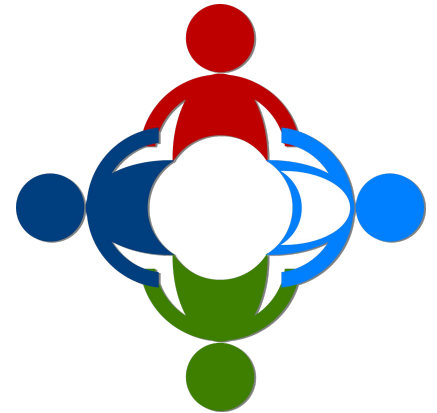
Applying this information to assist in how to navigate the behavioral health system and enhance the protection of individual rights.

DCAIR Departments

The Division of Community Advocacy and Intergovernmental Relations (DCAIR) is a division at AHCCCS that houses all of the functions that interface with our members, family members and other stakeholders. These areas are very important as they ensure the voice of the community is heard.

DCAIR includes:

- Office of Human Rights (OHR)
- Office of Individual and Family Affairs (OIFA)
- Office of Federal Relations and Communications (FRAC)



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 various workgroups to address health care needs including the following committees:

- Behavioral Health Planning Council
- OIFA Advisory Council
- Arizona Council of Human Service Providers
- The State Medicaid Advisory Committee





AHCCCS Website

Navigating the AHCCCS Website

Learn more about coronavirus (COVID-19)



ENHANCED BY Google



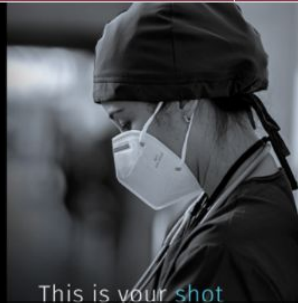
Advanced search

- HOME
- AHCCCS INFO
- MEMBERS/APPLICANTS
- PLANS/PROVIDERS
- AMERICAN INDIANS
- RESOURCES
- FRAUD PREVENTION
- CRISIS?



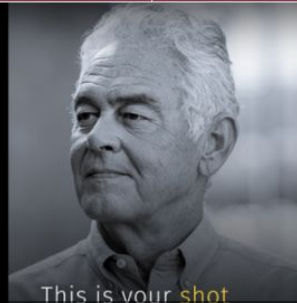
Roll Up Your Sleeve.

Get your influenza shot.



This is your shot to protect them.

Get your influenza shot.



This is your shot to protect him.

Roll up your sleeve. Get the flu shot.



Roll Up Your Sleeve.

Get your influenza shot.

Keep yourself and others healthy. Get the flu shot.





News & Updates

A listing of current AHCCCS News & Updates.



Calendar

A list of upcoming events at AHCCCS



Having a Crisis?

A list of resources to assist you with getting the help you need

**Health-e-
Arizona PLUS**

Apply Now

Apply for AHCCCS Benefits at Health-e-Arizona Plus

Contact Us

A list of contacts at AHCCCS

Public Notices

View demonstration projects, notices, meeting/hearing dates and provide comments

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

Governmental Oversight

Federal and State Requirements
 Legislative Sessions
 Waiver
 State Plans
 Budget Proposals
 County Acute Care Contributions

Health Plan Report Card

Reports

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

Guides - Manuals - Policies

Training

Fee-for-Service Provider Training
 MCO Provider Training

Grants

Federal Funding Accountability and Transparency Act

Electronic Data Interchange (EDI)

EDI Technical Documents
 EDI Testing
 EDI Change Notices

Community Partners (HEAplus)

Pharmacy



About Us

Acronyms
 AHCCCS Programs
 Awards & Studies
 COVID-19 Information
 Description of AHCCCS Programs
 Director's Biography
 News & Press Releases
 Strategic Plan



Initiatives

AHCCCS Whole Person Care Initiative (WPCI)
 AHCCCS Complete Care
 Care Coordination & Integration
 Payment Modernization
 Health Information Technology (HIT)
 Private Sector Partners
 Targeted Investments
 Electronic Visit Verification
 Accessing Behavioral Health Services in Schools
 AHCCCS Works Community Engagement
 Program
 Emergency Triage, Treat and Transport (ET3)



Public Notices

Program Planning

Healthcare Advocacy

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



Committees and Workgroups

Transparency



Overview

The Office of Individual and Family Affairs (OIFA)

Steven Leibensperger
OIFA, Foster Care Community Liaison

What You Need To Know... In Just One Page

OIFA has 47, easy-to-read, one-page handouts covering many topics designed to assist members and family members.



Your Health Care
Rights



Foster Care,
Kinship and
Adoptive Families



Formal
Complaints
(Grievances)



Navigation Tools



Peer-Run & Family-Run
Organizations

Office of Individual and Family Affairs Highlights 2021



47 one-pagers
posted online

SUBSCRIBE 

2,400+
weekly newsletter
subscribers



11,800+
engagement interactions
with community members

Data as of 12/31/2021



Overview

The Office of Human Rights (OHR)

Brenda Morris, OHR Bureau Chief

The Office of Human Rights

Mission Statement

Providing advocacy to individuals living with a Serious Mental Illness (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.



Special Assistance

Special Assistance is a term used to describe additional supports reserved for those with a Serious Mental Illness (SMI) who are determined by the Clinical or Inpatient Team and meet specific criteria.

Members living with a Serious Mental Illness are to be assessed to see if they meet criteria for special assistance in accordance with R9-21-101(B)(13).

Many individuals have a family member or natural support that will meet the special assistance needs and OHR will assign an advocate if there is not anyone available to meet the individual's needs.



Office of Human Rights 2021 Highlights



16,967
member engagements



160
successful graduations for
members to advocate on their own

95
transitions to natural supports!

OHR participated in . . .



375 hospital discharges statewide



34 jail discharges statewide.

OHR was able to assist . . .



122 members to avoid homelessness



172 members to a lower level of care,
promoting least restrictive environment.

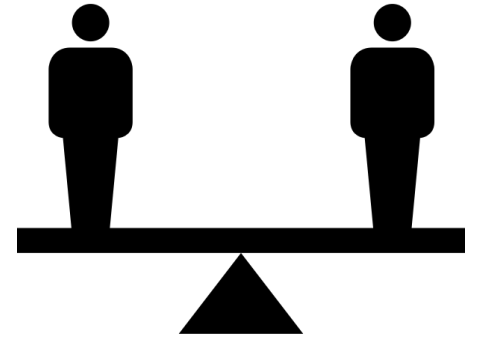


SMI Rights

Lia Ballesteros, OHR Lead 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.**



Notes:

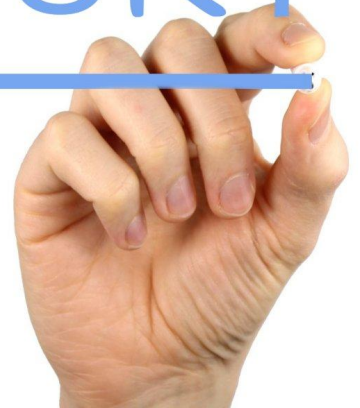
*See **A.A.C.R9-21-201 through 211** for a comprehensive listing.

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,
 - Build on strengths, and
 - Address unique needs.

SUPPORT



Support & Treatment

- Must be team-based and recovery-focused, which 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

- Include a written Individual Service Plan (ISP).
- * To and from covered Medicaid services

Treatment...

Must be
provided in a
way that...

- Preserves dignity & protects privacy,
- Integrates into the community,
- Provides the least restrictive environment,
- Recognizes the right to undergo normal experiences - even if it involves an element of risk, and
- Respects the right to be represented by a designated representative, attorney or qualified advocate of person's choice.

Treatment...

Must
support...

- Freedom of choice,
- Participation to the fullest extent possible in treatment decisions and ALL phases of treatment, and
- The right to:
 - to receive services voluntarily (to the maximum extent possible),
 - to consent or refuse treatment (except in case of court order (COE/COT) or emergency), and
 - right to a discharge plan and prompt consideration for discharge from inpatient facilities.

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.

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 Division of Developmental Disabilities (DDD) or DDD providers have different rules which allow them to use seclusion/restraint under certain circumstances, even if the person is also SMI.

Civil & Other Legal Rights



Freedom from Abuse



Freedom from Discrimination



Right to be Informed



Privacy & Religious Freedom



Communication, Visitation & Association



Voting, Licenses & Managing Own Affairs *

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

Staff must protect a person from abuse, neglect, exploitation, mistreatment and commercial exploitation.

Staff cannot use corporal punishment or unreasonable force.

Staff cannot transfer or threaten to transfer for punitive reasons.

Freedom from Discrimination

- It is unlawful for the RBHA or TRBHA to discriminate based on:
 - Race
 - Creed or religion
 - Sex or sexual preference
 - Age
 - Disability (physical or mental)



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.



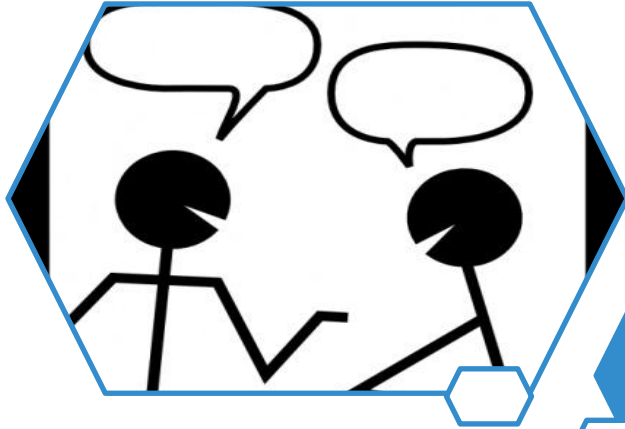
Privacy & Religious Freedom

Privacy and religious freedom include:

- right to privacy in general,
- 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.

People who are living with a serious mental illness and have 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.



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



Navigating SMI Rights

Christine Scott, OHR Data and Policy Manager

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

Addressing Rights Violations

What do I
do if...

Options:

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

Discuss the issue with
the team directly.

File a complaint with the
TRBHA or RBHA

Filing a grievance
including what solution
you seek

Addressing Service-Related Issues

What do I do if...

I am dissatisfied with a service,

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 RBHA or TRBHA.

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

The SMI Grievance and Appeals Process

The SMI grievance and appeals process are formal actions that can be taken when a member needs to resolve an issue.

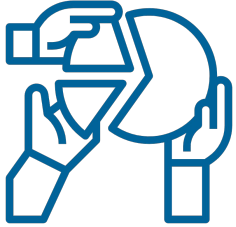
SMI Grievance: Grievances are filed when there is an allegation that a member living with a serious mental illness has had their rights violated.

SMI Appeal: Appeals are filed when a member disagrees with decisions regarding eligibility for behavioral health services, including TXIX services, fees and waivers; assessments and further evaluations; and services and treatment plans.

Grievances

- A grievance may be filed by a member, guardian, human rights advocate, human rights committee, State Protection and Advocacy System, designated representative, or any other concerned person when a violation of the client's rights or of the rights of several clients has occurred (A.A.C. R9-21-407 and R9-21-408).
- When to file a grievance:
 - A member's rights may have been violated,
 - A member was mistreated,
 - A member felt abused,
 - A concern about the quality of care or services a member received.
- Use the [SMI Grievance/Appeal Form](#) to file when necessary.
- Grievances must be filed within one (1) year from the alleged rights violation.
- Be sure to attach any additional documentation in support of the grievance.





The SMI Grievance Process

- This process involves an investigation to explore an alleged violation of rights or a condition that is dangerous, illegal, or inhumane per [A.A.C. R9-21-402](#).
- A grievance can be completed in writing or verbally. It is best to file in writing using the [SMI Grievance/Appeal Form](#) and keeping a copy for your records.
- If someone is filing on behalf of the person who has a SMI designation, include a release of information (ROI) which can be obtained from the health plan or anyone on the clinical team.

Grievance Decision

The grievance decisions will indicate one of the following:

Substantiated:

This means that the grievance has been proven to be valid, true or verified.
This often comes with a corrective action plan.

OR

Unsubstantiated:

This means that the grievance has not been proven to be valid, true or verified.

The SMI Appeal Process

- An **appeal** is a formal way of disagreeing with a decision about a member's services. Issues that can be appealed include:
 - The reduction, suspension, or termination of a service the member was receiving (i.e., content of Individual Service Plan (ISP) or discharge plan, denial of a service, fees assessed to the individual or the denial of a fee waiver, and/or the result of a grievance or request for investigation).
 - The failure to provide services in accordance with [AHCCCS Contractor's Operation Manual for Appointment Availability and Transportation Timeliness.](#)
 - The failure to act within timeframes for resolving an appeal or complaint.
 - The denial of a request for services outside of the provider network when services are not available within the provider network.



Appeals

- An appeal can be completed in writing or verbally with a health plan customer service department or the AHCCCS Office of Behavioral Health Grievances and Appeals (BHGA).
- It is best to file in writing using the [SMI Grievance/Appeal Form](#) 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 if an appeal is filed timely, unless a clinician determines that the modification or termination is necessary to avoid a serious or immediate threat to health or safety, or if there is a disagreement on the modification or termination of services.

Appeal Process and Outcomes



- After an appeal is filed:
 - An informal conference takes place between the member, the provider and the RBHA or TRBHA to try to find a solution to the appeal.
 - If the issue is not resolved, a second informal conference can be scheduled with the AHCCCS/Behavioral Health Grievance and Appeals (BHGA) office, unless the conference is waived or the appeal involves SMI eligibility.
- 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 proposed decision, which the AHCCCS Director or designee reviews before issuing a final decision (in writing).



Be your own
advocate with
resources...



Health Plans, RBHA and TRBHA Contacts

Health Plans, RBHA or TRBHA	Customer Service	Webpage
Health Choice Arizona	1-800-322-8670	Health Choice of Arizona
Banner – University Family Care LTC	1-833-318-4146	Banner UFC
Mercy Care LTC	1-800-624-3879	Mercy Care LTC
Mercy Care RBHA	1-800-564-5465	Mercy Care RBHA
United Healthcare LTC	1-800-293-3740	UHC LTC
Arizona Complete Health	1-888-788-4408	AZ Complete Health
Gila River TRBA	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
Department of Economic Security/ Division of Developmental Disabilities (DES/DDD)	1-844-770-9500	www.azdes.gov/ddd

Resources

[OHR Web page](#)

[Arizona Administrative Code \(R9-21\)](#)

[A.R.S. \(COT/COE\), Articles 4 & 5, 520-544](#)

[A.R.S. 36-509 Confidential Records](#)

[AHCCCS OIFA](#)

[Behavioral Health Covered Services](#)

[HIPAA](#)

[AHCCCS Health Plans Contact Info](#)

[Acronyms resource](#)

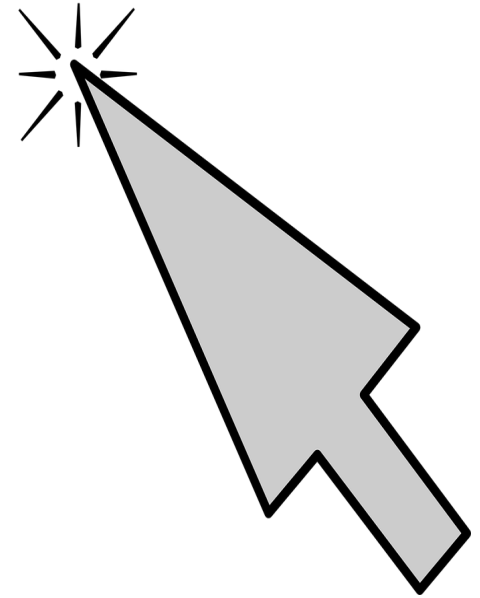
[SMI Appeals/ACOM 444](#)

[SMI Grievance and Investigations/ACOM 446](#)

[AHCCCS Contract and Policy Dictionary](#)

[Arizona Revised Statutes: Guardianship of Incapacitated Adults/Chapter 5/Article 3](#)

[ACOM 417: Appointment Availability and Transportation Timeliness.](#)



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Handle:

[@AHCCCSgov](https://twitter.com/AHCCCSgov)

Handle:

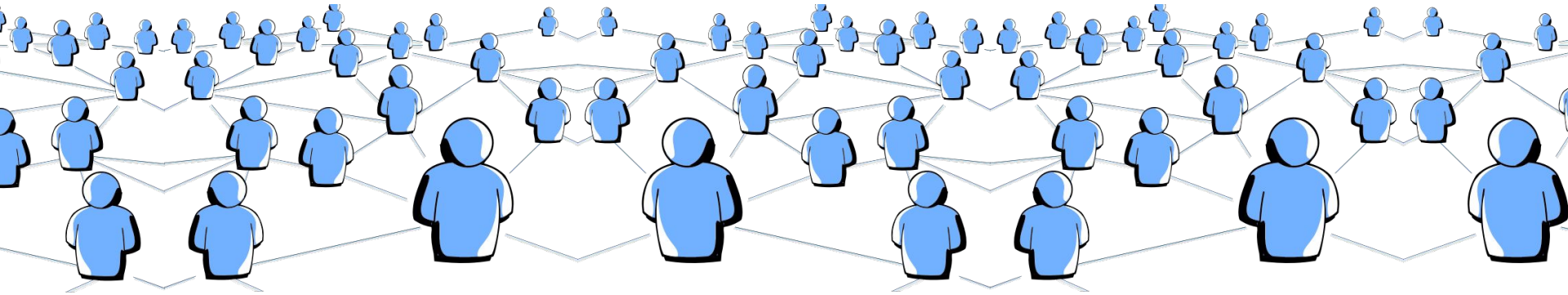
[@AHCCCSGov](https://www.instagram.com/AHCCCSGov)

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Channel:

[AHCCCSgov](https://www.youtube.com/channel/AHCCCSgov)



Questions?



Thank you



Please take the survey.

Surveys help us better
tailor meetings to
your needs.