

POLICY GA 3.4 SPECIAL ASSISTANCE FOR PERSONS DETERMINED TO HAVE A SERIOUS MENTAL ILLNESS

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- A. PURPOSE: To establish uniform guidelines for:
1. Identifying persons determined to have a Serious Mental Illness (SMI) who are in need of Special Assistance;
  2. Ensuring that persons in need of Special Assistance have their Special Assistance needs met; and
  3. Maintaining and disseminating required reports on persons in need of Special Assistance.
- B. SCOPE: Tribal and Regional Behavioral Health Authorities (T/RBHAs), the Arizona State Hospital (AzSH), the Arizona Department of Health Services/Division of Behavioral Health/Office of Human Rights ADHS/DBHS/OHR, ADHS/DBHS Office of Grievance and Appeals (OGA) and the Regional Human Rights Committees (HRCs). As applicable, T/RBHAs must ensure that all subcontracted providers adhere to the requirements of this policy.
- C. POLICY: T/RBHAs, AzSH and subcontracted providers must identify and report to the OHR persons determined to have a SMI who meet the criteria for Special Assistance. If the person's Special Assistance needs appear to be met by an involved family member, friend, designated representative or guardian, the T/RBHA or behavioral health provider must still submit a notification to the OHR. T/RBHAs, AzSH, subcontracted providers and ADHS/DBHS OGA must ensure that the person designated to provide Special Assistance is involved at key stages.
- D. REFERENCES: [A.R.S. §§ 14-5303, 14-5304, 14-5305](#)  
[A.R.S. §§ 36-107, 36-501, 36-504, 36-509, 36-517.01](#)  
[A.R.S. §§ 41-3803, 41-3804](#)  
[9 A.A.C. 21](#)  
[ADHS/RBHA Contracts](#)  
[ADHS/TRBHA IGAs](#)  
[Section 3.9 Assessment and Service Planning](#)  
[Section 3.10 SMI Eligibility Determination](#)  
[Section 4.1, Disclosure of Behavioral Health Information](#)  
[Section 5.4 Special Assistance for Persons Determined to have a Serious Mental Illness](#)  
[ADHS/DBHS Policy and Procedures CO 1.4, Confidentiality](#)  
[ADHS/DBHS Policy and Procedures GA 3.8 Disclosure of Confidential Information to Human Rights Committees](#)
- E. DEFINITIONS:
- [ADHS/DBHS Office of Grievance and Appeals](#)
- [ADHS/DBHS Office of Human Rights](#)

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[Title XIX](#)

[Day](#)

[Human Rights Committees](#)

[Qualified Clinician](#)

[Serious Mental Illness](#)

[Special Assistance](#)

F. GENERAL REQUIREMENTS:

1. Criteria to deem a person to be in need of Special Assistance are as follows:
  - a. A person determined to have a Serious Mental Illness (SMI) is in need of Special Assistance if he/she is unable to do any of the following:
    - i. Communicate preferences for services;
    - ii. Participate effectively in individual service planning (ISP) or inpatient treatment discharge planning (ITDP);
    - iii. Participate effectively in the appeal, grievance or investigation processes; And
  - b. The person's limitations must be due to any of the following:
    - i. Cognitive ability/intellectual capacity (i.e. cognitive impairment, borderline intellectual functioning, or diminished intellectual capacity);
    - ii. Language barrier, other than a need for an interpreter/translator, (i.e. an inability to communicate): and/or;
    - iii. Medical condition (including, but not limited to traumatic brain injury (TBI), dementia or severe psychiatric symptoms).
  - c. A person who is subject to general guardianship has been found to be incapacitated under [A.R.S. § 14-5304](#), and therefore automatically satisfies the criteria for Special Assistance. Similarly, if a T/RBHA or subcontracted provider recommends a person with a SMI for a general guardianship (in accordance with [R9-21-206](#) and [A.R.S. § 14-5305](#)), the person automatically satisfies the criteria for Special Assistance.
  - d. The existence of any of the following circumstances should prompt the T/RBHA, AzSH, or subcontracted provider to more closely review whether the person determined to have a SMI is in need of Special Assistance:
    - i. Developmental disability involving cognitive ability;
    - ii. Residence in a 24 hour setting;
    - iii. Limited guardianship, or the T/RBHA or subcontracted provider is recommending and/or pursuing the establishment of a limited guardianship; or

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- iv. Existence of a serious medical condition that affects his/her intellectual and/or cognitive functioning (such as dementia or traumatic brain injury (TBI)).

2. The following may deem a person to be in need of Special Assistance:

- a. A qualified clinician providing treatment for the person;
- b. A case manager of a T/RBHA or subcontracted provider;
- c. A clinical team of a T/RBHA or subcontracted provider;
- d. A T/RBHA;
- e. A program director of a subcontracted provider, including AzSH;
- f. The Deputy Director of ADHS/DBHS; or
- g. A hearing officer assigned to an appeal involving a person determined to have a SMI.

3. When to Assess for Special Assistance:

T/RBHAs, AzSH and subcontracted providers must, on an ongoing basis, assess whether persons determined to have a SMI are in need of Special Assistance in accordance with the criteria set out in this subsection F. For persons who are also Title XIX-enrolled (on AHCCCS), minimally, this must occur at the following stages:

- a. Assessment and annual updates;
- b. Development of or update to the Individual Service Plan (ISP);
- c. Development of or update to an Inpatient Treatment and Discharge Plan (ITDP);
- d. Initiation of the grievance or investigation processes;
- e. Filing of an appeal; and
- f. Existence of a condition which may be a basis for a grievance, investigation or an appeal and/or the person's dissatisfaction with a situation that could be addressed by one or more of these processes.

For persons with a SMI who are not Title XIX-enrolled, T/RBHAs, AzSH and subcontracted providers are required to assess whether the person is in need of Special Assistance:

- a. Upon admission to the AzSH and periodically during the person's stay;
- b. Initiation of the grievance or investigation processes; and
- c. Filing of an appeal.

4. Documentation

T/RBHAs, AzSH and subcontracted providers shall document in the clinical record each time a staff member assesses an individual for Special Assistance, indicating the factors reviewed and the conclusion. If the conclusion is that the person is in need of Special Assistance, they shall notify the OHR using the Notification of Person In Need of Special Assistance form ([PM Form 5.4.1](#)) in accordance with the procedures below.

G. PROCEDURES

1. Notification Requirements

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- a. T/RBHAs, AzSH and subcontracted providers must submit Part A of the Notification of Persons in Need of Special Assistance Form ([PM Form 5.4.1](#)) to the OHR within three working days of identifying a person in need of Special Assistance. If the person has a Special Assistance need requiring immediate assistance, the notification form must be submitted immediately with a notation indicating the urgency. T/RBHAs, AzSH and subcontracted providers should inform the person of the notification and explain the benefits of having another person involved who can provide Special Assistance. No authorization for release of protected health information, (with the exception of drug and alcohol abuse treatment, AIDS/HIV and/or communicable disease treatment), is required to submit a Notification of Person in Need of Special Assistance to the Office of Human Rights or to discuss related details with the OHR.
- b. The OHR will review the notification form to ensure that it contains sufficient information detailing the criteria and respond to the T/RBHA and subcontracted providers by completing Part B of [PM Form 5.4.1](#) within three working days of receipt of the Notification Form. In the event necessary information is not provided, OHR will contact the staff member submitting the notification to obtain clarification. In the event the notification is urgent, OHR will respond as soon as possible, but generally within one working day of receipt of the notification.
- c. The notification process is not complete until OHR completes Part B of the notification form and sends it back to the T/RBHA and subcontracted providers. The T/RBHAs and subcontracted providers should follow up with OHR if Part B is not received within three working days.
- d. T/RBHAs, AzSH or subcontracted providers must notify the OHR within ten days of an event or determination that a person in need of Special Assistance no longer meets criteria by completing Part C of the original notification form identifying:
  - i. The reason(s) why Special Assistance is no longer required,
  - ii. The effective date;
  - iii. The name and title of the staff person completing the form; and
  - iv. The date the form is completed.
- e. T/RBHAs and subcontracted providers shall provide relevant details and a copy of the original Special Assistance Notification form (both Parts A and B) to the receiving entity or case manager when a person in need of Special Assistance who is also Title XIX-enrolled (on AHCCCS) is admitted to an inpatient facility or is transferred to a different T/RBHA, case management provider site or case manager.
- f. T/RBHAs and subcontracted providers shall provide relevant details and a copy of the original Special Assistance Notification form (both Parts A and B) to the receiving entity when a person in need of Special Assistance who is Non Title XIX-enrolled is admitted to AzSH or is transferred to a different T/RBHA or provider site.

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2. Requirement of T/RBHAs, AzSH, Subcontracted Providers and ADHS/DBHS Office of Grievance and Appeals (OGA) to Help Ensure the Provision of Special Assistance
  - a. T/RBHAs, AzSH, subcontracted providers and ADHS/DBHS OGA must maintain open communication with the person (guardian, family member, friend, OHR advocate, etc.) assigned to meet the person's Special Assistance needs. For persons who are also TXIX-enrolled, minimally, this involves providing timely notification to the person providing Special Assistance to ensure involvement in the following:
    - i. ISP planning and review (including anytime the person makes a decision regarding service options and/or modification/termination of services);
    - ii. ITDP planning (which includes any time a person is admitted to a psychiatric inpatient facility); and
    - iii. Investigation, grievance or appeal processes (including when initiating a request for an investigation, grievance or appeal may be warranted).
  - b. T/RBHAs, AzSH, subcontracted providers, and ADHS/DBHS OGA must maintain open communication with the person assigned to meet the Special Assistance needs of a person who is not Title XIX-enrolled. This involves responding to general inquiries; additionally includes, providing timely and unsolicited notification to ensure involvement in the following:
    - i. Inpatient treatment and discharge planning (ITDP) during the person's stay at the AzSH.
    - ii. Investigation, grievance or appeals processes.
  - c. In the event that such procedures are delayed in order to ensure the participation of the person providing Special Assistance, the T/RBHAs, AzSH, subcontracted providers and DBHS OGA must document the reason for the delay in the clinical record, or the investigation, grievance or appeal file.
  - d. T/RBHAs and subcontracted providers must periodically review whether the person's needs are being met by the person designated to meet the individual's Special Assistance needs. If a concern arises, they should first address it with the person providing Special Assistance. If the issue is not promptly resolved, they must take further action to address the issue, which may include contacting OHR for assistance.
3. ADHS/DBHS Office of Grievance and Appeals and RBHA Office of Grievance and Appeals Reporting Requirements
  - a. Upon receipt of a request for investigation, grievance or an appeal, the T/RBHAs' Office of Grievance and Appeals and the ADHS/DBHS OGA must review whether the person is already identified as in need of Special Assistance.
  - b. If so, the T/RBHA must ensure that:

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- i. A copy of the request for investigation or grievance, is sent to OHR within five days of receipt of the request. The T/RBHA must also forward a copy of the final grievance/investigation decision to the OHR within five days of issuing the decision.
- ii. The results of the Informal conference (IC) regarding appeals are sent to OHR. The T/RBHA shall also forward a copy of any subsequent notice of hearing.

4. Reporting Requirements

- a. TRBHAs must have a method to track individuals in need of Special Assistance, to ensure compliance with this policy and the reporting requirements described in this section. The T/RBHA must, by the 10<sup>th</sup> calendar day of each month, provide the Office of Human Rights with a comprehensive report listing:
  - i. All persons in need of Special Assistance who are active as of the end of the previous month;
  - ii. Any notifications during the previous month that a person no longer needs Special Assistance;
  - iii. Any persons transferred to the T/RBHA during the previous month who were Special Assistance in the previous T/RBHA; and
  - iv. Any person in need of Special Assistance transferred from the T/RBHA to another T/RBHA.

The monthly reports must contain the following information:

- i. Name;
- ii. Date of Birth;
- iii. Current address;
- iv. Current phone number;
- v. Type of residence;
- vi. Whether currently at AzSH;
- vii. AzSH identification number;
- viii. Name of provider;
- ix. Name of provider site, address and phone number
- x. Name of case manager;
- xi. Name of clinical supervisor;
- xii. GSA (for RBHAs serving more than one);
- xiii. Title XIX (AHCCCS) enrollment status (yes or no)
- xiv. Areas of need (ISP, ITDP, grievance/investigation and/or appeals);
- xv. Effective date (that Part B was completed);
- xvi. Guardian's name, address and phone number;
- xvii. Name, address and phone number of person meeting the Special Assistance needs;
- xviii. If applicable, the date of the removal (when Part C of the notification was sent to

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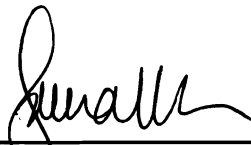
- OHR) or the event and event date that prompted the removal; and
- xix. If applicable, the date of the inter-RBHA transfer, including the name of the receiving T/RBHA.
  - b. By the 25<sup>th</sup> day of the month following the end of a quarter, OHR will provide T/RBHAs with a comprehensive report for the previous quarter. The T/RBHAs, in response to OHR's quarterly report must submit an updated report to OHR by the 10<sup>th</sup> day of the next month, identifying any changes in client information that occurred during the previous quarter. Examples include; change in Title XIX enrollment, changes in the individual's residence, case management provider or case manager assignment, or a change in the assignment of the person identified to meet the Special Assistance needs. T/RBHAs and OHR will work together to rectify any data discrepancies in a timely manner to ensure that the data maintained is accurate.
  - c. The Office of Human Rights (OHR), utilizing data it maintains on all persons in need of Special Assistance, must provide a list of persons in each region to each Human Rights Committee by the 25<sup>th</sup> calendar day of each month. The OHR will customarily provide a courtesy copy of the report to the corresponding RBHA.
  - d. By the 15<sup>th</sup> of the month, OHR will provide AzSH a list of persons in need of Special Assistance that were receiving services at AzSH during the previous month. AzSH will review the list for accuracy and provide a response by the 20<sup>th</sup> of the month, indicating any additions to the report, including information on discharges during the previous month. OHR will provide the final report to the AzSH Human Rights Committee and a copy to AzSH by the 25<sup>th</sup> of the month.
5. Confidentiality Requirements
- a. T/RBHAs, AzSH and subcontracted providers shall grant access to clinical records of persons in need of Special Assistance to the Office of Human Rights in accordance with federal and state confidentiality laws (For further clarification see [Section C.O. 1.4 Confidentiality](#)).
  - b. HRCs and their members shall safeguard the list that contains the names of those persons in need Special Assistance regarding any Protected Health Information (PHI). HRCs must inform ADHS/DBHS in writing of how it will maintain the confidentiality of the Special Assistance lists. If HRCs request additional information not included in the monthly report that contains PHI, they must do so in accordance with the requirements set out in [GA 3.8 Disclosure of Confidential Information to Human Rights Committees](#).
6. Other Procedures
- a. T/RBHAs, AzSH and subcontracted providers must maintain a copy of the completed Notification of Special Assistance form (Parts A and B) in the person's comprehensive clinical record.

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- b. Human Rights Committees (HRCs) must make regular visits to the residential environments of persons in need of Special Assistance to determine whether the services meet their needs and their satisfaction with the residential environment.
- c. T/RBHAs must ensure that all applicable T/RBHA and provider staff is trained regarding the requirements of Special Assistance.

H. APPROVED BY:



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10/19/2010

Date