

SSCIP's

Out-of-home placements expose providers to potential risk



in this issue

- 1 Out-of-home placements expose providers to potential risk
- 2 President's Letter
- 3 Featured Agency: Coyote TaskForce
- 4 MRSA causing alarm in Arizona
- 5 Members urged to be ready for Legal Arizona Workers Act
- 7 Get to know your transportation clients
- 7 SSCIP attorneys selected for "Best Lawyers®" directory
- 7 Welcome New Members
- 8 Board of Trustees

New laws are exposing providers of out-of-home placements to a greater potential for both civil and criminal liability, William H. Doyle, a defense attorney on SSCIP's panel, warned attendees at a recent SSCIP Best Practices Workshop.

"Any person or group home supervising a vulnerable adult, who is not capable of caring for themselves, is exposed," said Doyle. "It is happening all over the country. We are now in an environment where you have to be proactive or you're going to get sued.

"Litigation in this area is growing and, as such, lawsuits against out-of-home placement providers are being encountered more frequently," Doyle continued. "Claims often asserted in such lawsuits include negligent supervision, child abuse and vulnerable adult abuse claims."

In 2006, claims alleging molestation or sexual abuse of minors or developmentally disabled adults had the highest incurred dollar amounts – \$ 594,986 – against SSCIP members. Over a five-year period, 72 percent of the total SSCIP incurred costs in the general liability line of coverage were due to negligent supervision in the provision of social services to vulnerable adults and at-risk youths.

"You have an obligation to properly supervise people in your care," Doyle told attendees. "Do what you say you're going to do. If you agree to a treatment plan, you have to do it. If it requires two-on-one supervision, do it. It does not mean having two people in the home to do supervision.

Doyle advised careful evaluation of each placement.

"I know most of you want to have a house full, and that means taking placements," he said. Many of

you have relationships with other entities and feel an obligation. As a result, many times you may tend to overlook obvious problems. You are reluctant to say 'No.'



"Your obligation, though, is to gather information," Doyle continued. "Know who you are taking in. Evaluate your staffing. Assess the client to see if placement is appropriate. An individual may need 24-hour supervision to ensure safety, meaning they could hurt themselves or they could hurt someone else. If you take the placement, you're on the hook. Don't take it, if you don't know anything about it."

If the placement is not appropriate, Doyle strongly advised attendees to reject it.

To demonstrate the perils involved in a placement not fully investigated, Doyle presented an actual case study.

In this case, a 17-year-old male with a history of bipolar disorder, oppositional defiant disorder, assaultive behavior and going AWOL (absent without leave) from 14 prior placements, was placed in a residential group home on an emergency shelter

see **OUT-OF-HOME PLACEMENTS** on page 6



PRESIDENT'S LETTER

Dear SSCIP Members:

As with any organization, one of the factors that has contributed to SSCIP's growth and success these past two decades has been the infusion of new ideas that have come with periodic changes in our leadership. With three of our prior Board Members choosing not to run for re-election this past fall, our Pool was fortunate to enlist the expertise of a trio of quality individuals to join the Board as new Trustees.

Based on the efforts of our Nominating Committee and, on the results of Member balloting, I am extremely pleased to welcome Pamela HenleyJohnson, Melissa Thomas and Chris George as the three newest members of the SSCIP Board of Trustees.

Pamela HenleyJohnson is the President and CEO of New Beginnings Treatment Center, while Melissa Thomas is the Bureau Chief for the Arizona Department of Health Services/Division of Behavioral Health Services. Both began serving their first term as Trustees following the announcement of their election at our September 27th Members Meeting. Chris George is the Human Resources Director of SAGE Counseling. Chris returned to the Board in September after having previously served as a Trustee from 2003 to 2004.

As most of you know, along with our annual election of Trustees comes the election of our Board officers for the upcoming year. It's been a challenging but extremely rewarding two years since the Board elected me, Dolores Zimmerman and Rita Schmidt to our respective positions of President, Vice President and Secretary/Treasurer of the SSCIP Board of Trustees. Each of us has enjoyed the opportunity to build on the hard work and success of those Board Members who had served before us. Therefore, we were each extremely honored to have been re-elected to our respective offices for another year at the September meeting.

As SSCIP's 20th Anniversary year draws to a close and as our Pool begins its third decade of serving Arizona's social services community, the Board is grateful for the continued confidence that our Members have shown in us and, we look forward to the new challenges that the upcoming year will bring.

Sincerely,

A handwritten signature in black ink that reads "Richard W. Hill". The signature is written in a cursive, slightly slanted style.

Richard W. Hill

President – SSCIP Board of Trustees

SSCIP'r

Featured Agency: Coyote TaskForce

Through a variety of programs including the posh Café 54 in downtown Tucson and the Tucson Botanical Garden, Coyote TaskForce works with adults who are recovering from serious mental illnesses or who are dually diagnosed with mental illness and/or developmental disabilities.

The foundation of Coyote TaskForce programs is Our Place Clubhouse, which has been providing psych-social rehabilitation for 15 years, and has assisted many members in obtaining competitive employment. The Clubhouse has an active membership of 140 individuals, of which 22 are currently employed and eight are working at work adjustment sites.

The philosophy of Our Place Clubhouse, located at 66 E Pennington, includes, “Members acquiring or regaining self worth, purpose and confidence through the use of the work-ordered day and active involvement in everyday Clubhouse operation.” The Clubhouse has six established work units, and members volunteer to work in the units and provide services. **The units are:**

- Food and Kitchen Unit, which provides 45 lunches daily. Members plan meals, shop, cook, serve and wash dishes.
- Member Services Unit, in which members fill clerical positions and oversee the telephone systems.
- ReThreads, a thrift store, in which members can participate in all aspects of operating a retail business.
- Resource & Advocacy Unit, in which members can gain skills and knowledge in advocacy for themselves and other members. Some of the services provided include assistance in landlord/tenant conflicts and housing issues, coordinating medical care and crisis intervention.
- Employment Unit, in which members search for job opportunities for other members.
- Transitional Employment Program (TEP), which provides members with time-limited, part-time paid job placement opportunities within the Tucson community.
- World of Work (WOW), which is designed to address

the needs of an individual making the decision to enter or re-enter a training program or the work force.

- Supported Education Program, in which Clubhouse staff and members help students achieve success in a range of education opportunities.

Café 54 began operations at 54 E. Pennington in a downtown arts district three years ago. It is a full-service bistro serving lunch from 11 a.m. to 2 p.m. Monday through Friday. Catering services are also available.

An October menu listed the soup du jour as corn and red pepper bisque and the entrees as cranberry-brown sugar crusted tilapia, chicken wrap and tilapia wrap. Desserts were oatmeal cranberry cookies, blackberry pie and lemon or strawberry sorbet.

In October, another Café 54 began operating in the Tucson Botanical Gardens.

The Café 54 mission is:

- To assist individuals with mental illnesses in becoming independent tax-paying citizens.
- To provide trainees with the tools they need to recognize and utilize inherent talents and skills.
- To provide the restaurant community with a pool of reliable employees who have had training and first-hand experience working in a quality restaurant setting.
- To reduce and ultimately eliminate the stigma surrounding mental illnesses by shifting focus from disabilities to abilities.

Café 54 provides on-the-job training in a variety of positions such as line cooks, pastry chefs, prep cooks, servers, cashiers and dishwashers. The “trained professional staff” is held to a minimum so that the success of the restaurant rests on trainees.

Trainees are expected to arrive at work on time, be well groomed, maintain socially appropriate relations and work as members of a team. The consequence of misconduct is termination from the program with an option to return when conduct issues have been addressed.



MRSA

causing alarm in Arizona

The U.S. Centers for Disease Control and Prevention (CDC) estimates that 86 percent of the nearly 94,000 individuals infected each year by MRSA (methicillin-resistant staphylococcus aureus) have come about in a healthcare situation, including nursing homes and long-term care facilities.

MRSA, a bacterial infection often resembling a pimple, boil or insect bite at its outset, is causing a great deal of alarm around Arizona because it can quickly become an abscess or blister filled with pus, which can enter the bloodstream. Plus, it is resistant to most common antibiotics generally used for treatment.

More than 3,800 Arizona residents have contracted MRSA since 2005. The CDC estimates that the 94,000 nationwide infections resulted in nearly 19,000 deaths.

The CDC says MRSA is a bacteria commonly found on the skin. Person-to-person transmission is the most common way it is spread by contact with secretions from infected skin lesions or nasal discharge or via the hands.

"It's a very hot issue in hospitals, and everyone's concerned that the rates of MRSA have been rising steadily for decades," Rebecca Sunenshine, deputy state epidemiologist for the Arizona Department of Health Services, told *The Arizona Republic*. "It has hospitals very concerned and patients very concerned. It can get into your bloodstream. It can get into your lungs. It can get lodged into your bones, and when it gets into your bones, especially the back vertebrae, it can be very serious and hard to treat."

However, schools in Tempe, Tucson and Scottsdale have reported infection cases, and healthcare professionals are concerned that the incident of community-associated MRSA is increasing.


Experts say that individuals who have sores that will not heal or that are filled with pus should see a doctor and ask to be tested for staph infection. They should not

squeeze the sore or try to drain it — that can spread the infection.

The vast majority of MRSA cases happen in hospital settings, but 10 percent to 15 percent occur among otherwise healthy people, often those who are prone to cuts and scrapes, like children and athletes. MRSA typically spreads by skin-to-skin contact, crowded conditions and the sharing of contaminated personal items.

The best defense against the potentially deadly infection is common sense and cleanliness.

Some suggestions on preventing the spread of infections include:

- Bathing regularly and washing hands before meals is just a start. Wash your hands often or use an antibacterial sanitizer after you have been in public places or have touched handrails and other highly trafficked surfaces.
- Make sure cuts and scrapes are bandaged until they heal.
- Do not share personal items such as brushes, combs, razors, towels, makeup and cell phones. A doctor involved in MRSA research has related that his teenage daughter contracted MRSA. He eventually traced the bacteria to her cell phone. She had shared it with a friend whose mother worked in a nursing home. The doctor went on to discover MRSA on the friend's cell phone and makeup compact and on a countertop in her home.
- Exercise vigilance in health clubs and gyms because staph grows rapidly in warm, moist environments. MRSA has been found on the grips of workout machines.
- Respect antibiotics. Misuse of antibiotics allows bacteria to evolve and develop resistance to drugs. When you do take an antibiotic, finish the dose. Antibiotic resistance is bad for everyone, but your body can also become particularly vulnerable to resistant bacteria if you are careless with the drugs. 

Members urged to be ready for Legal Arizona Workers Act

A stampede of nearly 150,000 Arizona employers could develop as they scramble to comply with the Legal Arizona Workers Act, and Jonathan Hauer, one of SSCIP's panel of employment claim defense attorneys, has urged SSCIP Members not to dawdle.

Speaking at the recent SSCIP Best Practices Workshop, Hauer advised Members to be ready on Jan. 1, 2008, when the law is scheduled to become effective even though a legal challenge could make compliance moot.

The law, passed by the Arizona Legislature during its 2007 session and signed by Gov. Janet Napolitano, prohibits employers from "knowingly or intentionally" hiring unauthorized aliens. Conviction of a violation can mean a 10-day suspension of activities and probation, during which a second conviction could result in a business license being permanently revoked.

A group of Arizona businesses has challenged the law on the grounds that only the federal government can punish companies that employ people in this country illegally. A hearing on the suit was held in Federal Court on Nov. 14, and the judge dismissed the case Dec. 7. A new lawsuit is now pending.

"I have no idea how this will play out," said Hauer. "But, I think you should get ready even though it may change over the next few months."

Hauer told Members they should not take a wait-and-see attitude and urged them to sign up in December for a federal employment-verification program called E-Verify available on the Internet. The program can be located by using Google and entering "e-verify."

He said using E-Verify to confirm the status of employees was the first line of defense if a company or organization comes under investigation. He also recommended using E-Verify to confirm the status of existing employees.

"Follow the process and go through E-Verify," Hauer advised. "You want to be able to tell a good story, and you want to be able to show that you tried. The system may not work great because with the crush of users there may be a problem."


The Arizona Republic has reported that as of Nov. 21, only 4,733 of the more than 150,000 employers in Arizona had signed up for the program. Currently, only about 32,000 employers are using the program nationwide.

Federal officials, though, told *The Republic* they were confident the system would be able to handle the rush, even if Arizona employers decide to sign up at once. "We do not anticipate any problems," said Marie Sebrechts, a representative for U.S. Citizenship and Immigration Services.

Under the law, Hauer informed Members:

- Anyone can file a complaint.
- The State Attorney General or the County Attorney of the County in which the complaint is filed investigates. He said very little money had been set aside to investigate complaints.
- The complaint is also referred to federal and local authorities.
- If the complaint has merit, the County Attorney files charges in the County where the unauthorized alien is employed.

Hauer said there was still confusion over how the law would be enforced, though, and noted that Rep. Jim Weiers, Speaker of the Arizona House from which the law had emanated, had observed it was "clear as mud."

"I don't think the courts are going to be too harsh during the first year," he said. 

OUT-OF-HOME PLACEMENTS

continued from page 1

basis. The group home received only minimal information regarding the youth, including his name, the name of his father, the name of his probation officer and information that he had gone AWOL from his last placement. The group home was not advised that he had gone AWOL from 14 prior placements, had assaulted prior staff members on at least three occasions, had previously threatened to kill others, or that he had previously stabbed a staff member with a pen. Nor was the group home provided with any of his medical or psychiatric history.

The group home representative attended a hearing before the juvenile court and advocated on behalf of the youth for a long-term placement at the group home until he became an adult. No attempt was made by the group home to obtain additional information about the youth or his history.

After seven weeks of no incidents, the youth went AWOL from the group home. A week later, a woman was found stabbed to death in her home, which was located within a mile of the group home in the same neighborhood. The youth was arrested for the murder. The woman's family sued the group home, alleging that the group home failed to properly supervise and control the youth.

The court held that the group home owed a duty to control the youth because the group home had accepted supervisory responsibility of him and should have known of his history, of going AWOL and his propensity for violence. Whether the group home had breached its duty to control the youth, the court held was a question for the jury who the court concluded could reasonably find that the group home was negligent for failing to reject supervisory responsibility for the youth.

Doyle presented a list of "things you should be doing" to limit your exposure to liability:

In screening and hiring employees:

- Complete a background check on prospective employees.
- Adequately train employees on policies and procedures, including proper crisis response, reporting, documentation and record keeping.
- Regularly evaluate employee performance.

In responding to proposed placements:

- Obtain a complete intake packet, including history of prior placements, prior diagnoses, prior behaviors, current

medical condition, current individual service plan/treatment plan, contact information for probation officer, case manager and family members.

- Interview individual to be placed prior to decision to accept placement.
- Interview others with prior contact with individual to be placed prior to decision to accept placement.
- Complete an independent intake assessment; evaluate whether individual is appropriate for your program prior to decision to accept placement.
- Accept only placements appropriate for program.
- Communicate and document any reservations about reluctant acceptance of placements not appropriate for your program; involve case manager and family/guardian in decision.

In the event of a reluctant acceptance, request additional services (e.g., 1:1 supervision) and document request; involve case manager and family/guardian in decision.

Also, in the event of a reluctant acceptance, communicate temporary nature of arrangement and request crisis plan; propose reevaluation at regular reasonable intervals to allow for removal of individuals inappropriate for program.

Once a placement occurs:

- Maintain a safe, clean and humane out-of-home placement.
- Follow the individual's service plan/treatment plan.
- Communicate frequently and regularly any issues to appropriate parties.

In the event of an incident:

- Report and document to all who are appropriate (e.g., case manager, probation officer, law enforcement and crisis team).
- If medical emergency, call 911.
- If police emergency, call 911.
- When in doubt, report and document.

"You can help minimize your exposure," said Doyle.



Get to know your transportation clients

Before transporting a client, SSCIP Members attending the recent Best Practices Workshop were told to develop a thorough knowledge of the individual.

In a session on “Transportation of People with Special Needs,” Linda Degenstein, a sales associate with Handicap Vehicle Specialists, Inc., and John Stroud, training coordinator of the Valley of the Sun School and Habilitation Center, outlined the following steps to take before transporting a client:

- Develop and complete an intake and information form on each client.
- Gather detailed information on the needs of each client.
- Provide the family/guardian and the client the guidelines for using your transportation services.
- Review the guidelines with the family and/or client and have them sign.
- Train each driver on the individual client needs and requirements.
- Keep an information packet on each client in the vehicle.


In gathering information on the client, Degenstein and Stroud recommended Members learn the types of disabilities and behaviors of the individual, remembering that disabilities vary greatly from individual to individual. Issues can include:

- Impaired hearing
- Impaired sight

- Autism
- Speech or language impairment
- Cognitive disabilities
- Learning disabilities
- Traumatic brain injury

Other considerations include unusual or unpredictable behaviors such as:

- Rocking
- Unpleasant language or repetitive phrases
- Yelling or calling out
- Drooling
- Difficulty sitting upright
- Abnormal breathing patterns
- Asthma
- Startle response to loud noises or fast movement
- Seizures


However, the pair pointed out that Members should keep in mind that the individuals they transport are people first and not a disability. Members should treat client as an individual and know the limitations and needs of each individual before providing services. 

SSCIP attorneys selected for “Best Lawyers®” directory

Stephanie M. Cerasano, Richard S. Cohen and Troy P. Foster, three attorneys on the SSCIP panel for employment claims defense, have been selected for inclusion in the 25th anniversary edition of The Best Lawyers in America® in the specialty of labor and employment law.

The three are partners of Ford & Harrison, which was established in Atlanta in 1978 as a national labor and employment law firm with more than 170 employment attorneys located in 16 cities throughout

the U.S. The Phoenix Ford & Harrison office is in the Camelback Esplanade at 24th St. and Camelback Rd.

Selection to Best Lawyers® is based on an exhaustive and rigorous peer review process in which lawyers throughout the nation submit confidential evaluations. There is no fee for a being listed in Best Lawyers®, and it has been described as “the most respected referral list of attorneys in practice.” 

Welcome NEW MEMBERS

SSCIP would like to welcome the following new members:

- | | | |
|---|--|--|
|  Agape Homes, LLC |  Hearthstone Manor, LLC |  Robert Sanders, dba RGS Employment Services |
|  Age Care Limited Company |  In My Shoes, Inc. |  Star Link Services, LLC |
|  Allied Therapy, LLC |  Kim Dartez, dba Family Tree Training Program |  TBCS Enterprises, LLC, dba Bannon Spring Christian Health Center |
|  Choices In Community Housing, Inc. |  Leaps and Bounds Therapy Center |  The Caring Home, LLC |
|  Desert Winds Employment Consultants, LLC |  Lio Mana’olana Therapy, LLC |  Zakir Your Destinee, Inc. |
|  Fostering Hope, LLC |  Maricopa Crisis Recovery Network, Inc. | |
|  Greater Littletown Area Human Resources Group, Inc. |  Oasis Care Living, LLC | |

SSCIP BOARD OF TRUSTEES

Rick Hill	<i>President</i> AZ Outdoor Specialists
Dolores Zimmerman	<i>Vice President</i> Intermountain Centers
Rita Schmidt	<i>Secretary/Treasurer</i> AZ DES/Office of Procurement
Sorrel Bowman-Rogers	Family Service Agency
Van Braswell	AZ DES/Div. of Employee Services
Roger Deshaies	C.P.E.S.
Chris George	SAGE Consulting
Richard Hargrove	Abrio Family Services & Supports, Inc.
Pamela HenleyJohnson	New Beginnings Treatment Center
Brian Lensch	AZ DES/DDD
Alice McLain-Snuffer	AZ DES/Div. of Child, Youth & Family
Diann Patterson	AZ Dept. of Juvenile Corrections
Ralph Romero	AZ Dept. of Education
Connie Smith	Southwest Behavioral Health Services
Melissa Thomas	ADHS/DBHS

The Social Service Contractors Indemnity Pool (SSCIP) newsletter is published quarterly by the Pool's Administrator:

SOUTHWEST RISK SERVICES

14902 North 73rd Street
Scottsdale, Arizona 85260
Telephone (602) 996-8810
Fax (602) 996-9045
Toll Free (888) 309-4339
www.sscip.org

SSCIP is a non-profit corporation created in 1987. Its primary purpose is to provide property and casualty coverages to social service providers contracted with the State of Arizona and other political subdivisions.

SSCIP is governed by a 15 member Board of Trustees elected by its members. The newsletter is published in a continuous effort to inform and educate its members. Suggestions for articles are welcome.

SOCIAL SERVICE CONTRACTORS INDEMNITY POOL

Administrator:

SOUTHWEST RISK SERVICES

14902 North 73rd Street
Scottsdale, AZ 85260



Prsrt Standard
U.S. Postage
PAID
Permit No. 148
Phoenix, AZ