

**HUMAN RELATIONS ADVISORY BOARD
MARCH 24, 2010 MINUTES**

The Human Relations Advisory Board of the City of Mesa met in a regular Human Relations Advisory Board Meeting March 24, 2010, 6:00 p.m. in the Lower Level, City Council Chambers, 57 E. First Street.

MEMBERS PRESENT

Terry Benelli, Chair
James May – Vice Chair
Ana Cadillo
Hong Chartrand
Craig Cuillard
Stacey Dillon
Rory Gilbert
Denise Heap
Everette Woods

MEMBERS ABSENT

STAFF PRESENT

Mary Berumen
Jennifer Hedges

GUESTS

1. Welcome and Introductions.

Ms. Benelli welcomed guests and board. Ms Benelli gave brief instructions for audience comments.

2. Approval of minutes from the February 24, 2010 board meeting.

A motion was made by Mr. Cuillard to approve the February 24, 2010 Human Relations Advisory Board (HRAB) minutes. Ms. Heap seconded the motion. The motion carried unanimously.

3. Hear a presentation and discuss items presented by the Ad Hoc Community and Education Project Team on the impact of non-traditional caring relationships regarding medical care situations.

Ms. Gilbert explained to everyone that the discussion will educate the board on the impact seen and experienced by medical professionals, first responders, and community members. She continued to explain that this discussion will assist in the research needed to make a recommendation for or against a registry. She explained that each presenter is responding to a list of questions provided. (Questions can be found on page 8 and 9)

a. Presenters include:

- Ms. Rory Gilbert, Moderator

Ms. Gilbert instructed each speaker of the format and time limit each will have to address the board based on the questions provided.

- Assistant Chief Michael Denney, Mesa Police Department

Chief Denney explained that the Mesa Police Department does not have a policy that speaks specifically to any relationship for either employees or for the residents they protect. Chief Denney stated that as a whole the department is concerned with what someone has done rather than what their relationship is to one another.

Ms. Gilbert asked Chief Denney how it is decided who is transported to the hospital in the case of an emergency.

Chief Denney replied that transporting "family, friends, and neighbors" is left up to the Fire Department. He stated that fire personnel typically determines that a person, be it family, friend, or neighbor, is needed to assist medical staff in getting information on the patient; fire personnel will inform an officer that a transport is needed to follow an ambulance.

- Detective Kurt Scanio, Mesa Police Association

Detective Scanio reiterated what Chief Denney mentioned regarding transporting individuals be it family or not to the hospital. Detective Scanio stated that the decision to transport is determined by the officer, if the officer feels the person can be of use and is not causing more problems for medical staff (being in hysterics or causing a scene) and if fire personnel has asked

that a person is taken, the officer will do so no matter the relationship to the patient.

Detective Scanio also addressed his experiences in being a Domestic Violence detective for more than a year. He explained that the Arizona Revised Statute §13-3601 defines the affected relationships [relationships affected by the revised law] as follows: 1) The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided together in the same household, this includes same gender cohabitation. 2) The victim and the defendant have a child in common. 3) The victim or the defendant is pregnant by the other party. 4) The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister, or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law. 5) The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant. 6) The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship.

Ms. Gilbert asked when transporting a person to the hospital to accompany the patient their relationship whether a partner or neighbor would not matter.

Detective Scanio agreed that the relationship is not of concern, if the person is able to assist either the patient in being calm or giving medical personnel patient information then an officer will transport that person.

Ms. Dillon asked how the police department is handling the high divorce rates and cohabitation of its officers when it comes to benefits and pensions.

Detective Scanio addressed this question by saying that there have not been too many instances where this has been a problem other than benefits; when an ex-spouse receives benefits over the current partner. He explained that recommendations are made to officers to update their information including Medical Power of Attorney, Retirement benefits, etc. when changes occur. Detective Scanio stated that if a registry offered by the city made the process of updating information easier then officers would be more inclined to complete those forms.

- Ms. Rosemary Fuller, R.N. Serrine Adult Day Care

Ms. Fuller described her experiences as a nurse at the Serrine Adult Day Care, dealing with senior patients who have a companion that has shared their lives for many years but are not married. She explained that although same sex couples in the ageing population is rare, there will be a time (and it's coming soon) that Adult Day Care will need to address these relationships. Ms. Fuller stated that there have been instances where adult children are being asked to leave because siblings do not agree and the ageing parent has asked one sibling not to visit or make medical decisions. She explained that patients are asked who they would like to have visit and make medical decisions for them, it is recommended to the patient that legal paperwork be filed so those wishes are then followed out by staff.

Ms. Fuller also expressed her views on being a grandparent legally raising grandchildren and the paperwork that must be taken when visiting doctors and schools. She explained that the relationship between biological grandparents and grandchildren is very close, proof still needs to be given that the grandparent has the legal authority to make medical decisions or can be involved in the child's education.

Mr. May asked how practical it is to keep legal guardianship papers or power of attorney papers on you at all times.

Ms. Fuller commented that documents can be made to fit within a billfold.

Ms. Gummere stated that the Secretary of State Office allows anyone to fill out a healthcare registry form; the office will scan it into their system and mail a card that can fit into any wallet. She stated that wallet sized card can be used by medical professionals to download Power of Attorney information.

- Dr. John Molina, Medical Director and Assistant Director of AHCCCS

Dr. Molina stressed the importance of educating outline areas on Medical Power of Attorney and Living Wills; having the proper paperwork becomes important to the underserved communities because they rely on their community (be it neighbors and extended family members) to assist in navigating the healthcare system. Dr. Molina mentioned a paid patient care program, Arizona Long Term Care System (ALTCS) that pays care givers for their effort in assisting patients receive care by driving the patient to doctor appointments, speaking to the medical field, and providing daily care. More information on this program can be found at:

<http://azahcccs.gov/applicants/application/ALTCS.aspx> and
<http://azahcccs.gov/applicants/Downloads/LTCpartnership.pdf>

- Ms. Kathie Gummere, Private Attorney

Ms. Gummere informed the board about the importance of a Medical Power of Attorney and how one could find forms for a State of Arizona Durable Mental Health Care Power of Attorney online at: http://www.azag.gov/life_care/. Ms. Gummere explained that the Arizona Legislative Information System (ALIS) Web site states in §36-3231 Surrogate decision makers; "...If the patient has a health care power of attorney that meets the requirements of §36-3221, the patient's designated agent shall act as the patient's surrogate. ...If neither of these situations applies, the health care provider shall make reasonable efforts to contact the following individual or individuals in the indicated order of priority, who are available and willing to serve as the surrogate, who then have the authority to make health care decisions for the patient and who shall follow the patient's wishes if they are known: 1) The patient's spouse 2) An adult child (must get consensus if there is more than 1 child) 3) A parent 4) ...domestic partner 5) A brother or sister 6) A close friend of the patient. – an adult who has exhibited special care and concern for the patient, who is familiar with the patient's health care views and desires and who is willing and able to become involved in the patient's health care and to act in the patient's best interest."

Mr. May asked about the cost of having Medical Power of Attorney papers drawn.

Ms. Gummere explained that the cost varies according to what is needed for the individual(s). She confirmed that there are many documents that one might need in order to protect themselves and ensure their wishes are granted; they include: a will, a financial power of attorney, a medical power of attorney, a mental healthcare power attorney, a HIPAA release, and a domestic partner agreement that deals with the relationship itself. She explained that HIPAA (Health Insurance Portability and Accountability Act); which has very little to do with insurance and more to do with privacy concerns; basically the release allows insurance companies and the government the right to view your information but denies partners and family access to it. She stated that doctors and hospitals are very concerned about HIPPA situations, even though they might be willing to talk to you as a partner in the emergency room in terms of making decisions they are going to be very hesitate to reveal health information unless you have specific waived the HIPPA privacy release. Ms. Gummere explained a registry could help in those HIPPA situations and give information more readily to partners and family.

- Mr. Steve Lee, Raising Special Kids Team

Mr. Lee gave a brief history of his experiences with raising foster kids and the documents he and his family have needed in order to receive care. He explained that foster parents cannot make medical decisions for the kids in their care; a case worker is needed in order to navigate through the medical field. He went on to say that including the birth parents in medical appointments and the like has the benefit of learning about the foster child's medical history and makes receiving care less burdensome on the state when the parent is involved in the healthcare.

Ms. Heap asked what would be more helpful a Medical Power of Attorney or a Domestic Partner Registry when Mr. Lee's foster child is 18 and still needs someone else to make medical decisions for them.

Mr. Lee reiterated that navigating through the medical field is tricky with foster children and whatever method either a power of attorney or a registry, if either or both would assist foster parents.

- Dr. Michael Peck, Social Worker, Private Practice

Dr. Peck described what is typically done in mental healthcare circumstances where the patient determines who they want making medical decisions on their behalf; it usually does not matter as to the relationship of that person to the patient but that the patient feels confident that the person they have chosen is best suited to make medical decisions.

Mr. May asked what is done when there is conflict between "family" members; when one member's wishes are different than the person the patient has chosen. Ms. Gilbert asked a similar question regarding partners who are not married, is their voice heard over the voices of adult children.

Dr. Peck responded that in his practice everyone is treated as "family"; adult children, partners, anyone who is involved in the patient's life. He explained that everyone is then gathered and a discussion is had that involves what is the best treatment for the patient.

- Assistant Fire Chief Dan Stubbs, Mesa Fire Department

Chief Stubbs explained that Mesa Fire does not have a standard operating procedure regarding patient relationships. He explained that if a patient is conscious, they can determine who they wish to be there and be transported with them; however, if a patient is unconscious, fire personnel will seek out a person regardless of relationship who can assist in giving medical information on the patient. Chief Stubbs stated that there are medical protocols that determine what hospital to take patients based on their condition and not based on where the patient or the patient's family or friends would like them to go. He went on to say that there have been conflicts when the individual patient has a Do Not Resuscitate form and their family (whoever that family is) wants medical care when the patient is suffering; in those situations fire personnel call into the medical center and the medical center determines what needs to be done, either resuscitate or not.

- Mr. Darrell Johnson, Co-Chair East Valley LGBTQ's for Change

Mr. Johnson explained how important it is to carry power of attorney papers, living wills, etc. with you at all times based on his experiences. He stated a more inclusive non-discrimination ordinance that would preclude having to carry paperwork would benefit those in non-traditional relationships. Mr. Johnson explained that a simplified process be it city run like a registry would assist people in non-traditional relationships in that they would have the authority to make medical decisions without carry paperwork.

Mr. May asked how an ordinance that prohibits discrimination be of benefit.

Mr. Johnson answered a nondiscrimination ordinance managed through the city would prohibit being discriminated against sexual orientation or gender identity because a registry would be more inclusive and more tolerate of differing perceptions. He stated an ordinance would eliminate any question as to the relationship between a partner and the patient, it would also assist a transgender person who's legal ID has the opposite sex listed. Mr. Johnson explained that an ordinance would include those types of discriminatory situations.

Mr. Johnson mentioned that the county clinic does test underage individuals for STD's and family planning. He explained that the clinic often sees underage (current state law allows individuals 13 and older to be tested without parental consent), individuals with their current sexual partner to be tested. He continued to say that these underage individuals are asked for their emergency contact and many will list their boyfriend/girlfriend as their contact rather than a parent; that is another example of a non-traditional relationship that can become very sticky.

Mr. Cuillard asked if the clinic bills the parent's insurance company for the visit and for the information.

Mr. Johnson answered that state and federal funding is used so that no one is charged. He stated that the clinic does ask for a \$20 fee at the time of service but if the individual is not able to pay then no charges are accrued to the individual.

Ms. Gilbert summarized that there are ways available to everyone to have some sort of Power of Attorney papers filed that would not cost an exorbitant amount of money and state clearly who is able to visit and make medical decisions if the case arises. She asked, if these forms are available state wide; what would a registry run by a municipality add to what is currently available.

Mr. Johnson stated that while there are forms available online that address visitation and decision making, they can and often do cost money and why should those in non-traditional relationships pay for forms that are not required or not asked for when the relationship is between husband and wife or parent and child. He stated that it is not required to carry a marriage license to prove legal marriage and it is not required to carry a birth certificate to prove parenthood. Mr. Johnson explained that a municipality run registry might relieve the need to carry any legal documents proving your relationship to an individual, be it a partner, a parent, a child, a grandchild, a friend, a neighbor.

Ms. Gummere commented on the validity of a Power of Attorney that is five, ten or more years old. She stated a registry would legitimize documents like Power of Attorney papers and the like, it also legitimizes any question about coercion; for instance an elderly person being coerced to signing legal documents.

Ms. Heap asked if there are any other ways registries have been used for instance; insurance, benefits, visitation to hospitals and jails.

Ms. Gummere answered that different cities offer various additional benefits for instance; the Phoenix registry allows visitation into Phoenix hospitals only and the Tucson registry gives family discounts at City pools. She stated that different cities can and could offer benefits when you register with the city registry.

Mr. May asked how would a municipality access the information on the registry; how are other cities administrating these types of registries.

Ms. Gummere used the example of the Healthcare Registry card. She stated that the Healthcare Registry card has a barcode on it that medical staff can go online, scan the barcode and receive your information. Ms. Gummere explained that it might be easier to access information online but how the city would administer a system would be at the discretion of the city.

Ms. Gummere also informed the board about the difference between ordinances vs. statute. She stated that a city cannot do anything that preempts the state; if a city creates a registry that allows hospital visitation that is fine and will hold up on its own but merely having an ordinance that says the city is not going to discriminate would not overpower the state statute that list the priorities.

Ms. Gummere asked the board to address partners raising children, in Arizona two people who are not married cannot both be the legal parent of a child. If the registry could also state that the non-legal parent had a right to make medical decisions that would be helpful.

Mr. Johnson addressed a non-discrimination ordinance would standardize equality that includes all residents in the community. He explained that an ordinance would cover those in non-traditional relationships; it would help the city be more inclusive.

Ms. Gilbert thanked the speakers for giving the board their time and expertise; as the board looks at how to provide for all of Mesa residents in a way that is equitable and respectable which is in keeping with the task of the advisory board.

4. Public Comments.

Ms. Benelli recognized Mr. Michael Conway as being in attendance. Mr. Conway is running for the State House of Representative from Legislative District 18.

Ms. Benelli introduced four Mesa residents who wished to speak on behalf of agenda item 3.

- Ms. Christine Hitchcock expressed her thanks in clarifying the different ways of ensuring that visitation and medical decision makers could be named using other means than a domestic partner registry. Ms. Hitchcock also explained that she has had to fill out Power of Attorney papers for ageing family members and is always asked for I.D. when removing her children from school. Ms. Hitchcock continued to say that Mesa has adopted the slogan of "Build a Better Mesa" and in order to build a better Mesa, a firm foundation is needed and family is that foundation. She expressed that family and marriage is what is needed to build a better Mesa and there is still plenty of confusion; it is important that we stand for things that will build a better community and marriage will do that.
- Mr. Jim Fuller spoke about his non-traditional family. He explained that he and his partner have Medical Power of Attorney paperwork, etc. but that will not guarantee either of them hospital visitation. He explained that in fifteen years of being in a non-traditional relationship 99% of the time he and his partner have been treated with respect at hospitals and were given medical information. Mr. Fuller continued to say that there was only one time where a doctor did not give information because of their non-traditional relationship. Mr. Fuller stated that ordinances are not passed for the 99% of time things go right, laws and ordinances are passed for the 1%.
- Ms. Carol Soelberg expressed her pleasure in hearing that many in the community are being treated well, that those important medical decisions, opportunities for visitations and the care for one another is being done as the law expresses it to be. She continued to say that tonight's speakers have only confirmed that the statutory laws in Arizona are ensuring that those who are asked to make medical decisions can do so legally and through the right channels. She explained that in the 1% where legal documents are not followed, then those instances need to be addressed and corrected. Ms. Soelberg explained that the facts state that domestic partner registries have the legal effect of creating an imitation marriage status for persons unwilling or unable to marry under the state law. She continued to say a registry of this type gives legal recognition to domestic partnerships and cohabitation of same and opposite sex couples; it sends a message that alternative relationships are good for the society. She explained that there are numerous studies that show that domestic partnerships and cohabitation are less favorable and more burdensome on society in matters of child care, healthcare, drugs, alcohol, domestic violence, poverty, and crime. Ms. Soelberg explained that there are exceptions certainly and we are glad they exist in our community but social science data shows that those relationships are a burden to society in general and to

legally validate something that is shown to be a burden is damaging to us all. She continued to say that domestic partnerships do not presently get the same level of benefits and recognition that marriage gets for very distinct reasons; they aren't able to offer the same level of benefits to society. She explained that no other social institution has ever provided or will ever provide the same level of benefits that marriage between a man and a woman can provide. She stated that objective studies again overwhelmingly show that traditional marriage provides the most effective means of bearing children, raising children, and providing for their physical, mental, emotional, and spiritual welfare. She continued to say that marriage between a man and a woman helps transform boys into men who become fathers, and girls into women who become mothers; it channels healthy sexual activity and discourages unhealthy sexual activity. Ms. Soelberg stated that the well established benefits of traditional marriage and the consequences of inhibiting or eliminating these benefits by offering similar benefits to other sexual relationships affect not only the individuals but couples, families and society as a whole. She expressed her hope that Mesa will continue to do all it can to be the wonderful community; to build a better Mesa requires that we build better families. She concluded by expressing her hope that Mesa will continue to protect marriages and families and that Mesa continues to ensure that state ordinances continue to exist to meet the desires of other relationships in providing medical visitation and medical decision making abilities.

- Mr. Oakley Ray expressed his concern of adding another duty onto the city. He explained that every city, county, and state is bankrupt from giving special groups entitlements. He stated that we are sitting here tonight expending electricity for this type of hearing for a special group to have a special privileges; it is not tax wise. Mr. Ray explained that as soon as the city needs more money the city will not advertise that it needs more money so that the city can do more social things. He explained that as soon as that happens there will be a demand to replace police and fire personnel.

5. Report on conferences and/or meetings attended.

Ms. Heap announced that she attended the LGBT Consortium meeting discussing building a healthy community.

Ms. Heap also attended the Diversity Leadership Alliance monthly workshop; the speaker this month was Ms. Kathie Gummere.

Ms. Heap was also in attendance at the State Legislator listening to the adoption bill being lead through the legislator.

Ms. Heap also took part in the Regional Human Relations Commission; their focus is combating hate crimes and bigotry on a regional level.

6. Scheduling of meetings, future agenda items, and general information.

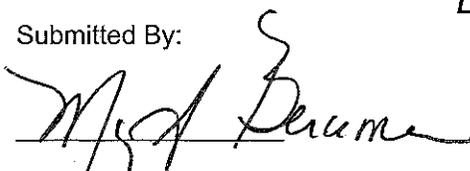
Mr. May thanked the panelist and audience for their time and asked that if anyone had any questions about the topics or issues discussed to please contact City of Mesa Diversity Officer, Ms. Mary Berumen at (480) 644-5033 or via email at: mary.berumen@mesaaz.gov.

7. Adjourn

Ms. Benelli adjourned the meeting at approximately 8:02 p.m.

***The next regular meeting is on April 28, 2010, at 6:00 p.m.
Lower Level, City Council Chambers.***

Submitted By:



Mary Berumen,
Diversity Office Director