

To:

The Honorable **Selina Bliss**, Chair
House Health & Human Services Committee
Arizona House of Representatives

The Honorable **Carine Werner**, Chair
Senate Health & Human Services Committee
Arizona State Senate

From:

Chaplain Paul D Vescio 193

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Subject: Formal Request for Legislative Oversight and Enforcement of Long-Term Care Patient Rights in Arizona

Dear Chair Bliss and Chair Werner,

I am writing as a citizen and long-term care Christian Community Chaplain and as a AZLTC Patient's Advocate to submit a **formal grievance** and **petition for legislative oversight** concerning the State of Arizona's failure to enforce and uphold patient rights and safety protections within its long-term care system.

The **2022 Arizona Auditor General's Report** on the Department of Health Services revealed systemic failures in oversight, enforcement, and accountability within long-term care facilities across the state.

This public document can be reviewed here:

 [2022 Arizona Department of Health Services Audit Report – Auditor General's Office](#)

Subject: Urgent Legislative Action to Enforce the 2022 Audit Recommendations and Strengthen Arizona Long-Term Care Oversight

Dear Chair Bliss and Chair Werner,

Nearly four years have passed since the **Arizona Auditor General's 2022 Performance Audit of the Department of Health Services (ADHS)** revealed profound failures in the enforcement of long-term care laws and protections.

Page 14 of that report specifically **recommends that the Legislature create an independent task force to hold ADHS accountable and to implement structural reforms**—yet those reforms remain unfulfilled.

Meanwhile, thousands of Arizona's elderly and disabled residents continue to suffer abuse, mistreatment, neglect, malnutrition, and emotional abandonment behind closed doors. Our long-term care system, once built on compassion and accountability, has become a place of quiet horrors and misery for too many.

I respectfully submit the following **legislative and policy requests** for immediate consideration and inclusion in upcoming sessions:

1. Enact the Task Force Recommended by the 2022 Audit

- Establish by statute a **Long-Term Care Oversight Task Force** under the joint authority of the **Governor and the Attorney General**.
- The task force should include **10–20 teams statewide**, each composed of **one state official, one registered nurse, and two certified nursing assistants**, empowered to:
 - Conduct **unannounced inspections nights and weekends**, when neglect and short-staffing are most common;
 - **Walk the halls, randomly examine residents**, and interview staff;
 - **Issue citations, fines, arrests, or facility closures** for confirmed abuse mistreatment or neglect.

2. Restore Attorney-Fee Recovery in Long-Term Care Lawsuits

- Amend current statute to **reinstate court-awarded attorneys' fees** for plaintiffs who prevail in long-term care negligence or abuse cases.
- Without fee recovery, few families can afford to pursue justice; restoring this right re-balances accountability and deterrence.

3. Require Chaplaincy Departments in All Facilities

- Mandate that each licensed long-term care facility maintain a **department of at least two spirit-filled Chaplains**, with its **own budget and dedicated space**.
- Authorize **state funding support** for Chaplain programs that bring spiritual comfort, guidance, peace, and emotional stability to residents.
- Chaplains are proven to **reduce agitation, loneliness, and behavioral distress**, promoting calm and dignity.

4. Mandate Nutritional Standards—“Grade A Food” for All Residents

- Require facilities to serve **fresh, whole, nutritious meals**, not cheap processed substitutes.
- Nutrition is medicine; quality food directly improves mental and physical health, reducing added health problems, medication dependence and hospitalizations.

5. Fund and Deploy Compassionate Care Givers

- Fully fund Arizona’s existing **Caregiver Training Program**, expanding it statewide.
- Mandate that every long-term care facility employ a **minimum of 10 state-certified Compassionate Care Givers**, funded jointly by the state and the facilities, whose sole duty is to:
 - Spend quality time with residents,
 - Listen to their concerns, and help take care of the patients and
 - Restore a sense of normalcy, dignity, and human connection.

6. Continuous Legislative Oversight

- Require ADHS and AZHS and AZ LTC Ombudsman Admin to **report quarterly to both House and Senate HHS Committees** on complaint investigations, staffing levels, enforcement actions, and audit-compliance progress.
- Hold **annual public hearings** to ensure transparency and accountability in long-term care oversight.

Moral and Constitutional Imperative

Arizona's elders and disabled citizens are protected not only by statute but by the **Constitution itself**—rights to dignity, humane treatment, due process, and freedom from cruelty and neglect.

The **2022 Audit** and the ongoing investigative reporting by *The Arizona Republic* have made one truth unmistakable:

This whole system has failed, and it must be rebuilt with compassion, transparency, and moral courage.

I ask this Legislature to act decisively—

to implement the 2022 Audit's recommendations, restore legal remedies for victims, and elevate the spiritual and nutritional care of those who can no longer speak for themselves.

With respect and steadfast hope,

Chaplain Paul Sparrow 193

AZ Long Term Care Community Chaplain and Advocate for Long-Term Care Justice

John 14:27

***Proverbs 31:8-9 Speak up for those who can't speak for themselves for the rights of all who need an Advocate. Speak up judge righteously
DEFEND THE CAUSE OF THE POOR AND NEEDY...Amen***

The American Long-Term Care Declaration of Independence

By Chaplain America 193

When in the course of human events, it becomes necessary for the people who live, work, and serve within America's long-term care system to declare their independence from **neglect, abuse, and horrible mistreatment**, and to reclaim the dignity and humanity endowed to them by their Creator, a decent respect for truth compels them to speak plainly and boldly.

We hold these truths to be self-evident, that **all men and women are created equal**, that they are endowed by their Creator with certain **unalienable Rights**, that among these are **Life, Liberty, and the Pursuit of Happiness**.

That to secure these rights, our nation has established State and Federal Long Term Care Rights Laws Regulations and systems of care meant to protect and comfort the most vulnerable among us — yet when those systems become destructive of these ends, it is the **right and duty of the people** to demand accountability, to expose corruption, and to rebuild care upon principles of **compassion, justice, dignity, and respect for human life.**

We therefore solemnly declare our independence from all forms of neglect, abuse, and cruelty that rob the elderly, disabled, and forgotten of their dignity. We proclaim freedom from indifference and profit-driven oppression. We stand for a new standard of care — one rooted in compassion, kindness, mercy, love, honor, and the sanctity of every soul.

With firm reliance on divine Providence, we pledge our voices, our hearts, and our labor to this cause —

that no one in American Long-Term Care shall ever again be treated as less than human, and that the promise of Life, Liberty, and the Pursuit of Happiness shall truly belong to all.

American Long-Term Care Patient Rights

1. Constitutional Rights

- **9th Amendment – Unenumerated Rights:** Protects fundamental rights not specifically listed, including dignity, humane treatment, and freedom from neglect.
- **14th Amendment – Due Process & Equal Protection:** No person may be deprived of life, liberty, or dignity without due process of law. Long-term care residents are entitled to fair and humane treatment.
- **8th Amendment – Freedom from Cruel & Unusual Punishment:** Applied through civil protections, this prohibits degrading treatment or neglect in care facilities.
- **1st Amendment – Freedom of Speech & Religion:** Residents retain the right to practice their faith, communicate freely, and express concerns or grievances.
- **4th Amendment – Privacy & Security:** Protects patients from unreasonable searches, seizures, or invasions of privacy in their rooms and medical records.

2. Federal Patient Protection Laws

- **Nursing Home Reform Act (OBRA 1987):**
 - Right to be free from abuse, neglect, and unnecessary restraints.
 - Right to timely assistance with bathing, toileting, hygiene, meals, and medical needs.
 - Right to dignity, respect, and self-determination.
 - Right to participate in care planning and make informed medical decisions.
 - Right to complain without retaliation.
- **Elder Justice Act (2010):**
 - Provides federal protections against elder abuse, neglect, and exploitation.
 - Requires reporting and accountability in long-term care settings.
- **Patient Self-Determination Act (1990):**
 - Ensures patients are informed of their rights to make advance directives and participate in healthcare decisions.
- **Americans with Disabilities Act (ADA, 1990):**
 - Prohibits discrimination against residents with disabilities.
 - Requires reasonable accommodations and equal access to care.
- **Older Americans Act (1965, amended):**
 - Supports long-term care ombudsman programs to investigate complaints and protect residents' rights.
- **Health Insurance Portability and Accountability Act (HIPAA, 1996):**
 - Protects patient privacy and the confidentiality of medical information.
- **Civil Rights Act (1964):**
 - Prohibits discrimination in care based on race, color, religion, sex, or national origin.

3. State-Level Rights (varies by state)

Most states adopt **Residents' Bills of Rights** for nursing homes and assisted living, which typically include:

- Right to personal dignity and privacy.
- Right to participate in activities.
- Right to receive visitors.
- Right to personal possessions.

- Right to refuse treatment.
- Right to prompt response to care needs.

4. Human Rights & International Principles

- **Universal Declaration of Human Rights (United Nations, 1948):**
 - Right to dignity, security, and humane treatment.
 - Right to freedom from torture or degrading treatment.
 - Right to adequate medical care and support.
- **Convention on the Rights of Persons with Disabilities (CRPD, 2006):**
 - Reinforces the right of disabled persons (including those in long-term care) to independence, respect, and full participation in society.

5. Practical Rights in Long-Term Care

- **Right to Timely Care:** Patients must not be forced to wait hours to be changed, fed, or receive medical care — such delays are neglect under federal law.
- **Right to Safety & Clean Environment:** Facilities must provide sanitary conditions and protection from hazards.
- **Right to be Free from Financial Exploitation:** Residents' funds must be managed ethically, with access to their own money.
- **Right to Social Interaction:** Patients may have visitors, communicate with family, and not be isolated as punishment.
- **Right to Grievance & Advocacy:** Residents may contact ombudsmen, state agencies, or legal advocates without retaliation.

Summary

Long-term care residents are protected by **Constitutional rights** (1st, 4th, 8th, 9th, 14th Amendments), **Federal laws** (OBRA, Elder Justice Act, ADA, Civil Rights Act, HIPAA, etc.), and **Human Rights principles**.

Being left in soiled clothing for hours, denied timely care, or silenced when complaining is not only **neglect** — it is a **violation of law and human dignity**.