

ALASKA MENTAL HEALTH TRUST AUTHORITY

FULL BOARD OF TRUSTEES MEETING

May 3, 2017

1:00 p.m.

Taken at:

Grand View Inn & Suites  
2900 East Parks Highway  
Wasilla, Alaska

**OFFICIAL MINUTES**

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Trustees present:

Russ Webb, Chair

Mary Jane Michael

Carlton Smith (via Speakerphone)

Paula Easley

Laraine Derr

Jerome Selby

Trust staff present:

Greg Jones

Steve Williams

Heidi Wailand

Carley Lawrence

Michael Baldwin

Miri Smith-Coolidge

Katie Baldwin-Johnson

Amanda Lofgren

Trust Land Office:

John Morrison

Wyn Menefee

Others Participating:

Christopher Cooke; Patrick Reinhart; Philip Licht; Jennifer Johnson; Kate Burkhart; Kathy Craft;  
Denise Daniello; Charlene Tautfest; Holly Wells.

## PROCEEDINGS

### CALL TO ORDER

CHAIR WEBB calls the meeting to order and asks for a roll call. He recognizes Christopher Cooke, the newly appointed, but not-yet-confirmed trustee. He moves to the agenda and asks for any additions or corrections. There being none, he asks for a motion.

TRUSTEE DERR makes a motion to approve the agenda.

TRUSTEE MICHAEL seconds.

*There being no objection, the motion is approved.*

CHAIR WEBB states that the guiding principles are on the website and in the packets. He asks for any ethics disclosures. There being none, he moves to the minutes from several meetings.

TRUSTEE MICHAEL makes a motion to approve the minutes of January 5, 2017.

TRUSTEE DERR seconds.

*There being no objection, the motion is approved.*

TRUSTEE MICHAEL makes a motion to approve the minutes of January 25 and 26, 2017.

TRUSTEE EASLEY seconds.

TRUSTEE EASLEY states that she has a change. On Page 10 it says: "Trustee Easley asked if there is a person working to renew the licensing barriers to telehealth." She continues that she intended it to say, "to review the licensing barriers."

*There being no objection, the motion is approved.*

TRUSTEE MICHAEL makes a motion to approve the minutes of February 28, 2017.

TRUSTEE EASLEY seconds.

*There being no objection, the motion is approved.*

TRUSTEE MICHAEL makes a motion to approve the minutes of March 24, 2017.

TRUSTEE EASLEY seconds.

*There being no objection, the motion is approved.*

CHAIR WEBB states that the bylaws are in the packet and on the website. He asks Steve Williams for the mission moment.

MR. WILLIAMS introduces Philip Licht, executive director of Set Free Alaska, and Jennifer Johnson. He states that the Trust has worked with Set Free from the beginning as they started to come in as a behavioral health provider in the Valley to meet the needs of folks with addiction or mental health issues.

MR. LICHT states that Set Free was started in 2010. There was a co-ed group of three people doing outpatient services, and the mission was to see people set free from addiction and come into a quality of life along with the purpose and intention that God created. Set Free is a Christian program. Over the first couple of years, there were six facility expansions and the programs increased exponentially. He continues that today there is a complete co-occurring enhanced program for male and female adults and for teenagers, plus the outpatient program. In the last nine months, a behavioral health program was started for children to treat the trauma and the behavioral health problems; and to prevent them from becoming substance abusers in their teen and adult years. He states that the outpatient program has capacity for 140 clients, and there are 40 people on a wait list. Three new counselors have been hired to try and meet the needs in the Valley. He continues that a grant was received from the State of Alaska for some capital and a majority of operations to launch a residential treatment program for women, including pregnant women and women with children. This will create one of the only facilities in the state that can accept women with their children or women that are pregnant. He adds that they will be able to house up to 16 women in the home, and they have secured another grant from the Mat-Su Health Foundation to remodel the one-story residential. The goal is to launch that program by September 1<sup>st</sup>. He states that another two-story building on that property was secured which will hold the administration and outpatient services. He states that they have received some great support in technical assistance and were given a \$24,000 grant to do a Hazelden training. That gives the ability to not just see people for substance abuse, but will also incorporate the mental health aspect of treatment. He continues that a \$10,000 grant to expand telehealth treatment was also received. He adds that they have the only group substance abuse treatment available through telehealth in the state. He asks Jennifer Johnson to continue.

MS. JOHNSON states that she went through Set Free and talks about her life experience and her recovery. She continues that the staff and atmosphere at Set Free was warm, supportive, prayerful and encouraging, and she began to get hope. She adds that she has almost three years' sobriety and is studying to become a chemical dependency counselor. She recently graduated from RADACT, and is getting a counselor technician certificate. She also is certified in the EAGALA model as an equine specialist for equine-assisted psychotherapy. She states that she took a 30-hour online course through UAS and learned about domestic violence, sexual assault, and their effects on children. This came with a certification as a mandated reporter for the State of Alaska. She states that there is hope after trauma, addiction and alcoholism, and she is grateful to share her recovery.

(Applause.)

CHAIR WEBB thanks both Mr. Licht and Ms. Johnson for coming forward and helping the trustees understand what the beneficiaries face daily. He moves to the CEO update.

## **CEO UPDATE**

MR. JONES states that he was given an assignment of bringing back information on governance documentation, including a schedule, a process, and an outline of what was talked about. That will be presented tomorrow. He moves to the CFO position and states that there is an interview on Friday with a candidate; the second round. He continued to the issue with DNR about the RSA to fund public outreach PR work and logistics. He is pleased to report that that is essentially resolved. The RSA has not been issued yet, which is due to the Commissioner being out of town. He adds that he and the Commissioner have agreed to continue to meet and talk about the relationship between the Trust and DNR, to avoid this in the future. He moves to the legislative update and states that the confirmation hearing for Judge Cooke has not yet been held. The Governor's Office has assured that there is an absolute commitment from the leadership in the Senate that will get done before May 17<sup>th</sup>. He asks Carly Lawrence for some information on the joint advocacy alerts.

MS. LAWRENCE states that there is not a lot of information because the people on the conference committee that tackle the mental health budget and writing budgets have not yet been identified. She continues that working with the boards and the joint advocacy coordinator, Terri Tibbett, an alert was sent out with the items impacting beneficiaries to help inform the widespread group of those items. As the conference committee is identified, alerts will continue to be sent out, and we will have a full court press for those items, as well.

MR. JONES asks Katie Baldwin-Johnson to talk about the behavioral convening.

MS. BALDWIN-JOHNSON states that the Mat-Su Health Foundation has recently done a convening in the Valley that was connected to their community needs assessment and their planning to identify the priorities and the gaps in the continuum of care for the Valley. They surveyed the organizations and shared that with the Trust. It was helpful in framing the discussion with the folks that attended the convening, which was sponsored with the Division of Behavioral Health. She continues that the purpose was multifold, with a lot of planning efforts happening. People are planning different services that many are not aware of because space is not being created or the time for folks to come together and really talk about that. This was the start of the conversation. She adds that the Clitheroe replacement project has been ongoing for years, and the Department and Municipality intend to move that forward. The Municipality received some volunteers from the participants that will be engaging around the configuration of services and a location for that project. She states that she also attended both forums: one in the Valley; and the other in Anchorage. The common themes across both communities were the same challenges, frustrations, similar gaps and very similar ideas about creative solutions to try in resolving some of those challenges. She adds that Gwen Kennedy is going to put together the results, which will be shared when completed.

MR. JONES asks Ms. Lofgren to go over the SDS reform efforts and the upcoming conference.

MS. LOFGREN states that in January a memo to approve funding to hire Steve Lutsky with HCBS Strategies to be a technical assistance contractor to be embedded with Senior and Disability Services was brought forward. She continues that the level of detail and the level of work that he is doing with the Division is incredible. He embedded a project management tool that took all 600 tasks that required some very meaningful discussions, and put it into a project management tool that all at the Division are working from. It sends trigger e-mails saying: you are overdue; you were supposed to make this decision; you were to provide this document. It has been incredible to watch. She adds that she is confident that the timelines that need to be met will be done because they are all tied together. She states that the first deadline is the Community First Choices, which is the remaking of the personal care assistance program that brings an additional 6 percent FMAP, which is Medicaid admin claiming funds. She explains in more detail. She moves on and states that The Council to End Homelessness will meet May 11, and Mr. Lutsky will be the Trust's new designated seat, and we are happy to have him on board for that. The Trust, along with the partners at AHFC, DHSS, and DOC, will do joint presentations on all the collaborations. She adds that there is also the committee that planned the Governor's Summit two years ago. It is coming back together to figure out what kind of Governor's Summit on housing will be next, what it will look like, and how to best utilize Governor Walker and the resources he can bring to the table to address housing.

MR. JONES states that in April 121 mini-grant applications were received; 93 of them were funded, totaling \$123,000. These get right to benefiting the lives of the beneficiaries. The grants team did an excellent job of figuring out which ones needed to be funded, and then track them. He continues that there have been six Trust beneficiaries awarded nearly \$39,000 in April through the microenterprise fund, all starting their own businesses or expanding their own businesses. This is really at the front lines, and the more I learn about it, the more impressed I am. He asks Ms. Lawrence to continue with community relations.

MS. LAWRENCE recognizes that tomorrow evening is the Alaska Women's Hall of Fame, and Paula Easley will be inducted into that.

(Applause.)

MS. LAWRENCE explains that women are recognized for their accomplishments in the community and in business. She also recognizes Mary Jane Michael for her work with the Arc of Anchorage, which celebrated their 60<sup>th</sup> anniversary. She played a huge role in putting that event together and was also honored with a Lifetime Visionary Award. She congratulates Trustee Michael.

(Applause.)

MS. LAWRENCE shows a quick video of a beneficiary who lives in Anchorage, which is along the lines of a couple of videos that were shared last year that have been playing in several presentations and on social media.

(Video played.)

MR. JONES concludes the CEO report.

MR. COOKE asks Mr. Baldwin if the mini-grants for enterprise are structured in such a way so that Medicaid eligibility is not affected.

MR. BALDWIN replies that it is his understanding that they do not impact their funding, but he will double-check.

MR. REINHART states that the money does not go directly to the beneficiary. It goes to the suppliers for the things that are being purchased. There is a purchasing agent that does all that.

CHAIR WEBB states that it is not part of their income and should not affect their eligibility, although what is earned could down the road. He asks for any other questions. There being none, he moves to an update from the Trust Land Office executive director.

### **TLO DIRECTOR UPDATE**

MR. MORRISON begins with the Icy Bay efforts and states that they continue to prepare for the field season. Staff was onsite last week with engineers to prepare the site for the camp, to get all the things necessary for both fuel storage and facilities for setting the camp up. The dates for the community outreach efforts have been solidified, and he goes through the schedule. He adds that State representatives will be notified and invited, as well as others, to either attend the meeting or to get information at another time. He moves on to the land exchange update. He states that the House Finance Committee adopted the committee substitute of the Senate's bill, and it appears to be headed to the House floor for a vote; however, it has been sucked up with several other bills that came from the Senate and the Rules Committee as a means of holding the bill until other things can get worked out. He continues that the bill currently has 16 co-sponsors, and it did get passed unanimously in the Senate. He adds that the federal legislation has been included in the continuing resolution for the federal budget. He continues and states that May 14 is the final period for the best-interest decision on the Fairbanks properties. Staff is working with both prospective tenants to make sure they will be able to get in the facilities, and they are doing an excellent job coordinating it all. He states that on May 1<sup>st</sup> staff will take full control of the DPS building in Juneau. He updates, that despite the year-long effort to educate the City of Homer about the ownership of the lots and to work through mitigating the issues surrounding the encroachments that were placed on the lot, they signed a new long-term lease with Icicle Seafoods on Trust property. He continues that the Attorney General wrote them a letter, explained that they are wrong, and advised them to get legal counsel. He adds that the Trust's interests there will be pursued to work through that delicate matter. He concludes his update.

TRUSTEE EASLEY asks if the City of Homer agrees that the Trust owns the property.

MR. MORRISON replies that they assert that they are the owners of the property. He states that staff has produced an in-depth presentation that clearly explains though both GIS, pictures, and

historical documentation, the progression of where Homer went off course and how it ended up where it is today.

CHAIR WEBB states that a good bit of time was spent engaging with some of the communities and seeking support from the folks in Southeast. When both the state legislation and the federal legislation passes, it behooves re-engaging with the folks in those communities, giving them facts, and thanking them for their support.

MR. MORRISON agrees, and adds the need for an ongoing biannual plan to at least engage with communities or community members to educate them about the process and the circumstances of what is going on.

MR. COOKE applauds and encourages those efforts.

CHAIR WEBB recognizes Kate Burkhart, and asks for her update.

### **STATUTORY ADVISOR UPDATES**

MS. BURKHART states that her presentation will include an update on the bills that the Mental Health Board and the Advisory Board on Alcoholism and Drug Abuse followed most closely and what is in the budget that is awaiting Conference Committee. She continues that she will also talk about some policy issues and wrap up with a conversation about the transition. She begins with legislation and HB 24. That bill added a synthetic opioid to the state's controlled substance Schedule IA. She explains, that is the schedule of controlled substances at both the federal and state level; Schedule I is the most serious part of the schedule. Schedule I substances have no medical or health benefits. She explains in greater detail as she moves on to SB 91. This was to allow the chief medical officer to issue standing orders for Narcan, the opioid overdose medication. During that process, it was learned that the chief medical officer does not have authority to issue standing orders; which needs to be rectified. The reason that authority is important is not everyone who needs to have access to this medication is working within a healthcare organization where there is a physician who can prescribe it. HB 106 is Representative Fansler's bill, and it is related to the Civil Legal Services Fund. This is a virtual fund where the proceeds from punitive damages and court fees go and then can be appropriated for the Alaska Network on Domestic Violence and Sexual Assault, for example. She continues that when this bill was filed it allowed for an appropriation of up to 25 percent of the fund. She moves on to the bills to watch for next session. HB 1 is meant to help make it easier for people to register to vote and has passed the House. HB 34 extends the distance between alcohol retailers and churches and schools. It would apply to new alcohol retailers, who must be 500 feet away. It does not affect existing retailers. HB 123 is related to the public disclosure of healthcare costs. HB 151 is Representative Gara's child protection bill, and it is focused on reducing the workloads and increasing the training for Child Protective Services workers at the Office of Children's Services. HB 159 and SB 79 are the Governor's bills related to a comprehensive opioid response plan. SB 63 is related to the regulation of smoking, inclusive of

e-cigarettes, and is on the list because it relates to smoke-free workplaces. SB 76 is the Title 4 update based on three years of stakeholder work that the Trust has supported in partnership with the Alcoholic Beverage Control Board. It updates licensing and permitting statutes. SB 76 updates some of the penalties for violations so that they are commensurate with the severity of the violation. She moves to the budget which is just a reminder that the Mental Health Board and the Advisory Board on Alcoholism and Drug Abuse in their budget advice and advocacy have focused on the basic needs of the constituents, which is food, shelter, safety, healthcare, education, and community inclusion. These basic needs include things like accessible transportation. She goes through the budget and explains that it is not a fully funded budget, and it depends on the revenue bills. She states that a plan to have in-person stakeholder conversations in Fairbanks, Anchorage, Palmer, Mat-Su, and Juneau has been put together. It will be statewide, and participation will be available through the internet. She continues that the stakeholder engagement will not start until the end of May. The intention is still to get the job done by the end of June. She states that the issue of opioids in Alaska has been front and center for the last 18 to 24 months. The incident command structure, that was created by the Governor's emergency declaration, continues to operate with an excellent efficiency. Those objectives focus primarily on harm reduction, naloxone, the prescription drug disposal bags, and the effective use of the new federal money that is flowing for opioid treatment, particularly medication-assisted treatment. There are new community coalitions in Dillingham and Fairbanks; and the Anchorage group will have its second meeting on May 11.

MR. COOKE states that he does not fully understand the relationship between the Trust and the constituent boards. He asks why this presentation about the Senate budget is being made.

MS. BURKHART replies that it relates to the statutory duties to plan, coordinate, and evaluate the behavioral health program that the State operates. She states that the purpose of the presentation is to be responsive to what staff told us the trustees wanted, which was an overview of the legislation, an overview of the budget, and any emerging policy issues.

A quick discussion ensues.

MS. BURKHART continues that the last topic is of transition. She states that the Legislature has appointed her as the state ombudsman, and she is awaiting confirmation. Once confirmed, the outgoing ombudsman term is up June 24<sup>th</sup>. The executive committee has been working to make sure the transition is as smooth as possible, and they are in a strong position. Staff is all highly competent and need very little management; and the board membership is strong. The new person will be getting an exciting organization, three of them, to work with.

MS. BALDWIN-JOHNSON thanks Ms. Burkhart for her level of effort and commitment to the beneficiaries and joint constituents. She appreciates all her knowledge and understanding of the state system of behavioral health.



MS. LAWRENCE echoes Ms. Baldwin-Johnson's comments on behalf of all the staff and beneficiaries.

CHAIR WEBB thanks Ms. Burkhart on behalf of the Trust and trustees for her work over a ten-year period.

(Applause.)

CHAIR WEBB calls a break.

(Break.)

CHAIR WEBB reconvenes the meeting.

MS. DANIELLO recognizes Rachel Greenberg, one of the commissioners for the Alaska Commission on Aging, who also serves as the executive director for Mat-Su Senior Services. She states that her presentation will focus on the Commission's advocacy activities with respect to budget and bills and the activities with respect to state and federal legislation and budget. She begins with HB 236, which extends the Alaska Senior Benefits program that is sponsored by Representative Kawasaki. The Senior Benefits program realizes 100 percent general funds. She states that the interim strategy will be for the HSS Committee to establish a legislative subcommittee that will do outreach to seniors, their families, providers, and other public members to find ideas about ways to strengthen and sustain the program over time. The second one is House Bill 108, sponsored by Representative Claman. There was a companion bill to it called Fiduciary Access to Digital Assets that deals with inheritance laws. She states that this legislation seeks to provide a means for fiduciaries to properly manage and dispose of a person's digital assets. Digital assets are things like bank transactions that are tracked electronically on the computer. It brings Alaska statutes in line with the Interstate Law Commission, which would make the statutes compatible interstate. She moves to SB 83, HB 164; a pair of Governor companion bills that deal with the Office of Long-term Care Ombudsman to bring state statutes into federal compliance with changes that have been made by the administration on Community Living a couple of years ago. HB 16 is the Driver's License Requirement, Disability, ID and Training bill sponsored by Representative Thompson. The Commission is supporting this bill because it increases safety, public safety for people with impairments that may not be apparent. HB 106 is the Civil Legal Services bill sponsored by Representative Fansler. It attempts to provide a sustainable funding source for Alaska Legal Services, the statewide organization that provide free or low-cost civil legal assistance to low-income Alaskans, seniors and veterans. HB 123 is Disclosure of Healthcare Costs sponsored by Representative Spohnholz. This bill would improve consumer awareness about the cost of medical information for all consumers of Healthcare. Seniors are the largest consumers of healthcare. She moves to the budget and states that the conference committee has started discussing the budget. They are concerned about the PFD revenue bills. She goes through her presentation, explaining as she goes along. She looks forward to 2018 and the possible funding impacts for safety-net programs, which she goes

through. There is a concern that senior benefits are up for a sunset. She states that it is important that this legislation gets reauthorized next year. This program provides monthly cash assistance to people aged 65 years and older that are at 75 percent, 100 percent, and 175 percent of the federal poverty level. It provides cash assistance in the monthly amounts of \$240, \$125, and \$76. She adds that it targets people who live on the edge, which includes the oldest old, widows, people who live in rural and remote communities. She moves to some federal initiatives and explains what they are and the needs involved in them. She states that May is Older Americans Month in Alaska, and Governor Walker has signed the official executive proclamation making that known. She reads the proclamation into the record and provides a copy to the Trust. Age Out Loud is the theme for this year's Older Americans Month celebrations. There are two large celebrations in Anchorage and Fairbanks, and also in the Mat-Su Valley by the Wasilla Senior Center and in Palmer. She states that tomorrow the Fairbanks North Star Borough Senior Advisory Commission will celebrate Senior Recognition Day. It is the largest of all the senior celebrations and will be held at the Carlson Center. Last year more than 200 seniors attended. She adds that the Commission meets next Tuesday and invites all to a one-day meeting by video conference and teleconference. She concludes her presentation.

TRUSTEE DERR reports that she finished her second year as part of the international research study on Alzheimer's. It is a study of over 1500 people around the world and has 100 sites involved. She states that she travels to San Francisco every six months for a battery of tests and blood tests. She continues that it is a double-blind test, and she does not know the results. She does not know whether she has a placebo or the medicine. She adds that the study lasts five years, and the results of the study will be published, but she will not know any of the results.

MS. LOFGREN states that she would like to make sure trustees understand the difference between palliative care and hospice. Palliative care is evidence-based best practice around creating a holistic interdisciplinary team of care wrapping around the individual and their family to help throughout the process of the illness, particularly around Alzheimer's and related dementia. Hospice is end of life, to die with dignity and respect.

CHAIR WEBB states that the Trust has taken no position on the national legislation related to healthcare.

MR. BALDWIN states that staff is in the process of drafting the letter taking the position of not supporting the repeal of the Affordable Care Act and pointing out the down sides of some of the new proposed legislation. It should be finalized in the next week to share.

CHAIR WEBB thanks Ms. Daniello, and moves to Public Comment.

## **PUBLIC COMMENT**

CHAIR WEBB states that public comment is a requirement which allows individuals, particularly beneficiaries or family members, to advise and raise issues and concerns, but is not a

hearing. People are invited to speak for three minutes and asks all commenters to refrain from criticizing or attacking others, and to be respectful of all. He invites the City of Homer to begin.

MS. WELLS states that she is Holly Wells and is the city attorney for the City of Homer. She is here to make comments regarding the testimony on agenda item 2C. She states that the City of Homer strongly urges the board to remove from consideration the sale of any property located on the Homer Spit now. The basis of this request is that the City of Homer perceives a very clear ownership interest in that property. For over 30 years, the City has operated as an owner of some of this property, and the Mental Health has operated as an owner of other portions. This was done without dispute. A recent plat of that property has a certificate of ownership signed and acknowledged by the Department of Natural Resources, by the State, and those lot lines have been accepted.

CHAIR WEBB asks for any questions. There being none, he thanks Ms. Wells. He states that there is one written comment to the board, which will be attached to the transcript. He asks for anyone else wishing to speak. There being none, he recesses for the day and states that the meeting will reconvene in the morning.

(Alaska Mental Health Trust Authority's Full Board of Trustees meeting recessed at 4:27 p.m.)

## **Testimony to the Trust Authority Board—4/26/17**

### **SB 83—“An act relating to the protection of vulnerable adults and residents of long term care facilities.”**

It is absolutely necessary that Alaska bring the protection of Alaska's vulnerable population into the 21<sup>st</sup> Century and up to best practice. Regrettably, SB 83 is poorly written.

During testimony to the House Finance Committee April 24<sup>th</sup>, the Long Term Care Ombudsman testified their office received 662 complaints from vulnerable individuals last year. Three investigators investigate the complaints state-wide. Take away weekends, holidays and vacations—each investigator averages one complaint a day.

There is no standard by which complaints from vulnerable individuals are discounted or minimized by the state (and some are). Some states use an impartial panel to review complaints, but not Alaska.

SB 83 leaves it to the good will of the doctors and nurses, etc., to report the mistreatment or distress of the vulnerable population, same as it is today; Because there are no consequences for not reporting mistreatment and there is no state oversight, also same as it is today.

We could envision supporting a bill that more broadly protects the elderly and Alaska's vulnerable population from the fifty year old individual with dual diagnosis, developmentally disabled and mentally ill receiving forced treatment to the same fifty year old individual locked in Providence Psychiatric ER, unable to file a complaint in a fair way. As much as possible, all the vulnerable individuals should be protected in the same bill.—SB 83 does not do it.

There is a necessity of improving rights for Alaska's vulnerable population:

--grievance procedure

--due process

--assistance in filing a grievance

--informing the vulnerable individual or guardians of their rights

--recognizing and providing treatment for institutional trauma

--etc.

There has to be more specifics in a bill when a bill says patient complaints will be investigated. What are the requirements for due process? What are the standards for discounting a complaint?

Without fair rights, any added protection to vulnerable individuals would be based on subjective observations and the vulnerable population would still be subjected to unnecessary mistreatment.

Mental Health Advocates, Faith Myers/Dorrance Collins

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**Reference Information:** Providence Hospital Psychiatric ER evaluated 4,500 individuals last year. Many arrived by force or in handcuffs. The industry standard would be 17% would file a complaint, conservatively it would be 100 complaints per 1000 acute care patients, yet Providence claims that only approximately 100 in total complained—No one would believe that number. It is the same with all the psychiatric facilities around the state.

There is no grievance procedure or Ombudsman's Office for individuals with a developmental disability and no grievance procedure or appeal process that takes into account special needs.