

STATE HUMAN RIGHTS COMMITTEE

Vicki Cash Graff, Chairperson  
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John Barrett, Vice-Chairperson  
Richmond / Deltaville  
Ann Bevan  
Mechanicsville  
Pete Daniel  
Charlotte Court House  
Salina Greene  
Alexandria  
Sandy Robbins  
Valentines  
Timothy Russell  
Williamsburg



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**COMMONWEALTH of VIRGINIA**

*Department of Behavioral Health and Developmental Services*

*Post Office Box 1797*

*Richmond, Virginia 23218-1797*

S. HUGHES MELTON, MD, MBA, FAAFP, FABAM, COMMISSIONER

State Human Rights Committee Meeting  
**MINUTES**

Southeastern Virginia Training Center  
Multipurpose Room  
2100 Steppingstone Square  
Chesapeake, Virginia  
23320

Friday, June 15, 2018

**Administrative Session**

8:30 a.m.

**Members Present** John Barrett, **Vice-Chairperson**; Pete Daniel; Sandy Robbins; Timothy Russell

**Members Excused** Vicki Cash Graff, **Chairperson**; Ann Bevan; Salina Greene

**Staff Present** Deb Lochart, State Human Rights Director  
Taneika Goldman, Assistant State Human Rights Director  
Karen Taylor, Senior Assistant Attorney General  
Braden Curtis, Senior Assistant Attorney General  
Reginald T. Daye, Regional Human Rights Manager, Region 5  
Bernadette Lege, Human Rights Advocate  
Kli Kinzie, Executive Secretary

**Others Present** George F. Daniel, Charlotte Court House  
Virginia Pharis, Disability Law Center of Virginia  
Priscilla Smith, Office of the Inspector General  
Brigitte Hoppe, Administrative Assistant, Southeastern Virginia Training Center

**Call to Order** At 8:37, John Barrett, Vice-Chairperson, called the administrative session of the June 15, 2018 State Human Rights Committee meeting to order.

**Approval of Agenda** At 8:37, the SHRC considered the agenda.

*Upon a motion by Timothy Russell and seconded by Sandy Robbins the agenda was approved unanimously.*

**Correspondence and Information** At 8:41, Deb Lochart, State Human Rights Director, led the review of correspondence and information. S. Hughes Melton, MD, has been appointed as Commissioner for DBHDS. Dr. Melton appointed former Commissioner Jack Barber, MD, as Facility Director for Commonwealth Center for Children and Adolescents. Jae Benz has been appointed as Director of the Office of Licensing. Ms. Benz has been working with the department's DOJ Settlement Agreement Advisor.

**Goals Workplan** At 8:45, the SHRC reviewed the goals workplan. Deb Lochart pointed out that there are no guest speakers scheduled for the July 13 SHRC meeting. Ms. Lochart and John Barrett plan to meet on July 3 to discuss SHRC meeting activities and logistics.

**Receipt of Appeal Response** Receipt of the response to SHRC Appeal Case 18-02 is noted for the record.

**SHRC Bylaws Update** At 8:49, Deb Lochart presented an update on the SHRC Bylaws. If approved, the update would bring the language within the Bylaws into alignment with the name of the current human rights regulations.

*Upon a motion by Timothy Russell and seconded by Pete Daniel the SHRC amended its Bylaws to reference the current name of the human rights regulations 12VAC35-115-110 et seq.*

**OHR Initiatives** At 8:50, Taneika Goldman, Assistant State Human Rights Director, provided an update on initiatives of the Office of Human Rights. Heather Oakes has been hired as the human rights advocate filling the position formerly held by Ms. BJ McKnight. Ms. Oakes will begin on June 25, providing advocacy in the far southwest and performing DOJ related duties to include all post move monitoring for individuals discharged from SWVTC.

Taneika Goldman and the Regional Managers have been meeting for what they call "Leadership Huddles". During these meetings they have developed LHRC review forms to aid providers in their preparation and LHRC members in their implementation of due process reviews to include Next Friend Appointments and reviews of restrictions and behavior treatment plans that include restraint or time out.

Taneika Goldman and Deb Lochart are developing a peer to peer initiative to promote the transfer of knowledge from person to person. This initiative will involve both formal and informal methods for mentoring staff to transition smoothly when leadership and other staff retire or leave

employment with the human rights office.

Deb Lochart said the office has made great progress with utilizing data and we have implemented the use of a tracking tool that makes all aspects of LHRC business accessible. The office is able to track the use of various reports and tools, which shows how we do business in the community. Timothy Russell asked about trend analysis and how the data is used.

It has been previously reported that DBHDS procured certified investigation training and Taneika Goldman publicly acknowledged the contributions of Bernadette Lege, Human Rights Advocate as a trained-trainer.

**Regular Session**

9:00 a.m.

- Members Present** John Barrett, **Vice-Chairperson**; Pete Daniel; Sandy Robbins; Timothy Russell
- Member Excused** Vicki Cash Graff, **Chairperson**; Ann Bevan; Salina Greene
- Staff Present** Deb Lochart, State Human Rights Director  
Taneika Goldman, Assistant State Human Rights Director  
Karen Taylor, Senior Assistant Attorney General  
Braden Curtis, Senior Assistant Attorney General  
Reginald T. Daye, Regional Human Rights Manager, Region 5  
Bernadette Lege, Human Rights Advocate  
Mary Clair O'Hara, Clinical Training Manager, Clinical Quality & Risk Management  
Kli Kinzie, Executive Secretary
- Others Present** George F. Daniel, Charlotte Court House  
Virginia Pharis, Disability Law Center of Virginia  
Priscilla Smith, Office of the Inspector General  
Genhi Whitmer, Senior Director, Quality Improvement and Standards, Region Ten Community Services Board  
Lisa Beitz, Executive Director, Region Ten Community Services Board (CSB)  
M.A., Complainant
- Present via Teleconference** Russell Ray, Director of Compliance, Region Ten CSB  
Curt Gleeson, Director of Emergency Services, Region Ten CSB  
Lequetta Hayes, Human Rights Advocate

- Present for Tour** Donovan Burk, Assistant Director, Day Support, Southeastern Virginia Training Center (SEVTC)  
LaToya McEachin, Assistant Director, Residential, SEVTC  
William Evans, Security Officer, SEVTC
- Call to Order** At 9:04, John Barrett, Vice-Chairperson, called the regular session of the June 15, 2018 State Human Rights Committee meeting to order. A call for introductions took place prior to proceeding.
- Draft Minutes** At 9:05, the SHRC reviewed the draft minutes of the April 20, 2018 SHRC meeting. Sandy Robbins recommended the addition of, “and asked for any comments” to page 2, under 2017 Executive Summary.
- Upon a motion by Timothy Russell and seconded by Pete Daniel the minutes of the April 20, 2018 State Human Rights Committee meeting were unanimously approved as revised.*
- Update: Region 5** 9:06, Reginald T. Daye, Region 5 Regional Human Rights Advocate, provided an update on Region 5 activities.
- Tour** At 9:15, Brigitte Hoppe, Administrative Assistant, Southeastern Virginia Training Center (SEVTC), introduced Donovan Burk, Assistant Director of Day Support, and William Evans, Security Officer. Mr. Burke invited the SHRC and others to tour the day support program and one or two homes on the grounds. LaToya McEachin, Assistant Director of Residential Services, joined the tour midway to provide additional information.
- Guest Speaker: DOJ Settlement Agreement** At 10:19, Braden Curtis, Senior Assistant Attorney General, provided an update on initiatives and responses to the DOJ Settlement Agreement. Mr. Curtis briefed the committee on the general sections or provisions of the Agreement. His presentation covered areas such as crisis intervention, housing and integration services. He spoke about quality management controls while DBHDS training centers are closing and individuals are moving into community settings.
- Braden Curtis spoke about the importance of discharge planning and the provisions of those plans. The medical and behavioral needs of individuals are complex and therefore challenging for the community. The Settlement Agreement requires that individuals be given a choice of providers consistent with their needs.
- Mr. Curtis summarized the provisions and key elements of the DOJ Settlement Agreement and informed the committee about the activities of DBHDS to bring the department into compliance.

## **Appeal**

At 10:33, the committee considered the appeal of M.A. v Charlottesville Area LHRC in the Matter of M.A. and Region Ten Community Services Board (CSB). A call for introductions took place prior to proceeding. Genhi Whitmer, Senior Director of Quality Improvement and Standards, Region Ten CSB; and Lisa Beitz, Executive Director, Region Ten CSB, were present on behalf of the program. M.A., Complainant, was present on her own behalf. Present via teleconference were Russell Ray, Director of Compliance, Region Ten CSB; Curt Gleeson, Director of Emergency Services, Region Ten CSB; and Lequetta Hayes, Human Rights Advocate, DBHDS. SHRC members present for the appeal were John Barrett, Vice-Chairperson; Pete Daniel; Sandy Robbins; and Timothy Russell. Also present in the room were Deb Lochart, State Human Rights Director; Taneika Goldman, Assistant State Human Rights Director; Karen Taylor, Senior Assistant Attorney General; Braden Curtis, Senior Assistance Attorney General; and Kli Kinzie, Executive Secretary for the Office of Human Rights.

At the request of M.A. the appeal was conducted in Closed Session.

*At 10:39, upon a motion by Sandy Robbins and seconded by Timothy Russell the SHRC convened in closed session pursuant to Virginia Code § 2.2-3711(A) (1) for the purpose of discussion of matters lawfully exempt from the Freedom of Information Act.*

Parties to the appeal gave their statements followed by questions from the committee.

Upon reconvening in open session, the State Human Rights Committee certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session, were discussed in the closed session.

*Upon a motion by Timothy Russell and seconded by Sandy Robbins, the SHRC upholds LHRC Findings #1, 2, 3, 4 and 5. Furthermore, after careful review and consideration of Finding #6, the SHRC determined that a violation did not occur and, therefore, overturns Finding #6. The motion passed unanimously.*

## *LUNCH*

**Public Comment** At 11:40, John Barrett called for public comments.

*No public comments were offered.*

**SHRC** At 11:41, Timothy Russell reported on the membership committee's

## Membership

interview of Latesha Graham. The membership committee recommends that the SHRC request the DBHDS State Board appoint Latesha Graham to the SHRC.

Salina Greene has resigned from the SHRC. Ms. Greene's departure opens another vacancy on the SHRC. Timothy Russell reported that Julie Dwyer-Allen, who has remained interested in membership since her interview, is recommended as a strong candidate to fill Salina Greene's vacancy.

At the April 20 SHRC meeting the committee passed a motion to recommend the appointments of David Boehm, Will Childers, and Monica Lucas. At that meeting John Barrett expressed his interest in continuing to serve on the SHRC.

*Upon a motion by Sandy Robbins and seconded by John Barrett the SHRC voted unanimously to accept Julie Dwyer-Allen's application for consideration.*

*Upon a motion by Timothy Russell and seconded by John Barrett the SHRC voted unanimously to recommend the DBHDS State Board appoint Latesha Graham and Julie Dwyer-Allen to the SHRC.*

The membership committee will forward a formal request to the DBHDS State Board to reappoint John Barrett, and to appoint Julie Dwyer-Allen, David Boehm, Will Childers, Latesha Graham and Monica Lucas to the SHRC at the July 10 and 11 State Board meeting.

## Liaison Reports

At 11:52, John Barrett called for LHRC Liaison Reports. Sandy Robbins reported on the May 8, 2018 meeting of the Suffolk Regional Local Human Rights Committee. The meeting was held at Western Tidewater CSB on Godwin Boulevard in Suffolk. Reginald T. Daye, Regional Human Rights Manager for the Tidewater region (Region 5) was present for the LHRC meeting. Also present was Donna Kastelan, Human Rights Advocate. There was a quorum of three (3) present for the meeting.

Sandy Robbins reported that the LHRC conducted business in accordance with the regulations. Members appeared committed to being knowledgeable about the LHRC process and their role in the human rights program. Focus of the meeting was on recruiting LHRC membership. The LHRC interviewed a prospective member and voted to recommend her appointment. The LHRC also discussed additional vacancies needing to be filled in order to remain in compliance with the human rights regulations.

During the LHRC meeting, Donna Kastelan provided training on participation in decision making and consent. Sandy Robbins reported that there was good discussion of the topic.

**Guest Speaker:**  
Seclusion and  
Restraint

At 11:52, Mary Clair O'Hara, Clinical Training Manager, provided an update on the activities of the office of Clinical Quality & Risk Management. The office is moving forward with TOVA evaluations and updating the TOVA manual and curriculum.

At the mental health facilities, we are focusing on building relationships between individuals and the people who serve them. If we can manage other issues with the resources we have, hopefully we can focus on better managing or enhancing our relationships. This is something the department is constantly looking to improve. The office is hoping to have everything ready so we can start training all personnel in facilities beginning in January of 2019.

Mary Clair O'Hara provided an overview on the use of seclusion and restraint in 2017. Eventually we may have a seclusion and restraint database. At this time the focus is concentrated on the actual decreasing of instances of the use of seclusion and restraint.

**VCBR Variance  
Reporting**

At 12:43, the SHRC discussed VCBR monthly variance reporting. Timothy Russell noted that there were eight incidences of contraband that stood out but, other than that, the trends seem to be following normally.

**LHRC Business**

At 12:45, the SHRC considered local human rights committee business.

**LHRC  
Membership**

*At 12:45, upon a motion by Sandy Robbins and seconded by Pete Daniel the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(A)(1) for the purpose of discussion and consideration of matters lawfully exempt from the Freedom of Information Act, namely to consider human rights committee membership.*

Taneika Goldman presented recommendations for dismissal and appointment in Regions 1, 2 and 4. Reginald Daye presented recommendations for Region 5.

Upon reconvening in open session all members of the SHRC certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session, were discussed in the closed session.

*At 12:49, upon a motion by Timothy Russell and seconded by John Barrett the SHRC unanimously approved the following as recommended*

*by the advocates:*

Dismissals

Region 1            Shenandoah Area LHRC  
                         Ms. Mary Belle Weeks, Ms. Joan Polzin, Ms. Ellen Wheeler, Ms.  
                         Cheryl Rittenhouse-Wong, Dr. Janet Boller

Appointments

Region 1            Rappahannock-Rapidan LHRC  
                         Reappoint: Ms. Jackie Dare

Region 2            Prince William LHRC  
                         Reappoint: Ms. Juanita James

Region 4            Central State Hospital LHRC  
                         Appoint: Ms. Danielle Hunt

Chesterfield LHRC  
Appoint: Ms. Heather Pate  
Reappoint: Mr. Nicholas Pappas, Ms. Michele Ann Doyle

Hanover LHRC  
Appoint: Mr. James Belleville, Mr. Michael Stevens

Henrico LHRC  
Appoint: Ms. Janet L. Scharer  
Reappoint: Ms. Biranne Jones, Ms. Kiva Gatewood

Piedmont Geriatric Hospital LHRC  
Reappoint: Ms. Odessa Pride, Ms. Jackie Reinert-Hicks

Region 5            Southeastern Virginia Training Center LHRC  
                         Appoint: Ms. Sandra “Sandy” Montrez Gerhardt  
                         Reappoint: Mr. Richard Dinsmore, Ms. Melvina Herbert

Suffolk Regional LHRC  
Appoint: Ms. Odulia Brown  
Reappoint: Ms. Georgiana Smith

Virginia Beach Area LHRC  
Appoint: Mr. Mark Douglass  
Reappoint: Ms. Paula Harr

Williamsburg Regional LHRC

Appoint: Mrs. Frances McBride

**Other**

At 12:51, Deb Lochart presented Timothy Russell with a certificate of appreciation for his exemplary service on the State Human Rights Committee. Timothy Russell thanked Ms. Lochart and the Committee, saying that he could not imagine being here on this day without Reginald Daye being here, as it was Mr. Daye who recommended Mr. Russell's consideration for SHRC membership back in 2012.

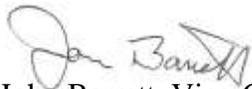
Timothy Russell made some closing remarks regarding the importance of the SHRC's role and presence in the lives of the people we serve.

**Adjournment**

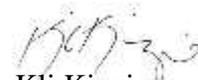
*At 12:58, upon a motion by John Barrett and seconded by Timothy Russell the June 15, 2018 SHRC meeting adjourned.*

The next meeting will be held on July 13, 2018 in Region 4.

Respectfully Submitted,



John Barrett, Vice-Chair  
State Human Rights Committee



Kli Kinzie,  
Executive Secretary