

Human Writes

STATE HUMAN RIGHTS COMMITTEE NEWSLETTER

Spring 2006

Volume 1, Issue 2

Welcome

Welcome to the second edition of *Human Writes*, a quarterly newsletter from the State Human Rights Committee (SHRC). The purpose of this newsletter is to share ideas, problems, solutions and other items of mutual interest among the Local Human Rights Committees and the SHRC.

Please submit your thoughts and ideas to:

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Or email to:

SHRC.newsletter@co.dmhmrzas.virginia.gov

LHRC SPEAK

(This will be a regular article in future editions. Special thanks to Ann Pascoe for initiating this sharing of ideas)

Submitted by Ann Pascoe, Chair, Northern Virginia Regional LHRC

So one day, I joined a Local Human Rights Committee. The Committee was small but had a lot of enthusiasm for the 'job' we had signed on to do. The Committee went through a lot of changes from several Committee members reaching their term limits to a long standing Human Rights Advocate's departure and the arrival of a new one. We were down on members and did a big push and gained a few more members. Then before I knew it, I was the Chair of the Committee.

As the Committee started to grow and develop and as I began to grow into my role as Chair, there were several times I felt as if we were functioning in a vacuum. I knew that other LHRCs existed, but I knew nothing about them. I wondered how they did things. Did they experience problems similar to ours? Did they have solutions that might work for us and might some of our solutions work for them?

Hence the idea of getting all of the Chairs of the various Northern Virginia LHRCs together to meet, collaborate and discuss was born. Invitations have gone out and we are hoping to have our first meeting this month!

We will keep you posted as we continue to meet on a regular basis.

FYI

SHRC/LHRC Seminar 2006

Mark your calendars for September 7 and 8, 2006 for the 2006 SHRC/LHRC Seminar! We look forward to seeing you in Richmond but still need your help in the planning process. Please complete the [survey](#) and thank you for helping to make this year's seminar the best one yet!

Regulation Update

The revised Human Rights regulations will be out for public comment in the next month or so. Stay tuned for more information.

Hail & Farewell

The Office of Human Rights recently said goodbye to two advocates. Collette Ashiru, Human Rights Advocate for Children and Adolescents in Regions IV and V, has begun a new job as a social worker at Central State Hospital. Musa Ansari, Regional Human Rights Advocate in Region II, retired from state service and is working part-time for the Jefferson Area Board of Aging in Charlottesville. We appreciate the service of these fine advocates and wish them well in their new endeavors. We are proceeding to fill both positions at this time.

--Margaret Walsh, Director, OHR

Meet the Advocate

(Each edition of Human Writes will profile one of the Advocates. This edition introduces Nan Neese, Regional Advocate of Region III.)

Greetings! I am one of the longest surviving Human Rights Advocates. I began my service with the Office of Human Rights within Southwestern State Hospital as the first full-time appointed Advocate when SWSH housed some 500 patients between the ages of 14 and 102. Our internal Advocacy Program was in its infancy.

I believe Advocacy chose me. During my high school years, my goal was to become a "Nader's Raider" and attend law school. The summer of my graduation I had the opportunity to visit with aging relatives in St. Louis and found an environment of loving care at the Lutheran Altenheim Society. This was the quality of service that Ralph Nader hoped to effect as his investigators exposed the abuses of nursing homes.

With this experience, my vocation changed and I completed my undergraduate degree at the University of Tennessee with a focus in Geriatric Human Services. While substitute teaching, I 'discovered' professional advocacy at Broughton Hospital and Western Carolina Center. When I was offered a Social Work position within Southwestern State Hospital, I moved to Marion.

In my 10th year, I joined Jim Bowser in community human rights. As we expanded rights protection to include our community clients, I helped establish a regional Office of Human Rights. In furthering my commitment to the importance on-going Human Rights education, I completed my Masters degree in Health Education in 1999 through VA Tech. Today, I proudly boast that I serve with the BEST advocacy Team in the Commonwealth – Sonia Smith, BJ McKnight and Deborah Jones. Our Southwest Region extends from Lee County north to Roanoke & Allegheny Counties and from the highest point in Virginia to the Kentucky border. We cover three departmental facilities, eight Community Service Boards/Behavioral Health Authorities and approximately 58 licensed organizations – the latter two constantly developing new sites/locations for our services. Our Program consists of two regional human rights committees, two community local committees, one joint facility-community LHRC and two facility-based LHRCs. Two of our unique challenges are our very rural communities and our large geographical area, which requires extensive traveling to isolated service sites. Although each decade has had its problems, in this decade we have focused our attention on the quality of services and we are concerned with the lack of eligible surrogate decision-makers and the integration of human rights values in the provision of every aspect of treatment and service. How timely then, at our 2004 Human Rights Seminar, Dr. Richard Bonnie's keynote address gave simple verse to our beginning and rings true today when he pronounced "What right is more fundamental than the right to be heard."

Issues

Update of the Virginia Freedom of Information Act (FOIA)

The LHRCs and The SHRC are considered "public bodies" as defined in the Code of Va, section 2.2-3701. As such, the committees must adhere to the FOIA requirements for meetings and records. The following reminders about FOIA requirements should appear in the LHRC by-laws, as well.

Meetings:

- Include work sessions
- Can be in-person or by telephone or video
- require three members or a quorum, if less than three

FOIA meeting requirements:

- are open to the public unless subject to a specific provision for a closed meeting
- 'public' includes the media
- votes may not be secret or written ballot
- votes may not be taken via telephone or other electronic means without specific statutory authority
- notice of the date, time and location of the meeting must be posted at least 3 days prior to the meeting (exceptions for special or emergency meetings)

- at least one copy of the agenda packet must be available for public inspection
- minutes must include the date, time and location of the meeting, members present and absent, a summary of discussion, and a record of all votes taken
- draft minutes must be posted on the internet within 10 days of the meeting and final approved minutes within 3 days of approval

Update: Licensing

Licensing is contingent upon substantial compliance with section [37.2-400](#) of the Code of Virginia and acceptable implementation of the human rights regulations as determined by periodic reviews performed by the Department. Such reviews are conducted as part of the Department's licensing reviews, or at the Department's discretion, whenever human rights issues arise.

Update: Advocate role

The Office of Human Rights and the [Office of Licensing](#) often conduct investigations into the same incident and at times conduct the investigation together. They share information in accordance with section 37.2-412 of the Code of Va. The [Human Rights Regulations](#) state that the human rights advocate shall represent any individual making a complaint, monitor the implementation of and compliance with the advocacy system, monitor provider compliance with the human rights system, and investigate to prevent or correct any alleged rights violations (see Section 12 VAC 35-115-250(C)).

For general information on the State Human Rights Committee, Local Human Rights Committees, and Human Rights Advocates, and the Department of Mental Health, Mental Retardation, and Substance Abuse Services, please see [Volume 1 Issue 1](#).

Human Writes is a newsletter of the State Human Rights Committee to all Local Human Rights Committees for the purpose of fostering greater news and idea sharing among all of us.