

# *Human Writes*

STATE HUMAN RIGHTS COMMITTEE NEWSLETTER

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## **WELCOME**

Welcome to the Fall 2008 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 you thoughts and ideas to:

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## **VARIANCE AND APPEAL FOR WESTERN STATE HOSPITAL MR. C.C. v DR. JACK BARBER**

The SHRC reviewed an interesting and controversial situation concerning a Western State Hospital patient. The SHRC met on July 11, 2008, August 1, 2008 and September 5, 2008 to hear different aspects of a variance request and an appeal. The appeal case originally came before the SHRC on appeal of a decision of the Western State Hospital (WSH) LHRC. Mr. Nathan J.D. Veldhuis, M.A. brought the case forward on behalf of Mr. CC and his family. Dr. Jack Barber, Director of WSH, appeared on behalf of WSH. Concurrent to the appeal WSH also requested a variance to the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Operated or Funded by the Department of Mental Health, Mental Retardation and substance Abuse Services 12 VAC 35-115, et seq.* Specifically the variance request concerned the issue of seclusion.

Mr. CC for several years has been housed in a Limited Contact Suite. The Limited Contact Suite includes several rooms and an outside patio area. This housing was determined several years ago to be the least restrictive environment for Mr. CC to deal with several hundred acts of aggression toward other patients and staff. The new Human Rights Regulations (Effective date September 19, 2007) changed the definition of seclusion. The regulations state: "*Seclusion means the involuntary placement of an individual alone in an area secured by a door that is locked or held shut by a staff person, by physically blocking the door, or by any other physical or verbal means, so that the individual cannot leave it*".

The SHRC unanimously affirmed and agreed with the WSH LHRC that the Limited Contact Suite met the definition of seclusion contained in 12 VAC 35-115-30. The SHRC

approved a variance to 12 VAC 35-115-110.C.3 to allow use of seclusion until December 5, 2008. The SHRC also imposed certain conditions and terms on the variance, including reports from WSH at the September 5, 2008, October 24, 2008 and December 5, 2008 SHRC meetings.

The recommendations of the SHRC, as required by the regulations, were sent to Commissioner James Reinhard. Commissioner Reinhard responded acknowledging this was a very complex and challenging case. Some of the Commissioner's responses are that:

- WSH will discuss how best to implement a treatment plan that will result in a transfer of Mr. C.C. To another location that is in closer proximity to the family.
- WSH will expand its recruiting efforts for Spanish-speaking mental health professional staff.
- The Office of Cultural & Linguistic Competency will also help with recruitment efforts for Spanish-speaking staff.
- WSH director will assist in the development of in-house training programs to help existing staff better communicate with Mr. C.C.
- WSH will develop plans and time lines to safely increase the time Mr. C.C. spends out of the limited contact suite.
- WSH is currently operating in accordance with the variances granting approval for the use of the limited contact suite and is reporting to the SHRC as required.

The SHRC is receiving the reports from WSH and is monitoring the implementation of the plan developed by the SHRC. This situation is difficult and unique and all of the parties involved are attempting to assure that the human rights of Mr. C.C. are respected.

## **SHRC HAIL AND FAREWELL**

The SHRC is pleased to announce the appointment of two new members. Mr. Randy Johnsey, former chairman of the Southwest Regional LHRC, and Ms. Carolyn DeVilbiss from Alexandria Virginia were appointed to the SHRC.

The SHRC welcomes the Office of Human Rights' new employee Rosanna Deal, Human Rights Advocate serving Southern Virginia Mental health Institute (SVMHI) and surrounding areas. Ms. Deal has a background in social work. She has experience working at a community services board and most recently at SVMHI.

## **MEET THE ADVOCATE**

Each issue of Human Writes features one of the Advocates. This issue introduces senior Walter "Buddy" Small, Human Rights Advocate for Piedmont Geriatric Hospital and Virginia Center for Behavioral Rehabilitation.

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I am a modest yet devoted Eagles fan or as some would say "Yankee" from South Philadelphia. I am one of ten children of a Irish Catholic family, were I learned very

quickly...that the first one up in the morning was the best dressed! I must admit after just four years of State service and reading some of the previous *Meet the Advocate* articles, I need to pick up the pace! I consider myself extremely fortunate to be in the company of such talented and devoted team members.

I started my professional career when I enlisted in the United States Army out of high school. My enlistment took me to many unique places in the world, but none more special than Virginia. I was assigned to Fort Lee in 1984 and stayed there until I retired in 1991 after 20 years of military service. There was no chance for me to go back to Philadelphia since I met and married a Southern Belle and, yes, became a Southern land owner. I now have the respect of my Southern friends, except now I'm a Darn Yankee, which I did not know until recently is two words.

I have been blessed with many things in my life. Never did I expect as a young man on the streets of Philadelphia that I would have a college education, a decorated military career, a beautiful home, a wonderful wife and family, and, oh yeah, a Harley, as well as the opportunity to serve my fellow man as I now do as a Human Rights Advocate in Region 6. Becoming a Human Rights Advocate has taught me more about myself than I anticipated or expected. Being the voice for the rights of those who cannot speak for themselves is truly an honorable and special calling. I hope that with a little help from my friends I can earn the respect that I have for each of you. Thank you for allowing me to tell you a little about me.

## **STATE INCENTIVE GRANT TO BUILD CAPACITY FOR ALTERNATIVES TO RESTRAINT AND SECLUSION**

The SHRC heard a report from Ms. Carolyn Lankford and Ms. Mary Clair O'Hara giving an update on a program to build capacity for alternatives to restraint and seclusion. The program is part of a grant from SAMHSA and has just completed its first year of a three year process. Activities of the grant are based on the Public Health Prevention Model and HASMHPDs "Six Core Strategies to Reduce the Use of Seclusion and Restraint." The program is being implemented at The Commonwealth Center for Children and Adolescents (CCAA) and also at Central State Hospital (CSH). Some of the accomplishments for the first year are:

- Safety plans implemented at CCAA
- Trauma assessment developed by CSH
- Flexibility in Rules at CSH
- Environment of care changes

Also progress has been made in the Consumer Roles:

- Consumer and family representation on CCCA's Seclusion and Restraint Steering Committee
- Family Representation on CCCA Consumer and Family Voice Participation Workgroup
- Family Liaison identified at CCCA
- WRAP facilitator role expanded by CSH to increase role of professional consumers
- WRAP facilitator Role at CSH includes Seclusion and Restraint Steering Committee

In terms of Seclusion and Restraint Use

- Prone restraints eliminated at CCCA
- Downward trend is S/R use for FY 2008 for CSH

## SHRC MEETINGS

The SHRC holds its meetings at Community and State Mental Health facilities around the state. The July 11, 2008 SHRC meeting was held at the Rappahannock Area CSB in Fredericksburg, Virginia. Mr. Brian Duncan, Executive Director welcomed the SHRC to his community. This meeting was largely attended by the public and the SHRC thanks the CSB for accommodating such a large group.

The August 1, 2008 special meeting of the SHRC was held at the Region Ten CSB Administrative Offices in Charlottesville, Virginia. Chairman Kirby Wright thanks the staff of Region Ten CSB for hosting the Committee meeting.

The September 5, 2008 meeting was held at the Southwest Virginia Training Center and the Crossroads Institute. Dr. Dale Woods, Executive Director of SWVTC welcomed the SHRC and led a tour of the facility. The SHRC wishes to thank Dr. Woods and B.J. McKnight, Human Rights Advocate, SWVTC for their assistance to the committee.

The SHRC met on October 24, 2008 at Eastern State Hospital's new Hancock Geriatric Facility in Williamsburg, Virginia. The SHRC thanks Mr. John Favret for his hospitality.

The SHRC will meet at Richmond Ambulance Authority on December 5, 2008 in Richmond, Virginia.

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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.