LOCAL HUMAN RIGHTS COMMITTEE
Southside Regional Local Human Rights Committee
Meeting of January 25, 2008

FINAL

PRESENT	ABSENT
Lynette Jennings, LHRC Acting Chair	Mary Ann Jackson, LHRC Chair
Viola Vaughan-Eden, LHRC	Agatha Parks-Savage, LHRC
Kathleen Dring, Psy.D., LHRC	Damon Sutton, Paramount Youth Services
Stewart Prost, Human Rights Advocate DMHMRSAS	
Sue Wilson, Pendleton Child Services Center	
Jeffrey Burns, Tidewater Psychotherapy Services	
Jim Dekker, Finney Psychotherapy Associates	
Steven Waranch, Atlantic Psychiatric Services	
Nina Joyner, Family Systems II and New Life Programs	
Angelo Morlino, Vito, Inc.	
James Lassiter, Family Net	
Monica Manley, The Barry Robinson Center	
Beth Pardue, The Barry Robinson Center	

Acting Chairperson Lynette Jennings called the meeting to order at 9:05 a.m. Dr. Manley reported Mary Ann Jackson had called on Wednesday January 23, 2008 to state she would be unable to attend the meeting.

2008 Meeting Dates

The 2008 Meeting Dates are January 25, April 25, July 25 and October 24, 2008.

Minutes

The minutes of the October 26, 2007 and October 31, 2007 meetings were reviewed and approved.

Advocate's Report

Stewart Prost informed the Committee that by March 1, 2008, any revisions to an organizations policies and procedures to be in compliance with the regulations must be submitted to the Williamsburg Human Rights Office and an e-mail must be sent to Margaret Walsh indicating the revisions have been sent. Mr. Prost reported that the Human Rights Office will not review the reports for compliance, but will file the report and will assume an organization is in compliance. When there is a site visit, an organization's policies and procedures will be reviewed for compliance.

Mr. Prost reminded providers that the Annual Report on Seclusion and Restraint was due on January 15, 2008. If an organization has not submitted the report, Mr. Prost requested that the report be submitted as soon as possible.

Mr. Prost reviewed the process when a provider misses an LHRC meeting. He reminded everyone that approximately one year ago, Mr. Daye was present at an LHRC meeting and suggested that the committee adopt the process that when a provider misses a meeting a motion should be made and seconded for that provider to moved to temporary

affiliation with the expectation that the provider would attend the next LHRC meeting and explain the absence. At that time, if the explanation for being absent is acceptable, the committee can vote for the provider to be reinstated to a permanent affiliation.

Mr. Prost stated he would be providing training for the members of this committee after the April and July scheduled meeting for approximately 15 to 30 minutes. He will review HIPPA, the Freedom of Information Act and the changes and revisions to the regulations and how those changes affect the role of the committee.

Mr. Angelo Morlino with Vito, Inc. asked Mr. Prost to explain the capacity review. Specifically, Mr. Morlino wanted to know who is qualified to complete the capacity evaluation and does the capacity evaluation have to be a complete psychological evaluation? Mr. Prost reported someone not directly involved with the individual's services must complete the evaluation. He stated the evaluator could be a licensed clinical psychologist or someone else qualified to determine the capacity. Mr. Morlino asked if a case manager has already completed a capacity evaluation, does an organization need to have another capacity evaluation completed. Mr. Prost stated the organization would not need to have another evaluation completed. Mr. Prost reviewed the nature of a capacity evaluation which can vary to include whether or not an individual can consent to treatment and/or services or that the individual is only able to consent to specified things (i.e. can select what food he/she wants, but cannot consent to medication). In brief, Mr. Prost stated the treatment plan must reflect what the individual's capacity for consent is and what supports are needed to assist the individual with the treatment process. Thus, Mr. Prost indicated a new capacity evaluation does not have to be completed unless there is a question of capacity. If an individual has been declared to have "Intellectual Disabilities" (formerly known as Mental Retardation), his/her treatment plan can reflect that he/she cannot gain capacity and a note must be written annually into the Individual Service Plan (ISP). In addition, if an individual lacks capacity an Authorized Representative (AR) must be appointed to ensure the supports the individual needs are in place. Mr. Prost reported that if there is an opportunity for someone to gain capacity that a complete evaluation must be completed when necessary to determine if the capacity has been gained.

Finally, Mr. Prost informed the providers that when the identified representative is unable to attend the LHRC meeting, a proxy might be sent to give the report.

Program Reports

1. Pendleton Child Services Center – Sue Wilson reported they are currently serving 19 residents in the residential program and 2 children in their day-treatment program. There were no restraints, complaints, or other human rights issues.

2. Tidewater Psychotherapy – Jeff Burns reported they are currently serving 83 clients in 3 substance abuse groups and 5 regular groups. There were no restraints, complaints, or other human rights issues. Mr. Burns reported he missed the last LHRC meeting secondary to the short notice of the meeting and being unable to reschedule clients. He apologized to the committee. A motion was made, seconded and approved that Tidewater Psychotherapy be reinstated to permanent affiliation status.

3. Finney Psychiatric Associates – Jim Dekker reported they are currently serving 19 adult clients in their intensive outpatient chemical dependency program. There were no restraints, complaints, or other human rights issues. Jim Dekker reported he received the notification, but had forgotten to attend the last LHRC meeting and apologized to the committee. A motion was made, seconded and approved that Tidewater Psychotherapy be reinstated to permanent affiliation status.

4. Atlantic Psychiatric Services – Steven Waranch reported they are currently serving 17

patients in their two intensive outpatient chemical dependency groups. There were no restraints, complaints, or other human rights issues. Steven Waranch reported he missed the last LHRC meeting secondary to the short notice and being unable to reschedule clients. He apologized to the committee. A motion was made, seconded and approved that Atlantic Psychiatric Services be reinstated to permanent affiliation status.

5. Paramount Youth Services – No report. A motion was made, seconded and approved that Paramount Youth Services be moved to temporary affiliation. Acting Chairperson Lynette Jennings will be sending Damon Sutton a letter informing him of their temporary affiliation and opportunity to explain his absence at the next LHRC meeting. At that time, Paramount Youth Services may be reinstated to permanent affiliation.

6. New Life – Nina Joyner reported they are currently serving 77 intensive in-home clients within New Life. Mary's House has 3 residents. William Stallings Project has 3 residents. There were no restraints, complaints or other human rights issues. Ms. Joyner also reported the Human Rights Office has reviewed and approved policy changes for both group homes. She requested that the committee also approve them. Ms. Joyner reported the change is the addition of a policy to conduct searches. She reported this policy addition was necessary secondary to two male residents with substance abuse issues that raised suspicion about what was being brought into the house. Ms. Joyner reported the residents will be informed of the policy prior to admission to the program and a sign is posted in each house. Dr. Dring asked what the process was for initiating the searches, who is notified and what consequences are endorsed by the agency. Ms. Joyner reported staff must have reasonable suspicion that a resident has contraband on his/her person and receive approval from a supervisor (Clinical Director). The legal guardian of the resident is notified of the search. In addition, Ms. Joyner stated their organization is in support of natural consequences, thus, for example if a resident has an illicit substance, the police will be called. The committee was receptive to the response. Dr. Dring requested that the notification of legal authorities be included in the policy. Ms. Joyner stated she would revise the policy and submit the revision to the Office of Human Rights and the LHRC. The committee moved, seconded and approved the new policy with the revised statement and requested to receive quarterly reports on how many searches are conducted, what is found and if legal authorities were contacted.

7. Family Systems II – Nina Joyner reported there are 115 clients receiving intensive in-home services. There are 2 clients in the mental health support program. There were no restraints, complaints or other human rights issues.

8. Vito Inc. – Angelo Morlino reported they are currently serving 47 in-home clients; 18-day support clients and 8 clients are receiving family care giving training. Mr. Morlino reported they have received the license for the new center-based day support program and requested permanent affiliation. A motion was made, seconded and approved for the program to be permanently affiliated with the understanding that he will bring a copy of the license to the April 2008 LHRC meeting.

9. Family Net – James Lassiter reported they currently have 15 clients receiving in-home services. There were no restraints, complaints or other human rights issues. Mr. Lassiter stated he did not know why Ms. Olivia Robinson-Stagger was not in attendance at the last LHRC meeting. He reported he will be alternating meetings with her and apologized for the absence. A motion was made, seconded and approved that Family Net be reinstated to permanent affiliation status.

10. The Barry Robinson Center – In-home Services – Dr. Monica Manley reported 76 clients are receiving in-home services. There were no restraints, complaints or other human rights issues.

11. The Barry Robinson Center – The LHRC reviewed The Barry Robinson Center's statistical reports regarding structured living, reports to licensing/Human Rights and special treatment procedure utilization.

Executive Session

A motion was made and passed that the LHRC enter into an Executive Session pursuant to Virginia Code Section 2.2-3711 (A) for the purpose of reviewing The Barry Robinson Center's occurrence report.

Exit Executive Session

Upon reconvening into public session, the LHRC unanimously certified to the best of each member's knowledge, only public matters, lawfully exempt from statutory open meeting requirements, and only public business matters identified to the motion to reconvene this session, the Executive Session, were discussed in the Executive Session.

After reconvening into public session, the Southside Regional Local Human Rights Committee indicated they made no recommendations regarding any of the occurrences at The Barry Robinson Center.

The meeting was adjourned at 10:05 a.m.