

**TIDEWATER REGIONAL
LOCAL HUMAN RIGHTS COMMITTEE
December 9, 2008
MINUTES**

PRESENT

Christopher Boyd, LHRC Member
Mary Butler, LHRC Member
James Overton, LHRC Member
Renee Edwards, LHRC Member
Felicia Sawyer, LHRC Member
Reginald T. Daye, Regional Advocate, DMHMRSAS
Wes Mason, CEO, The Pines Treatment Center
Nashon McPherson, Kempsville Administrator, The Pines Treatment Center
Larry Brown, Crawford Administrator, The Pines Treatment Center
Chris Hummel, Brighton Administrator, The Pines Treatment Center
Stacey Durr, Director of PI, The Pines Treatment Center
Dana Gillentine, Risk Manager, The Pines Treatment Center
Ruth Mawyer, Director of Nursing, Virginia Beach Psychiatric Center
Fran Neaves, Director of PI/Risk Management, Virginia Beach Psychiatric Center
Tina Parcell, Virginia Director of Mental Health Services, First Home Care
Katherine Green, Clinical Coordinator, FHC Group Homes
Marti Glass, Clinical Coordinator, Oyster Point Academy
Mary Hawkins, Program Manager, FHC –Eastern Shore
Stacie Olander, Community Based Supervisor, FHC –Eastern Shore
Ramona Dominguez, Program Coordinator, Crawford Day School
Amanda Steeves, LHRC Recording Secretary

ABSENT

Paula Harr, Director of QMS, First Home Care
Henry Hopkins, Home Based Supervisor, First Home Care

I. CALL TO ORDER

The Local Human Rights Committee meeting was called to order at 8:36 a.m. by Mr. Christopher Boyd.

II. REVIEW OF MINUTES

The minutes for the meeting of September 30, 2008 were reviewed. Mr. James Overton made a motion to approve the minutes as written. Ms. Edwards seconded the motion and all members present voted to accept.

III. UNFINISHED BUSINESS

Mr. Overton expressed his thanks to Dr. Hummel and at the staff at the Brighton campus for their hospitality during his tour in October.

During closed session at the last meeting, the Committee asked Oyster Point Academy to bring back results of a follow-up to the hold technique used in a 5/1/08 incident. Mr. Marti Glass brought a letter to the Committee stating the TOVA trainer reviewed the hold with the staff member and Mr. Glass. All present in the demonstration felt that the hold was executed correctly.

IV. NEW BUSINESS

A. Pines' Grievance Procedures for General Complaints Policy

Stacey Durr reported to the Committee that some changes were made to the Pines grievance policy in accordance with the new regulations. Copies were not available during the new business section of the meeting so the policy will be reviewed during break and the committee will make a motion at the end of the meeting.

B. Permanent Affiliation of I.C. Norcom High School to the Tidewater LHRC

Discussion:

Tina Parcell stated that First Home Care has received their letter from licensure authorizing day treatment in I.C. Norcom High School.

Action:

Mr. Overton moved to approve the request for permanent affiliation of I.C. Norcom H.S. with the Tidewater LHRC. Ms. Edwards seconded the motion. All members present voted to accept.

C. Virginia Beach Psychiatric Center's SLP Variance Renewal

Discussion:

Ruth Mawyer gave the Committee an update on the use of Structured Living Protocol at VBPC, and requested that the Local Committee recommend approval of the time-out variance to the State Human Rights Committee. Ms. Mawyer stated that the policy has not changed since the state approved the update in March. She provided a narrative of statistics showing that there is still a need for the variance. There was some discrepancy in the number of SLP episodes that Ms. Mawyer reported, and the events that Mr. Daye had recorded. Ms. Mawyer will work with Mr. Daye's office to reconcile the numbers before the State Human Rights meeting in March 2009. Mr. Daye stated to the Committee that he feels there is a continued need for the variance and there have been no violations to the protocol.

Action:

Ms. Edwards moved that the Committee recommend approval of the variance; Ms. Butler seconded the motion and all members present voted in agreement. Mr. Daye needs a letter from the Committee chairperson to bring to the State Human Rights meeting.

V. STANDING REPORTS

A. General Information

VBPC:

Ms. Mawyer stated that she is in the process of hiring program directors to help provide additional structure to the units.

She will bring the VBPC search policy to the LHRC at the March 2009 meeting.

The Pines:

Ms. Butler asked about the type of residents being admitted and Mr. Brown stated that the behavior is more acute upon admission. Wes Mason stated that the administration has changed on all three campuses in response to the trends we have been seeing.

As of November 10th, The Pines has eliminated the use of mechanical restraints. Mr. Daye stated he needs an update regarding the elimination because all of the policies still state that The Pines utilize mechanical restraint as a treatment option. Mr. Mason stated that The Pines is hoping to eliminate the use of locked seclusion in 30 to 60 days.

Mr. Daye asked about the new implementations, and how they will affect the seclusion and restraint rates. The CEO and the three administrators listed a variety of things in place, or being implemented that will help get their numbers down to a comparable level. Some of the changes are listed below:

- New administration
- Director of Residential Services at Crawford and Brighton to provide a line from the residential care staff to upper management
- SAFE program implementation
- Risk/ PI structure has changed to put a person on each campus
- Improved information flow and communication
- Increased presence of administration on the units
- Early intervention training and de-escalation techniques
- Structure on the units; schedules and activities are planned out for the kids
- Increased staff resources
- Behavior Support Plans have been implemented across the three campuses

Mr. Daye stated that The Pines' numbers are extreme outliers, and have been for quite awhile. The aggressive population excuse only goes so far because changes have been made in the past, and after a month the numbers go back up to what they were before. The Human Rights Department is looking at that and asking more questions. Mr. Daye stated his desire to give the new administration a chance to succeed. Licensure and Human Rights has already visited the Kempsville Campus and may be more present at all three locations. The major incidents such as AWOLs and serious physical altercations generate bad public relations.

Ms. Butler asked about the individuality of the treatment being provided. Dr. Hummel stated that the treatment teams bring together the clinician, the recreation therapist, the teacher, the substance abuse counselor, the doctor and the residential care staff each week to review each individual resident. Nashon McPherson stated that the residential care staff and the nurses use the shift report twice a day to increase communication between shifts. Larry Brown stated that the focus at Crawford is empowerment and training of the staff to increase communication so that everyone is on the same page.

B. Seclusion and Restraint Reports

VBPC:

There were 22 events in July, 20 events in August and 43 in September. September numbers were increased due to an increase in child and adolescent census. Mr. Overton questioned the reaction of the facility to serious offenses and the possibility of pressing criminal charges. Mr. Daye suggested this question be held until closed session so no identifying information would be discussed. Ms. Butler asked about the restrictive level of SLP and the use of holds/seclusions while on SLP. Mr. Daye explained that you can still meet the criteria for a physical hold while on SLP.

The Pines:

Brighton had 11 physical holds, 3 mechanical holds and 1 seclusion for the month of July; 16 physical holds, 2 mechanical holds and no seclusions for the month of August and; 13 physical holds, 4 mechanical holds and 0 seclusions for the month of September.

Kempsville had 39 physical holds, 8 mechanical holds and 30 seclusions for the month of July; 30 physical holds, 2 mechanical holds and 28 seclusions for the month of August and; 19 physical holds, 1 mechanical holds and 42 seclusions for the month of September. Nashon reported that there has been a downward trend in physical holds and mechanical holds with an increase in the use of seclusions.

Crawford had 14 physical holds, 42 mechanical holds and 13 seclusions for the month of July; 33 physical holds, 25 mechanical holds and 25 seclusions for the

month of August and; 45 physical holds, 24 mechanical holds and 21 seclusions for the month of September.

Crawford Day School: 11 holds in July, 8 holds in August and 8 in September.

Oyster Point Academy: 6 holds in July, 0 holds in August and 16 in September.

Kiptopeke Elementary School: 6 holds in August.

Portsmouth Public Schools: no holds to report this quarter.

C. Reports on Structured Living Protocol

VBPC: There were 4 episodes of SLP during the third quarter with 3 patients.

The Pines: None to report for this quarter.

D. Overview of Allegation Reports

First Home Care: Ms. Parcell and Mr. Hopkins stated there were 3 allegations to report from First Home Care Group Homes.

Northampton County Public Schools: There were 25 reported allegations made to human rights during the third quarter of 2008.

Oyster Point Academy: It was reported there was 24 allegations made during the 3rd quarter.

Crawford Day School: Ms. Parcell reported 25 allegations at Crawford Day School.

VBPC: Ms. Mawyer reported a total of 15 allegations during this reporting period.

The Pines: It was stated there were a total of 97 allegations at Kempsville, 65 allegations at Crawford, and 51 allegations at Brighton that were reported to the Office of Human Rights during this reporting period.

The schedule was set for the next year. The quarterly meetings of the Tidewater LHRC will take place on March 17, 2009; June 9, 2009; September 15, 2009 and; December 8, 2009.

V. CLOSED SESSION

Motion: Ms. Edwards made a motion that the committee go into Executive Session, pursuant to Virginia Code 2-2-3711A (4) for the protection of the privacy of

individuals in personal matters not related to public business, namely to review patient information from First Home Care, Northampton County Public Schools, Oyster Point Academy, Crawford Day School, The Pines Residential Treatment Center and Virginia Beach Psychiatric Center, pursuant to the regulations.

Action: Second was made by Ms. Sawyer. All members present voted in favor of the motion.

Ms. Butler made the motion to open the session; Ms. Sawyer seconded the motion and all members present agreed.

Reconvened in Open Session: Upon reconvening in Open Session, Ms. Sawyer, Mr. Boyd, and Ms. Butler of the Tidewater Regional LHRC unanimously certified to the best of their knowledge that only public business matters exempt from statutory open meeting requirements and only public business matters identified in the motion to convene the Executive Session were discussed in accordance to Virginia Code 2-2-3711A (4).

VI. NEW BUSINESS

Mr. Daye suggested that the Pines look into key security during holds to prevent injuries to residents.

The Committee requested a SAFE program update at the next meeting.

A. Pines' Grievance Procedures for General Complaints Policy

Discussion: Stacey Durr reviewed the changes to the policy for the remaining members. The policy now addresses some issues such as confidentiality, quick turn-over and no need for staff to drop off grievance forms. Mr. Daye noted to enter submit the complaints, to be completed when the system goes online. Mr. Daye has reviewed the policy and had no additional suggestions.

Action: Ms. Sawyer voted to accept the Pines policy with the recommended changes. Ms. Butler seconded the motion and all members present agreed.

VIII. NEXT SCHEDULED MEETING

The next regular LHRC meeting is scheduled for Tuesday, March 17, 2009 in the Executive Board Room of the Crawford Campus.

IX. ADJOURNMENT

There being no further business to discuss, Mr. Boyd made the motion to adjourn.
Ms. Butler seconded the motion. The meeting was adjourned at 12:00 p.m.

RESPECTFULLY SUBMITTED:

Amanda Steeves
Recording Secretary

Christopher Boyd
LHRC Member