

**TIDEWATER REGIONAL  
LOCAL HUMAN RIGHTS COMMITTEE  
August 11, 2009  
MINUTES OF SPECIAL MEETING**

PRESENT

Christopher Boyd, LHRC Member  
Mary Butler, LHRC Member  
Felicia Sawyer, LHRC Member  
Delinda Swanston, LHRC Member  
Reginald T. Daye, Regional Advocate, DMHMRSAS  
Nashon McPherson, Kempsville Administrator, The Pines Treatment Center  
Joe Mazzucotelli, Brighton Administrator, The Pines Treatment Center  
Larry Brown, Interim Director of PI, The Pines Treatment Center  
Dana Gillentine, Risk Manager, The Pines Treatment Center  
Sean Little, Risk Analyst, The Pines Treatment Center  
Amanda Steeves, Risk Analyst, The Pines Treatment Center  
Shawnell Whitehead, Director of Clinical Services, The Pines Treatment Center  
Felicia Tyler, Director of Clinical Operations, The Pines Treatment Center

ABSENT

James Overton, LHRC Member

I. CALL TO ORDER

The Local Human Rights Committee meeting was called to order at 8:40 a.m. by Mr. Christopher Boyd.

II. REVIEW OF MINUTES

Minutes will be reviewed at the next regularly scheduled meeting.

III. NEW BUSINESS

Topic: The Pines' proposed level system and request of variances

Discussion: Mr. Daye reviewed the level system and explained to the Committee members how it would deviate from the regulations as they are currently written. To ensure compliance with all regulations, The Pines requested a variance to regulation 12VAC35-115-100-A1g for restriction on everyday freedoms in regards to the canteen privileges and to regulation 12VAC35-115-50-C7 regarding dignity and equal access to telephone use.

Shawnell Whitehead reviewed the proposed level system and the variances for the Committee members. There was a discussion about the regulations and what the definitions of the individual rights are.

Mr. Daye stated that The Pines has a policy that limits the phone time to 10 minutes per resident. This is allowed by regulations because it implements equal access. The proposed level system deviates from equal access because higher level residents could earn more phone time. It was pointed out that a new admission could potentially be on Level 2 and earn their extra phone call within 2 days.

There was a discussion about the canteen restriction. The current process is that each resident is allowed canteen time once a day. The proposed level system would make this a privilege that would have to be earned with Level 2. There was some discussion about how this differs from the phone system because things are being taken away from the current system.

Mr. Daye suggested that The Pines clarify the language of the level system so there is no misunderstanding that everyone will still receive their 10 minute phone call, regardless of level.

There was a discussion about what “free recreation time” refers to in the level drop section. It was clarified that this is not treatment related recreation such as group or activities therapy, but it is truly resident free time.

There was a discussion about clarification of the language of phone restrictions and monitoring of phone calls. Phone calls can only be monitored if there is a doctor’s order and the Human Rights office is notified. Approved phone lists are against regulations. There was a discussion about the location of the telephones and the level of privacy that residents receive when they are on the phone.

Mr. Daye stated that daily points can not be connected to taking medications. These 2 points need to be allotted to something else. The 5 points for knowledge of medication and side effects can remain on the point sheet as long as that information is in no way connected to the actual taking of medication. The resident is entitled to refuse treatment for any reason. There was a discussion of cheeking medication, and how the consequences can be tied into the disciplinary structure as long as the medications are not forced.

There was a discussion about restitutions and how that ties to the point system. The Pines had a policy that was approved by the LHRC committee regarding restitutions for behaviors like property damage. This policy contains the appropriate language and makes the clear distinction between what is considered compensable work and what is restitution. Mr. Daye suggested that this policy be consulted to ensure that restitutions will not be a violation of regulations.

The letter submitted from Mr. Mason signed as a member of the Governing Body will suffice as a request to the State Committee. This letter will accompany the requests for the variance from the regulations regarding canteen privileges and dignity in regards to telephone use.

Mr. Daye expressed his support of the new level system and stated he will recommend approval to the State at the September meeting. He shared his view that the main obstacle

will be getting the residents and staff to maintain this system. The proposed level system is complicated and there are a lot of points to maintain daily. He suggested that management stay on top of staff members to keep the points factual. If staff do not accurately keep up with points then the whole system will not show the desired results.

Action: A motion was made by Ms. Sawyer and seconded by Ms. Butler. All members present voted approval. The Committee recommended approval of the variances as well as the proposed level system to the State Human Rights Committee.

Mr. Boyd provided a signed letter for Mr. Daye to bring to the State LHRC meeting that outlines the Committee's recommendation.

#### IV. NEXT SCHEDULED MEETING

The next regular LHRC meeting is scheduled for Tuesday, September 15, 2009 in the Executive Board Room of The Pines- Crawford Campus.

#### V. 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 9:30 a.m.

RESPECTFULLY SUBMITTED:

Amanda Steeves  
Risk Analyst  
The Pines Treatment Center