

## APPROVED MINUTES

### Virginia Beach Area Local Human Rights Committee Meeting Minutes

- **Date of Meeting:** August 1, 2008

- **Members Present:**

Kevin M. Bowing – LHRC Board Member  
Shaunna Robey – LHRC Secretary  
Mary Meagher – LHRC Vice Chairman

**Absent:** Kimberly Hitchman – LHRC Chairman

- **Others Present & Affiliate Names:**

Reginald Daye – DMHMRSAS – Regional Advocate-Human Rights  
Sheila Owens – Eagles Nest, LLC  
Michelle Hammer – Hope House Foundation  
Pamela Little – Community Alternatives, Inc., LHRC Program Liaison  
Danna Hamilton – Community Alternatives, Inc.  
Amy Karkane – Virginia Beach Dept. of Human Services  
Jane Sinnalt – Virginia Beach Dept. of Human Services  
Dee Keenan – Virginia Beach Dept. of Human Services  
Vincent Hamilton – Burke Family Care, LLC  
Donna B. Kellam – Eastern Shore Community Services Board  
Melissa Mason – Chesapeake Community Services Board

- **Call To Order:**

The meeting was called to order by Mary Meagher at 9:30 AM. The agenda was reviewed and approved. Also approved were the minutes from May 2, 2008. After sign-in was completed, Reginald Daye, Regional Advocate, welcomed the new companies seeking affiliation with the Virginia Beach Area LHRC: Chesapeake Community Services Board, Eastern Shore Community Services Board, Burke Family Care, and Virginia Beach Department of Human Services.

- **New Business**

**Program Affiliations:** A motion was made to accept the provider affiliation of Burke Family Care, Eastern Shore Community Services Board, Chesapeake Community Services Board, and the Virginia Beach Department of Human Services. Motion was seconded and approved by the committee.

**General Information:**

- There remains an opening for a consumer on the Virginia Beach Area LHRC. We are looking for someone who has received services within the last five years. The consumer cannot be a board member or an employee of any affiliated company. Please inform Mr. Daye if you know anyone who would like to fill this position.

Mr. Daye stated our Affiliation Agreement was reviewed and did not have any conflicts with the by-laws. He explained this agreement is basically the enforcement arm in terms of by-laws and all affiliates should agree to the agreement and sign it, in order to affiliate with the LHRC. Questions arose regarding Number 1 of Responsibilities of Affiliate in the Affiliation Agreement. Discussed 'missing a meeting.' Mr. Daye explained that Number 1 and Number 2 are actually in the by-laws. Mr. Daye agreed to place a 'Note' at the end of the agreement to explain in more

detail. Due to the continued discussion of the Affiliation Agreement which should have been signed by all affiliates at this meeting, Mr. Daye deferred the induction of the Affiliation Agreement to the next meeting and kept all temporary affiliates at the temporary status until the Affiliation Agreement is signed.

- Once the Affiliation Agreement is signed, each affiliate will pay dues to the Treasurer and the Treasurer will report on the funds quarterly as part of the minutes. Reporting will include deposits and withdraws along with explanations of both.
- All documents needed for the upcoming meeting (November 14<sup>th</sup>) must be received by all the committee members and the affiliates no later than two weeks before the meeting (October 31<sup>st</sup>). The committee members have the right to deny any paperwork submitted less than two weeks before the meeting.

### **New Program Affiliates:**

Burke Family Care, LLC (BFC) presented their program to the committee. Their Policy & Procedures (P&P) and Rules of Conduct were approved by DMHMRSAS prior to the meeting. Mr. Vincent Hamilton represented BFC and explained that BFC intends to place MR clients in homes of individual families who will operate under the BFC license. BFC will bill Medicaid and pay families for having the clients reside in their homes. BFC feels this will improve the quality of life of the client by making a smaller group setting. BFC's license will be for Hampton. Their billing address is in Newport News. BFC will have a site visit on October 12<sup>th</sup>. Presently, Burke Family Care, LLC has six (6) sponsored residential homes. They are:

Vernon & Sharon Davis  
37 Santa Barbara Drive  
Hampton, VA 23666

Michael Burke  
10 Oxford Terrence  
Hampton, VA 23661

Dionne Williams  
31 Queensbury Way  
Hampton, VA 23666

Anna K. Devore  
710 Hemlock Road  
Hampton/N.N., VA 23601

John & Beulah Crutchfield  
11 Evans Street  
Hampton, VA 23669

Josue & Darlene Desvarieux  
4008 Monitor Drive  
Hampton, VA 23669

BFC is requesting temporary affiliation of the six homes also. Mr. Daye agreed to put the six homes on the agenda for the next meeting. He also needs a letter written describing the homes and who will run them. This letter needs to be sent to Mr. Daye at DMHMRSAS and to the committee members. When adding another service or home, the program must submit a letter with the above noted information. The letter must also indicate that the added service will be covered under the program's approved human rights P&P. When this is received, the service can seek affiliation with the LHRC.

The LHRC voted and approved BFC for a 90-day temporary affiliation. The LHRC also voted and approved BFC's Behavioral Management Policy upon removal of their "Seclusion" policy from their P&P.

Virginia Beach Department of Human Services (VBDHS) presented their program to the committee. Dee Keenan explained that the Department of Human Services is the Community Service Board for Virginia Beach and that it is a city department. They provide a full continuum of services from MRMHSAS. Her packet sent to the DMHMRSAS and the committee included a list of all licensed programs including The Recovery Center, a Detox, and Crisis Stabilization Center.

Already affiliated with the HPR-V and the LHRC, their Behavioral Management Plan is in place along with their P&P for Human Rights and Rules of Conduct. Since the last meeting, VBDHS's Behavioral Management has been upgraded and changes were made in interventions to manage behaviors. VBDHS is in the process of switching from TOVA to CPI training. Also changed was the wording to reflect person-centered policies. The LHRC voted to approve the revised Behavior Management Plan.

Some changes were distributed on the Rules of Conduct at the Recovery Center. Mr. Daye stated that the Rules of Conduct have to be approved by the committee before being implemented.

Mr. Daye stated that looking in the regulations; it appears VBDHS is making a 'blanket statement' regarding *visitors not being permitted* which is out of compliance. Ms. Keenan explained it was put in during the first phase.

Mr. Daye supported granting a 90-day temporary affiliation to VBDHS. Motion was made, seconded, and affiliation was granted.

Eastern Shore Community Services Board (ESCSB) presented their program to the committee. Donna Kellam presented and explained that ESCSB is very much like Virginia Beach Dept. of Human Services; however, they are an Operational Board and not city-run. Some of the licensed programs are Outpatient Services, Day Program, Supported Living, and Developmentally Delayed Infants & Toddlers. ESCSB is a member of the HPR-V.

Outpatient Behavioral Support: Mr. Daye had questions regarding Item E12, #12, 13, & 14. He would like to see Restitution & Response Policy and asked Ms. Kellam to send this information to him for review. Also, please provide him with examples of Number 14. Mr. Daye also asked if statement 'G.2.A. Personal, physical holds more than 1 minute...' was realistic. He asked "Why do you limit yourself to one minute?" Isn't it usually until help arrives? Please send answers to Mr. Daye and the committee members. Mr. Daye has deferred approval until questions are answered.

The committee voted to support temporary affiliation for ESCSB and the motion was seconded. The committee recommended approval of the Behavioral Management Policy with the exception of Numbers 12, 13, & 14 regarding the physical restraints & restitution section of the policy. Mr. Daye motioned to re-visit this policy and the motion was seconded.

Residential Guidelines: Mr. Daye had questions about Number 2 stating the consumer is expected to assist with household chores including shopping, and Number 4 regarding restitution. Mr. Daye explained Number 4 is not part of the approval until he sees the restitution policy. Per Mr. Daye, Number 12 is okay but make sure they are in accordance with

regulations. Number 14 is out of compliance regarding every 2 weeks for visitors. This just needs to be re-worded to clarify off-site visits.

Day Support Program:

- 1) Number 1: Re-word 'consumers will not display...'
- 2) Mr. Daye felt that it looked like you could use chemical restraints. Re-word so you do not use chemical restraints.
- 3) Drop Number 1 or re-word it.

Mr. Daye supports 90-day temporary affiliation of the Eastern Shore Community Services Board. He recommended approval of the Rules of Conduct – Residential with the exclusion of restitution under the Number 4 requirement and clarification of off-site visits (Number 15). The motion was seconded and approved.

Mr. Daye recommended the approval of the Day Program with revisions to Item 1. The motion was seconded and approved. Also recommended was the approval of the Club House Rules of Conduct which was seconded and approved.

Chesapeake Community Services Board (CCSB) presented their program to the committee. Melissa Mason explained CCSB has mental health, substance abuse, and mental retardation intervention services and are licensed as a city department.

Mr. Daye supported granting a 90-day temporary affiliation to CCSB. Motion was made, seconded, and affiliation was granted.

CCSB is currently working on Universal Rules of Conduct. There are some unique exceptions.

The Coastal Club House program rules were out of compliance and changes were made. Mr. Daye explained that if changes are made to the Behavioral Management Policy and Rules of Conduct, they must be submitted to the LHRC committee members *prior* to the next meeting and at least two weeks before the next meeting. Mr. Daye recommended many changes to the Behavioral Management Policy and deferred approval until the next meeting. Mr. Daye recommended approval of the second version of the Coastal Club House Rules of Conduct and the motion was seconded and approved.

Referring to the Behavioral Management Policy's Rules of Conduct, Mr. Daye suggested they make clear only *one* appeal process, to keep it simple, and to only have two steps. Mr. Daye recommended approval contingent upon revising the appeal process. Motion was seconded and approved.

Discussion moved toward the statement of 'pharmacological restraint.' This statement was questioned by Mr. Daye stating you need a very detailed policy & procedure with examples. He asked "Is the PRS competent to say 'no'?" "Where would you use this as you are not an acute care facility?"

Ms. Mason explained that it would be possible to use this with some MR clients in group homes where the Primary Care Physician has prescribed a medication to help with a behavior. Mr. Daye stated that was not the same as a PRN med, giving a drug to calm down a behavior is not a PRN by a PCP. This will be re-visited at the next meeting.

Mr. Daye recommended approval of the Behavioral Management Policy with the exception of the pharmacological restraint policy. Motion was seconded and approved.

• **PROVIDER REPORTS - Reporting Period: 6/16/08 – 7/31/08**

**Virginia Beach Department of Human Services**

Staff Reporting: Dee Keenan & Amy Karkane

New Program: No

NUMBER OF INCIDENTS	TYPE OF INCIDENT
1	Neglect
1	Exploitation
5	Dignity/Respect
1	Confidentiality
3	Right to Treatment
6	Serious Injury
2	Deaths
<b>19</b>	<b>TOTAL INCIDENTS</b>
1	Total Number of Emergency Restraints
6	Total Number of Complaints Resolved via the Informal Complaint Process

**Eastern Shore Community Services Board**

Staff Reporting: Donna Kellam

New Program: No

NUMBER OF INCIDENTS	TYPE OF INCIDENT
1	Neglect
1	Formal Complaint
<b>3</b>	<b>TOTAL INCIDENTS</b>
0	Total Number of Emergency Restraints
0	Total Number of Complaints Resolved via the Informal Complaint Process

**Eagles Nest LLC**

Staff Reporting: Sheila Owens

New Program: Yes – Not Yet Licensed

NUMBER OF INCIDENTS	TYPE OF INCIDENT
0	Not Yet Licensed

**Hope House Foundation**

Staff Reporting: Michelle Hammer

New Program: No

NUMBER OF INCIDENTS	TYPE OF INCIDENT
4	Staff to Consumer Abuse
8	Neglect
3	Serious Injury
1	Formal Complaint
<b>16</b>	<b>TOTAL INCIDENTS</b>
0	Total Number of Emergency Restraints
1	Total Number of Complaints Resolved via the Informal Complaint Process

**Community Alternatives, Inc.**

Staff Reporting: Pamela Little

New Program: No

NUMBER OF INCIDENTS	TYPE OF INCIDENT
1	Staff to Consumer Abuse
10	Neglect
2	Formal Complaints
<b>13</b>	<b>TOTAL INCIDENTS</b>
0	Total Number of Emergency Restraints
2	Total Number of Complaints Resolved via the Informal Complaint Process

**Chesapeake Community Services Board** – No numbers to report due to being affiliated with another LHRC where the numbers were reported.

NUMBER OF INCIDENTS	TYPE OF INCIDENT
	Numbers reported at another LHRC meeting.

**Additional Discussion:**

- Provider Report of Allegations/Complaints: Michelle Hammer of Hope House expressed dissatisfaction with the form. Mr. Daye explained the form is the same form used by HPR-V. He suggested Hope House submit a form they like to the committee.
- The question arose: “what is the process for resolution?” The Virginia Beach LHR Committee will discuss to decide the most beneficial process for resolution before the next meeting.

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- Minutes: Regarding the Provider Report of Allegations/Complaints, the LHRC minutes should only report the numbers and types of incidents. No actions or confidential information should be disclosed.

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- Affiliation Dues: Checks should be made to the "Virginia Beach Area Program Support Affiliates" for the committee fee. The amount is \$300 annually.

NEXT MEETING: (At the November 14<sup>th</sup> meeting, we will make the meeting schedule for 2009)

DATE: November 14<sup>th</sup>, 2008  
TIME: 9:00 AM  
PLACE: Community Alternatives, Inc.  
3133 Magic Hollow Boulevard  
Virginia Beach, VA 23453  
468-7000  
Pamela T. Little, Director of VA Programs  
LHRC Program Liaison

MEETING ADJOURNED: 12:10PM

CLOSED SESSIONS STARTED: 12:10PM

Minutes respectfully submitted by: Danna L. Hamilton  
Administrative Assistant, VA Programs of CAI

Approved on \_\_\_\_\_ by: \_\_\_\_\_