

STATE HUMAN RIGHTS COMMITTEE

TC Bullock, Chair
South Hill

Penny Cameron, Vice-Chair
Great Falls

John Barrett
Richmond

Ann Bevan
Mechanicsville

Victoria Cash Graff
Staunton

Marietta Cottingham
Hampton

Pete Daniel
Charlotte Court House

Sam Dillon
Big Stone Gap

Timothy Russell
Williamsburg



Deb Lochart
State Human Rights Director

Kli Kinzie
Executive Secretary

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COMMONWEALTH of VIRGINIA

Department of Behavioral Health and Developmental Services
Post Office Box 1797
Richmond, Virginia 23218-1797

STATE HUMAN RIGHTS COMMITTEE MEETING MINUTES

Norfolk Community Services Board
225 West Olney Road
Norfolk, Virginia
23510

Thursday and Friday
October 22 and 23, 2014

Special Meeting Thursday, October 23, 2014

Norfolk Community Services Board Headquarters
3rd Floor Conference Room
3:00 – 5:00 p.m.

Members Present	TC Bullock, Jr., Chairperson ; Penny Cameron, Vice-Chairperson ; John Barrett; Ann Bevan; Vicki Cash-Graff; Marietta Cottingham; Pete Daniel; Sam Dillon
Members Excused	Timothy Russell
Staff Present	Kli Kinzie, Secretary Deb Lochart, Human Rights Director Karen Taylor, DBHDS Special Counsel
Present Via Teleconference	Jennifer Barker, Patient Relations, Central State Hospital James Bell, Director of Forensic Services, Central State Hospital Michael Curseen, Regional Human Rights Advocate Sridhar Yaratha, Psychiatrist, Central State Hospital
Call to Order	At 3:03 p.m. T.C. Bullock, Jr., Chairperson, called the October 23, 2014, Special Meeting of the State Human Rights Committee to order.
Appeal Hearing for	This case came before the SHRC on appeal of the decision of the Central State

B.F. and CSH

Hospital Local Human Rights Committee. At 3:04 the SHRC attempted to connect with the parties to the appeal via speaker phone. At 3:28 the SHRC successfully connected with the parties to the appeal. The SHRC apologizes for the delay in connection due to technical difficulties.

B.F. was present to present his case with support from Michael Curseen, Regional Human Rights Advocate. Central State Hospital was represented by Jennifer Barker, Patient Relations for the facility, James Bell, . SHRC members present were: T.C. Bullock, Jr., Chairperson; Penny Cameron, Vice Chairperson; John Barrett; Ann Bevan; Vicki Cash-Graff; Marietta Cottingham; Sam Dillon; and Pete Daniel.

Upon a motion by Marietta Cottingham and seconded by Vicki Cash-Graff the State Human Rights Committee convened in closed session pursuant to Virginia Code §2.2-3711 for the purpose of discussion and consideration of matters lawfully exempt from open meeting requirements.

Upon reconvening in open session, the State Human Rights Committee certified that to the best of each member’s knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in closed session.

The record notes that due to B.F.’s objections the Appeal Hearing did not proceed at this time.

**SHRC Meeting
Friday, October 24, 2014**

Norfolk Community Services Board Headquarters
1st Floor Board Room

ADMINISTRATIVE SESSION

8:30 a.m.

Members Present TC Bullock, **Chairperson**; Penny Cameron, **Vice-Chairperson**; John Barrett; Ann Bevan; Vicki Cash-Graff; Marietta Cottingham; Pete Daniel; Sam Dillon; Timothy Russell

Staff Present Michael Curseen, Regional Advocate
Reginald T. Daye, Regional Advocate
Beverly Garnes, Human Rights Advocate
Simona Haqq, Human Rights Advocate
Timothy Jones, Human Rights Advocate

Kli Kinzie, Executive Secretary, Office of Human Rights
Deb Lochart, Human Rights Director
Stewart Prost, Human Rights Advocate
Karen Taylor, DBHDS Special Counsel

**Call to Order and
Introductions**

At 8:34 TC Bullock called the October 24, 2014, State Human Rights Committee meeting to order. A call for introductions took place prior to proceeding.

Adoption of Agenda

At 8:35 upon a motion by Vicki Cash-Graff and seconded by John Barrett the SHRC unanimously adopted the October 24, 2014, meeting agenda.

The SHRC received copies of Commissioner Ferguson's communications. Deb Lochart offered to forward the communications to SHRC members via email in real time on an ongoing basis.

Deb Lochart reported on Department activities and current initiatives. Ms. Lochart reported that the Department continues to expect more budget cuts. Commissioner Ferguson has accepted the SHRC's invitation to attend the December 12 meeting in Richmond.

**Correspondence
and Information**

At 8:40 the SHRC reviewed correspondence and information.

The SHRC acknowledged receipt of VCBR Appeal Responses, a letter from VCBR RAC, and the September monthly variance report from VCBR.

The SHRC acknowledged receipt of a request for extension from Virginia Beach Department of Human Services.

The SHRC reviewed general communications sent to department staff from Commissioner Ferguson.

The SHRC reviewed the most current DBHDS organizational chart.

The SHRC reviewed a letter regarding the Northern Virginia Training Center LHRC name change and membership appointments to the Northern Virginia Community LHRC.

The SHRC acknowledged a letter from Commissioner Ferguson to T.C. Bullock regarding his participation on the DBHDS DOJ Settlement Agreement Stakeholder Group.

Deb Lochart, Human Rights Director, reported on staff appointments within the Department.

Goals Workplan

At 9:04 The SHRC reviewed updates to the 2015 Goals Worksheet.

LHRC Vacancy

At 9:12 the SHRC reviewed LHRC vacancies.

Tracking

SHRC Communications

At 9:17 Deb Lochart reported that the human Rights program will consider further how to utilize the department's web site as a communication device for the SHRC to share information with local human rights committees.

Deb Lochart provided an update on the status of the Human Rights Regulations revision.

BREAK

At 9:18 Chairperson Bullock called for a ten minute break.

REGULAR SESSION

9:30 a.m.

Members Present

TC Bullock, Jr, **Chairperson**; Penny Cameron, **Vice-Chairperson**; John Barrett; Ann Bevan; Vicki Cash-Graff; Marietta Cottingham; Pete Daniel; Sam Dillon; Timothy Russell

Staff Present

Michael Curseen, Regional Advocate
Reginald T. Daye, Regional Advocate
Beverly Garnes, Human Rights Advocate
Simona Haqq, Human Rights Advocate
Timothy Jones, Human Rights Advocate
Kli Kinzie, Executive Secretary
Deb Lochart, Human Rights Director
Stewart Prost, Human Rights Advocate
Karen Taylor, DBHDS Special Counsel

Others Present

Sarah Fuller, Executive Director, Norfolk Community Services Board

At 9: 30 TC Bullock, Jr., Chairperson, called the Regular Session of the October 24, 2014, SHRC meeting to order. Introductions took place prior to proceeding.

Welcome

At 9:30 Sarah Fuller, Executive Director of Norfolk Community Services Board, welcomed the SHRC and human rights staff. Ms. Burlar provided a brief description of the services provided by the CSB and of the populations served by the CSB and its affiliated programs.

Review of Draft Minutes: September 12, 2014

The SHRC reviewed the draft minutes of the September 12, 2014, SHRC meeting.

Upon a motion by Penny Cameron and seconded by John Barrett the SHRC unanimously voted to approve the minutes of the September 12, 2014, SHRC meeting.

Variance: The Barry Robinson Center

At 9:32 the SHRC reviewed the Barry Robinson Center request for continuation of the variance to 12 VAC 35-115-50.7, Dignity (phone) and 12 VAC 35-115-50, 8, Dignity (visitation). Reginald T. Daye, Regional Human Rights Advocate, reported that the program has not utilized the Variance in the past year but staff is requesting SHRC approval to maintain the Variance should the need arise. Mr. Daye further stated that there have been no reported violations of the human rights regulations or of the use of the Variance's associated protocol.

Upon a motion by John Barrett and seconded by Marietta Cottingham the SHRC unanimously approved the Variance to 12 VAC 35-115-50.7, Dignity (phone) and 12 VAC 35-115-50, 8, Dignity (visitation) to Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services. The Variance was approved for a two-period with annual written report to be submitted for the October 2015, SHRC meeting.

Variance: Harbor Point Behavioral Health Center

The SHRC reviewed the Harbor Point Behavioral Health Center annual report for Variances to 12 VAC 35-115-100, A, 1, Restrictions, and 12 VAC 35-115-110, Time out (Matrix), and 12 VAC 35-115-110, C, 16, Structured Living. Mr. Reginald T. Daye reported that there have been no reported problems with the use of the Variances.

Variances: Kempsville Center for Behavioral Health

The SHRC reviewed the Kempsville Center for Behavioral Health annual report for Variances to 12 VAC 35-115-110, A1a & 110 C 16, Time Out (move within service setting), 12 VAC 35-115-110, A 1 g, Freedoms (Vending Machines), and 12 VAC 35-115-100, A 1 a & 110 C 16, Time Out (over 30 minutes). Mr. Daye reported that there have been no reported problems with the use of the Variances.

Variance: Newport News Behavioral Health Center

At 9:42 the SHRC reviewed the Newport News Behavioral Health Center annual report for Variance to 12 VAC 35-115-50, C 7 & C 8 (telephone and visitation). Mr. Reginald T. Daye reported that there have been no reported problems with the use of the Variance.

Variance: City of Virginia Beach

The SHRC reviewed the City of Virginia Beach annual report for Variance to 12 VAC 35-115-50 C 7 c (visitation and telephone). Mr. Daye reported that there have been no reported problems with the use of the Variance.

Upon a motion by Penny Cameron and seconded by Vicki Cash-Graff the SHRC unanimously approved continuation of the following Variances to Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services for one more year, with expiration of Variances on the date of the October 2015 SHRC meeting:
Harbor Point Behavioral Health Center:

12 VAC 35-115-100, A, 1, Restrictions
 12 VAC 35-115-110, Time out (Matrix)
 12 VAC 35-115-110, C, 16, Structured Living.
 Kempsville Center for Behavioral Health
 12 VAC 35-115-110, A1a & 110 C 16, Time Out (move within
 service setting)
 12 VAC 35-115-110, A 1 g, Freedoms (vending machines)
 12 VAC 35-115-100, A 1 a & 110 C 16, Time Out (over 30 minutes)
 Newport News Behavioral Health Center
 12 VAC 35-115-50, C 7 & C 8 (telephone and visitation)
 City of Virginia Beach
 12 VAC 35-115-50 C 7 c (visitation and telephone)

Public Comment At 9:44 TC Bullock called for public comments. *There were no public comments.*

Bylaws: Richmond Tri-Cities LHRC The SHRC reviewed the Bylaws for Richmond Tri-Cities LHRC. Michael Curseen, Regional Human Rights Advocate, reported on behalf of Walter Small. The Bylaws have incorporated the same SHRC-approved language as used in the past.

Bylaws: Richmond Unified LHRC The SHRC reviewed the Bylaws for Richmond Unified LHRC. Michael Curseen reported on behalf of Walter Small. The Bylaws have incorporated the same SHRC-approved language as used in the past.

Upon a motion Arietta Cottingham and seconded by John Barrett the SHRC unanimously approved the Bylaws as submitted for Richmond Tri-Cities LHRC and Richmond Unified LHRC.

Liaison Reports At 9:46 TC Bullock called for Liaison Reports. Ann Bevan reported on a meeting of the Metro Richmond LHRC.

TC Bullock reported on a meeting of the Central State Hospital LHRC.

The next meeting of the VCBR RAC subcommittee is scheduled for November 14, 2014.

LHRC Membership At 9:49 the SHRC considered local human rights committee membership.

Upon a motion by Penny Cameron the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(1) for the purpose of discussion and consideration of appointments to and removals from Local Human Rights Committees.

Upon reconvening in open session, the State Human Rights Committee certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session

were discussed in closed session.

Appointments

Upon a motion by Vicki Cash-Graff and seconded by Timothy Russell the SHRC unanimously moved to make the following local human rights committee appointments, reappointments and removal.

Region 2

Northern Virginia Community LHRC
Appoint: Ms. Valerie Burton
Northern Virginia Hospitals LHRC
Appoint: Ms. Katherine M. Shinal

Region 4

_Chester Regional LHRC
Appoint: Ms. Dorcille Jernigan
Metropolitan LHRC
Appoint: Ms. Monica Lucas, Ms. Angela Craighead

Region 5

Newport News Regional LHRC
Appoint: Ms. Cheryl Westrey
Williamsburg Regional LHRC
Appoint: Ms. Eve Weber
Universal Family LHRC
Appoint: Mr. Michael P. Morgan

Removal: Region 4

New Creation LHRC
Remove: Ms. Ruth Molyne

**2015 Meeting
Schedule**

At 10:03 the SHRC reviewed the draft 2015 SHRC meeting schedule.

The SHRC approved the following 2015 meeting dates:

January 23

March 6

April 17

June 5

July 10

September 11

October 23

December 11

Public Comments

At 10:19 Chairperson Bullock again called for Public Comments. *No public comments were offered.*

Appeal Discussion

Upon a motion by Penny Cameron the State Human Rights Committee convened in closed session pursuant to Virginia Code §2.2-3711 for the purpose of discussion and consideration of matters lawfully exempt from open meeting requirements, namely discussion of Appeal hearing for B.F.

Upon reconvening in open session, the State Human Rights Committee certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in closed session.

The SHRC will send a letter of Notice of Appeal Hearing to the parties of the Appeal for B.F. and Central State Hospital to be held in December, 2014.

**Extraordinary
Barriers**

At 10:35 Vicki Cash-Graff inquired about closure to questions asked during the September 12, 2014, report on extraordinary barriers to discharge. Deb Lochart will follow up with Ms. Tammy Peacock and Cleopatra Booker of the Office of Behavioral Health Services.

**Norfolk CSB:
Methadone Clinic**

At 10:36 Timothy Russell asked for a report from Norfolk Community Services Board regarding practices of the Methadone Clinic program. Mr. Stewart Prost invited Ms. Sarah Fuller, Norfolk CSB Executive Director, to re-join the SHRC meeting.

Ms. Sarah Fuller returned to the meeting and provided an overview of the Methadone Clinic Program. Ms. Fuller answered questions from the Committee. Chairperson Bullock thanked Ms. Fuller for her participation and contributions to the meeting.

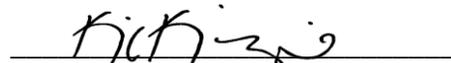
Adjournment

Having no further business to discuss the meeting adjourned at 11:00 a.m.

The next SHRC meeting is scheduled for Friday, December 12, 2014, in Richmond.

Respectfully Submitted,


T.C. Bullock, Jr., SHRC Chairperson


Kli Kinzie, Secretary