

**STATE HUMAN RIGHTS COMMITTEE
MEETING MINUTES
DMHMRSAS
Central Office
13th Floor Board Room
1220 Bank Street
Richmond, Virginia 23219
Friday, January 21, 2005**

**ADMINISTRATIVE MEETING
8:00 a.m.**

COMMITTEE MEMBERS PRESENT

Joyce Bozeman, Chair
Michael Marsh, Vice-Chair
Angela Brosnan
Carmen Thompson
Bobby Tuck
Kirby Wright
Davey Zellmer

HUMAN RIGHTS STAFF PRESENT

Margaret S. Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Chuck Collins, Regional Human Rights Advocate, Region I
Musa Ansari, Regional Human Rights Advocate, Region II
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Reginald T. Daye, Regional Human Rights Advocate, Region V
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center

Margaret S. Walsh, State Human Rights Director, opened the administrative portion of the January 21, 2005 SHRC meeting. Ms. Walsh provided an update of the activities of the H3R Advisory Committee to revise the human rights regulations. Kirby Wright and Bobby Tuck commended Ms. Walsh on her effective leadership of the

advisory committee.

Ms. Walsh will draft a statement on the concept of recovery to submit to the SHRC for the March 4 meeting in Petersburg.

The SHRC asked that Ms. Walsh supply the committee with discharge reports on a quarterly basis.

The sub-committee on Youth in Transition will report its activities during the March meeting.

Dr. Bozeman will attend the next State MHMRSAS Board meeting to report on activities of the SHRC.

SHRC members received copies of a form to use when attending LHRC meetings.

Ms. Walsh was asked to finalize the LHRC Application revision and disseminate it to staff.

Carmen Anne Thompson will contact Barbara Jenkins and proceed with a first draft of the SHRC newsletter. Ms. Walsh will provide articles from the OHR and from Commissioner Reinhard for inclusion. Davey Zellmer and Carmen Thompson are working on a draft for the first issue.

The SHRC reviewed a letter submitted by Sonia Smith, Human Rights Advocate for Catawba Hospital and the Roanoke Valley, regarding the shortage of Nurses at Catawba Hospital. Dr. Mike Marsh, Vice Chair, suggested sending a letter to Commissioner Reinhard regarding this issue.

Chuck Collins introduced a letter from a provider describing the reluctance of an affiliated program to pay the fee for LHRC support.

REGULAR MEETING
10:15 a.m.

COMMITTEE MEMBERS PRESENT

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Reginald T. Daye, Regional Human Rights Advocate, Region V
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center
Stewart Prost, Human Rights Advocate, Southeastern Virginia Training Center and
Region V
Anne Stiles, Facility Human Rights Advocate, Piedmont Geriatric Hospital and the
Virginia Center for Behavioral Rehabilitation

OTHERS PRESENT:

Karen Walters, DMHMRSAS Special Counsel
Mrs. Kirby Wright
Denise Webb, Administrator, Virginia Beach Psychiatric Center
Heather Fisher, Nursing Director, Virginia Beach Psychiatric Center
John Barrett, Fidura and Associates
Lyn McDonald-Hall, Valley CSB LHRC Member
Dr. James Evens, M.D., Medical Director, DMHMRSAS
Eric Alridge, Director of Operations, VCBR
T.M..B., Complainant
Dr. Ramos, Eastern State Hospital
Joanne Royal, Eastern State Hospital
John Favret, Facility Director, Eastern State Hospital

CALL TO ORDER:

The January 21, 2005, meeting of the State Human Rights Committee was called to order by Dr. Joyce E. Bozeman, Ph.D., Chair. Dr. Bozeman lead the members in introducing themselves. Advocates and staff of the Office of Human Rights introduced themselves.

MINUTES:

The minutes of the December 3, 2004, State Human Rights Committee meeting were approved as circulated.

PRESENTATION: Inside the LHRC: An Overview

Dr. Joyce Bozeman introduced Lyn McDonald Hall, Valley CSB LHRC, and employee of WSH. Ms. Hall described her experiences as a member of the LHRC. She asked that LHRC members be given more training and in-depth orientation to the

human rights regulations. She also suggested that the regs provide a code of ethics for running LHRC meetings. In closure, Ms. Hall asked that the SHRC re-visit the prohibition of employees of DMHMRSAS serving on LHRCs.

Dr. Bozeman thanked Ms. Hall on behalf of the SHRC for sharing her experiences and suggestions with the state committee. The human rights office will draft thank you letter to send to Ms. Hall.

VARIANCE:

Virginia Beach Psychiatric Center

Mr. Reginald T. Daye, Regional Advocate, introduced Ms. Denise Webb, Administrator, and Ms. Heather Fisher, Nursing Director, of the Virginia Beach Psychiatric Center. Ms. Fisher provided a brief overview of the Virginia Beach Psychiatric Center and the population for whom the variance and policy would impact.

Mr. Daye indicated that the Virginia Beach Psychiatric Center is requesting a variance to Section 12 VAC 35-115-110, Item B13, Use of Time Out, of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services*.

Mr. Daye further indicated that approval of the variance will allow the program to implement its structured living protocol, which exceeds the regulatory requirements of 30 minutes per episode, for the use of time out.

A motion was made and passed by a vote of 6 to 1 to approve for a two-year period, with an annual status report to be submitted to the State Human Rights Committee, the Virginia Beach Psychiatric Center variance request and structured living protocol as submitted.

PRESENTATION: Smoking in State Facilities

Margaret Walsh introduced Dr. James Evans, Medical Director, DMHMRSAS. Dr. Evans spoke about the department's efforts regarding smoking cessation at state facilities.

Dr. Bozeman thanked Dr. Evans for attending the SHRC meeting to discuss this very important matter.

POLICIES:

Virginia Center for Behavioral Rehabilitation: VCBR

Anne Stiles, Facility Human Rights Advocate, Piedmont Geriatric Hospital and Virginia Center for Behavioral Rehabilitation (VCBR), introduced Eric Alridge, Director of

Operations, VCBR. Ms. Stiles presented her advocate monthly reports for November and December, 2004, and draft VCBR policies for Mail Procedures, Contact with the Media, Rules for Resident Computer Use, Visitation, Resident Transportation, and Searches of Persons and Property.

Carmen Thompson thanked Ms. Stiles for her work on the draft policies.

The SHRC unanimously approved VCBR policies concerning mail procedures, contact with the media, resident computer use, visitation, resident transportation and searches of persons and property with the following recommendations:

Visitation policy:

- 1) On p. 5, delete the word 'contact' before 'visit' in section 16 (not defined in the policy);**
- 2) Revise Visitor Dress regulation #7 in both policy and Visitation Guide to read "Individuals dressed as the opposite gender will not be admitted; and**
- 3) Revise form entitled 'Denial or Termination of Visit' to include name of visitor and resident visited.**

Transportation policy:

Clarify that transportation will not be approved for educational purposes.

BYLAWS:

Portsmouth Regional Local Human Rights Committee

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of the newly formed Portsmouth Regional Local Human Rights Committee their bylaws for approval.

A motion was made and unanimously passed to approve the Portsmouth Regional Local Human Rights Committee Bylaws as submitted.

Other: Letter re: Contract Transportation of NVTC Clients

Musa Ansari, Regional Human Rights Advocate, Region II, presented a letter from the Northern Virginia Training Center LHRC regarding issues with contract transportation of NVTC clients.

The SHRC will draft a letter to the LHRC acknowledging receipt of the letter.

LHRC MEMBERSHIP:

The motion was made and passed that the State Human Rights Committee go into closed session pursuant to Virginia Code § 2.2-3711 for the purpose of

considering appointments to, and removals from, Local Human Rights Committees.

Upon reconvening in open session, the State Human Rights Committee unanimously 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 Executive Session were discussed in the Executive Session.

Mr. Reginald T. Daye, Regional Advocate, Region V, presented a request on behalf of the Tidewater Regional Local Human Rights Committee to remove Ms. Michelle Bauer as a member of the committee, due to her lack of attendance at the regularly scheduled meetings.

A motion was made and unanimously passed to remove Ms. Bauer from the Tidewater Regional Local Human Rights Committee.

The motion was made and unanimously passed to appoint the following applicants to the respective Local Human Rights Committees.

Tidewater Regional LHRC

Appoint:

Mary Butler

Hampton Roads Regional LHRC

Appoint:

Sarah L. Flippens

UVA LHRC

Appoint:

Jennifer Oliver

Catawba Hospital

Appoint:

Valerie Robinson

Danville/Pittsville LHRC – New Committee

Appoint:

Mary Lou Dunn

Kelly Matthews

Jeannie White

Jennifer Taylor

Greg Greene

Janice Bailey

Central Virginia Training Center

Appoint:

Kenneth Penn

Chesterfield LHRC

Appoint:

Hazel Scott Greenhowe

Richmond Unified LHRC

Appoint:
Paula Futrell
Patrice Y. Banks
Hanover County LHRC
Reappoint:
Elizabeth Harrel
Fairfax Falls Church LHRC
Appoint:
Judith Regner
Thomas Williams
Wendy Keating
Fairfax Falls Church LHRC
Appoint:
Michael Peudrak
Loudoun County LHRC
Appoint:
Linda Mary Boykin
Arlington LHRC
Appoint:
J. Douglas Bradley
Prince William County LHRC
Appoint:
Hattie Payne
Myra Wilson

APPEAL: Fact-Finding DM: Eastern State Hospital

This matter first came before the SHRC at its meeting on December 3, 2004. T.M.B., assisted by Stewart Prost, Human Rights Advocate, presented the case on behalf of her mother, D.M. John Favret, Director of Eastern State Hospital, represented the facility.

Upon conclusion of the presentation by both parties, the SHRC decided that in order to determine if a violation of 12 VAC 35-115-60(B)(2) occurred in the care of D.M., the SHRC would conduct a fact-finding hearing solely to address the following question: What, when and by whom was care provided to D.M. on December 28 and 29, 2003?

This decision was made pursuant to 12 VAC 35-115-210(E)(3)(b) because the SHRC determined that the ESH LHRC did not have enough information in the record to reach a conclusion regarding the care provided to D.M. on those dates. The SHRC concurred with the findings of the LHRC regarding the other treatment issues questioned by T.M.B., but decided to defer voting on whether 12 VAC 35-115-60(B)(2) was violated until it had its fact-finding hearing.

The fact-finding was held on January 21, 2005. T.M.B., assisted by Stewart Prost, Human Rights Advocate, presented the case on behalf of her mother D.M. John Favret, Director, Dr. Ramos, and JoAnn Royal presented on behalf of Eastern State

Hospital.

By a vote of 6-0 with 1 abstention, the SHRC concluded that no violation of 12 VAC 35-115-60(B)(2), Services, occurred.

Having no further business to discuss, the motion was made and passed to adjourn the meeting.

Respectfully submitted,

A handwritten signature in cursive script, reading "Joyce E. Bozeman".

Joyce E. Bozeman, Ph.D., Chair
State Human Rights Committee