

**STATE HUMAN RIGHTS COMMITTEE  
MEETING MINUTES**

Hanover County Fleet Services  
11375 North Lakeridge Parkway  
Ashland, Virginia 23005  
Friday, January 27, 2006

**ADVOCATES FORUM**

**8:00 a.m.**

**COMMITTEE MEMBERS PRESENT**

Joyce Bozeman, Chairperson  
Michael Marsh, Vice-Chairperson  
Angela Brosnan  
Bobby Tuck  
Kirby Wright  
Davey Zellmer

**HUMAN RIGHTS STAFF PRESENT**

Margaret Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
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  
Deb Lochart, Facility Human Rights Advocate, Northern Virginia Training Center

**OTHER STAFF PRESENT**

Karen Walters, DMHMRSAS Special Counsel  
Jim Stewart, Inspector General

Dr. Joyce E. Bozeman, Ph.D., opened the administrative session of the January 27, 2006 State Human Rights Committee meeting.

James O. Bowser, Jr., Regional Human Rights Advocate, Region IV, described a situation in his region which may lead to changing a program's affiliation with one LHRC to another. Reginald T. Daye, Regional Human Rights Advocate, Region V, stated that

switching LHRCs can be a complex issue because of licensing issues of the programs involved and types of populations served.

Margaret Walsh, State Human Rights Director, reported that James Reinhard, M.D., has been reappointed Commissioner of the department by Governor Tim Kaine. Dr. Reinhard was originally named to the post in 2002 by then Governor Mark Warner.

Inspector General: 8:30 a.m.

Margaret Walsh introduced Mr. Jim Stewart, Inspector General, who provided an update on the activities of the Office of Inspector General (OIG). The OIG has conducted unannounced inspections of all DMHMRSAS state facilities. The OIG also conducted a systemic review of the five training centers, then ran a comparative analysis of the training centers. In the summer of 2005, the OIG conducted a state-wide review of Community Services Board (CSB) Emergency Services. The review focused on operation values and competency of staff, and the array of services available at each CSB. The OIG also is sampling facility and community residential services and care.

Dr. Joyce Bozeman thanked Mr. Stewart for coming in to update the committee on the activities of the Office of the Inspector General.

### **REGULAR MEETING**

**9:15 a.m.**

#### **COMMITTEE MEMBERS PRESENT**

Joyce Bozeman, Chairperson  
Michael Marsh, Vice-Chairperson  
Delores Archer  
Angela Brosnan  
Bobby Tuck  
Kirby Wright  
Davey Zellmer

#### **HUMAN RIGHTS STAFF PRESENT**

Margaret Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
Charles T. 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  
Deb Lochart, Facility Human Rights Advocate, Northern Virginia Training Center  
Virginia Goodell, Patient Advocate, Eastern State Hospital, CORE Alternate

#### **OTHER STAFF PRESENT**

Karen Walters, DMHMRSAS Special Counsel

### **OTHERS PRESENT**

Brenda Coleman, Virginia Office for Protection and Advocacy  
J.G., Consumer

Rebecca Dugger, Former Acting Executive Director, Hope House Foundation

Lynne Seagle, Executive Director, Hope House Foundation

Kelly Murphy, Compliance Services Manager, Region Ten Community Services Board

Buzz Barnet, Emergency Services Manager, Region Ten Community Services Board

### **CALL TO ORDER**

The January 27, 2006, meeting of the State Human Rights Committee was called to order by Dr. Joyce E. Bozeman, Ph.D., Chairperson. Dr. Bozeman asked committee members and staff of the office of human rights to introduce themselves for those present.

### **MINUTES**

The minutes of the December 2, 2005, state human rights committee meeting were unanimously approved.

The revised 2006 SHRC meeting schedule was reviewed and accepted.

### **SHRC Workplan**

Margaret Walsh reviewed the status of the SHRC goals. Ms. Walsh has asked Mike Shank, Director of Community Support Services, and Russell Payne, Community Support Specialist, to come to the March 2006 meeting to provide an update on Ready for Discharge. Ms. Walsh reported that many organizations and advocacy groups are working on identifying funds for guardianship.

Since the last SHRC meeting, Joyce Bozeman attended a meeting of the Southeastern Local Human Rights Committee, and Bobby Tuck attended a meeting of the Henrico LHRC.

Margaret Walsh reviewed samples of LHRC recruiting materials submitted by human rights staff.

Davey Zellmer reported that the January 2006 SHRC newsletter is ready to go out. The newsletter is to be posted on the department's web site next week.

The SHRC will work on development of a recognition award and succession planning during the March 2006 meeting.

Margaret Walsh reviewed her submission of a draft document that discusses what constitutes a quorum. The SHRC discussed modifications to the draft.

**The motion was made and unanimously passed to accept the document with approved modifications.**

The human rights office will provide the document to all human rights staff for distribution to the Local Human Rights Committees.

Margaret Walsh discussed the bylaws language for appropriate removal of a member from a Local Human Rights Committee.

**The motion was made and unanimously passed to add the language to all LHRC bylaws. Once modified, the bylaws do not need to be re-presented to the SHRC for approval. Advocates are to keep track of bylaws as they are modified.**

Margaret Walsh reviewed information regarding the minimum requirements for meeting minutes. This information was submitted to aid Local Human Rights Committees in utilizing a standard for issuing minutes of LHRC meetings. Ms. Walsh stated that more comprehensive minutes may be given, but the committees must be careful not to publish any confidential information.

**The motion was made and unanimously passed to accept the recommendations as submitted.**

The resignation of SHRC member Barbara Jenkins was discussed and accepted for the file. Margaret Walsh sent information to human rights staff to begin the recruitment of a replacement for Ms. Jenkins.

Margaret Walsh provided information in the packet on Vagus Nerve Stimulation.

#### **PUBLIC COMMENT PERIOD 10:30 TO 10:45**

Dr. Joyce Bozeman announced the public comment period and invited individuals to come forward to address the committee. There being no individuals from the public who wished to speak, the SHRC continued with regular business.

#### **LHRC MEMBERSHIP**

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

Arlington LHRC

Appoint:

Mr. Darcy Litzenberger

Northern Virginia Training Center LHRC

Appoint:

Mr. Ron Kerns

Dr. Peter Black

Hanover LHRC

Appoint:

Ms. Paula A. Smith

Ms. Sharon B. Taylor

Portsmouth Regional LHRC

Appoint:

Mr. Raymond Peele, III

## **APPEALS**

### **Hope House Foundation (11:00)**

This case came before the State Human Rights Committee on appeal of a decision of the Health Planning Region (HPR) v Local Human Rights Committee. Hope House Foundation brought forward the case on its own behalf. Rebecca Dugger, Former Acting Executive Director, Hope House Foundation, and Lynne Seagle, Executive Director, Hope House Foundation, were present to represent the program. Virginia Goodell, Human Rights Advocate, represented I.M., sister of consumer M. W. Members present were Dr. Joyce E. Bozeman, Ph.D., Dr. R. Michael Marsh, M.S.W., M.P.A., Ph.D., Delores Archer, M.S.W., Davey Zellmer, R.N., Kirby Wright, Bobby Tuck, and Dr. Angela Brosnan, M.D. The appeal was held in closed session.

**The motion was made and passed to go into Executive Session pursuant to Virginia Code, 2.2-3711 (15), for the purpose of discussion of information excluded from the Freedom of Information Act.**

Upon reconvening in public session, the State Human Rights Committee unanimously certified that to the best of each State Human Rights Committee 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.

**The SHRC concluded that there was insufficient evidence to declare the Health Planning Region V Local Human Rights Committee findings of fact clearly wrong. Therefore, the SHRC upholds all findings and agrees with all recommendations made by the HPR V Local Human Rights Committee in its decision, to include the following:**

**By a vote of 7:0 the SHRC concurs with the LHRC finding of a Violation of 12 VAC 35-115-50(C)3, Dignity.**

**By a vote of 6:0:1, the SHRC concurs with the LHRC finding of a Violation of 12 VAC 35-115-140(B)3, Complaint and Fair Hearing. The SHRC notes that providers have an affirmative duty to assist individuals and legally authorized representatives to understand the complaint process and that this provision is applicable for formal and informal complaints. As defined in the regulations a complaint is "...an expression of dissatisfaction, grievance, or concern by, or on behalf of an individual." The record indicates that Ms. I.M. expressed concern about the care of her sister, M.W., many times.**

In response to concerns and questions expressed by Hope House Foundation the SHRC provides information in the SHRC Opinion on this case on the roles of the office of human rights and the office of licensing.

J.G./ Region Ten Local Human Rights Committee

This case came before the State Human Rights Committee on appeal of a decision of the Region Ten Local Human Rights Committee. J.G., consumer, brought forward the case on his own behalf. J.G. was assisted in his presentation by Mr. Charles T. Collins, Regional Human Rights Advocate. Ms. Kelly Murphy, Compliance Services Manager, and Mr. Buzz Barnet, Emergency Services Manager, presented the case for Region Ten Community Services Board. Members present were Dr. Joyce E. Bozeman, Ph.D., Dr. R. Michael Marsh, M.S.W., M.P.A., Ph.D., Delores Archer, M.S.W., Davey Zellmer, R.N., Kirby Wright, Bobby Tuck, and Dr. Angela Brosnan, M.D. J.G. waived his right to a closed hearing.

**The motion was made and passed to go into Executive Session pursuant to Virginia Code, 2.2-3711 (15), for the purpose of discussion of information excluded from the Freedom of Information Act.**

Upon reconvening in public session, the State Human Rights Committee unanimously certified that to the best of each State Human Rights Committee 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.

**The motion was made and passed by a vote of 7:0 that the SHRC upholds all findings and agrees with all recommendations made by the Region Ten Local Human Rights Committee in its decision, to include the following:**

- 1. No violation of 12 VAC 35-115-60(B)(2).**
- 2. No violation of 12 VAC 35-115-20(B). (No violation of J.G.'s right to freedom of expression and due process.)**

The SHRC notes that J.G. did not cite a specific section of the Human Rights Regulations pertaining to his allegations of deprivation of liberty without due process and violation of his right to free speech. Neither the LHRC nor the SHRC provide an appropriate forum to resolve constitutional issues, which are more appropriately handled in the court system. However, the SHRC believes the section of the human rights regulations that comes closest to reflecting J.G.'s concerns is 12 VAC 35-115-20(B), which states that "providers shall not deny any person his legal rights, privileges or benefits". The SHRC examined J.G.'s claim in light of this section.

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

Respectfully submitted,



Joyce E. Bozeman, Ph.D.,  
Chairperson