

**STATE HUMAN RIGHTS COMMITTEE
MEETING MINUTES**

Central State Hospital
Main Conference Room, Building 113
26317 West Washington Street, Petersburg
Friday, March 4, 2005

ADMINISTRATIVE MEETING

8:00 a.m.

COMMITTEE MEMBERS PRESENT

Joyce Bozeman, Chair
Michael Marsh, Vice-Chair
Delores Archer
Angela Brosnan
Barbara Jenkins
Bobby Tuck
Davey Zellmer

OHR STAFF

Margaret S. Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Collette Ashiru, CORE Human Rights Advocate, Region IV & V

Dr. Joyce E. Bozeman, Chair, opened the meeting.

Margaret Walsh asked for volunteers to serve in a Nominating Committee for SHRC Officers. Barbara Jenkins and Delores Archer volunteered to serve.

Ms. Walsh asked the committee to designate a member to review the complaint of a client of Virginia Center for Behavioral Rehabilitation. Davey Zellmer volunteered.

Sherry C. Miles, Regional Human Rights Advocate for Region VI, summarized issues which led to investigations of abuse at Pony Express, a program in Region VI. The Office of Human Rights is waiting for the Hearing Officer to respond with findings of the case. Ms. Miles also reported that the LHRC would like to sever its affiliation with the program and asks advice from the SHRC on how to proceed. Barbara Jenkins suggested adding language to

all LHRC Bylaws that would allow for termination of LHRC Affiliation. James Bowser, Jr., Regional Human Rights Advocate for Region IV, suggested putting such language in the affiliation agreement documents in future.

Ms. Walsh stated that this has been an egregious situation, and that Sherry Miles and Deborah Tankersley, Senior Licensing Specialist, have done excellent work investigating these issues and bringing them forward. Ms. Miles commended the six (6) Pony Express employees who came forward with reports against the program and ultimately lost their jobs.

The SHRC and OHR staff took a tour of the Central State Hospital Forensic Ward and watched a demonstration of pat-downs from 9:00 - 10:00 a.m.

REGULAR MEETING

10:15 a.m.

COMMITTEE MEMBERS PRESENT

Joyce Bozeman, Chair
Michael Marsh, Vice-Chair
Delores Archer
Angela Brosnan
Barbara Jenkins
Bobby Tuck
Davey Zellmer

OHR STAFF

Margaret S. Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Collette Ashiru, CORE Human Rights Advocate, Region IV & V
Tonya Cunningham, Facility Human Rights Advocate, CSH Forensics
Rose Mitchell, Executive Secretary, Region IV Satellite Office

OTHERS

Dr. Charles Davis, Facility Director, Central State Hospital
Kia Bentley, Ph.D., Central State Hospital LHRC Chair
Eric Alridge, Director of Operations, Virginia Center for Behavioral Rehabilitation
Sharon Bonaventura, Director of Psychology, Central Virginia Training Center

CALL TO ORDER

The March 4, 2005, meeting of the State Human Rights Committee was called to order by Dr. Joyce E. Bozeman, Ph.D., Chair. Dr. Bozeman led the members in introducing themselves. Advocates and staff of the Office of Human Rights introduced themselves.

Dr. Bozeman thanked Dr. Charles Davis, Facility Director, Central State Hospital, for the tour of the CSH Forensics Ward and demonstration given to the committee. Dr. Davis welcomed the SHRC to the facility.

MINUTES

The minutes of the January 21, 2005 State Human Rights Committee meeting were unanimously approved as corrected.

Dr. Bozeman asked for an update on the development of the SHRC newsletter. Davey Zellmer said the first edition is blocked out. Margaret Walsh will submit comments for inclusion and Charles T. Collins, Regional Human Rights Advocate, Region I, will write the first "Meet Your Advocates" bio with information on his region. The newsletter will be called "Human Writes".

A motion was made and passed to go into executive session for the purpose of discussing confidential issues related to medical information.

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.

VARIANCES

Central Virginia Training Center

Sherry C. Miles, Regional Human Rights Advocate for Region VI, introduced Sharon Bonaventura, Director of Psychology for Central Virginia Training Center (CVTC). Ms. Bonaventura provided an overview of the care and treatment provided to S.E., a client of CVTC with self-injurious behavior that has resulted in numerous serious injuries requiring intensive medical treatment. Ms. Bonaventura described the behavioral restraints currently used with S.E. and stated that S.E. has one to one staff at all times during waking hours.

Ms. Miles stated that Central Virginia Training Center is requesting a variance to section 12 VAC 35-115-110, Use of Seclusion, Restraint, and 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*, and described the provisions which the requested variance would allow. The treatment team proposes to limit each authorization for S.E.'s behavioral restraint to 8 hours during the timeframe covering bedtime through breakfast and hygiene, not to exceed two consecutive 8-hour authorizations per night.

A motion was made and unanimously passed to approve the Central Virginia Training Center variance request to 12 VAC 35-115-110 for two eight-hour period authorizations per night ranging from bedtime through breakfast hygiene for client S.E.

only. The variance is approved for one year. On the anniversary of the variance approval date, CVTC must come before the SHRC if they wish to renew the variance.

Bethany Hall and New Life Recovery

On behalf of Nancy C. Neese, Regional Human Rights Advocate for Region III, Sherry Miles requested that the variances to 12 VAC 35-115-50 C7, C8, and E4c and 5 for Bethany Hall and New Life Recovery be extended until the June 3 SHRC meeting to be held in Region III. The programs are operated by the New River Valley Community Services in Region III. The requested extension will allow more program staff and consumers to participate in the meeting.

A motion was made and unanimously passed to extend the variances to 12 VAC 35-115-50 C7, C8, and E4c and 5 for Bethany Hall and New Life Recovery until the June 3 SHRC meeting in Region III.

Issue

Pony Express

Sherry C. Miles, Regional Human Rights Advocate for Region VI, brought forward again the situation at Pony Express, a provider in Region VI, that is currently undergoing the license revocation process. Ms. Miles provided details on various abuses and deaths that have occurred at the program.

On behalf of the Southern Virginia Mental Health Institute Local Human Rights Committee, Ms. Miles requested guidance on the most effective way to end this program's affiliation with the LHRC. Ms. Miles also requested the SHRC support SVMHI LHRC's request that the Commissioner revoke the provider's license.

A motion was made and unanimously passed that if an affiliate is found by the DMHMRSAS to be in substantial non-compliance with the human rights regulations, the LHRC in its sole discretion may vote to terminate the affiliation of that provider and notify the licensing agency of its action. This language shall be added to the Bylaws for all LHRCs. The inclusion of this specific language need not be brought back to the SHRC for approval.

A motion was made and unanimously passed to send a letter to Commissioner Reinhard supporting the SVMHI LHRC's request that Pony Express' license be revoked. The Committee will also request that the Commissioner consider implementing an emergency license revocation procedure to protect consumers when there is reason to believe programs are seriously out of compliance with the human rights regulations.

Barbara Jenkins will draft the letter and e-mail it to the office of human rights.

BYLAWS

Hiram W. Davis Medical Center

Tonya Cunningham, Facility Human Rights Advocate for CSH Forensics, presented a request to amend the bylaws for Hiram W. Davis Medical Center (HWD) LHRC. Ms. Cunningham stated that the local committee approved the bylaws modification during the February 15, 2005, LHRC meeting. The proposed changes are made to reflect the current human rights regulations. The HWD LHRC modeled the changes after the approved bylaws of SVTC LHRC.

A motion was made and unanimously passed to approve the bylaws modification for HWD LHRC with corrections.

Policies

Virginia Center for Behavioral Rehabilitation

Eric Aldridge, Director of Operations, Virginia Center for Behavioral Rehabilitation presented the VCBR policies for Active Treatment Planning, Medical Protective Restraints, Resident Fund Accounts, Disclosure of Protected Health Information, and Resident Access to Health Records. The committee discussed modifications with Mr. Aldridge, and Bobby Tuck made several corrections to the submitted documents.

A motion was made and unanimously passed to approve the Virginia Center for Behavioral Rehabilitation policies for Active Treatment Planning, Medical Protective Restraints, Resident Fund Accounts, Disclosure of Protected Health Information, and Resident Access to Health Records with suggested corrections and modifications.

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 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.

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

Northern Virginia Hospital LHRC

Appoint:

Robert L. Dupwe

Harrisonburg-Rockingham CSB LHRC

Appoint:

Dick Travis

Valley CSB LHRC

Appoint:

Tammy Johnston

Northern Virginia Hospital LHRC

Appoint:

Elizabeth (Betty Jo) McDevitt

Arlington LHRC

Appoint:

Christina Kozyn

Angela Griffin

Eastern Virginia LHRC

Reappoint:

Matthew D. Albright

Kimberly G. Benton

Peninsula Regional LHRC

Appoint:

Pasquale "Pat" G. Cannavino

Southside Regional LHRC

Reappoint:

N. George Boothby

Eastern State Hospital

Appoint:

Richard Adams

Richmond Unified LHRC

Appoint:

Jerome O. Lee

A motion was made and unanimously passed to inform the Richmond Unified LHRC that any decisions made by a partial committee should be reviewed and voted on by the full LHRC once full membership is appointed.

A motion was made and unanimously passed to appoint Crystal Rivera to Keystone Newport News LHRC. A letter will be sent to the LHRC informing of the appointment pending approval by the LHRC. The SHRC requests notice of the approval.

Barbara Jenkins will draft LHRC guidance for decisions made by partial LHRCs, particularly where key, mandated membership is lacking. The draft will be reviewed during the administrative portion of the April meeting in Region VI.

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

Respectfully submitted,



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