

**State Human Rights Committee  
Meeting Minutes  
DMHMRSAS  
Chesterfield Community Services Board  
Rogers Building  
Board Room, 2<sup>nd</sup> Floor  
6801 Lucy Corr Court  
Chesterfield, Virginia 23832-0092  
Friday, March 7, 2008**

**ADMINISTRATIVE MEETING**

**8:30 a.m.**

**COMMITTEE MEMBERS PRESENT**

Christina Delzingaro, Vice-Chair  
Angela Brosnan  
Delores Archer  
Donald Lyons  
Jannie Robinson  
Carmen Thompson

**NOT PRESENT**

Kirby Wright, Chair  
Joseph Lynch  
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  
Deb Lochart, 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  
Beverly W. Garnes, Human Rights Advocate, Southside Virginia Training Center  
M. Ansley Perkins, Human Rights Advocate, Central State Hospital  
Carrie Flowers, Human Rights Advocate, CSH Forensics and Hiram Davis Medical  
Center  
Willie Barnes, Human Rights Advocate, Eastern State Hospital  
Gianna Mitchell, Human Rights Advocate, Eastern State Hospital  
Stewart Prost, Human Rights Advocate, Southeastern Virginia Training Center

**OTHERS PRESENT**

Brenda Coleman, Disability Rights Advocate, Virginia Office for Protection and  
Advocacy

Ms. Christina Delzingaro, Vice-Chair, opened the administrative session of the State Human Rights Committee meeting.

### SHRC Workplan

The committee reviewed and revised the goals outlined in the SHRC Workplan.

Goal 1, Review of the regulations, was removed and replaced with Update on the Implementation of the new regulation.

Goal 2, Promote system transformation, is carried over for another year.

Goal 3, Integrated treatment settings and consumer choice, is carried over for another year. The committee will continue to review ready for discharge lists. Margaret Walsh, Human Rights Director, suggested adding Advance Directives and Power of Attorney as part of this goal. Christina Delzingaro asked if there are any department activities specific to this goal. Ms. Walsh will ask someone to come in to talk about the database for reporting and the transformation grant. The committee will continue to encourage consumer involvement in provider choice by looking into how providers educate consumers of their provider choices. The SHRC is interested to know if providers are informing consumers about service providers other than their own programs, and what providers are doing to promote choice as required under the Waiver. Ms. Walsh will draft a letter regarding these issues.

Goal 4, Promote treatment without coercion, is carried over. Ms. Walsh will schedule staff of the department to attend a meeting in the Fall to discuss department activities under the grant for reduction in seclusion and restraint at Central State Hospital and Commonwealth Center for Children and Adolescents.

Goal 5, Administrative effectiveness is carried over. The committee will continue to get annual reports from the human rights advocates.

Goal 6, Virginia Center for Behavioral Rehabilitation, is carried over into next year. The committee will continue to review advocate's reports for VCBR and to act as the facility's human rights committee. The SHRC plans to meet at the new VCBR facility in Burkeville on May 30, 2008.

Goal 7, Local human rights committees, is carried over. SHRC members will continue to attend LHRC meetings every year. Also, the committee will continue to issue the SHRC newsletter, *Human Writes*, as part of its effort to enhance communication between the SHRC and the LHRCs. SHRC member Joseph Lynch has agreed to take over as Editor when Davey Zellmer leaves the SHRC.

Goal 8, Training. Margaret Walsh reported that due to the budget crunch training may have to become a regional activity rather than holding state-wide seminars. Regional trainings will significantly reduce travel and overnight expenses.

Goal 9, Recognition awards. No discussion at this time regarding LHRC recognition awards.

Goal 10, Succession planning, was dropped from the goals workplan.

Other Issues:

Margaret reported that the State Board will waive the fee for one SHRC member to attend the State Board Volunteer Luncheon on April 1. Angela Brosnan and Christina Delzingaro agreed to attend.

Margaret Walsh highlighted the Omnibus Mental Health Reform Bill. The bill addresses issues of emergency custody and court-ordered mandatory outpatient treatment (MOT). The final bill as passed is a middle of the road answer to the broad spectrum of proposed bills that would have put heavier restrictions on the rights of consumers. Chuck Collins, Regional Advocate for Region I, summarized the impact of language changes on involuntary commitment.

Margaret Walsh presented a draft Wallet Guide that the human rights office plans to print for distribution. The wallet guide will list advocate contact information and briefly summarize basic rights.

Margaret Walsh stated that the office is currently working with consumer organizations and providers to revise the human rights brochure.

**10:00 a.m. Break**

**REGULAR MEETING**

**10:15 a.m.**

**COMMITTEE MEMBERS PRESENT**

Christina Delzingaro, Vice-Chair  
Angela Brosnan  
Delores Archer  
Donald Lyons  
Jannie Robinson  
Carmen Thompson

**NOT PRESENT**

Kirby Wright, Chair  
Joseph Lynch  
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**HUMAN RIGHTS STAFF PRESENT**

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James O. Bowser, Jr., Regional Human Rights Advocate, Region IV

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Beverly W. Garnes, Human Rights Advocate, Southside Virginia Training Center

M. Ansley Perkins, Human Rights Advocate, Central State Hospital

Carrie Flowers, Human Rights Advocate, CSH Forensics and Hiram Davis Medical Center

Willie Barnes, Human Rights Advocate, Eastern State Hospital

Gianna Mitchell, Human Rights Advocate, Eastern State Hospital

Stewart Prost, Human Rights Advocate, Southeastern Virginia Training Center

**OTHER STAFF PRESENT**

Raymond Ratke, DMHMRSAS Chief Deputy and Special Advisor on Children's Services

Janet Lung, Manager of Child and Family Services

**OTHERS PRESENT**

Brenda Coleman, Disability Rights Advocate, Virginia Office for Protection and Advocacy

Kelly Fried, Strategic Manager for Quality Improvement, Chesterfield Community Services Board

Scott Cook, Executive Director, Hallmark Youthcare

Gayzelle Eggleston-Thomas, Program Director, Hallmark Youthcare

Michael Henderson, MSW, Assistant Program Director, Hallmark Youthcare

**Welcome / Call to Order**

The March 7, 2008 meeting of the State Human Rights Committee was called to order by Ms. Christina Delzingaro, Vice-Chairperson. Ms. Delzingaro asked committee members and human rights staff to introduce themselves for those present.

Ms. Kelly Fried, Strategic Manager for Quality Improvement, Chesterfield Community Services Board, welcomed the committee to the program and provided a brief description of the services provided and the population served.

**Minutes**

The minutes of the January 25, 2008 State Human Rights Committee meeting were approved as corrected.

**DI 112(TX)08: Smoking and Tobacco Use**

The committee reviewed the final Departmental Instruction 112(TX)08 - Smoking and Tobacco Use.

Gianna Mitchell, Human Rights Advocate, Eastern State Hospital, reported that there was some resistance to adhering to the ban on tobacco use but consumers and staff are adjusting to the change. Charles T. Collins, Regional Human Rights Advocate, Region I, reported that there have been no official complaints at Western State Hospital. Western State Hospital had smoking cessation courses and offered supports for staff before the implementation of the no-smoking directive. Beverly W. Garnes, Human Rights Advocate, Southside Virginia Training Center, reported that there is one elderly consumer who is still allowed to smoke due to the negative impact that cessation would have on her at this time. Stewart Prost, Human Rights Advocate, Southeastern Virginia Training Center, reported that the one individual affected by the directive was already on the nicotine patch. Some staff grumbled about it but they are complying. Deb Lochart, Regional Human Rights Advocate, Region II, reported that one staff member at Northern Virginia Training Center initially complained but all are now complying. Carrie Flowers, Human Rights Advocate, CSH Forensics and Hiram Davis Medical Center, reported that since the directive has been in place one person has smoked and their grounds privileges were temporarily removed. No further problems have been reported.

### **Public Comment Period 10:30 TO 10:45**

Christina Delzingaro 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 committee continued with regular business.

### **2007 Annual Regional Human Rights Staff Activities and Statistical Reports**

Reginald T. Daye, Willie Barnes, Gianna Mitchell and Stewart Prost, human rights staff of region V, presented an overview of their 2007 human rights activities. The SHRC also received a copy of the region's comprehensive written annual report.

### **Variance**

#### **Hallmark Youthcare**

12 VAC 35-115-110, B16, Time Out Structured Living Policy

James O. Bowser, Jr., Regional Human Rights Advocate, Region IV, and Carrie Flowers, Human Rights Advocate, introduced Gayzelle Eggleston-Thomas, Program Director, Michael Henderson, MSW, Assistant Program Director, and Scott Cook, Executive Director, of Hallmark Youthcare in Richmond, Virginia. Mr. Bowser stated that the program is requesting a variance to the proper implementation of the Time-Out Requirements under 12 VAC 35-115-110, B16, of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services*.

Ms. Eggleston-Thomas provided background on the program's philosophy and full range of services. Michael Henderson stated that the requested variance extends the 30 minute time limit of time-out while using their Structured Living procedure. Mr. Henderson further stated that the variance would only be utilized after all other less restrictive interventions have been taken and are not successful.

Mr. James Bowser recommends approval of the policy.

**Upon a motion made by Carmen Thompson and seconded by Angela Brosnan, the variance to 12 VAC 35-115-110, B16, *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services*, was approved for six months with a report to be submitted to the SHRC for review during the September 5, 2008 meeting. The motion passed by a vote of 5 to 1.**

### **Presentation**

#### **Children and Adolescent Services**

Ray Ratke, Chief Deputy and Special Advisor on Children's Services, and Janet Lung, Manager, Office of Children's Behavioral Health, DMHMRSAS, provided information on the departments activities in the area of children's behavioral health. Mr. Ratke talked with the committee about how services are delivered and the initiatives in place for improving outcomes for children and families.

#### **Virginia Beach Psychiatric Center Annual Update**

The State Human Rights Committee reviewed the annual report for a variance to 12 VAC 35-115-110, Time Out, for Virginia Beach Psychiatric Center. Mr. Reginald T. Daye, Regional Advocate for Region V, reported that the program has made a change to the policy regarding notification. The committee accepted the Virginia Beach Psychiatric Center's annual time out variance update for the use of the Structured Living Policy.

#### **Virginia Center for Behavioral Rehabilitation**

The SHRC reviewed the Advocate Monthly Report for Virginia Center for Behavioral Rehabilitation for January 2008 from Anne P. Stiles, Human Rights Advocate.

### **LHRC Membership**

**A 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.**

Harrisonburg-Rockingham CSB LHRC

Appoint:

Ms. Sandra Mongold

Prince William LHRC

Appoint:

Ms. Karen Trader-Leigh

Reappoint:

Ms. Myra Wilson

Ms. Hattie - Payne

Petersburg Regional LHRC

Appoint:

Ms. Michaele McKeever-Davis

Central State Hospital LHRC

Appoint:

Ms. Randi L. Key

Portsmouth Regional LHRC

Reappoint:

Mr. Raymond Peele, II

Ms. Sherri McGriff

Norfolk Regional LHRC

Appoint:

Ms. Kelly Wilson

Margaret Walsh reported that as a result of recent re-codification it is now possible to appoint department employees to serve on local human rights committees that do not provide oversight to their facility.

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

Respectfully submitted,

Christina Delzingaro  
Vice Chair