

**STATE HUMAN RIGHTS COMMITTEE
MEETING MINUTES
Richmond Behavioral Health Authority
107 South 5th Street
Richmond, Virginia, 23219-3825
Friday, March 8, 2002**

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

COMMITTEE MEMBERS PRESENT

Peter McIntosh, Co-Chairman
Joyce Bozeman
Jim Briggs
Carol Gittman
Mike Marsh
Linda Martin
Loretta Redelman

OTHER STAFF PRESENT

Margaret Walsh, State Human Rights Director
Musa Ansari, Assistant State Human Rights Director
Kli Kinzie, Executive Secretary
Mary W. Towle, Regional Human Rights Advocate, Region II
James O. Bowser, Jr., Regional Human Rights Advocate, Regional IV
Reginald T. Daye, Regional Human Rights Advocate, Region V
Ann Petrie, Facility Human Rights Advocate, NVMHI
Beverly Garnes, Facility Human Rights Advocate, Southside Va Training Center

OTHERS PRESENT

Dana M. Johnson, Assistant Attorney General
Rita Hines, Manager of Quality and Compliance, Richmond Behavioral Health Authority
Laura Nguyen, Inpatient Human Rights Advocate, Richmond Behavioral Health Authority

ISSUES:

The committee discussed issues of current interest. Margaret Walsh provided a summary

of procedures for reviewing variance requests.

PUBLIC MEETING
10:15 a.m.

COMMITTEE MEMBERS PRESENT:

Peter McIntosh, Co-Chairman
Joyce Bozeman
Jim Briggs
Carol Gittman
Michael Marsh
Linda Martin
Loretta Redelman

STAFF PRESENT:

Margaret Walsh, State Human Rights Director
Musa Ansari, Assistant State Human Rights Director
Kli Kinzie, Executive Secretary
Mary W. Towle, Regional Human Rights Advocate, Region II
Nancy C. Neese, Regional Human Rights Advocate, Region III
James O. Bowser, Jr., Regional Human Rights Advocate, Regional IV
Reginald T. Daye, Regional Human Rights Advocate, Region V
Ann Petrie, Facility Human Rights Advocate, NVMHI
Beverly Garnes, Facility Human Rights Advocate, SEVTC

OTHERS PRESENT:

Dana M. Johnson, Assistant Attorney General
Rita Hines, Manager of Quality and Compliance, Richmond Behavioral Health Authority
Laura Nguyen, Inpatient HR Advocate, Richmond Behavioral Health Authority
Debra Goldstein, Administrator, The Pines Residential Treatment Center
Carol Ulrich, Member, NVMHI LHRC
Dana Traynam, Department for the Rights of Virginians with Disabilities
L. William Yolton, NAMI Consumer Advocate
Willis Spalding, Counselor for William Yolton
Diane Angster, Attorney, NAMI Member
Carol E. Mayo, RBHA LHRC Member
RD, Consumer, Northern Virginia Mental Health Institute
Kimberly Parson, Facility Administrator, Genesis Treatment Center
Aaron Baack, Assistant Facility Administrator, Genesis Treatment Center

CALL TO ORDER:

The March 8, 2002, meeting of the State Human Rights Committee was called to order by Co-Chairman Peter McIntosh. Mr. McIntosh introduced Rita Hines, Manager of Quality and Compliance, Richmond Behavioral Health Authority (RBHA).

Ms. Hines welcomed the committee and the staff of the DMHMRSAS Office of Human Rights to RBHA. Ms. Hines Introduced Laura Nguyen, Inpatient Human Rights Advocate for the Richmond Behavioral Health Authority. Mr. McIntosh thanked Ms. Hines for extending the invitation to the committee to meet at RBHA. Mr. McIntosh lead the committee members in introducing themselves to those present. Advocates and staff of the Office of Human Rights introduced themselves. Other individuals present introduced themselves.

MINUTES:

The minutes of the January 25, 2002 State Human Rights Committee meeting were approved as corrected, with one abstention.

REVIEWS/APPEALS:

LHRC Personnel Matter

The State Human Rights Committee, members of the Northern Virginia Mental Health Institute, and others present discussed whether a member of an LHRC is entitled or allowed, while retaining their membership, to recuse themselves from a case in order to act as an expert witness for the case or to act as an advocate for the individual consumer involved in the case.

R.D., consumer, requested the discussion continue in closed session.

The motion was made and unanimously passed to go into closed session pursuant to Virginia Code §2.1-344 A (15) for the purpose of discussing a personnel issue. Ann Petrie, Mary Towle, R.D., Dana Traynam, Willis Spalding, Diane Angster, Musa Ansari, William Yolton, Margaret Walsh, Dana M. Johnson, Kli Kinzie, and members of the State Human Rights Committee were allowed to stay.

Ann Petrie and Mary Towle opted to leave the room.

Upon reconvening in public 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 Closed Session were discussed in the Closed Session.

VARIANCES:

Variance requests for Central State Hospital and Blue Ridge Behavioral Healthcare were removed from the agenda.

Genesis Treatment Center

Mr. Reginald T. Daye, Regional Advocate, Region V, introduced Ms. Kimberly Parson, Facility Administrator and Mr. Aaron Baack, Assistant Facility Administrator, of Genesis Treatment Center. Ms. Parson described the Genesis Treatment Center as a private, for profit program designed to provide residential services to clients ranging in age from 12 through 21 years.

Mr. Daye indicated that the Genesis Treatment Center is requesting a variance to the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services: 12 VAC 35-115-110*, The program wishes to be granted a variance to Item B13, Use of Seclusion, Restraint and Time Out.

Mr. Daye indicated that approval of the variance would allow the program to implement its structured living policy, which exceeds the regulatory requirement 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 one-year period the Genesis Treatment Center variance request and structured living policy subject to the following modifications and reporting requirements:

Genesis Treatment Center Structured Living Policy Item 9 should be changed to read, “The program shall notify the LHRC and Regional Advocate immediately if a resident’s placement on structured living must extend past 10 days. The LHRC will convene and the facility shall request the LHRC’s approval of a continuation of the structured living program, not to exceed an additional 5 days. Structured Living shall not go sequentially beyond 15 days.”

The program must also comply with the following requirements. These requirements should be listed as part of the structured living policy:

All violations of the structured living policy be reported to the Regional Advocate within 24 hours.

All cases which involve the use of structured living be presented to the Local Human Rights Committee on a quarterly basis.

The program provide an annual report to the State Human Rights Committee on the use of the structured living policy. This should include details of any violations of the policy and a comparison of the total use of structured living during the reporting year with that of the previous year.

Pines Residential Treatment Center

Mr. Reginald T. Daye, Regional Advocate, Region V, introduced Ms. Debra Goldstein, Senior Administrator of the Pines Residential Treatment Center.

Ms. Goldstein described the Pines Residential Treatment Center as a private, for profit program, designed to provide intensive treatment to adolescents in a highly structured, therapeutic environment. Ms. Goldstein further stated that the proposed variance will cover the following campuses: Crawford, Kempsville, and Brighton.

Mr. Daye indicated that the Pines Residential Treatment Center is requesting a variance to item B13, 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*: 12 VAC 35-115.

Mr. Daye indicated that approval of the variance would allow the program to implement its structured living policy, which exceeds the regulatory requirement 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 the Pines Residential Treatment Center variance request and structured living policy for a one-year period subject to the following modifications and reporting requirements:

The Pines Residential Treatment Center structured living policy, Action 7, should be changed to read, “Structured living protocol may not be utilized more than two (2) times in a six (6) month period. If the resident is still not progressing in treatment, the case will be submitted to the Critical Consultation Committee for review, and alternative placement may be considered or continued treatment with changes to the treatment plan may be recommended. If continued treatment is recommended, and the structured living protocol is going to be considered for use again, the case must be reviewed by the local human rights committee (LHRC). The LHRC may approve structured living, not to exceed an additional five (5) days. Structured living shall not go sequentially beyond 15 days.”

The program must also comply with the following requirements. These requirements must be listed as part of the structured living protocol:

- 1. All violations of the structured living protocol be reported to the Regional Advocate within 24 hours.**
- 2. All cases which involve the use of structured living be presented to the Local Human Rights Committee on a quarterly basis.**
- 3. The program provide an annual report to the State Human Rights**

Committee on the use of the structured living protocol. This should include details of any violations of the policy and a comparison of the total use of structured living during the reporting year with that of the previous year.

LHRC MEMBERSHIP:

The motion was made and passed that the State Human Rights Committee go into closed session pursuant to Virginia Code §2.1-344 A (15) for the purpose of reviewing Local Human Rights Committees.

Upon reconvening in public 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 Closed Session were discussed in the Closed Session.

The motion was made and passed by a vote of 6 to 1 that Co-Chair McIntosh is authorized to draft a letter that will state the SHRC's removal of William Yolton from the Northern Virginia Mental Health Institute Local Human Rights Committee because of his lack of understanding of the importance of confidentiality.

The motion was made and passed that the State Human Rights Committee go into closed session pursuant to Virginia Code §2.1-344 A (15) for the purpose of reviewing Local Human Rights Committee nominations. Only those individuals deemed necessary for the process remained.

Upon reconvening in open session, the Committee unanimously voted to recommend appointment of the following applicants to their respective Local Human Rights Committees.

Presbyterian Homes & Family Services

Appointment

Kelly D Matthews

Alexandria Community Services Board

Appointment

Christine Senseman

Middle Peninsula / Northern Neck CSB

Appointment

Barbara Gray Vest

Barry Robinson Center

Appointment

N. George Boothby

Valley Community Services Board

Appointment

Lynda Marsella

Action on the recommended appointments to the Northern Virginia Mental Health Institute Local Human Rights Committee was tabled pending further review of the NVMHI LHRC Bylaws.

State Human Rights Director's Report:

Margaret Walsh, State Human Rights Director, reported on the following items:

- SHRC Membership: An individual has been identified to fill the vacant position on the committee. Carol Gittman reported on the applicant's experience. A letter of recommendation for the appointment will be sent to the State MHMRSAS Board.
- Member terms of Loretta Redelman and Jim Harper will expire on June 30, 2002. Ms. Redelman and Mr. Harper were asked to lead the search for two members to replace them.
- Loretta Redelman and Jim Harper were asked to make recommendations for the election of new officers.
- Ms. Walsh reported on a recent LHRC hearing in Northern Virginia.
- Ms. Walsh gave the dates for Spring Human Rights training sessions:
 - April 29 - Western State Hospital, Staunton
 - May 24 - Northern Virginia, Fairfax
 - May 15 - Richmond
 - June 6 - Omni, Newport News
 - June 21 - Virginia Tech, BlacksburgMs. Walsh recommended SHRC members attend sessions in their respective areas.
- The committee was given a copy of Dr. Reinhard's reminder to all providers of the compliance schedule for the new regulations.
- An article regarding allegations made against the Millmont Center in Charlottesville was provided to the committee. A hearing was held March 7, 2002. Corporate personnel have been brought in to conduct an investigation.

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

Respectfully submitted,

Peter McIntosh, Co-Chair
State Human Rights Committee