

**State Human Rights Committee
Meeting Minutes**
Goochland-Powhatan Community Services Board
Goochland Office
3910 Old Buckingham Road
Powhatan, VA 23139
Friday, March 9, 2007

ADMINISTRATIVE MEETING

8:30 a.m.

COMMITTEE MEMBERS PRESENT

Michael Marsh, Chairperson
Delores Archer
Joyce Bozeman
Christina Delzingaro
Joseph Lynch
Kirby Wright
Davey Zellmer

NOT PRESENT

Angela Brosnan, Vice-Chairperson
Carmen Anne Thompson

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
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Michael Curseen, Patient Advocate, Central State Hospital
Carrie Flowers, Facility Human Rights Advocate, CSH Forensics, and Hiram Davis
Medical Center

OTHER STAFF PRESENT

Karen Walters, DMHMRSAS Special Counsel

OTHERS PRESENT

Susan Bergquist, Executive Director, Goochland-Powhatan CSB

Bill Desmond, Staff to LHRC, Goochland-Powhatan CSB

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

Mark Stevens, Disability Rights Advocate, Virginia Office for Protection and Advocacy

Zachary S. DeVore, Staff Attorney, Virginia Office for Protection and Advocacy

Ruth Ann Walker, Office of Legislation and Public Relations, DMHMRSAS

Karen Walters, DMHMRSAS Special Counsel

Jennifer Barker, Patient Rights Coordinator, Central State Hospital

Dr. Michael Marsh, Chairperson, opened the administrative session of the State Human Rights Committee.

SHRC Workplan

Margaret Walsh, State Human Rights Director, presented the revised SHRC workplan and asked committee members to determine timelines for achieving the listed goals. A subcommittee of Christina Delzingaro, Davey Zellmer and Kirby Wright was appointed to develop any additional survey language needed by September 2007. Joseph Lynch and Margaret Walsh will research programs in other states that have facilities similar to VCBR to identify mechanisms for evaluating the effectiveness of human rights programs for sexually violent predators. Joseph Lynch will report during the June 1 meeting in Marion.

Joseph Lynch attended the Western State Hospital LHRC meeting and plans to attend the next Valley CSB LHRC meeting.

Mr. Bill Desmond, Staff to the LHRC for Goochland-Powhatan CSB, provided the committee with a tour of the building.

Deb Lochart, Regional Human Rights Advocate for Region II, will submit the Meet the Advocate column for the Spring issue of *Human Writes*. Margaret Walsh will write an update on the revision of the Human Rights Regulations and announce the human Rights Seminar. Sherry Miles, Regional Human Rights Advocate for Region VI, will submit the name of an outstanding LHRC member for Davey Zellmer to interview. Margaret Walsh suggested the SHRC develop a mechanism for getting feedback on the newsletter during the Seminar.

The SHRC decided to add Review of SHRC Bylaws to the workplan.

Michael Marsh, Christina Delzingaro, Joseph Lynch, Kirby Wright and Davey Zellmer will attend the State MHMRSAS Volunteer Luncheon on April 3.

The SHRC received copies of the Consumer Satisfaction Survey 2005 Annual Report.

10:00 a.m. Break

REGULAR MEETING

10:15 a.m.

COMMITTEE MEMBERS PRESENT

Michael Marsh, Chairperson

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Christina Delzingaro

Joseph Lynch

Kirby Wright

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Zachary S. DeVore, Staff Attorney, Virginia Office for Protection and Advocacy

Jennifer Barker, Central State Hospital

Chana Ramsey, Chairperson, Central State Hospital Local Human Rights Committee

Jane Clayborne, Central State Hospital Local Human Rights Committee

Ruth Mawyer, Director of Nursing, Virginia Beach Psychiatric Center
Ruth Ann Walker, Office of Legislation and Public Relations, DMHMRSAS
Karen Walters, DMHMRSAS Special Counsel

Welcome / Call to Order

The March 9, 2007 meeting of the State Human Rights Committee was called to order by Dr. R. Michael Marsh, Chairperson. All present introduced themselves.

James O. Bowser, Jr., Regional Advocate for Region IV, introduced Susan Bergquist, Executive Director of Goochland-Powhatan Community Services Board. Ms. Bergquist welcomed the committee to the program.

Minutes

The minutes of the January 26, 2007, State Human Rights Committee meeting were unanimously approved as submitted.

Bylaws

NOVA LHRC Bylaws Modification

Deb Lochart, Regional Human Rights Advocate for Region II, presented the bylaws for NOVA Local Human Rights Committee. Ms. Lochart reported that the LHRC has added language concerning excused versus unexcused absences from LHRC meetings.

A motion was made and unanimously passed to approve the NOVA LHRC Bylaws modification.

Virginia Center for Behavioral Rehabilitation

The SHRC received the VCBR Advocate Report for January 2007. Margaret Walsh spoke briefly about the Level 3 Appeal Responses received since the last SHRC meeting. The VCBR review committee has determined that these complaints are not founded abuses, but some have lead to policy changes. A numbering system is being developed to track complaints and appeals. Christina Delzingaro requested that Anne Stiles, Human Rights Advocate, add follow-up reports to Level 3 Appeal Responses to her Monthly Advocate Reports, which describe changes in policies or practices that result from complaints and appeals. These changes will be noted as quality improvements.

Variance

Virginia Beach Psychiatric Center

Mr. Reginald T. Daye, Regional Advocate, introduced Ms. Ruth Mawyer, Director of Nursing for the Virginia Beach Psychiatric Center. Ms. Mawyer provided a brief overview of the services offered by the Virginia Beach Psychiatric Center and the population of adults and adolescents affected by the variance and policy.

Mr. Daye indicated that the Virginia Beach Psychiatric Center is requesting a variance to Section 12 VAC 35-115-110, 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* (Human Rights Regulations).

A motion was made and passed to approved 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 the structured living policy as submitted.

Virginia Beach Psychiatric Center Update – Case Number 04-06

Ms. Ruth Mawyer, Director of Nursing for the Virginia Beach Psychiatric Center, provided an update on the status of the corrective action plan approved by the State Human Rights Committee with regard to case number 04-06. Ms. Mawyer indicated that the accordion doors are on order and once received, will be placed on all of the bathroom doors on the patient rooms. It was also noted that the bathroom doors near the time out rooms are already equipped with regular wooden doors. Ms. Mawyer indicated that she would provide an update once all of the vinyl doors are installed.

Public Comment Period 10:30 TO 10:45

Dr. Marsh 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.

Chuck Collins, Regional Advocate for Region I, announced that Joseph Lynch will receive the Lifetime Achievement Award from the Virginia Chapter of Social Workers on Saturday, March 11.

Smoke-Free DMHMRSAS Campuses

Margaret Walsh presented Commissioner Reinhard's communication regarding smoke-free environments at state facilities, which will go into effect on October 10, 2007. The granting and withholding of smoking privileges is a powerful behavior modification tool, and has been used as such as recent as the 1990s.

Michael Marsh stated that he hopes the facilities have programs in place that lead up to and celebrate the ceasing of smoking on state grounds. Christina Delzingaro stated that it is important to remember that in years past the department has promoted smoking as a therapeutic approach to relieve anxiety.

Ms. Delzingaro asked for feedback from the advocates. Chuck Collins responded that he is opposed to the program to stop smoking on facility grounds. Western State Hospital has a Psychiatrist on staff who is spear heading the facility's approach and working with the clients. Margaret Walsh informed the committee of a communication from Randy Urgo, Patient Advocate at Western State Hospital, in which Mr. Urgo states that there will be some new group therapy sessions formed to give support to clients as they stop smoking. Deb Lochart, Regional Advocate for Region I, stated that there are one or two smokers at Northern Virginia Training Center, and she does not anticipate strong resistance to the smoking cessation program. Northern Virginia Mental Health Institute has formulated a plan to address the needs of consumers and staff who smoke. Sherry Miles, Regional Advocate for Region VI, reported that Central Virginia Training Center has more staff than clients who smoke, and that staff have asked for an extension of the October 10 deadline.

Review

Central State Hospital LHRC Request for SHRC Review of Abuse Case 703-2005-0107

Michael Curseen, Human Rights Advocate, introduced Ms. Chana Ramsey, Central State Hospital Local Human Rights Committee Chairperson, and Ms. Jane Clayborne, Central State Hospital LHRC member.

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.

Mr. Curseen presented a summary of abuse case # 703-2005-0105 to the committee, followed by Ms. Ramsey's summary of the questions raised to the SHRC for guidance and recommendations. Specifically, the CSH LHRC asks, if during the course of an abuse investigation it is determined that staff failed to intervene either physically or verbally and failed to report the incident as required by Department Instruction 201, should the staff's lack of action be viewed as possible neglect?

Ms. Ramsey also addressed an apparent inconsistency concerning the Hospital Director's access to mechanisms which led to the department's official investigative finding to be overturned. Mr. Curseen pointed out that according to the Rules and Regulations, neither the client nor the advocate may appeal the investigative findings but are limited to appealing a director's action plan. Mr. Curseen followed up by inquiring why a director would find it necessary to submit an action plan if the investigative findings indicated that there was no abuse or neglect.

The SHRC agreed that the types of issues involved in this situation should be addressed on a case-by-case basis. Ms. Delzingaro suggested that Mr. Curseen and the Central State Hospital Local Human Rights Committee utilize the formal complaint resolution process for cases in which it is believed that a client's right to be protected from harm, abuse, neglect or exploitation has occurred and that if an advocate is unable to obtain a satisfactory resolution from a director, an appeal of the director's action plan or lack of action may then be submitted to the LHRC.

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.

Rappahannock-Rapidan CSB LHRC

Reappoint::

Ms. Mary Jolly

Rappahannock Area CSB LHRC

Reappoint::

Mr. Brian Jackson

Alexandria LHRC

Appoint:

Ms. Holly Stachelski

Ms. Marissa C. Brown

Hiram W. Davis

Appoint:

Ms. Pamela Waitkus

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

Respectfully submitted,



R. Michael Marsh, Ph.D.
Chairperson