

**State Human Rights Committee
DMHMRSAS
Meeting Minutes**
Western State Hospital
1301 Richmond Road
Jeffries Building Classroom
Staunton, Virginia 24401
Friday, April 18, 2008

ADMINISTRATIVE MEETING
8:30 a.m.

COMMITTEE MEMBERS PRESENT

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

NOT PRESENT

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
Nancy C. Neese, Regional Human Rights Advocate, Region III
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
Mark Seymour, Child and Adolescent Advocate, Regions I & II

OTHERS PRESENT

Randy Johnsey, SHRC Applicant, Chair of Southwest Regional Human Rights Committee

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

Mr. Kirby Wright, Chair, opened the administrative session of the State Human Rights Committee meeting at 8:35 a.m.

The SHRC received a copy of Pioneer Press, the monthly newsletter created by the residents, for the residents, of Eastern State Hospital.

SHRC Goals Review

Christina Delzingaro reported that the System Transformation Committee has not met to discuss Goal #2 and whether additional language might be appropriate.

Margaret Walsh reported that the residents of Virginia Center for Behavioral Rehabilitation have organized a group through which they voice their complaints. Ms. Walsh plans to meet with staff at VCBR and will use that opportunity to discuss residents rights issues with staff.

Margaret Walsh will invite Russell Payne, Community Support Specialist for the Office of Mental Health/Community Support Services, to the July 2008 meeting for his yearly discussion of Ready for Discharge. Carmen Thompson emphasized the importance of staying on top of issues related to youth in transition.

Margaret Walsh suggested the SHRC receive an update on the activities of the Inspector General's Office during the September meeting. The committee can then consider whether they need an update on the Community Services Boards.

Margaret Walsh will invite a representative from the Office of Licensing to the October SHRC meeting.

Margaret Walsh suggested the committee receive training on promoting provider choice and the licensing process at the December 2008 SHRC meeting.

The committee will review the human rights program for the Virginia Center for Behavioral Rehabilitation when they meet at VCBR on May 30.

SHRC Annual Report

Chairman Wright thanked Margaret Walsh for her work in drafting the 2007 SHRC Annual Report. The committee discussed the role of the SHRC and LHRCs in the hiring of the Human Rights Director and Human Rights Advocates. SHRC members updated their profiles for the report.

Virginia Center for Behavioral Rehabilitation

Margaret Walsh provided an update on VCBR. The facility has been moved to Burkeville. There have been numerous complaints from residents, mostly having to do with the logistics of moving to a new location. The resident rooms are pre-fabricated cells generally used by the Department of Corrections. The beds, which are built into the pre-fabricated units, are 26" wide. Many residents have complained that the beds are too narrow to sleep on as there is not enough room to turn over. One solution may be to get beds from the old Dinwiddie location.

The telephone system used at VCBR is leased from Pay-Tel Communications, Inc., which provides phone service to the Department of Corrections. The system does not allow for calling to toll-free lines and all destination phone numbers must be keyed into the system in advance. It is a good system because it restricts calls but the cost for the system is considerably higher than standard telephone service. Residents complain that the high cost of the system restricts them from calling their families and other supports, such as attorneys. Many residents have asked that the system be replaced so they may use a system comparable in price to using calling cards.

Overall, residents like the new facility. The food is very good and residents are getting involved in activities.

Margaret Walsh reported that she spoke to Commissioner Reinhard and the State MHMRSAS Board regarding VCBR's interest in having a Local Human Rights Committee. On April 17 Ms. Walsh spoke to the Piedmont Geriatric Hospital (PGH) LHRC about providing LHRC services to the residents of VCBR. Ms. Walsh asked that the SHRC take proactive steps to send the LHRC a formal invitation to the May 30, 2008 SHRC meeting to further discuss becoming the local committee for VCBR.

The Committee, Ms. Walsh and Advocates present asked questions and discussed options for the Level 3 Complaint process and appeals for VCBR. The SHRC recommends to maintain the same process but to transfer Level 3 responsibility from the SHRC to the PGH/VCBR LHRC when the LHRC accepts local committee responsibility for VCBR. The PGH LHRC may use a trial period to adjust to taking on VCBR and then evaluate their effectiveness as the VCBR LHRC as well as consider their willingness to do so. Margaret Walsh suggested that a member of SHRC act as special liaison to the LHRC. Joe Lynch accepted the assignment of Special Liaison to the PGH/VCBR LHRC.

The SHRC and Office of Human Rights will develop a Level 4 for appeals of Level 3 complaint responses. The SHRC will finalize the details of its relationship to the LHRC during the May 30 meeting.

Sub-Committee Reports

SHRC Membership Committee

Delores Archer reported that she had a few applicants for the SHRC. Ms. Archer introduced Mr. Randy Johnsey, SHRC applicant, to the committee.

Nominating Committee

Christina Delzingaro reported on the activities of the officer nominating sub-committee. The sub-committee recommended Kirby Wright serve as SHRC Chair and Christina Delzingaro serve as Vice-Chair for another year. No motion was made at this time.

Margaret Walsh reported that the Henrico LHRC has suspended services because of non-reporting of certain information to the LHRC. Ms. Walsh will attend meeting on June 3, and asked that a SHRC member attend the meeting with her to support a peaceful resolution. Christina Delzingaro accepted.

10:15 a.m. Break

Chairman Wright called for a 15 minute break at 10:15.

REGULAR MEETING

10:30 a.m.

COMMITTEE MEMBERS PRESENT

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

NOT PRESENT

Davey Zellmer

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Reginald T. Daye, Regional Human Rights Advocate, Region V
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Mark Seymour, Child and Adolescent Advocate, Regions I & II
Randy Urgo, Human Rights Advocate, Western State Hospital

OTHERS PRESENT

Mary Clare Smith, MD, Medical Director for Western State Hospital
Randy Johnsey, SHRC Applicant, Chair of Southwest Regional Human Rights
Committee

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

Pamela J. Davies, Director of Behavioral Health Services, Augusta Medical Center

Taylor Davis, Program Manager of Crossroads, Augusta Medical Center

Welcome / Call to Order

The April 18, 2008 meeting of the State Human Rights Committee was called to order by Mr. Kirby Wright, Chairperson. Dr. Mary Clare Smith, MD, Medical Director for Western State Hospital welcomed the SHRC to the facility. Chairman Wright asked committee members and human rights staff to introduce themselves for those present.

Minutes

The minutes of the March 7, 2008 State Human Rights Committee meeting were unanimously approved as submitted.

Public Comment Period 10:30 TO 10:45

Kirby Wright 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.

Variances

Augusta Medical Center

Charles T. Collins, Regional Human Rights Advocate for Region I, and Randall J. Urgo, Human Rights Advocate, presented the Variance request to 12 VAC 35-115-110, C17, Seclusion, for Augusta Medical Center. Mr. Collins introduced Pamela Davies, Director of Behavioral Health Services, and Taylor Davis, Program Manager of Crossroads, Augusta Medical Center, to the SHRC. Ms. Davies and Mr. Taylor summarized the variance request which, if approved, would allow for the use of a surveillance camera in lieu of an observation window for the seclusion room. Ms. Davies stated that the surveillance camera allows for 360 degrees of observation and that there would be a staff person directly outside the seclusion room in case of emergency. Mr. Taylor stated that the program opted against the installation of a window because the manufacturer could not guarantee the safety of persons in the seclusion room if a hard surface, such as a window, was installed.

Mr. Collins stated that he is, respectfully, opposed to approval of the variance on the grounds that the provider has not met its burden under the regulations, section 12

VAC 35-115-220, A, to show that it “has tried to implement the relevant requirement without a variance and can provide objective, documented information that continued operation without a variance is not feasible or will prevent the delivery of effective and appropriate services and supports to individuals.” Section 12 VAC 35-115-110, C17 specifically requires providers to monitor the use of “...seclusion through continuous face-to-face observation, rather than by an electronic surveillance device.”

Mr. Urgo reported that the only question the LHRC had for the program pertained to a backup plan.

Ms. Davies reported that no consumers have complained about the lack of a window.

Carmen Thompson stressed the importance of the person in the seclusion room being able to see a person on the other side of the door. Angela Brosnan stated that if the time frame for installation of a window is not prohibitive, they should certainly have the window installed.

A motion was made by Christina Delzingaro and seconded by Carmen Thompson to not approve the variance to 12 VAC 35-115-110, C17 for Augusta Medical Center. The program has until July 11, 2008 to have an observation window installed in the seclusion room. The motion passed by a vote of 7 with 1 abstention.

2007 Annual Regional Human Rights Staff Activities and Statistical Reports

Nancy C. Neese, Regional Human Rights Advocate, Region III, presented an overview of staff activities in 2007 for the southwest region. The SHRC also received a copy of the region’s comprehensive written annual report.

Ms. Neese thanked the SHRC for their vigilance in protecting rights of consumers.

VCBR

The advocate monthly report was received and reviewed.

Kirby Wright reviewed a letter from Northern Virginia Training Center LHRC. The SHRC will send a letter in support of the LHRC and copy Dr. Reinhard or ask him to look into their issues.

Bylaws

Virginia Beach Area LHRC

Reginald T. Daye, Regional Human Rights Advocate, presented draft Bylaws for the newly formed Virginia Beach Area Local Human Rights Committee. Mr. Daye reported that the first appointed members have already been trained, and that they

drafted bylaws at their last meeting. The Bylaws are consistent with the new regulations. Mr. Daye is in support of the bylaws as written.

A motion was made by Carmen Thompson and seconded by Jannie Robinson to approve the Bylaws for Virginia Beach Area LHRC. The motion passed unanimously.

Margaret Walsh presented the State MHMRSAS Board volunteer recognition award to the SHRC. Kirby Wright accepted the award on behalf of the committee.

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.

A motion was made and passed to remove Mr. Tim Eberly from membership on the Eastern State Hospital Local Human Rights Committee due to lack of attendance.

The motion was made and unanimously passed to appoint the following applicants to the specified local human rights committees.

Commonwealth Center for Children and Adolescents

Appoint:

Mr. James Strock

Rappahannock Area CSB LHRC

Appoint:

Ms. Michaeline Galik

Reappoint:

Ms. Lisa Von Dohlen

Ms. Karen Dulaney

Western State Hospital LHRC

Reappoint:

Ms. Deborah Harris

Ms. Lyskoski Washington

Valley CSB LHRC

Reappoint:

Ms. Marita Rhodes

Northern Virginia Hospitals LHRC

Reappoint:

Ms. Betty Jo McDevitt

Mount Rogers LHRC

Reappoint:

Mrs. Ann Harrison

Mrs. Chris Bird

Dr. John McClane

New River Valley LHRC

Appoint:

Mr. Chase Niedermayer

Reappoint:

Mr. Ioannis Stivachtis

Chester Regional LHRC

Appoint:

Mr. Lawrence A. Gohlson, II

Genesis LHRC

Reappoint:

Ms. Brenda Hogg

Mr. Patrick Shunkwiler

Williamsburg Regional LHRC

Reappoint:

Mr. Timothy M. Russell

Middle Peninsula-Northern Neck LHRC

Reappoint:

Mr. Carl Reisner

Hampton Regional LHRC

Appoint:

Ms. Gloria Perdue-Newell

Central Virginia Community Services

Appoint:

Ms. Ida B. Powell

Ms. Catharine W. Montgomery

SHRC Membership

Delores Archer thanked Mr. Randy Johnsey for coming to the meeting to talk with the committee about his interest in serving on the committee. SHRC members asked Mr. Johnsey questions regarding his background and reasons for wishing to serve.

A motion was made and passed to go into closed session pursuant to Virginia Code §2.2-3711 for the purpose of considering an applicant for SHRC membership.

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.

A motion was made by Carmen Thompson and seconded by Angela Brosnan to recommend the State MHMRSAS Board appoint Mr. Randy Johnsey to the State Human Rights Committee. The motion passed unanimously.

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

Respectfully submitted,

Kirby Wright, Chair