

**State Human Rights Committee**  
**Meeting Minutes**  
Southwestern Virginia Mental Health Institute  
340 Bagley Circle  
Marion, Virginia, 24354  
Friday, June 1, 2007

**ADMINISTRATIVE MEETING**

**8:30 a.m.**

**COMMITTEE MEMBERS PRESENT**

Michael Marsh, Chairperson  
Angela Brosnan, Vice-Chairperson  
Christina Delzingaro  
Kirby Wright  
Davey Zellmer

**NOT PRESENT**

Delores Archer  
Joyce Bozeman  
Joseph Lynch  
Carmen Thompson

**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  
Sherry C. Miles, Regional Human Rights Advocate, Region VI  
Sonia Smith, Human Rights Advocate, Catawba Hospital and the Roanoke Valley  
Deborah Jones, Facility Human Rights Advocate, SWVMHI

**OTHER STAFF PRESENT**

Karen Walters, DMHMRSAS Special Counsel  
Brenda Coleman – Va Office for Protection and Advocacy  
Deidra Mathena, Chair Southwest Va Mental Health Institute LHRC

## **OTHERS PRESENT**

Ray Marsh, Interested Person

Dr. Michael Marsh, Chairperson, opened the administrative session of the State Human Rights Committee. Following introductions the Committee proceeded with administrative business.

Christina Delzingaro said the information in the annual regional reports has been illuminating and it would be helpful to include some of that information in the SHRC annual report to the State MHMRSAS Board. Davey Zellmer commented that she is impressed with the breadth of responsibility and the burden advocate's carry.

Margaret Walsh reported that she has asked Chuck Collins, Regional Human Rights Advocate for Region I, and Deb Lochart, Regional Human Rights Advocate for Region II, to attend the July 13, 2007, SHRC meeting to present annual updates.

Davey Zellmer stated that July 1 is the deadline for submitting items for the next *Human Writes* issue. She reported that the Communications committee would like to take Mr. Jim Bowser's suggestion and continue the Meet the Advocate column by highlighting other advocates after the Regional Advocates have each been featured.

Deborah Jones, Facility Human Rights Advocate for SWVMHI, said her LHRC members feel that the newsletter is a good connection to others in the human rights program, and they especially enjoy the profiles. Elizabeth Bruns, who is on two LHRCs in Region I, may be the next LHRC Honoree to be featured in the newsletter. Margaret Walsh will submit an update on the plans for a human rights seminar in the Fall.

Margaret Walsh reported that the draft human rights regulations are with the Executive Branch for review and they have been posted on the Regulatory Town Hall web site. The State MHMRSAS Board approved some changes to the draft document during the May 4, 2007 State Board meeting in Portsmouth.

Margaret Walsh reviewed the process for conducting SHRC Hearings.

## **9:15 a.m. Tour**

Chief Executive Nurse Alicia Alaverdo welcomed the SHRC to the institute on behalf of Dr. Cynthia McClaskey, Facility Director. Nurse Alaverdo and Mike Jones, Program Director, lead the committee on a tour of Southwestern Virginia Mental Health Institute.

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

## **REGULAR MEETING**

**10:15 a.m.**

### **COMMITTEE MEMBERS PRESENT**

Michael Marsh, Chairperson  
Angela Brosnan, Vice-Chairperson  
Christina Delzingaro  
Kirby Wright  
Davey Zellmer

### **NOT PRESENT**

Delores Archer  
Joyce Bozeman  
Joseph Lynch  
Carmen Thompson

### **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  
Sherry C. Miles, Regional Human Rights Advocate, Region VI  
Sonia Smith, Human Rights Advocate, Catawba Hospital and the Roanoke Valley  
Deborah Jones, Facility Human Rights Advocate, SWVMHI

### **OTHER STAFF PRESENT**

Karen Walters, DMHMRSAS Special Counsel  
Brenda Coleman, Disability Rights Advocate, Va Office for Protection and Advocacy  
Deidra Mathena, Chair Southwest Va Mental Health Institute LHRC  
Louise Garman, Member, Catawba Hospital Local Human Rights Committee  
Randy Johnsey, Chair, Southwest Regional Human Rights Committee

### **OTHERS PRESENT**

Ray Marsh, Interested Person

### **Welcome / Call to Order**

The June 1, 2007 meeting of the State Human Rights Committee was called to order by Dr. R. Michael Marsh, Chairperson. Dr. Marsh asked committee members and human rights staff to introduce themselves for those present.

Nancy C. Neese, Regional Human Rights Advocate for Region III, introduced Randy Johnsey, Chair of the Southwest Regional Human Rights Committee, and Diedre Mathena, Chair of the Southwest Mental Health Institute Local Human Rights Committee. Ms. Neese welcomed the committee to Marion Virginia and thanked them for coming to southwest Virginia. Ms. Neese introduced Lisa Berry and thanked her for her support of the human rights office.

Chairman Marsh thanked Nan and the facility for their hospitality. The committee appreciated receiving a tour of the institute. Dr. Marsh thanked Nan for her efforts in arranging the accommodations for the meeting and especially for her hospitality in having the committee and staff of the office of human rights to her home Thursday evening, May 31.

The record notes that on Thursday evening, May 31, the SHRC and staff of the Office of Human Rights were joined by Victoria Huber Cochran, Chairman of the State Mental Health, Mental Retardation and Substance Abuse Services Board, in the home of Nancy C. Neese, Regional Advocate for Region III, where Ms. Cochran presented Dr. Marsh a Resolution in honor of his services on the State Human Rights Committee.

### **Minutes**

**Upon a Motion by Kirby Wright and seconded by Christina Delzingaro the minutes of the April 20, 2007, State Human Rights Committee meeting were unanimously approved.**

### **Variances**

The model accounting variance for Piedmont Geriatric Hospital was received for the file.

### **Officers**

Officer nominations were reviewed. **Davey Zellmer nominated Kirby Wright as Chair and Christina Delzingaro as Vice-Chair for the July 1, 2007 to June 30, 2008 term. The Motion passed unanimously.**

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

The Committee received the VCBR Advocate's Report for April 2007.

Margaret Walsh reported on a Level 3 Appeal Response for E.K. The client requested access to a law library. Although there is no legal requirement to offer this to clients, Ms. Walsh, Dr. Marsh and the Office of Attorneys General are working together on allowing clients of VCBR access to a law library.

Chairman Marsh called Mr. CC Murphy's office at Virginia Center for Behavioral Rehabilitation. Ms. Cheryl Crawford, Administrative Services Coordinator, Eric Alridge, Director of Operations, and Anne Stiles, Human Rights Advocate, were present via speakerphone to answer questions on the following policies.

Medical Prosthetics – New policy

Davey Zellmer asked how payment is arranged for clients to obtain medical prosthetics. Ms. Cheryl Crawford responded that If a physician determines that a client needs eyeglasses or prosthetics the facility would provide them free of charge. If the

client wants something more or different from what the insurance policy covers, the client is responsible to pay for it.

#### Resident Computer Use - Revision

Ms. Crawford reported that this policy stated that when residents print documents for personal use they must pay for their own paper. She added that they are provided with one sheet of paper a day for writing letters.

#### Visitation - Revision

Christina Delzingaro asked how clients would get meals if they receive visitors during mealtime. Are snacks available? Cheryl Crawford and Eric Alridge briefly discussed the issues regarding visits during mealtimes with the committee. Anne Stiles answered that she would consider these questions and include a response in her next Advocate's Monthly Report. Ms. Walsh suggested that the policy be written so as not to sound as though the facility is withholding food.

#### Funeral/Deathbed Visits - Revision

Davey Zellmer asked what resources are provided for clients to visit family out of the facility. Ms. Crawford responded that there are no such provisions. Christina Delzingaro stated that she believes it is fundamentally unfair that the clients are expected to pay for funeral and deathbed visits.

#### Resident Use of the Telephone - Revision

There were no questions about the revised policy Resident Use of the Telephone.

#### Mail Procedures - Revision

Cheryl Crawford stated that because of the potential for contraband, the facility proposes to only allow food items from an authorized vendor. Also of major concern to the facility is the practice of clients fermenting sugar from food and beverages to make alcohol.

#### Searches of Person and Property - Revision

This policy includes the practice of searching visitors to the facility. There were no questions from the committee.

#### Resident Transportation – Revision

There were no questions regarding the policy Resident Transportation.

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

As there were no individuals from the public who wished to speak, the committee continued with regular business.

### **10:45 Appeal**

## Case of L.H. v. Rappahannock Area Community Services Board

The case of L.H. v. Rappahannock Area Community Services Board came before the State Human Rights Committee on appeal of a decision of the Rappahannock Area Local Human Rights Committee. Members present were Dr. R. Michael Marsh, M.S.W., M.P.A., Ph.D., Davey Zellmer, R.N., Kirby Wright, Christina Delzingaro, and Dr. Angela Brosnan, M.D. Others present were Charles T. Collins, Regional Human Rights Advocate for Region I, Margaret Walsh, State Human Rights Director, Kli Kinzie, Secretary, and Karen Walters, DMHMRSAS Special Counsel. Also present via polycom were L.H., Consumer, Mark Seymour, Human Rights Advocate, Ronald W. Branscome, Executive Director of Rappahannock Area Community Services Board, and Jim Gillespie, with the office of Community Support Services for Rappahannock Area CSB.

L.H. brought the case forward on her own behalf with support and guidance from Mark Seymour. L.H. raised the following issue on appeal: L.H. disagrees with the Rappahannock Area LHRC's conclusion that her right to treatment with dignity was not violated by a staff person of the Rappahannock Area Community Services Board.

Following introductions L.H. requested a closed hearing.

**A Motion was made by Kirby Wright and seconded by Davey Zellmer to go into closed session pursuant to Virginia Code, 2.2-3711, for the purpose of discussing matters 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 closed session were discussed in the closed session.

**Upon a Motion by Christina Delzingaro and seconded by Kirby Wright the State Human Rights Committee upholds the RACSB LHRC's finding of no violation of 12 VAC 35-115-50(B)(2). Further, the SHRC supports the LHRC's recommendation that L.H.'s right as a consumer to be treated with dignity and respect continue to be upheld as it should be with all RACSB consumers. The SHRC joins the RACSB LHRC in noting that relief was granted the day after the complaint was filed by removing the RACSB staff person from L.H.'s services.**

It is noted for the record that the SHRC was struck by the tone of the LHRC hearing. Although the SHRC did not find the proceedings to be inadequate, the formality of the hearing, especially the swearing in of witnesses and the presence of a court reporter, appeared intimidating for some of the witnesses as well as for L.H. This method puts the client at a distinct disadvantage. The SHRC reminds the LHRC that it is responsible for ensuring that hearings are fair and that no party has an undue advantage. The LHRC must set the tone and structure of the hearing. There is no

requirement that witnesses be sworn in during these hearings. Therefore, the decision regarding the swearing in of witnesses rests solely with the LHRC.

The SHRC found that the “findings of fact” in the LHRC decision issued on April 2, 2007 were somewhat limited. It would have benefited the SHRC to have more detail from the LHRC in order to better understand the viewpoint of the LHRC in making the decision.

The SHRC thanks the RACSB LHRC for its time and effort in conducting this hearing.

### **Variances**

#### **Cumberland Mountain Community Services, The Laurels**

Sonia Smith, Human Rights Advocate for Catawba Hospital and the Roanoke Valley presented a variance renewal request for Cumberland Mountain Community Services, The Laurels. The program is requesting continued approval for variance to 12 VAC 35-115-50, C7 and 8 and E4c and 5, of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services From Providers of Mental Health, Mental Retardation and Substance Abuse Services*.

#### **New River Valley CSB, New Life Recovery**

Sonia Smith, Human Rights Advocate for Catawba Hospital and the Roanoke Valley presented a variance renewal request for New River Valley CSB, New Life Recovery. The program is requesting continued approval for variance to 12 VAC 35-115-50, C8 and E4c and 5, of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services From Providers of Mental Health, Mental Retardation and Substance Abuse Services*.

**Upon a Motion by Kirby Wright and seconded by Davey Zellmer, the committee unanimously approved a continuance of variance to 12 VAC 35-115-50, C7 and 8 and E4c and 5, for Cumberland Mountain, The Laurels, and a continuance to 12 VAC 35-115-50, C8 and E4c and 5, for New River Valley CSB, New Life Recovery. The variances are approved for two years or until new human rights regulations are promulgated.**

#### **Bethany Hall**

Sonia Smith, Human Rights Advocate for Catawba Hospital and the Roanoke Valley, presented the annual variance report for Bethany Hall for section 12 VAC 35-115-50, C7 and C8, and the corresponding paragraphs E4b & c, and 5 of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services From Providers of Mental Health, Mental Retardation and Substance Abuse Services*.

The annual variance report for Bethany Hall was accepted for the file.

Blue Ridge Behavioral Healthcare, Hegira House and Shenandoah Recovery Center

Sonia Smith presented the annual variance report for Blue Ridge Behavioral Healthcare, Hegira House and Shenandoah Recovery Center for section 12 VAC 35-115-50, C7 and C8, and the corresponding paragraphs E4b & c, and 5 of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services From Providers of Mental Health, Mental Retardation and Substance Abuse Services*.

The annual variance report for Blue Ridge Behavioral Healthcare, Hegira House and Shenandoah Recovery Center was accepted for the file.

**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.

**Upon a Motion by Kirby Wright and seconded by Christina Delzingaro the SHRC unanimously appointed the following applicants to the specified local human rights committees.**

University of Virginia Psychiatric Services LHRC

Reappoint:

Ms. Cynthia Power

Fredericksburg Area LHRC

Reappoint:

Ms. Debe Fults

Ms. Margurite Roche

Appoint:

Ms. Lynn DelaMer

Valley CSB LHRC

Reappoint:

Ms. Tammy Johnston

Northern Virginia Training Center

Reappoint:

Ms. Jane Burns

Fairfax-Falls Church LHRC

Appoint:

Ms. Jeanne Thompson

Mr. Chris Harrison  
Alexandria LHRC  
Reappoint:  
Ms. Gerylee M. Baron  
Southwest Regional HRC  
Reappoint:  
Mrs. Tracy Mullins  
Mrs. Ruth Keene  
Dr. Evera McLees  
Mount Rogers LHRC  
Reappoint:  
Mrs. Judy Willis  
Appoint:  
Mr. James L. Gleaves  
Catawba Hospital  
Appoint:  
Mr. Carl "Bo" Miller  
Mr. Will Childers  
Reappoint:  
Ms. Glynda Carolyn Heldreth  
Ms. Valerie Robinson  
New Creation LHRC  
Appoint:  
Ms. Shirley Purnell  
Ms. Linda Jones  
Mr. Carl W. Wells  
Crater LHRC  
Appoint:  
Ms. Pamela Waitkus  
Metro Richmond LHRC  
Reappoint:  
Ms. Linda M. Patterson  
Richmond Unified LHRC  
Reappoint:  
Dr. Jerome O. Lee  
Henrico LHRC  
Appoint:  
Ms. Heleen Anderson-Grant  
Hiram Davis Medical Center LHRC  
Reappoint:  
Dr. Holvar E. Olson  
Southside Virginia Training Center LHRC  
Reappoint:  
Ms. Margie Tuck  
Southeast Alliance LHRC  
Reappoint:  
Ms. Maude Robinson

Colonial Regional LHRC

Appoint:

Ms. Dulcie Holland  
Ms. LaRonda C. White  
Mr. Cedrick Wilson  
Mr. Gregory Heyward

Hampton Regional LHRC

Appoint:

Ms. Wanda Slade  
Ms. Rebecca Newsome  
Ms. Sherry Lynn Hamilton  
Mr. Lawrence I. Strauss

Williamsburg Regional LHRC

Appoint:

Ms. Rita Gregory  
Mr. John T. Farrar  
Ms. Kathy E. Nader  
Dr. Hewlette C. Connell

Southside Regional LHRC

Appoint:

Dr. Joyce E. Bozeman  
Dr. Viola Vaughan-Eden

Universal Family LHRC

Appoint:

Ms. Barbara A. Johnson

Norfolk Regional LHRC

Appoint:

Ms. Bernadette Robinson  
Dr. D. Giovanni Scott  
Ms. Cheryl Layman

Piedmont Community Services LHRC

Reappoint:

Mr. T. Jerry Womack

Heartland Regional LHRC

Appoint:

Ms. JoAnn Torrence  
Mrs. Bettie Hazelwood

Southside Community Services

Reappoint:

Ms. Barbara Kittrell

Piedmont Geriatric Hospital

Reappoint:

Mr. John Fyfe  
Mr. David Patterson

The committee received a letter of resignation from Wendy Keating of Fairfax-Falls Church LHRC

Dr. Marsh reported that Joseph Lynch continues to be in poor health. The committee sends regards and well wishes to Mr. Lynch and his family.

### **SHRC Membership**

The SHRC received notice of the reappointment of Delores Archer to the committee.

Davey Zellmer introduced Louise Garman, Member of Catawba Hospital Local Human Rights Committee, and Randy Johnsey, Chair of Southwest Regional Human Rights Committee. Ms. Garman and Mr. Johnsey attended the meeting to speak with the committee regarding their applications for membership on the SHRC. The committee asked questions of the applicants and considered their applications.

Dr. Michael Marsh informed Ms. Garman and Mr. Johnsey that the State MHMRSAS Board will consider their appointments during the August meeting of the Board.

It was the consensus of the SHRC to recommend that the State Board appoint Donald Lyons and Jeannie Robinson to the committee at this time. The record notes that the committee was pleased to have received applications from so many qualified individuals.

### **Annual Reports**

#### 2006 Annual Regional Human Rights Staff Activities Statistical Reports

Regions III and VI presented 2006 Annual Regional Human Rights Staff Activities Statistical Reports. The SHRC also received a copy of each region's written annual report.

Nan Neese thanked the SHRC for the opportunity to have them to her home last night to honor Dr. Marsh. Ms. Neese stated that the human rights program is very important to her and she is truly thankful that the SHRC came to Marion.

**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