

STATE HUMAN
RIGHTS COMMITTEE

Joyce Bozeman, Chair
Norfolk
Michael Marsh, V-Chair
Salem

James Briggs
Chester
Angela Brosnan
Richmond
Barbara Jenkins
Charlottesville
Susan Payne
Bon Air
Carmen Thompson
Moneta
Bobby Tuck
Richmond
Davey Zellmer
Fredericksburg



COMMONWEALTH of VIRGINIA

*DEPARTMENT OF
MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES*

Margaret S. Walsh
State Human Rights Director

Kli Kinzie
Executive Secretary

DMHMRSAS
Office of Human Rights
1220 Bank Street
Richmond, VA 23219

P.O. Box 1797
Richmond, VA 23218

Telephone: 804/ 786-3988
Fax: 804/ 371-2308

Blue Ridge Behavioral Healthcare
Jim Sikkema, Executive Director
301 Elm Avenue, SW
Roanoke, Virginia, 24016-4001
Friday, June 6, 2003

Administrative Meeting
8:00 am

COMMITTEE MEMBERS PRESENT

Peter McIntosh, Chair
Angela Brosnan
Michael Marsh
Carmen Thompson
Davey Zellmer

STAFF PRESENT

Margaret S. Walsh, 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
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Jennifer Bailey, CORE Human Rights Advocate, Region IV & V
Christopher Ruble, CORE Human Rights Advocate, Region I & II
Sonia Smith, Human Rights Advocate, Catawba Hospital

OTHERS PRESENT

Jim Sikkema, Executive Director, Blue Ridge Behavioral Healthcare
James H. Harper, Program Manager for Case Management, Child and Family Division,
Central Virginia Community Services (CVCS)
Betty Bingham, Manager, Office of Consumer Affairs, CVCS
Betsy Walker, Executive Assistant, CVCS

ISSUES:

Mr. Jim Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, provided a brief history and update on reinvestment restructuring. Reinvestment restructuring is a plan for an integrated system of care throughout the Commonwealth with focus on continuity of care as consumers are moved from facilities to the community. Facilities in southwest Virginia have developed a unique plan which addresses an overlapping in type of care. The facilities in this area would like to implement a system of capacity sharing rather than money transferring. The proposal for this plan is expected to come before the SHRC in November of this year.

Margaret Walsh, State Human Rights Director, updated the committee regarding the SVP (Sexually Violent Predator) Unit and the responsibilities of the Office of Human Rights once the unit is established. Ms. Walsh met with Commissioner Reinhard and the Office of Licensure to discuss the treatment for SVP clients, the security of SVP units, the current security of Southside Virginia Training Center (where the SVP will be housed), movement to and from SVP clients, privileging and seclusion. Ms. Walsh also stated that the General Assembly did not allocate enough funds for the ongoing operation of the SVP Unit.

There is opposition from the community and from the Department of Corrections (DOC) regarding allowing rights to SVP clients. These clients are essentially being civilly committed after fulfilling their sentences in DOC. They tend to be very intelligent and there is concern that they will abuse the human rights system to make complaints about their treatment/confinement. Ms. Walsh asked for advice from SHRC in developing a more structured path to the human rights system in an effort to weed out inappropriate complaints.

Peter McIntosh, Chair, reviewed a letter from Dana M. Johnson, Assistant Attorney General, regarding the issue of guardianship brought forth by Margie Tuck, Guardian.

REGULAR MEETING

10:15 a.m.

COMMITTEE MEMBERS PRESENT:

Peter McIntosh, Chair
Jim Briggs, Vice-Chair
Michael Marsh
Angela Brosnan
Carmen Thompson
Davey Zellmer

OHR STAFF PRESENT:

Margaret S. Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Chuck Collins, Regional Human Rights Advocate, Region I
Mary W. Towle, Regional Human Rights Advocate, Region II
Nancy C. Neese, Regional Human Rights Advocate, Region III
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Christopher Ruble, CORE Human Rights Advocate, Region I & II
Jennifer Bailey, CORE Human Rights Advocate, Region IV & V
Sonia Smith, Human Rights Advocate, Catawba Hospital

OTHERS PRESENT:

James Reinhard, MD, Commissioner, DMHMRSAS

Jim Sikkema, Executive Director, Blue Ridge Behavioral Healthcare (BRBH)

James H. Harper, Program Manager for Case Management, Child and Family Division,
Central Virginia Community Services

Betty Bingham, Manager, Office of Consumer Affairs and Human Rights Liaison, BRBH

Betsy Walker, Executive Assistant, BRBH

Eddie Blair, Coordinator of Residential Substance Abuse Services, BRBH

Vincent G. Dabney, Chair, BRBH LHRC

Charlotte McNulty, Executive Director, Harrisonburg-Rockingham CSB

Jennifer Fidura, President, Virginia Network of Private Providers

John Barrett, Human Rights Liaison, Virginia Network of Private Providers

Rita Glieneke, LHRC Chair

Tracy Johnson, Associate Administrator, Pines Residential Treatment Center, Brighton
Campus

CALL TO ORDER:

The June 6, 2003, meeting of the State Human Rights Committee was called to order by Chairman Peter McIntosh. Mr. McIntosh lead the members in introducing themselves. Advocates and staff of the Office of Human Rights introduced themselves. Mr. McIntosh stated that this his last SHRC meeting and thanked the advocates and staff of the Office of Human Rights for their work in ensuring the protection of rights for consumers of the department.

Mr. McIntosh recognized Rita Glieneke, LHRC Chair, who welcomed the committee to southwest Virginia. Nancy C. Neese, Regional Human Rights Advocate, Region III, introduced Betty Bingham, Manager, Office of Consumer Affairs and Human Rights Liaison, and Betsy Walker, Executive Assistant, BRBH, and thanked them for their help in preparing for the meeting and for their work in supporting the human rights system. Ms. Neese also recognized Vincent Dabney, BRBH LHRC Chair.

MINUTES:

The minutes of the April 25, 2003 State Human Rights Committee meeting were unanimously approved as circulated.

Report of the LHRC Study Group:

Peter McIntosh introduced Charlotte McNulty, Executive Director, Harrisonburg-Rockingham CSB, who presented a report of the LHRC Study Group. Ms. McNulty provided a brief history of her interest in the LHRC program and read through the report to the committee. She addressed issues of multiple providers accountable to a single LHRC in particular the private providers with offices throughout the state who therefore have several programs affiliated with them. Ms. McNulty asked the SHRC to consider the establishment of a lead LHRC to handle policies and administrative responsibility for all of the LHRCs affiliated with each multiple program provider.

The LHRC Study Group reviewed models from other states and proposed developing draft models for the Commonwealth of Virginia. Jim Briggs, SHRC Vice-Chair suggested that anyone who has feedback on the recommendations of the Study Group communicate their ideas with the SHRC so the committee might proceed with implementing changes in the system.

SVP (Sexually Violent Predator) Unit

James Reinhard, MD, Commissioner, thanked Peter McIntosh and the SHRC for the opportunity to address the committee on the issue of the SVP Unit. Dr. Reinhard provided a background of his interest in forensic psychiatry. He stated that society's perception of dangerousness and violence speaks to stigma, and that assessment of risk has largely to do with the politicians in the public eye at the time. The department must be as precise as possible in determining who is at high risk for being dangerous because whatever is done with the SVP Unit will trickle down to our NGRI clients and other consumers.

Peter McIntosh stated that the committee and the OHR are already stigmatizing the group in that they are considering their special needs. An appropriate LHRC/advocacy system for this population must be developed.

Exemptions from HR Regs

Dr. Reinhard reviewed the incident of a recent elopement from a DMHMRSAS facility and the subsequent temporary blanket exemption from the human rights regulations. Any time restrictions apply to an entire class, it is an infringement on the right to individual assessment. After balancing all factors, reviewing policies and procedures as well as the overall process, it was determined that the current system is appropriate and adequate. The exemption has been lifted. Peter McIntosh said that he considers the response to the incident to be a hallmark of the leadership and quality work of the Department.

Variances:

The Pines Residential Treatment Center Variance

Ms. Jennifer Bailey, CORE Program Advocate, Regions IV and V, introduced Ms. Tracy Johnson, Associate Administrator, of the Pines Residential Treatment Center, Brighton Campus, located in Portsmouth, Virginia. Ms. Johnson described The Pines as an intensive residential treatment setting for adolescents in a highly structured and therapeutic environment.

Ms. Bailey indicated that The Pines RTC is requesting a renewal of their variance to the following section of the Human Rights Regulations: 12 VAC 35-115-110, Item B13, *Use of Seclusion, Restraint and Timeout*. Ms. Bailey stated that this request would allow The Pines to continue to utilize their Structured Living Protocol, which exceeds the regulatory requirements of 30 minutes per episode for the use of time out. The Pines Structured Living Protocol was modified and approved by the State Human Rights Committee on March 8, 2002.

A motion was made and passed by a vote of five to one to approve, for a one-year period, The Pines Residential Treatments Center's variance request and structured living protocol, subject to the following reporting requirement:

- **The program is to report all uses of the Structured Living Protocol to the Regional Advocate's office within 24 hours. These reports will then be presented to the State Human Rights Committee**

Blue Ridge Behavioral Healthcare:

Nancy C. Neese, Regional Human Rights Advocate, Region III, introduced Mr. Eddie Blair, Coordinator of Residential Substance Abuse Services of BRBH, and Mr. Vincent Dabney, Chairman of the BRBH Local Human Rights Committee. Mr. Blair provided an overview of the residential programs at Shenandoah Recovery Center and Hegira House.

Mr. Eddie Blair stated that current practice incorporates an initial two week restriction to telephone. Ms. Neese indicated that Variance to E 4 b was not included based on the understanding that the SHRC had accepted to permit programs to impose this initial two week restriction. Mr. Blair ensured the Committee that there are some persons with whom contact is not restricted. Ms. Neese further explained that a significant part of the BRBH Variance application substitutes certified substance abuse staff for the physician or psychologist, as required by regulation, to authorize individual restriction from access to the telephone and visitation.

The motion was made and passed by a vote of three to two with one abstention to grant the Variance to BRBH to 12 VAC-35-115-50, C 8 and amended to include E 4b, regarding visitation and telephonic access for the first two weeks. The Committee instructed BRBH to add "clergy" to the list of those phone calls that may not be restricted. The Variance is granted for a period of one year.

The SHRC agreed to separate the request for Variance regarding the qualifications of professionals authorized to implement individual restrictions regarding access to the telephone and visitation, 12 VAC 35-115-50 E 4c and 5.

The motion was made and passed by a vote of five to one to grant the Variance to 12 VAC 35-115-50 E 4c and 5 to substitute clinical staff with state substance abuse certification or license to include Certified Addictions Counselor(s) or Certified Clinical Supervisor(s) where the regulation requires a physician or doctoral level psychologist. The Variance is granted for a period of one year.

State MHMRSAS Board Resolutions for parting members

James H. Harper, Program Manager for Case Management, Child and Family Division, Central Virginia Community Services, and former SHRC member, presented the State MHMRSAS Resolution for Peter McIntosh.

Mr. McIntosh thanked Mr. Harper and made remarks for those present. Mr. McIntosh thanked everyone on the committee and in the office of Human Rights for their excellence of work. He stated that his experience on the committee has taught him to listen and to seek positive and possible solutions.

Mr. McIntosh presented a State MHMRSAS resolution for Carol Gittman and stated that she was not able to attend this meeting for family reasons. Peter said that as a consumer representative Carol has been the conscience of the committee.

New Member Appointments

The Membership Sub-Committee reported their recommendations to the committee.

The motion was made and unanimously passed to recommend the State MHMRSAS Board appoint Susan Payne, Bobby Tuck and Barbara Jenkins to the State Human Rights Committee.

SHRC Nominating Committee

The Nominating Committee reported their recommendations to the committee.

The motion was made and passed to recommend to the State MHMRSAS Board the appointment of Angela Brosnan to a full three-year term.

The motion was made and unanimously passed to appoint Joyce Bozeman as Chair and Michael Marsh as Vice-Chair for the term of one year.

LHRC MEMBERSHIP:

The motion was made and passed that the State Human Rights Committee go into closed session pursuant to Virginia Code § 2.2-3711 for the purpose of considering Local Human Rights Committee appointments.

Upon reconvening in open session, the Committee unanimously passed a motion to appoint the following applicants to their respective Local Human Rights Committees.

Arlington Community Services Board

Reappoint:

Sue Lowry
Coleen McCool
Rick Tagg

Fairfax-Falls Church Community Services Board

Reappoint:

Tracy Ormes

Appoint:

James H. Ewalt

Prince William County Community Services Board

Reappoint:

Janice Buie
Lindy Garnett

Genesis Treatment Agency

Appoint:

Jeanette Ralph
Lisa Thatcher
Frederick T. Rattliff

Williamsburg Community Hospital

Appoint:

June G. Brown
J. Stephen Roberts, Sr.

Hampton Roads Regional

Appoint:

Marylin Copeland
Roderick S. Hawthorne, Ph.D.

Barry Robinson Center

Appoint:
Mary Ann Jackson
Peninsula Behavioral Center
Appoint:
Judy Stanley
Laura A. Price
Tina Jones-Slade
Universal Family
Appoint:
Arthur B. Earhart
The Pines Residential Treatment Center
Appoint:
Renee Denise Edwards
Health Planning Region V
Appoint:
Andrea Bond
Tamala M. Jones
Charles R. McAdams, Ph.D.
Vincent Doheny
Southeastern Virginia Training Center
Appoint:
Daryl Wiggins
Heartland Regional
Reappoint:
Edward Saxon
Shelia Ann Tisdale
Bettie L. Hazelwood
Central Virginia Community Services
Reappoint:
Lee Martin
Presbyterian Homes and Family Services
Reappoint:
Kelly Matthews
Appoint:
Mary Lou Dunn
Southern Virginia Mental Health Institute
Reappoint:
JD Scott
Esther Goins
Commonwealth Center for Children and Adolescents
Reappoint:
Macy Fox
University of Virginia Psychiatric Services
Appoint:
Larry Hastings
Hunter S. Croson
Elizabeth Burns, Ph.D.
Fredericksburg Area Community Services Board
Appoint:
Joseph Michael McKinley
Terry A. Houchens
Rappahannock Area Community Services Board
Appoint:
Diane Bachman

Valley Community Services Board

Appoint:

Karen Cochran

Blue Ridge Behavioral Healthcare

Reappoint:

Vincent Dabney

Lynn Lawson

New River Valley

Reappoint:

Pam Tessnear

Jacqueline Fagen Myal

Mount Rogers Community Services Board

Reappoint:

Denise Grego

Beverly Mountain

Southwestern Virginia Mental Health Institute

Appoint:

Margaret Schambach

Catawba Hospital

Reappoint:

Thayer T. Walker

NOVA Regional Hospitals

Appoint:

Frederic J. Puhan

Lisa Slade, Ph.D.

Ronald Boggio, Ph.D.

Christopher P. Harrison

James Merrill

Nancy Merrill

The motion was made and passed to make the following appointments.

Northern Virginia Training Center

Reappoint:

Priscilla Galasso

Ronald Lambert

George Hawkes

Appoint:

Claire Jacques

Peninsula Behavioral Center

Reappoint:

Arva C. Davidson

Appoint:

Cynthia Pankey

Eastern State Hospital

Reappoint:

Linda Card

Robin Bristow

Southwestern Virginia Training Center

Reappoint:

Lori R. Spencer

Appoint:

Don Lyons

The committee accepted the resignation of Ron Piano from the Eastern State Hospital LHRC.

SHRC Chair's Report

The SHRC By-Laws review is tabled until July 18.

The SHRC will consider changing the language of the question regarding receiving services on the LHRC/SHRC Applicant Questionnaire.

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

Respectfully submitted,

Peter McIntosh, Chair
State Human Rights Committee