

**State Human Rights Committee
Meeting Minutes**
Region II
Friday, July 13, 2007
Northern Virginia Training Center
9901 Braddock Road
Building 4
Fairfax, Virginia, 22032

ADMINISTRATIVE MEETING
8:30 a.m.

COMMITTEE MEMBERS PRESENT

Christina Delzingaro, Vice-Chair
Angela Brosnan
Delores Archer
Carmen Thompson
Davey Zellmer

NOT PRESENT

Joseph Lynch
Kirby Wright

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
Timothy Simmons, Facility Human Rights Advocate, Northern Va Mental Health Institute
Mary Towle, Human Rights Advocate, Northern Virginia Training Center

OTHER STAFF PRESENT

Karen Walters, DMHMRSAS Special Counsel

OTHERS PRESENT

Jannie Robinson, Recommended SHRC Member
Donald Lyons Recommended SHRC Member

Christina Delzingaro, Vice-Chair, opened the administrative session of the State Human Rights Committee. The committee reviewed the draft annual report and suggested changes, additions and corrections. Margaret Walsh will send an updated draft to Kirby Wright and Christina Delzingaro for review before printing. Kirby Wright will present the finished annual report to the State Board at the August meeting.

The SHRC discussed a letter from Anne Stiles, Human Rights Advocate, on behalf of Piedmont Geriatric Hospital Local Human Rights Committee (PGH LHRC) regarding the Commissioner's ban on the use of tobacco products on facility grounds. Christina Delzingaro proposed that the SHRC write to Anne Stiles asking for information from PGH LHRC on how many consumers are impacted by the ban and on what PGH has done to involve the consumers in the plan to go tobacco-free. The letter should also ask which human right, as outlined in 12 VAC 35-115 et seq., *Rules and Regulations to Assure the Rights of Individuals Receiving Services From Providers of Mental Health, Mental Retardation and Substance Abuse Services*, is being violated.

2006 Annual Regional Human Rights Staff Activities Statistical Report

Region II presented the 2006 Annual Regional Human Rights Staff Activities Statistical Report. The SHRC also received a copy of the written annual report

BREAK 10:08 – 10:15 a.m.

REGULAR MEETING

10:15 a.m.

COMMITTEE MEMBERS PRESENT

Christina Delzingaro, Vice-Chair
Angela Brosnan
Delores Archer
Carmen Thompson
Davey Zellmer

NOT PRESENT

Joseph Lynch
Kirby Wright

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
Timothy Simmons, Facility Human Rights Advocate, Northern Va Mental Health Institute
Mary Towle, Human Rights Advocate, Northern Virginia Training Center
Mark Seymour, Child and Adolescent Advocate, Regions I & II
Anne Stiles, Facility Human Rights Advocate, Piedmont Geriatric Hospital and Virginia
Center for Behavioral Rehabilitation

OTHER STAFF PRESENT

Karen Walters, DMHMRSAS Special Counsel

OTHERS PRESENT

Jannie Robinson, Recommended SHRC Member
Donald Lyons Recommended SHRC Member
Mark Diorio, PhD, Director of Northern Virginia Training Center
John Holland, Jr., MD, Director of Southside Virginia Training Center
Monica Thornton, Chief of Health and Client Services, Southside Va Training Center
James Patterson, MD, Medical Director, Hiram W. Davis Medical Center
David Rosenquist, Director, Hiram W Davis Medical Center
Carolyn Lankford, Clinical Quality Manager, Office of Health and Quality Care
Russell Payne, Community Support Specialist, Mental Health/Community Support
Services
Eric Alridge, Director of Operations, Virginia Center for Behavioral Rehabilitation
Michelle Herbert-Shelton, Director of Residential Services, Virginia Center for
Behavioral Rehabilitation
J. Frank Gallagher, Chief Executive Officer, The Pines Residential Treatment Center
Lenard Lexier, MD, Medical Director, The Pines Residential Treatment Center
Monica Manley, Psy.D., Clinical Director, Barry Robinson Center

Welcome / Call to Order

Following introductions Mark Diorio, Ph.D., Facility Director for Northern Virginia Training Center, welcomed the SHRC to Fairfax, Virginia. Dr. Diorio briefly described the facility and populations served and showed a video on the facility.

Minutes

The minutes of the June 1, 2007 State Human Rights Committee meeting were unanimously approved as circulated.

Public Comment Period 10:30 TO 10:45

Christina Delzingaro 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 resumed regular business.

Follow up on Dental Issues

At the April 20, 2007 SHRC meeting a situation was brought to the committee's attention that raised concern about dental care provided to residents of state operated training centers. On April 26 the SHRC Chairperson, R. Michael Marsh, sent a letter to Commissioner Reinhard requesting information on the oral hygiene programs and dental care provided to residents at DMHMRSAS training centers and the Centers for Excellence. At Dr. Reinhard's request Dr. John Holland, Director of Southside Virginia Training Center (SVTC), and Dr. Mark Diorio, Facility Director of Northern Virginia Training Center (NVTC), attended the July 13, 2007 SHRC meeting to answer questions and address concerns regarding policy and practices.

Dr. John Holland introduced Monica Thornton, Chief of Health and Client Services for Southside Virginia Training Center. Dr. James Patterson, Medical Director, and David Rosenquist, Director, of Hiram W Davis Medical Center were also present to answer questions from the committee.

Ms. Monica Thornton summarized the dental care practices for MR clients at SVTC. The facility has struggled to balance the right to refuse treatment with the painful results of bad oral hygiene. She reported that the facility has explored the possibility of bringing on board dental hygienists. Dr. Mark Diorio said that NVTC has adopted some of the practices used at Central Virginia Training Center in Lynchburg. Dr. Diorio and Dr. Holland are sharing information with each other about practices used at their two training centers.

Christina Delzingaro thanked Dr. Holland, Ms. Thornton, Dr. Patterson and Mr. Rosenquist for coming to the meeting to discuss this important issue. Ms. Delzingaro also thanked Dr. Diorio for his input and his support of the efforts at SVTC.

Update on Discharge Readiness List

Russell Payne, Community Support Specialist, Office of Mental Health/Community Support Services (OMH/CSS), updated the committee on consumers who are on ready for discharge status but for whom there are barriers to discharge. Mr. Payne reported that the list of these consumers is the smallest it has ever been. Mr. Payne also commented that more program directors are actively participating in finding placement for discharge-ready consumers than in the past and consumers are becoming more involved in their own discharge planning. The department is seeing a little bit of the effects of the recent tragedy at Virginia Tech, and we will probably see a spike in barriers for the next few months because the threshold for client readiness for discharge has been raised a bit. The number of admissions in the southwest area doubled after the Virginia Tech tragedy.

Update on Seclusion & Restraint Data: Carolyn Lankford

Ms. Carolyn Lankford, Clinical Quality Manager, Office of Health and Quality Care, presented 2006 statistical data on the use of seclusion and restraint. The Office of Health and Quality Care will provide training on trauma and care in the fall of 2007. The office is also planning a conference for the spring of 2008.

Ms. Lankford said her office applied for a SAMSA grant in May 2007, and has requested a budget for reduction in seclusion and restraint. The Commonwealth Center for Children and Adolescents and Central State Hospital have applied to participate in SAMSA activities to lower their seclusion and restraint.

Christina Delzingaro thanked Carolyn Lankford for coming before the committee. The committee is pleased to see plans in place for S&R reductions. Ms. Delzingaro asked Ms. Lankford to please come back next year for an update.

Virginia Center for Behavioral Rehabilitation

The SHRC reviewed two Level 3 Appeal Responses for VCBR and the Advocate's Report for May 2007. Anne Stiles, Facility Human Rights Advocate for Virginia Center for Behavioral Rehabilitation said things are going well at the facility - she now has access to the complaint system from her computer. The facility has put forth a lot of effort in drafting new policies.

VCBR Policies

Dr. Jannie Robinson and Mr. Donald Lyons introduced themselves to Anne Stiles, Human Rights Advocate, Eric Alridge, Director of Operations, and Michelle Herbert-Shelton, Director of Residential Services, Virginia Center for Behavioral Rehabilitation. The committee reviewed the VCBR policies Resident Housing Assignments, Community Service Program, and Resident Use of Periodicals & Media.

Resident Housing Assignments

Mr. Eric Alridge explained that the draft before the SHRC is a more detailed version of the policy that has been in place. Anne Stiles reported that the modified policy establishes privilege levels for progressive housing through behavior. Christina Delzingaro asked that the security officer's title of "Watch Commander" to something less judicial.

Community Service Program

Eric Alridge commended the collaborative effort of the residents who contributed significantly to developing and drafting the Community Service Program policy. The committee suggested that the facility consult with the Attorneys General Office regarding the issue of allowance and wages.

Resident Use of Periodicals & Media

The committee reviewed the VCBR policy Resident Use of Periodicals.

Policy

The Pines Residential Treatment Center Emergency Medication Policy

Reginald T. Daye, Regional Human Rights Advocate for Region V, introduced J. Frank Gallagher, Chief Executive Officer, and Lenard Lexier, MD, Medical Director, The Pines Residential Treatment Center.

Dr. Lexier described the program and the population served. The program requests approval for their policy entitled, "Emergency Use of Medication for Residents Under the Age of Eighteen". If approved, the policy would allow staff to force upon an objecting minor an intramuscular injection of a psychotropic medication in a situation where the resident is unable to regain control. The policy also states that this procedure may be used without any consent. The legal guardian/parent would be asked to sign an acknowledgement form for this policy upon admission. Dr. Lexier stated that the program is asking for the emergency use of medication in a situation where the least restrictive means have not been successful.

On May 8, 2007 The Pines Residential Treatment Center presented the emergency medication policy to the Tidewater Regional Local Human Rights Committee (TR LHRC) for review and comment. Following that meeting Mr. Reginald Daye and the TR LHRC expressed in writing their objections to the policy as written and suggested an alternative policy and procedure.

Karen Walters, DMHMRSAS Special Counsel suggested that the program consider making a statement in the policy regarding guidelines to follow if the guardian/parent objects.

Upon a motion by Davey Zellmer and seconded by Carmen Anne Thompson the SHRC unanimously approved the policy with recommended changes from the Regional Advocate, the Tidewater Regional Local Human Rights Committee and the State Human Rights Committee, including the removal of the reference to resident consent. The revised policy is to be brought back to the SHRC at the September 7, 2007 meeting.

Variances:

The Pines Residential Treatment Center

Mr. Reginald T. Daye, Regional Advocate, Region V, introduced Mr. J. Frank Gallagher, Chief Executive Officer of the Pines Residential Treatment Center. Mr. Gallagher provided a brief overview of the Pines Residential Treatment Center and the population for whom the variance and policy would impact.

Mr. Daye indicated that the Pines Residential Treatment 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*.

Mr. Daye further indicated that approval of the variance will allow the program to implement its structured living policy which exceeds the regulatory requirements of 30 minutes per episode for the use of time out.

Upon a motion by Davey Zellmer and seconded by Carmen Anne Thompson the State Human Rights Committee unanimously approved the structured living policy and variance to 12 VAC 35-115-110, Item B13 for The Pines Residential Treatment Center for a three-year period. An annual status report is to be submitted to the State Human Rights Committee by the anniversary date of the approval.

The Barry Robinson Center

Mr. Reginald T. Daye, Regional Advocate, Region V, introduced Ms. Monica Manley, Psy.D., Clinical Director of the Barry Robinson Center. Dr. Manley provided a brief overview of the Barry Robinson Center and the population of children for whom the variance and policy would impact.

Mr. Daye indicated that the Barry Robinson 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.*

Upon a motion by Davey Zellmer and seconded by Carmen Anne Thompson the State Human Rights Committee unanimously approved the structured living policy and variance to 12 VAC 35-115-110, Item B13 for Barry Robinson Center for a three-year period. An annual status report is to be submitted to the State Human Rights Committee by the anniversary date of the approval.

2006 Annual Regional Human Rights Staff Activities Statistical Report

Region I presented the 2006 Annual Regional Human Rights Staff Activities Statistical Report. The SHRC also received a copy of the written annual report.

Bylaws:

Colonial Regional Local Human Rights Committee Bylaws

On behalf of the Colonial Regional Local Human Rights Committee Reginald T. Daye, Regional Advocate for Region V, presented a request to approve its bylaws.

Hampton Regional Local Human Rights Committee Bylaws

On behalf of the Hampton Regional Local Human Rights Committee Reginald T. Daye, Regional Advocate for Region V, presented a request to approve its bylaws.

Norfolk Regional Local Human Rights Committee Bylaws

On behalf of the Norfolk Regional Local Human Rights Committee Reginald T. Daye, Regional Advocate for Region V, presented a request to approve its bylaws.

Upon a motion by Delores Archer and seconded by Angela Brosnan the SHRC unanimously approved the Bylaws for Colonial Regional LHRC, Hampton Regional LHRC and Norfolk Regional LHRC as submitted.

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 Angela Brosnan and seconded by Delores Archer the SHRC unanimously appointed the following applicants to the specified local human rights committees.

Region Ten CSB PHRC

Reappoint:

Ms. Elizabeth Bruns

Commonwealth Center for Children and Adolescents

Appoint:

Mr. Paul Krikau

Northern Virginia Training Center

Appoint:

Ms. Helen Adamchak

Southwestern Virginia Training Center LHRC

Reappoint:

Ms. Joyce Bunn

Appoint:

Ms. Barbara Holmes

Ms. Judy Padgett

New Creation LHRC

Appoint:

Ms. Evelyn Diane Branch

Henrico LHRC

Appoint:

Ms. Heleen Anderson-Grant

Reappoint:
Ms. Gloria G. Watford
Ms. Helen O'Beirne
Southside Virginia Training Center
Appoint:
Ms. Pamela Waitkus
Suffolk Regional LHRC
Appoint:
Ms. Joan E. Edwards
Mid-City LHRC
Appoint:
Mr. Phillip E. Mayberry
Norfolk Regional LHRC
Appoint:
Mr. Brian McSally
Central Virginia Training Center
Reappoint:
Mrs. Joan C. Milnor
Mr. Kenneth M. Penn
Southern Virginia Mental Health Institute
Appoint:
Ma. Lesa Shelton

Davey Zellmer announced the sad news that SVMHI LHRC member JD Scott, who was featured in the Spring 2007 issue of *Human Writes*, passed away.

Margaret Walsh announced that the Office of Human Rights anticipates that the Local Human Rights Committee seminar will be held at the Holiday Inn Select Koger Center in Richmond on September 13 and 14, 2007. Ms. Walsh asked that staff and committee members consider what topics they would like to have discussed during the seminar.

Having no further business to discuss, the motion was made and unanimously passed to adjourn the meeting at 2:00 p.m.

Respectfully submitted,

Christina Delzingaro, Vice-Chair