

**STATE HUMAN RIGHTS COMMITTEE  
MEETING MINUTES**

Loudoun County CSB  
Aspen Room  
906 Trail View Boulevard, SE  
Leesburg, Virginia 20175  
Friday, July 16, 2004

**ADMINISTRATIVE MEETING**  
**8:00 a.m.**

**COMMITTEE MEMBERS PRESENT**

Joyce Bozeman, Chair  
Michael Marsh, Vice-Chair  
Delores Archer  
Angela Brosnan  
Davey Zellmer

**TENTATIVELY APPOINTED MEMBER**

Kirby Wright

**HUMAN RIGHTS STAFF PRESENT**

Margaret S. Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
Musa Ansari, 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  
Jennifer Bailey, CORE Human Rights Advocate, Region IV & V

**OTHER STAFF PRESENT**

Marion Greenfield, Director of Quality Management, DMHMRSAS

**SHRC Annual Report to the State MHMRSAS Board**

Margaret S. Walsh, State Human Rights Director, asked committee members to review the draft goals for the upcoming year and develop a timeline for working on them. She suggested that a member of the State Human Rights Committee attend the next State MHMRSAS Board meeting in Catawba, Virginia on August 12 and 13 to present the SHRC Annual Report. Michael Marsh, Vice-Chair, volunteered to attend the meeting and present the Annual Report.

Ms. Walsh is to develop a draft goals timeline for the SHRC to review during the September 10 SHRC meeting in Staunton, Virginia.

**Review of SHRC Bylaws**

Ms. Walsh suggested the committee review their Bylaws and develop options for streamlining the management of Variance renewals. The SHRC asked that Ms. Walsh submit suggestions for managing Variances.

The SHRC considered the election and duties of the office of Secretary. According to the SHRC Bylaws, the Secretary is to perform duties as delegated by the Chair and Vice-Chair, and will act as Chair in the absence of the Chair and Vice-Chair. The SHRC decided they would elect a Secretary during the

September 10, 2004 meeting in Staunton.

Margaret Walsh announced that Dana M. Johnson, Assistant Attorney General, has resigned from the Office of Attorney General.

Request for Guidance - Blue Ridge Behavioral Healthcare LHRC

The SHRC will send a letter stating that the language in the human rights regulations means that programs may not issue blanket restrictions. Ms. Walsh will draft a response for Chair's review.

LHRC Application Guidance

The SHRC discussed review of the LHRC recruitment and application process.

Liaison to the State Board

The SHRC discussed the role of State Board Liaison. Mr. Michael Marsh will attend the next State Board meeting which will be held in Catawba, Virginia.

Serenity Home

Davey Zellmer and Mike Marsh visited the Serenity home with Chuck Collins, Regional Advocate for Region I, on July 15, 2004. Val Emerson, Director, met with them and provided a tour of the program. Ms. Zellmer and Dr. Marsh described the grounds and buildings of the program.

During the visit Ms. Emerson said she does not deliberately recruit certified specialists because it has been her experience that they tend to have a narrow focus. She looks instead for people with training and a broad focus. Davey Zellmer and Mike Marsh reported that Val Emerson seems to be very protective of the human rights of her clients and that they were impressed with the way the program is run.

Dr. Bozeman thanked Ms. Zellmer and Dr. Marsh for visiting Serenity Home.

**REGULAR MEETING**  
**10:15 a.m.**

**COMMITTEE MEMBERS PRESENT**

Joyce Bozeman, Chair  
Michael Marsh, Vice-Chair  
Delores Archer  
Angela Brosnan  
Davey Zellmer

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**OTHER STAFF PRESENT**

Marion Greenfield, Director of Quality Management, DMHMRSAS

### **OTHERS PRESENT**

Patrick Bateman, Ph.D., Clinical Director, of the Barry Robinson Center  
Tracy Johnson, Associate Administrator of the Pines Residential Treatment Center  
Carol Skills, The Pines Residential Treatment Center

### **CALL TO ORDER:**

The July 16, 2004, meeting of the State Human Rights Committee was called to order by Joyce E. Bozeman, Ph.D., Chair. Dr. Bozeman lead the SHRC members and human rights staff in introducing themselves.

### **MINUTES:**

**The minutes of the June 4, 2004 State Human Rights Committee meeting were unanimously approved as written.**

**A motion was made and unanimously passed to extend all HIPAA Variance approvals until the human rights regulations are revised or applicable state or federal laws are changed. These variances are now considered ongoing and new applications need not be submitted. Providers are to meet the annual review requirement by submitting the following information on the anniversary of their variance approval:**

- 1. Problems with the implementation of the variance;**
- 2. Complaints about the variance from individuals, family members or staff; and**
- 3. A statement or rationale for the continued need of the variance.**

**A motion was made and unanimously passed to approve the annual report.**

The SHRC asked the human rights office to draft a certificate for Dana M. Johnson, Assistant Attorney General, in recognition of her service to the committee. The committee will comment on the draft during the September 10 meeting. (Draft to be included with these draft minutes).

The Office of Human Rights will develop a map of LHRCs with new names and catchment areas.

Let it be noted that the SHRC reviewed the LHRC recruitment and application process. The committee agreed to appoint a sub-committee to review the process and make suggestions for improvement. The sub-committee will report on activities during the January, 2005 SHRC meeting. A page encouraging LHRC membership will be posted on the department's web site.

**A motion was made and unanimously passed to appoint a sub-committee to review the recruitment process for LHRC appointment. Members of the LHRC Recruitment Sub-committee are Michael Marsh, Bobby Tuck, Jim Bowser and Margaret Walsh. Dr. Michael Marsh is appointed Chair of this sub-committee.**

### **VARIANCES**

#### **Barry Robinson Center**

Reginald T. Daye, Regional Advocate, Region V, introduced Patrick Bateman, Ph.D., Clinical Director, of the Barry Robinson Center. Dr. Bateman provided a brief overview of the Barry Robinson Center and the population of children on 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 (Human Rights Regulations).*

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.

**A motion was made and unanimously passed to approve, for a one-year period, the Barry Robinson Center variance request and the structured living policy as submitted.**

Keystone Newport News Youth Center

Mr. Reginald T. Daye, Regional Advocate, Region V, reported to the committee that the Keystone Newport News Youth Center's Chief Executive Officer had made a request to present its variance renewal at the September 10, 2004, meeting.

Mr. Daye also asked the State Human Rights Committee if they would consider granting the Keystone Newport News Youth Center an extension of its variance until the September 10, 2004, SHRC meeting. The program's variance will expire on July 18, 2004.

**A motion was made and unanimously passed to grant the Keystone Newport News Youth Center an extension of its variance until the September 10, 2004, SHRC meeting.**

The Pines Residential Treatment Center

Ms. Jennifer Bailey, Human Rights Advocate, introduced Ms. Tracy Johnson, Associate Administrator of the Pines Residential Treatment Center (Pines RTC). Ms. Johnson provided the committee with a brief overview of the services offered by the Pines Residential Treatment Center and the population of children on whom the variance would impact.

Ms. Bailey indicated that the Pines RTC is requesting a variance of 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*.

Ms. Bailey 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.

**A motion was made and unanimously passed to approve, for a one-year period, the Pines RTC variance request and structured living policy as submitted.**

**BYLAWS AND NAME CHANGES:**

Hampton/Newport News Community Services Board Local Human Rights Committee

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of the Hampton/Newport News Community Services Board Local Human Rights Committee a request to change its name to, "Southeast Alliance Local Human Rights Committee".

**A motion was made and unanimously passed to approve the Hampton/Newport News Community Services Board Local Human Rights Committee's request to change its name to, "Southeast Alliance Local Human Rights Committee". This change should be incorporated in the LHRC bylaws.**

Richmond Behavioral Health Authority (RBHA):

James O. Bowser, Jr., Regional Advocate, introduced a request of the RBHA Local Human Rights Committee to change the name of the Committee to, "Metro Richmond Local Human Rights Committee". Mr. Bowser explained that the rationale for the request to change the name of the Committee was to make the name of the Committee more reflective of the other 34 providers affiliated with the Committee.

**A motion was made and unanimously passed to approve the request to change the name of the Richmond Behavioral Health Authority Local Human Rights Committee to, "Metro Richmond Local Human Rights Committee".**

Metro Richmond:

James O. Bowser, Jr., Regional Advocate, introduced the revised bylaws of the Metro Richmond Local Human Rights Committee. Mr. Bowser explained that the bylaws had been revised to reflect the requirements of the current regulations and the new name of the Committee.

**A Motion was made and unanimously passed to approve the revised bylaws of the Metro Richmond Local Human Rights Committee.**

District 19:

James O. Bowser, Jr., Regional Advocate, introduced the revised Bylaws of the District 19 Local Human Rights Committee. Mr. Bowser explained that the Bylaws had been revised to reflect the requirements of the current regulations.

**A motion was made and unanimously passed to approve the revised Bylaws of the District 19 Local Human Rights Committee.**

Holiday House of Portsmouth Local Human Rights Committee:

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of the Holiday House of Portsmouth Local Human Rights Committee, a request to amend their bylaws in order to comply with the changes in the Human Rights Regulations.

The local human rights committee also made a request to change its name from, "Holiday House of Portsmouth LHRC" to "Eastern Virginia Local Human Rights Committee".

**A motion was made and unanimously passed to approve the Holiday House of Portsmouth LHRC bylaws as submitted, as well as their request to change the committee's name to, "Eastern Virginia Local Human Rights Committee".**

Barry Robinson Center/Pendleton Child Services Center LHRC:

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of the Barry Robinson Center/Pendleton Child Services Center, a request to amend their bylaws in order to comply with the changes in the Human Rights Regulations. The local human rights committee also made a request to change its name from, "Barry Robinson Center/Pendleton Child Services Center LHRC" to, "Southside Regional Local Human Rights Committee".

**A motion was made and unanimously passed to approve the Barry Robinson Center/Pendleton Child Services Center LHRC bylaws as submitted, as well as their request to change the committee's name to, "Southside Regional Local Human Rights Committee".**

Suffolk Regional Local Human Rights Committee:

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of the Suffolk Regional

Local Human Rights Committee, a request to amend their bylaws in order to comply with the changes in the Human Rights Regulations.

**A motion was made and unanimously passed to approve the Suffolk Regional LHRC bylaws as submitted.**

Williamsburg Regional Local Human Rights Committee:

Ms. Jennifer Bailey, Human Rights Advocate, presented on behalf of the Williamsburg Regional Local Human Rights Committee, a request to amend their bylaws in order to comply with the changes in the Human Rights Regulations.

**A motion was made and unanimously passed to approve the Williamsburg Regional LHRC bylaws as submitted.**

The Pines Residential Treatment Center LHRC:

Ms. Jennifer Bailey, Human Rights Advocate, presented on behalf of the Pines Residential Treatment Center LHRC, a request to amend their bylaws in order to comply with the changes in the Human Rights Regulations.

The local human rights committee also made a request to change its name from, "The Pines Residential Treatment Center Local Human Rights Committee" to "Tidewater Regional Local Human Rights Committee".

**A motion was made and unanimously passed to approve the Pines Residential Treatment Center Local Human Rights Committee bylaws as submitted, as well their request to change the committee's name to, "Tidewater Regional Local Human Rights Committee".**

Eastern State Hospital Local Human Rights Committee:

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of the Eastern State Hospital Local Human Rights Committee, a request to amend their bylaws in order to comply with the changes in the Human Rights Regulations.

**A motion was made and unanimously passed to approve the Eastern State Hospital Local Human Rights Committee Bylaws as submitted.**

**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 appointments to and removals from Local Human Rights Committees.**

Upon reconvening in open session, the State Human Rights Committee unanimously 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 the closed session.

**A motion was made and unanimously passed to remove Mr. A. E. from the Chesterfield Local Human Rights Committee.**

**A motion was made and unanimously passed to accept the resignation of Ms. C.W.H. from the Chesterfield LHRC.**

**A motion was made and unanimously passed to appoint the following applicants to their**

**respective Local Human Rights Committees.**

The Pines Residential Treatment Center

Appoint:

Deborah McCallister

Chesterfield

Reappoint:

Clare Velzy

Hasan Zarif

District 19

Appoint:

Antoinette Smith Evans

Rockbridge Area CSB

Reappoint:

Ms. Kirby Mullen

Piedmont Geriatric Hospital

Reappoint:

Ancer Richard

Marge Talley

Northern Virginia Regional

Reappoint:

Patricia Fuller

Alexandria

Appoint:

Dianne Blastic

Gerylee M. Baron

Reappoint:

Christine Sensemane

Arlington

Reappoint:

Beverly Garner

**A motion was made and unanimously passed to appoint M. Brimmer to fulfill a specific position on the Western State Hospital LHRC. If M. Brimmer is not able or willing to serve for the specified position, she is not appointed.**

Appointment to the Western State Hospital LHRC is deferred until consultation with the Office of Attorney General.

**STATE HUMAN RIGHTS DIRECTOR (SHRD) REPORT:**

Margaret Walsh, SHRD, updated the committee on the status of Medicaid Waiver.

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

Respectfully submitted,



Joyce E. Bozeman, Ph.D., Chair  
State Human Rights Committee