

**STATE HUMAN RIGHTS COMMITTEE
MEETING MINUTES**

Western State Hospital
Jeffreys Building, Rooms 86, 87 & 90
1301 Richmond Road
Staunton, VA 24402
Friday, September 6, 2002

ADMINISTRATIVE MEETING

8:00 a.m.

COMMITTEE MEMBERS PRESENT

Peter McIntosh, Chair
Jim Briggs, Vice-Chair
Joyce Bozeman
Angela Brosnan
Carol Gittman
Michael Marsh
Linda Martin
Carmen Thompson
Davey Zellmer

STAFF PRESENT

Margaret Walsh, State Human Rights Director
Musa Ansari, Assistant State Human Rights Director
Kli Kinzie, Executive Secretary
Charles T. 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
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
Virginia Goodell, Facility Human Rights Advocate, ESH
Stewart Prost, Facility Human Rights Advocate, SEVTC
Chris Ruble, Facility Human Rights Advocate, CCA

OTHERS PRESENT

Ken Batten, Manager, Program Monitoring and Oversight, Office of Substance Abuse Services, DMHMRSAS

Substance Abuse Services, DMHMRSAS

Mellie Randall, Manager, Program Planning and Standardization, Office of Substance Abuse Services, DMHMRSAS

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

Dot Gruber, Case Manager, Child and Family Division, CVCS

Myriam Martin, Case Manager, Child and Family Division, CVCS

Holly Tharpe, Case Manager, Child and Family Division, CVCS

Dr. Harvey Barker, Director of Access Services, New Life Recovery of the New River Valley Community Services (NRVCS)

Kat McClinton, Supervisor, New Life Recovery (NRVCS)

ISSUES:

Chairman Peter McIntosh opened the September 6, 2002 State Human Rights Committee meeting. Mr. McIntosh welcomed all present for the meeting and opened a period of discussion.

Substance Abuse Programs and Guidelines Provided in the Human Rights Regulation:

Mr. McIntosh recognized Mr. Ken Batten, Manager of Program Monitoring and Oversight for the Office of Substance Abuse Services for the Department. Mr. Batten introduced Ms. Mellie Randall, Manager of Program Planning and Standardization, Office of Substance Abuse Services for the Department.

A discussion regarding the issue of restrictions on the use of telephones and on receiving visitors when newly admitted to substance abuse programs followed. Mr. Batten and Ms. Randall explained that many consumers who enter substance abuse rehabilitation programs have destructive relationships on the outside and that restrictions on contact with potentially dangerous friends and relations is important when establishing a relationship of trust with new clients. Ms. Randall asked that the department allow senior staff persons directly responsible for clinical services the authority to make decisions regarding restrictions on contact. Clients can then attach to the new social support system offered by the program before a gradual reintroduction with old connections. Ms. Randall stated that the OSAS is not suggesting anything that would limit the review by LHRCs.

Representatives from substance abuse programs presented arguments in favor of allowing programs to restrict contact with the outside during the initial stages of treatment. Restrictions also help to give focus on new tools for coping as they are introduced. Some programs that are trying to operate in compliance with the regulation without variances are losing clients. Dr. Harvey Barker, Director of Access Services, New Life Recovery (NRVCS) stated that substance abuse programs believe they must limit access to telephones and visitors because without these restrictions, the programs may fail in their jobs to rehabilitate. The individual would then suffer serious loss of rights when they are sent back to jail, etc. Good treatment will phase external

contacts back in as clients adjust to treatment.

Mr. Batten requested programs be granted a standard two-week period of restricting telephones and visitors for new clients. Any more would need review by the LHRC and approval by the SHRC on an individual case-by-case basis.

Client Swaying:

Mr. James H. Harper, Program Manager for Case Management Child and Family Division for the Central Virginia Community Services (CVCS) came forth with concerns regarding client swaying by private provider programs. Mr. Harper introduced Dot Gruber, Myriam Martin and Holly Tharpe, Case Managers for the Child and Family Division for CVCS.

Mr. Harper stated that since the Medicaid Waiver money is gone some private providers are giving wrong information and using unethical business practices to lure clients into their programs. Individuals most affected by this are high functioning mentally retarded clients who do not have legal guardians or Legally Authorized Representatives. Mr. Harper reported that providers have essentially lured clients into their programs with promises of dogs to play with and have deliberately given consumers wrong information to entice them to enroll in their programs. Mr. Harper emphasized that he strongly believes that consumers have the right of choice but that the targeted MR population is being extorted.

Chairman McIntosh thanked the program and department representatives for coming forth with their issues and stated that the committee would carefully consider the information presented.

REGULAR MEETING

10:15 a.m.

COMMITTEE MEMBERS PRESENT:

Peter McIntosh, Chair
Jim Briggs, Vice-Chair
Joyce Bozeman
Angela Brosnan
Carol Gittman
Michael Marsh
Linda Martin
Carmen Thompson
Davey Zellmer

STAFF PRESENT:

Margaret Walsh, State Human Rights Director
Musa Ansari, Assistant State Human Rights Director
Kli Kinzie, Executive Secretary

Charles T. Collins, Regional Human Rights Advocate, Region I
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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
Virginia Goodell, Human Rights Advocate, ESH
Stewart Prost, Human Rights Advocate, SEVTC
Randy Urgo, Human Rights Advocate, WSH
Chris Ruble, Facility Human Rights Advocate, CCCA

OTHERS PRESENT:

Dana M. Johnson, Assistant Attorney General
Jack Barber, Facility Director, WSH
Dr. Deborah Mazzarella, Psychology Supervisor, ESH

CALL TO ORDER:

The September 6, 2002 meeting of the State Human Rights Committee was called to order by Chairman Peter McIntosh. Charles T. Collins, Regional Human Rights Advocate, Region I, introduced Jack Barber, M.D., Facility Director of Western State Hospital. Dr. Barber extended his welcome to the committee and shared WSH's April 2002 report to the Department of Justice. Dr. Barber said the hospital has already absorbed \$800,000 and that the department is cutting up to 1 million more dollars from Western State Hospital's budget.

Mr. McIntosh lead the members in introducing themselves. Advocates and staff of the Office of Human Rights introduced themselves for those present for the meeting.

MINUTES:

The minutes of the July 12, 2002 State Human Rights Committee meeting were approved as submitted.

RESTRICTIVE TREATMENT PLAN:

Eastern State Hospital: D.K.

Virginia Goodell, Human Rights Advocate, Eastern State Hospital, introduced Dr. Deborah Mazzarella, Psychology Supervisor, ESH. Ms. Goodell and Dr. Mazzarella addressed the Committee regarding a request for continuation of the restrictive treatment plan for D.K., a patient of ESH.

The motion was made and passed to go into Executive Session pursuant to Virginia Code, 2.2-3711 (15), for the purpose of discussing a restrictive treatment plan for D.K. This review necessarily involved discussion and consideration of mental and medical

records excluded and information excluded from the Freedom of Information Act. Members present were Peter McIntosh, Jim Briggs, Joyce Bozeman, Angela Brosnan, Carol Gittman, Michael Marsh, Linda Martin, Carmen Thompson and Davey Zellmer.

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 Executive Session were discussed in the Executive Session.

The motion was made and unanimously passed to approve the treatment plan continuation for D.K. as submitted.

BYLAWS:

Middle Peninsula/Northern Neck Local Human Rights Committee Bylaws Modification

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of the Middle Peninsula/Northern Neck Local Human Rights Committee, their bylaws modification for approval.

A motion was made and unanimously passed as follows: Article VII: Local Human Rights Committee, Section A, Sentence 2, is to be modified to read, The membership shall consist of five (5) members, of which one-third will be consumers and the others representative of professional and consumer groups.

The SHRC also recommended to the Local Human Rights Committee that the proposed language to empower the chair of the local human rights committee to grant extensions of time frames for investigations and/or appeals, need not be included in the bylaws. The committee indicated if the LHRC desires to allow the chairperson to act on their behalf, then the committee can vote to authorize this action at a regular meeting. This action should be reflected in the minutes.

Holiday House of Portsmouth Local Human Rights Committee Bylaws Modification

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of Holiday House of Portsmouth Local Human Rights Committee, their bylaws modifications for approval.

A motion was made and passed as follows:

- 1. Any reference to the Regulations is to be modified to read: Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services.**

2. Under Article V, Amendments, Sentence 1, should be changed to read: “Any proposed amendment to the bylaws shall be presented in writing to the entire LHRC at least two weeks prior to the meeting, at which time, it is to be voted with a four-fifths vote to be ratified. All proposed amendments to the bylaws must be approved by the SHRC.”

The SHRC also recommended to the Local Human Rights Committee that the proposed language to empower the chair of the local human rights committee of time frames for investigations and/or appeals need not be included in the bylaws. The committee indicated if the LHRC desires to allow the chairperson to act on their behalf, then the committee can vote to authorize this action at a regular meeting. This action should be reflected in the minutes.

Hampton/Newport News Community Services Board Local Human Rights Committee Bylaws Modification

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of the Hampton/Newport News CSB LHRC, a request to amend their bylaws.

A motion was made and unanimously passed as follows:

Article IV, Officers, Section 2, Duties of Officers; Item 1, which states, “Where it is impractical or impossible to convene a quorum of the committee, the chair is authorized to act unilaterally, on the committee’s behalf, to grant extensions of time frames for investigations and appeals, provided the Regional Advocate has no objection and all parties are in agreement, and providing that the committee is notified of such action and formal action is taken at the next regularly scheduled meeting,” should be deleted.

This request is based upon the State Human Rights Committee’s previous rulings that the above noted modification should not be placed in the LHRC bylaws. The SHRC further recommends that the local human rights committee can, at a regular meeting, vote to authorize the chairperson to act on its behalf as it relates to the above mentioned action. This action should be reflected in the minutes.

LHRC MEMBERSHIP:

The motion was made and unanimously passed that the State Human Rights Committee go into closed session pursuant to Virginia Code §2.1-344 A (15) for the purpose of reviewing Local Human Rights Committee nominations.

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 Executive Session were discussed

in the Executive Session.

The Committee unanimously passed a motion to appoint the following applicants to their respective Local Human Rights Committees.

Harrisonburg-Rockingham CSB

Appointments:

Gail Fox

Joseph Sharrer

T.W. Neumann & Associates

Appointment:

Jennifer Hanner

Hampton/Newport News CSB

Appointment:

Ms. Jo Horvath

Middle Peninsula/Northern Neck CSB

Appointment:

Brian Latell

Hampton Roads Regional

Appointment:

Mary Baylor

Southeastern Virginia Training Center

Appointment:

Jeffrey Regan

Woodside Hospital

Appointment:

Annette Mack

Arlington County CSB

Appointment:

Michael Callahan

Loudoun County CSB

Appointments:

Diane Reed

Moya Cardle

Central State Hospital

Appointments:

Lori D. Redmond

Deidra Griffin-Harry

Chandra L. Ramsey

Lori Kochanski

Bettye Wilkerson

Fredericksburg Area LHRC

Appointments:

Ms. Renata D. Thomas

Mr. Terry A. Houchens

Harrisonburg-Rockingham CSB

Reappointment:

Elmo Pascale

Commonwealth Center for Children and Adolescents

Appointment:

Deborah Atno-Shelton

Central Va Training Center

Appointment:

Ms. Juanita D. Elliott

Piedmont Geriatric Hospital

Appointment:

Sheila Hawthorne

State Human Rights Committee Chairman's Report:

Peter McIntosh, chair, reported that a letter has been received regarding the responsibilities of programs to support Local Human Rights Committees. Mr. William Claiborn, Executive Director, Alexandria Community Services Board, asks that the regulatory process be re-opened for further review.

Mr. McIntosh will respond to Mr. Claiborn's letter.

State Human Rights Director's Report:

Margaret Walsh, State Human Rights Director, addressed the SHRC's responsibility to determine geographical boundaries for LHRCs in accordance with its authority under 12 VAC 35-115-250 E4. Ms. Walsh suggested getting opinions from different individuals by establishing a task force.

The motion was made and unanimously passed to establish a task force to make recommendations to the SHRC about ways to maximize the efficiency and effectiveness of the current LHRC system. The SHRC will review these recommendations in accordance with its authority under 12 VAC 35-115-250 E4. The task force is to make a preliminary report in approximately four (4) months.

Ms. Walsh reported on current budget issues of the department. A fiscal analysis with cut-back proposals is to be submitted to the Governor Warner by September 20.

A mandatory training session for the NVMHI LHRC will be held at the NVTC on September 11, 2002, from 8:00 to 10:00 p.m. Peter McIntosh, Davey Zellmer and Jim Briggs are to facilitate the training. Margaret Walsh, Mary Towle and Ann Petrie will be present for the session.

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