

**State Human Rights Committee
Meeting Minutes**

Region I

Friday, September 7, 2007

Western State Hospital

1301 Richmond Road

Jeffreys Building Classroom

Staunton, Virginia, 24401

ADMINISTRATIVE MEETING

8:30 a.m.

COMMITTEE MEMBERS PRESENT

Kirby Wright, Chair

Christina Delzingaro, Vice-Chair

Angela Brosnan

Delores Archer

Donald Lyons

Jannie Robinson

Carmen Thompson

Davey Zellmer

NOT PRESENT

Joseph Lynch

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

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

Randy Urgo, Facility Human Rights Advocate, WSH

Mark Seymour, Child and Adolescent Advocate, Regions I & II

OTHERS PRESENT

Jack Barber, M.D., Facility Director, Western State Hospital

Mr. Kirby Wright, Chair, opened the administrative session of the State Human Rights Committee meeting.

The committee reviewed and revised the SHRC Goals Workplan.

Margaret Walsh reported that the revised human rights regulations list additional duties for the SHRC, including the review of LHRC affiliations. Ms. Walsh suggested that the committee may wish to add to their goals the development of a process for reviewing affiliations. She also suggested the development of sample Bylaws and Minutes. Delores Archer, Jannie Robinson and Christina Delzingaro were appointed to a sub-committee to develop affiliation reviews. Delores Archer will serve as Chair. The Affiliations Committee will submit a proposal at the March, 2008 meeting.

Emergency IM Medication Policies

At the July 13, 2007 meeting the SHRC approved The Pines Residential Treatment Center Emergency Medication Policy with the stipulation that the program submit a justification for the use of the policy which demonstrates that the meds are not being used as chemical restraints. Having received no feedback from the program the committee asks that the program send staff to the October 26, 2007 meeting in Suffolk to further review the policy. The committee also requests that the program provide a definition for an emergency as it applies to the policy.

The SHRC discussed a response from to Piedmont Geriatric Hospital regarding the ban on the use of tobacco products.

The SHRC discussed the SHRC membership selection process. Chairman Wright appointed Delores Archer, Jannie Robinson and Christina Delzingaro to a sub-committee for the development of a membership selection process. Delores Archer will serve as Chair.

The SHRC reviewed a letter from Donald Lyons, former Chair of Southwestern Virginia Training Center LHRC regarding employment of staff who have been terminated from other facilities and programs. Margaret Walsh will discuss this issue with the Office of Licensing. Davey Zellmer suggested that Karen Walters, DMHMRSAS Special Counsel, research options. Kirby Wright and Margaret Walsh will write a letter in response to the LHRC's concerns.

Kirby Wright reported that he attended the August State DMHMRSAS Board meeting at the Institute of Technology in Danville. Mr. Wright said that the SHRC Annual Report was well received, and that during the meeting the State Board appointed Jannie Robinson and Donald Lyons to the State Human Rights Committee. Chairman Wright extended his welcome to the new members.

Chuck Collins updated the committee on the status of Joe Lynch's health.

Margaret Walsh reported that the new regulations will go into effect on September 19, 2007.

Jack Barber, Facility Director, Western State Hospital, welcomed the SHRC to the facility and provided a brief history of the facility and the populations served.

10:00 a.m. Break

REGULAR MEETING

10:15 a.m.

COMMITTEE MEMBERS PRESENT

Kirby Wright, Chair
Christina Delzingaro, Vice-Chair
Angela Brosnan
Delores Archer
Donald Lyons
Jannie Robinson
Carmen Thompson
Davey Zellmer

NOT PRESENT

Joseph Lynch

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
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
Randy Uργο, Facility Human Rights Advocate, WSH
Mark Seymour, Child and Adolescent Advocate, Regions I & II
Sonia Smith, Human Rights Advocate, Catawba Hospital and the Roanoke Valley
Anne Stiles, Facility Human Rights Advocate, Piedmont Geriatric Hospital and Virginia
Center for Behavioral Rehabilitation

OTHER STAFF PRESENT

Steven Wolf, Director of Sex Offender Services, Office of Health and Quality Care
Eric Alridge
Cheryl Crawford

OTHERS PRESENT

Tammy Johnston, Valley CSB

Hope Brickey, mother of consumer

Brenda Coleman, Disability Rights Advocate, Virginia Office for Protection and Advocacy

Zachary S. DeVore, Staff Attorney, Virginia Office for Protection and Advocacy

Dudley Woody, Attorney for Blue Ridge Behavioral Healthcare

Helen Lang, Corporate Compliance Officer, Blue Ridge Behavioral Healthcare

Gina Wilburn, Director, Child and Family Services, Blue Ridge Behavioral Healthcare

Welcome / Call to Order

The September 7, 2007 meeting of the State Human Rights Committee was called to order by Mr. Kirby Wright, Chairperson. Mr. Wright asked committee members and human rights staff to introduce themselves for those present.

Minutes

The minutes of the July 13, 2007 State Human Rights Committee meeting were unanimously approved as corrected.

Public Comment Period 10:30 TO 10:45

Kirby Wright 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 continued with regular business.

Reviews/appeals

Blue Ridge Behavioral Healthcare vs. H.B. on behalf of J.U.

This case came before the State Human Rights Committee (SHRC) on September 7, 2007 on appeal of a decision of the Blue Ridge Regional Human Rights Committee (RHRC). Members present were Kirby Wright, Christina Delzingaro, Davey Zellmer, R.N., Carmen Thompson, Donald Lyons, Jannie Robinson, Ph.D., Delores Archer and Dr. Angela Brosnan, M.D. Ms. Hope Brickey brought the case forward on behalf of her son J.U. with support and guidance from Sonia Smith. Mr. Dudley Woody, Attorney for Blue Ridge Behavioral Healthcare, Helen Lang, Corporate Compliance Officer, BRBH, and Gina Wilburn, Director of Child and Family Services, BRBH, represented the Community Services Board. At the request of Ms. Brickey the hearing was held in closed session.

A Motion was made and passed 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.

By a vote of 8-0, the SHRC upholds the findings and recommendations made by the Blue Ridge Regional Human Rights Committee in its decision, to include the following:

Violation of 12 VAC 35-115-50 (D)- failure to recognize, respect, support and protect the dignity rights of J.U. because his mother had a right to expect to be fully informed about treatment issues, as had been the practice between the service provider and the mother.

No violation of 12 VAC 35-115-50(B)(2)- protection from harm.

LHRC Recommendation:

- 1) The Regional Committee supports the Action Plan outlined in Mr. Sikkema's May 1st letter and requests a) to be informed of the outcome of reviews and b) to be notified of the report to Ms. Brickey
- 2) The Regional Committee recommends that BRBH make a specific apology for failure to inform Ms. Brickey regarding the circumstances prior to executing the consequence of October 26, 2006.

SHRC Comment:

The SHRC expresses its sincere hope that J.U. receives the services and supports necessary for him to be successful.

The SHRC thanks the Blue Ridge Regional Human Rights Committee for its time and effort in conducting this hearing.

The Office of Sex Offender Services and its Relationship to VCBR

Steven Wolf, Director of Sex Offender Services, came before the committee to discuss the role of the Office of Sex Offender Services and its relationship to VCBR. Mr. Wolf gave a summary of his background and provided the committee with information on the goals and objectives of his office. He reported that his office trains staff of the department and the Office of Attorney General on issues involving sex offenders, and collects data for census growth projections for reporting to the General Assembly. The General Assembly has defined a certain set of behaviors and crimes that make an individual SVP eligible. Mr. Wolf stated that his program is for serial sex offenders, not incidental sex offenders. As the program matures, the therapeutic environment will operate 24/7. His team will train facility staff and treatment teams to

recognize patterns/cycling and learn to respond to them in a preventative way. His office develops conditional release plans. They have a data base with every case in the system and, in the future, this data base will accept downloads from the Department of Corrections.

Chairman Wright thanked Mr. Wolf for coming. Mr. Wolf thanked the committee and Margaret Walsh for their work in ensuring the Department does not allow the abuse of SVP individuals.

Virginia Center for Behavioral Rehabilitation

The SHRC reviewed the Advocate Monthly Report for June 2007.

The SHRC received Level 3 Appeal Responses for TW, EK and DL for the file. Anne Stiles, Human Rights Advocate, reported the addition of Cheryl Young to facility staff.

Cheryl Crawford, Anne Stiles, Eric Alridge, and CC Murphy were present to submit Policy 210 Resident Complaint Process and Request for Consultation, and Resident Complaint Forms for Levels 1, 2 and 3. Ms. Crawford highlighted the changes made since the SHRC last reviewed the policies. The committee asked that the internal tracking system from VCBR be added to Level 3 complaints.

LHRC Membership

The committee accepted a Notice of Removal of Betty Velez from Hiram Davis LHRC. The committee noted that Ms. Velez has served on three LHRCs and she was featured in Human Writes as an LHRC Honoree. The SHRC will send a letter of appreciation or a card to Ms. Velez .

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.

The motion was made and unanimously passed to appoint the following applicants to the specified local human rights committees.

Valley CSB LHRC

Appoint:

Mr. Bradley Houff

Commonwealth Center for Children and Adolescents

Reappoint:
Ms. Wendy Young
Prince William LHRC
Appoint:
Ms. Carol Stair
Crater Local Human Rights Committee
Appoint:
Reuel Jean Grim
Eastern State Hospital or Region V
Appoint:
Jajala J. Schweiger
HPR V LHRC
Appoint:
Ms. Betty J. Morgan
Chesapeake LHRC
Appoint:
Ms. Latonia Edmonds
Dr. William E. Austin
Heartland Regional Local Human Rights Committee
Appoint:
Mrs. Diana C. Shores

A motion was made with one abstention to appoint the following:

New Creation LHRC
Appoint:
Mr. Hasan Zarif

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

Respectfully submitted,

Kirby Wright, Chair