

**STATE HUMAN RIGHTS COMMITTEE  
MEETING MINUTES**

Valley Community Services Board  
85 Sanger Lane  
Staunton, Virginia, 24401  
Conference Room  
September 9, 2005

**ADMINISTRATIVE MEETING**

**8:00 a.m.**

**COMMITTEE MEMBERS PRESENT**

Joyce Bozeman, Chairperson  
Delores Archer  
Angela Brosnan  
Barbara Jenkins  
Carmen Thompson  
Bobby Tuck  
Davey Zellmer

**HUMAN RIGHTS STAFF PRESENT**

Margaret Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
Charles T. Collins, Regional Human Rights Advocate, Region I  
Reginald T. Daye, Regional Human Rights Advocate, Region V  
Sherry C. Miles, Regional Human Rights Advocate, Region VI  
Collette Ashiru, CORE Human Rights Advocate, Regions IV & V  
Mark Seymour, CORE Human Rights Advocate, Regions I & II  
Randy Urgo, Facility Human Rights Advocate, Western State Hospital  
Michael Curseen, Patient Advocate, Central State Hospital

**OTHERS PRESENT**

Margie Tuck, Henrico and Southside Virginia Training Center LHRC Member  
Betty Snoot-Valez, Member, Southside Virginia Training Center LHRC, Central State  
Hospital, and Petersburg Regional LHRCs

## **ISSUES:**

Dr. Joyce E. Bozeman, Ph.D., opened the administrative session of the September 9, 2005, State Human Rights Committee meeting. Dr. Bozeman stated that the Communication sub-committee continues to make progress on the first issue of the newsletter. Barbara Jenkins has all of the articles and will send out a draft before the October meeting. Margaret Walsh will submit current news and near future events to the newsletter sub-committee just before publication.

Barbara Jenkins asked about the number of program affiliations any given Local Human Rights Committee (LHRC) should have. Margaret Walsh answered that LHRC workloads differ depending on the types of programs served and the geographic areas covered in the various LHRCs catchment areas.

Dr. Bozeman reported that Davey Zellmer has communicated concerns regarding the upcoming changes to Medicaid drug support services with Dr. James Evans, Director of the Office of Health and Quality Care, DMHMRSAS. Margaret Walsh stated that all programs, Community Services Boards (CSBs) and Behavioral Health Authorities (BHAs) should now be informing all Medicaid recipients of the upcoming changes. Ms. Walsh provided a handout from Chesapeake CSB which explains what will happen with consumers and how the new Medicaid system will work. Depending on the plan used in Virginia, consumers in need of drugs that are not supported will have to pay for medications out of pocket. There is a potential for human rights appeals regarding whether CSBs, BHAs and programs correctly follow procedures for informing consumers of changes and acquiring and distributing approved medications. Delores Archer stated that the medical field is currently being trained on the changes. Ms. Archer is concerned that many consumers will not have the help they need to understand the changes.

Dr. Bozeman asked that advocates do not add items to the agendas on meeting days. Items for meetings are to be submitted to the central office in time to be mailed to the members with the packets. Barbara Jenkins suggested having a set guideline for proper submission of agenda items. The guideline should detail what circumstances constitute emergencies, and how the central office is to handle those emergencies. Ms. Walsh will draft guidance for distribution to advocates.

Sherry Miles asked if a Case Manager is considered to be a licensed health care provider. Ms. Miles has a Case Manager who applied for LHRC membership. This individual coordinates mental retardation services for treatment plans, but does not actually deliver the services. Margaret Walsh reminded the committee that when the Virginia code was changed to add the health care provider requirement, the SHRC pulled the language from the code to provide guidance on who meets the requirement. That language should be reviewed and these situations should be considered on a case by case basis. Ms. Walsh suggested that it would be helpful to have a resumé or job description accompany the LHRC application.

Margaret Walsh provided an update on the status of the human rights regulation revision.

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

**COMMITTEE MEMBERS PRESENT:**

Joyce Bozeman, Chairperson  
Delores Archer  
Angela Brosnan  
Barbara Jenkins  
Carmen Thompson  
Bobby Tuck  
Davey Zellmer

**STAFF PRESENT:**

Margaret Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
Charles T. Collins, Regional Human Rights Advocate, Region I  
Reginald T. Daye, Regional Human Rights Advocate, Region V  
Sherry C. Miles, Regional Human Rights Advocate, Region VI  
Collette Ashiru, CORE Human Rights Advocate, Regions IV & V  
Mark Seymour, CORE Human Rights Advocate, Regions I & II  
Randy Urgo, Facility Human Rights Advocate, Western State Hospital  
Michael Curseen, Patient Advocate, Central State Hospital

**OTHERS PRESENT**

Margie Tuck, Henrico and Southside Virginia Training Center LHRC Member  
Betty Snoot-Valez, Southside Virginia Training Center LHRC Member  
Dan McCauley, Commonwealth Center for Children and Adolescents LHRC Member  
Pam Davies, Director, Crossroads  
Marita Derrick, Valley Community Services Board LHRC  
Mike Gieske-Smith, Chair, Valley CSB LHRC, and Mental Retardation Director for  
Rockbridge Area CSB  
Ken Moore, Consumer Advocate, Region Ten CSB

**CALL TO ORDER:**

The September 9, 2005, meeting of the State Human Rights Committee was called to order by Dr. Joyce E. Bozeman, Ph.D., Chair. Dr. Bozeman lead the members in introducing themselves. Advocates and staff of the Office of Human Rights introduced themselves.

Chuck Collins, Regional Advocate, introduced W. Jerry Thomas, Executive Director of Valley Community Services Board. Mr. Thomas welcomed the SHRC to Valley CSB. The administrative offices of Valley CSB moved to this location in August of 2004. Mr. Thomas said the buildings on the new site were placed in a way that facilitates services delivery to the consumers.

Chuck Collins introduced Pam Davies, Director of Crossroads in Fishersville; Marita Derrick, Valley CSB LHRC; Mike Gieske-Smith, Valley CSB LHRC Chair and Mental Retardation Director for Rockbridge Area CSB; and Ken Moore, Consumer Advocate, Region Ten CSB.

Margaret Walsh, State Human Rights Director, reported that she and Bobby Tuck attended the September, 2005, State MHMRSAS Board meeting to present the SHRC Annual Report. The State Board appreciated their presentation and accepted the report.

### **MINUTES:**

**The minutes of the July 15, 2005 State Human Rights Committee meeting were unanimously approved as circulated.**

### **LHRC MEETING REPORT**

LHRC meeting reports were provided for review. Various SHRC members commented on the LHRC meetings they attended. Margaret Walsh stated that LHRC minutes should be posted on the departmental web site. LHRCs should be provided with some guidance on how to write minutes of LHRC meetings. Examples of LHRC minutes will be provided at the next SHRC meeting for discussion. Margaret Walsh also recommended that Karen Walters, DMHMRSAS Special Counsel, conduct training on the Freedom of Information Act during the October SHRC meeting.

### **10:30 - 10:45 PUBLIC COMMENT PERIOD**

Joyce Bozeman 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, Carmen Thompson took the floor and spoke about the devastation of Hurricane Katrina. Ms. Thompson asked what is happening to the consumers in New Orleans. Margaret Walsh reported that Commissioner Reinhard, and Jane H. Woods, Secretary of Health and Human Resources, have identified available beds in Virginia's state institutions. A thousand displaced consumers are to be housed in Fort Picket, another 100 will go to Blackstone. Also, out-patient services are being coordinated to serve as many consumers as possible. Teams of mental health, mental retardation and substance abuse services professionals will go to each location to evaluate the needs of the individuals coming in for services. Camen

Thompson said 1000 people came to Smith Mountain Lake for temporary placement.

Pam Davies, Director of Crossroads, asked for guidance on the proper recording of minutes of LHRC meetings. Ms. Walsh replied that the SHRC will issue guidance and perhaps a model for LHRC minutes. This issue will be placed on the agenda for the October meeting, along with FOIA training from SHRC Counsel.

End public comment period.

#### LHRC ADMINISTRATIVE SUPPORT

Bobby Tuck noted that the letter from the Commissioner dated June 15, 2005, concerning administrative support for Local Human Rights Committees was addressed to the facilities only. The Community Services Boards and Behavioral Healthcare Authorities should also be asked how they are complying with the responsibility to provide administrative support.

**A motion was made and unanimously passed to ask the advocates to comment on provider support to Local Human Rights Committees and to highlight any areas needing attention.**

#### VARIANCES:

##### Northern Virginia Mental Health Institute

Northern Virginia Mental Health Institute's withdrawal of a variance was accepted for the file.

#### POLICY:

##### Keystone Newport News - Unit Restriction

At the July 15, 2005, State Human Rights Committee meeting Reginald T. Daye, Regional Human Rights Advocate, and Collette Ashiru, CORE Human Rights Advocate, brought forward the issue of the use Unit Restriction at Keystone Newport News. Mr. Daye reported that the program did not use their approved Structured Living protocol last year, and appears to be using what they call Unit Restriction instead. On August 2, 2005, the SHRC sent a letter to Keystone requesting the policy, procedure or practice that demonstrates that the practice referred to as Unit Restriction in the Keystone Resident Handbook is in compliance with 12VAC 35-115-110 (B)(13) and 12 VAC 35-115-60 (b)(5).

Keystone's response of August 19, 2005, describes the use of Unit Restriction, which is similar to Structured Living but it is a practice for which they do not have an

approved variance. Mr. Daye and Ms. Ashiru requested that the SHRC notify Keystone that they must have an approved variance specifically for Unit Restriction in order to use Unit Restriction.

**A motion was made and unanimously passed to notify Keystone Newport News that the SHRC finds that the use of Unit Restriction is not in compliance with 12 VAC 35-115-110 (B)(13) and 12 VAC 35-115-60 (b)(5), and that the program must stop the use of Unit Restriction immediately. The program may chose to seek approval of a variance which would allow for the use of Unit Restriction.**

**BYLAWS:**

Crater Local Human Rights Committee

Michael Curseen, Patient Advocate, Central State Hospital, introduced and presented a request on behalf of James O. Bowser, Jr., Regional Human Rights Advocate for Region IV, and the Crater Local Human Rights Committee to amend their bylaws in order to comply with section 37.2-204 of the Code of Virginia.

**A motion was made and unanimously passed to approve the Crater Local Human Rights Committee bylaws as submitted.**

Eastern Virginia Local Human Rights Committee

Reginald T. Daye, Regional Advocate for Region V, presented on behalf of the Eastern Virginia Local Human Rights Committee, a request to amend their bylaws in order to comply with the changes in the Code of Virginia that impact on the membership makeup of the local human rights committee and the renumbering of the various sections of the Code of Virginia.

**A motion was made and unanimously passed to approve the Eastern Virginia Local Human Rights Committee Bylaws subject to the following modifications:**

**Article III Membership, Section 1, add the following sentence, In addition, at least one appointment to the LHRC must be a health care provider.**

**Article III Membership, Section 1, Sentence 2, the Virginia Code reference number should be changed to: 37.2-204 .**

Genesis Local Human Rights Committee

Reginald T. Daye presented on behalf of the Genesis Local Human Rights

Committee, a request to amend their bylaws in order to comply with the changes in the Code of Virginia that impact on the membership makeup of the local human rights committee and the renumbering of the various sections of the Code of Virginia.

**A motion was made and unanimously passed to approve the Genesis Local Human Rights Committee Bylaws subject to the following modifications:**

**Article III Membership, Section 1, add the following sentence, In addition, at least one appointment to the LHRC must be a health care provider.**

**Article III Membership, Section 1, Sentence 2, the Virginia Code reference number should be changed to: 37.2-204 .**

Peninsula Regional Local Human Rights Committee

Reginald T. Daye presented on behalf of the Peninsula Regional Local Human Rights Committee, a request to amend their bylaws in order to comply with the changes in the Code of Virginia that impact on the membership makeup of the local human rights committee and the renumbering of the various sections of the Code of Virginia.

**A motion was made and unanimously passed to approve the Peninsula Regional Local Human Rights Committee Bylaws subject to the following modifications:**

**Article III Membership, Section 1, add the following sentence, In addition, at least one appointment to the LHRC must be a health care provider.**

**Article III Membership, Section 1, Sentence 2, the Virginia Code reference number should be changed to: 37.2-204 .**

Health Planning Region V Local Human Rights Committee

Reginald T. Daye, Regional Advocate, presented on behalf of the Health Planning Region V Local Human Rights Committee, a request to amend their bylaws in order to comply with the changes in the Code of Virginia that impact on the membership makeup of the local human rights committee and the renumbering of the various sections of the Code of Virginia.

**A motion was made and unanimously passed to approve the Health Planning Region V Local Human Rights Committee Bylaws subject to the following modifications:**

**Article III Membership, Section 1, add the following sentence, In addition, at least one appointment to the LHRC must be a health care provider.**

**Article III Membership, Section 1, Sentence 2, the Virginia Code reference number should be changed to: 37.2-204 .**

Middle Peninsula/Northern Neck Local Human Rights Committee

Reginald T. Daye presented on behalf of the Middle Peninsula/Northern Neck Local Human Rights Committee, a request to amend their bylaws in order to comply with the changes in the Code of Virginia that impact on the membership makeup of the local human rights committee and the renumbering of the various sections of the Code of Virginia.

**A motion was made and unanimously passed to approve the Middle Peninsula/Northern Neck Local Human Rights Committee Bylaws subject to the following modifications:**

**Article III Membership, Section 1, add the following sentence, In addition, at least one appointment to the LHRC must be a health care provider.**

**Article III Membership, Section 1, Sentence 2, the Virginia Code reference number should be changed to: 37.2-204 .**

Portsmouth Regional Local Human Rights Committee

Reginald T. Daye presented on behalf of the Portsmouth Regional Local Human Rights Committee, a request to amend their bylaws in order to comply with the changes in the Code of Virginia that impact on the membership makeup of the local human rights committee and the renumbering of the various sections of the Code of Virginia.

**A motion was made and unanimously passed to approve the Portsmouth Regional Local Human Rights Committee Bylaws subject to the following modifications:**

**Article III Membership, Section 1, add the following sentence, In addition, at least one appointment to the LHRC must be a health care provider.**

**Article III Membership, Section 1, Sentence 2, the Virginia Code reference number should be changed to: 37.2-204 .**



### Universal Family Local Human Rights Committee

Reginald T. Daye presented on behalf of the Universal Family Local Human Rights Committee, a request to amend their bylaws in order to comply with the changes in the Code of Virginia that impact on the membership makeup of the local human rights committee and the renumbering of the various sections of the Code of Virginia.

**A motion was made and unanimously passed to approve the Universal Family Local Human Rights Committee Bylaws subject to the following modifications:**

**Article III Membership, Section 1, add the following sentence, In addition, at least one appointment to the LHRC must be a health care provider.**

**Article III Membership, Section 1, Sentence 2, the Virginia Code reference number should be changed to: 37.2-204 .**

### Petersburg Regional Local Human Rights Committee

Collette Ashiru, CORE Human Rights Advocate, Regions IV & V, was present on behalf of the Petersburg Regional LHRC to request the approval of the LHRC s amended bylaws to bring them in compliance with section 37.2-204 of the Code of Virginia.

**A motion was made and unanimously passed to approve the Petersburg Regional Local Human Rights Committee bylaws as submitted,.**

### Southeastern Virginia Training Center Local Human Rights Committee

Reginald T. Daye, Regional Advocate, presented on behalf of the Southeastern Virginia Training Center Local Human Rights Committee, a request to amend their bylaws in order to comply with the changes in the Code of Virginia that impact on the membership makeup of the local human rights committee and the renumbering of the various sections of the Code of Virginia.

**A motion was made and unanimously passed to approve the Southeastern Virginia Training Center Local Human Rights Committee Bylaws subject to the following modifications:**

**Article I Membership, Section 1.1, Composition, add the following sentence, In addition, at least one appointment to the LHRC must be a health care provider.**

**Article I Membership, Section 1.1, Composition, the Virginia Code reference to the Virginia Code 37.1-84.3 should be changed to: 37.2-204 .**

Southside Regional Local Human Rights Committee

Reginald T. Daye presented on behalf of the Southside Regional Local Human Rights Committee, a request to amend their bylaws in order to comply with the changes in the Code of Virginia that impact on the membership makeup of the local human rights committee and the renumbering of the various sections of the Code of Virginia.

**A motion was made and unanimously passed to approve the Southside Regional Local Human Rights Committee Bylaws subject to the following modifications:**

**Article III Membership, Section 1, add the following sentence, In addition, at least one appointment to the LHRC must be a health care provider.**

**Article III Membership, Section 1, Sentence 2, the Virginia Code reference number should be changed to: 37.2-204 .**

Central Virginia Community Services Local Human Rights Committee

Sherry C. Miles, Regional Advocate for Region VI, presented on behalf of the Central Virginia Community Services Local Human Rights Committee, a request to amend their bylaws in order to comply with Virginia Code section 37.1-84.3 to include a health care professional in the LHRC membership composition.

**A motion was made and unanimously passed to approve the Central Virginia Community Services Local Human Rights Committee Bylaws as submitted.**

Southern Virginia Mental Health Institute Local Human Rights Committee

Sherry C. Miles presented, on behalf of the Southern Virginia Mental Health Institute LHRC, a request to amend their bylaws in order to comply with Virginia Code section 37.1-84.3 to include a health care professional in the LHRC membership composition. As well, Southern Virginia Mental Health Institute LHRC by-laws amendment contain a clause that describes how an affiliate can lose their affiliation with the LHRC.

**A motion was made and unanimously passed to approve the Southern Virginia Mental Health Institute Local Human Rights Committee Bylaws as submitted.**

Central Virginia Training Center Local Human Rights Committee

Sherry C. Miles presented, on behalf of the Central Virginia Training Center LHRC, a request to amend their bylaws to comply with Virginia Code section 37.1-84.3 to include a health care professional in the LHRC membership composition.

**A motion was made and unanimously passed to approve the Central Virginia Training Center Local Human Rights Committee Bylaws as submitted.**

Mid-City Local Human Rights Committee

Reginald T. Daye, Regional Advocate, presented on behalf of the Mid-City Local Human Rights Committee, a request to amend their bylaws in order to comply with the changes in the Code of Virginia that impact on the membership makeup of the LHRC, the renumbering of various sections of the Code of Virginia and to better define the attendance expectations.

**A motion was made and unanimously passed to approve the Mid-City Local Human Rights Committee Bylaws, subject to the following modifications:**

**Article III Membership, Section 1, add the following sentence, In addition, at least one appointment to the LHRC must be a health care provider.**

**Article III Membership, Section 1, Sentence 2, the Virginia Code reference number should be changed to: 37.2-204 .**

**Article III Membership, Section 3, Sentence 1, should be changed to read, Excessive, unexcused absences (more than 1 meeting per year) .**

Southside Virginia Training Center Local Human Rights Committee

Michael Curseen, Human Rights Program Supervisor, Region IV, Central State Hospital, introduced and presented a request on behalf of Beverly Garnes, Human Rights Program Supervisor, Region IV, to amend the bylaws of the Southside Virginia Training Center LHRC in an effort to comply with section 37.2-204 of the Code of Virginia.

**A motion was made and unanimously passed to approve the Southside Virginia Training Center Local Human Rights Committee bylaws as submitted with one word change.**

## Chesapeake Regional Local Human Rights Committee

Reginald T. Daye, Regional Advocate, presented on behalf of the Chesapeake Regional Local Human Rights Committee, a request to amend their bylaws in order to increase its committee membership from five to seven and to reflect the change in the Code of Virginia that impacts on the makeup of the LHRC and the renumbering of the various sections of the Code of Virginia.

**A motion was made and unanimously passed to approve the Chesapeake Regional LHRC Bylaws, subject to the following modifications:**

**Article III Membership, Section 1: The LHRC shall consist of a minimum of seven (7) members appointed by the SHRC, and who are residents of the Commonwealth of Virginia. As required by Virginia Code 37.2-204, one-third of the LHRC members shall be consumers or family members of consumers, with at least two consumers who are, or have within five (5) years of initial appointment, received services. In addition, at least one appointment to the local human rights committee shall be a health care provider. Remaining appointments shall include lawyers and persons with interest or knowledge or training in the mental health, mental retardation or substance abuse field. No current employee of the Department; a community services board, behavioral health authority or local government department with a policy-advisory community services board; or any facility or program licensed or funded by the Department shall serve as a member of the local human rights committee that serves an oversight function of the employing facility, program or organization. Nomination shall be solicited and submitted to the LHRC for consideration and appointment by the SHRC to serve a three (3) year term. The initial appointments shall be staggered, with three members to be appointed for a term of three (3) years, three members for a term of two (2) years and one member for a term of one year. Members shall not serve more than two (2) consecutive three (3) year terms unless they were appointed initially to fill an unexpired term. Then upon completion of the unexpired term, the individual would be eligible to fill two consecutive three-year terms. Terms of members start July 1<sup>st</sup> and continue until June 30<sup>th</sup> for each appointed term.**

## Heartland Regional Local Human Rights Committee

Sherry C. Miles, Regional Advocate, Region VI, presented on behalf of the Heartland Regional LHRC, a request to amend their bylaws in order to comply with the Virginia Code section 37.1-84.3 to include a health care professional in the LHRC membership composition. Heartland Regional LHRC also requested the membership be decreased from nine to seven.

**A motion was made and unanimously passed to approve the Heartland Regional Human Rights Committee Bylaws as submitted.**

Mark Seymour, CORE Human Rights Advocate for Regions I & II, introduced Dan McCauley, Commonwealth Center for Children and Adolescents LHRC Member to the committee.

**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 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 Executive Session were discussed in the Executive Session.

**The motion was made and unanimously passed to appoint the following applicants to the specified Local Human Rights Committees:**

Loudoun County

Appoint:

Mr. Charles Perso

Ms. Nicole Francis

Metro Richmond LHRC

Appoint:

Ms. Shontay Renee Harris

Southside Virginia Training Center

Appoint:

Mr. Rogers L. Henry, Jr.

Mrs. Rozelia Roy

Hiram W. Davis Medical Center

Appoint:

Mr. Eddie Martin

Middle Peninsula/Northern Neck

Appoint:

Ms. Judith Link

Southeast Alliance

Appoint:

Ms. Maude Robinson

Ms. Lisa S. Fragala

Health Planning Region V

Appoint:

Ms. Laverne M. Townes

Health Planning Region V

Appoint:

Mrs. Linda Ritter

Southside Regional

Appoint:

Mr. Bobby Lewis Howlett, Jr.

Petersburg Regional

Appoint:

Ms. Isabel L. Vartanian

Williamsburg Regional LHRC

Appoint:

Ms. Dulcie Cromer

Chesapeake Regional

Appoint:

Mrs. Janice Wine

Ms. Traci Hunter

Southside Community Services

Reappoint:

Mrs. Gloria C. Sharber

Region Ten CSB

Appoint:

Ms. Joan Faries-Gray

Mr. Alan Donaldson

**A motion was made and passed with one abstention to make the following appointments:**

Region Ten CSB

Appoint:

Ms. Mary Ann Barnes

Ms. Rhonda Quagliana

**A motion was made and passed by a vote of 5 to 2 to make the following appointment and to review the guidelines for appointing former employees to Local Human Rights Committees:**

Central State Hospital

Appoint:

Ms. Linda S. Masri

**A motion was made and unanimously passed to make the following appointment:**

Peninsula Regional

Appoint:

Mr. Deans Vines

Thank you letters will be sent to applicants who were not appointed.

**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