

**STATE HUMAN RIGHTS COMMITTEE
MEETING MINUTES**

St. Mary's Home for Disabled Children
6171 Kempsville Circle
Norfolk, Virginia 23502
Arboretum
October 21, 2005

ADVOCATES FORUM

8:00 a.m.

COMMITTEE MEMBERS PRESENT:

Joyce Bozeman, Chairperson
Michael Marsh, Vice-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
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Reginald T. Daye, Regional Human Rights Advocate, Region V
Michael Curseen, Patient Advocate, Central State Hospital and Region IV
Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center
Virginia Goodell, Patient Advocate, Eastern State Hospital, Region V CORE Alternate
Stewart Prost, Human Rights Advocate, Southeastern Virginia Training Center and
Region V
Willie Barnes, Human Rights Advocate, Eastern State Hospital

OTHER STAFF PRESENT:

Karen Walters, DMHMRSAS Special Counsel

OTHERS PRESENT:

Margie Tuck, Henrico LHRC and Southside Virginia Training Center LHRC Member
Melanie Perez-Lopez, Director of Social Work and LHRC Liaison, St. Mary's Home for Disabled Children

Martha Stewart, Director of Development, St. Mary's Home for Disabled Children

Ann Sparkman, Director of Health Information Management, St. Mary's Home for Disabled Children

Dr. Joyce E. Bozeman, Ph.D., opened the administrative session of the October 21, 2005, State Human Rights Committee meeting and asked the human rights advocates present to come forward with their issues.

Virginia Goodell, Patient Advocate for Eastern State Hospital and Region V CORE Alternate, addressed the committee regarding concerns about the procedures for reviewing electro-convulsive therapy (ECT) orders. Margaret Walsh, State Human Rights Director, stated that the previous human rights regulation documented the procedures to be followed prior to performing ECT. The current regulation does not.

Dr. Joyce Bozeman interrupted discussion to announce that staff of St. Mary's Home for Disabled Children were offering a tour of the facility. Melanie Perez-Lopez, Director of Social Work and LHRC Liaison for St. Mary's, gave a brief overview of the services offered at the program. Ms. Perez-Lopez introduced Martha Stewart, Director of Development, and Ann Sparkman, Director of Health Information Management, for St. Mary's. Ms. Perez-Lopez, Ms. Stewart, and Ms. Sparkman conducted tours of the Home for SHRC members and staff of the office of human rights.

Upon returning to the arboretum, the committee resumed discussion of ECT orders. Dr. Bozeman suggested that Virginia Goodell ask the Eastern State Hospital LHRC to write a letter with suggestions for how to review ECT orders and requests.

Davey Zellmer presented a draft of the first issue of Human Writes. Suggestions were offered for organizational changes. Ms. Walsh said she will update some of the current information news just before the first issue is posted. Barbara Jenkins asked that Chuck Collins, Regional Advocate for Region I, send a digital photo for inclusion in the newsletter.

Margaret Walsh brought the committee's attention to the draft revision of the human rights regulation. Committee members were provided with a copy and were asked to review the draft at their leisure. Ms. Walsh highlighted the most significant changes proposed and described the organizational structure of the new document. Ms. Walsh also stated that HIPAA language and definitions have been added. The draft regulation has been submitted to the regulatory town hall.

REGULAR MEETING

10:15 a.m.

COMMITTEE MEMBERS PRESENT:

Joyce Bozeman, Chairperson
Michael Marsh, Vice-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
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
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Michael Curseen, Patient Advocate, Central State Hospital and Region IV
Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center
Virginia Goodell, Patient Advocate, Eastern State Hospital, Region V CORE Alternate
Stewart Prost, Human Rights Advocate, Southeastern Virginia Training Center and
Region V
Willie Barnes, Human Rights Advocate, Eastern State Hospital
Anne Stiles, Facility Human Rights Advocate, Piedmont Geriatric Hospital and the
Virginia Center for Behavioral Rehabilitation

OTHER STAFF PRESENT:

Karen Walters, DMHMRSAS Special Counsel
Cheryl Crawford, Administrative Services Coordinator, VCBR

OTHERS PRESENT:

Margie Tuck, Henrico LHRC and Southside Virginia Training Center LHRC Member
John Barrett, Human Rights Liaison, Virginia Network of Private Providers
Matthew Albright, Chairperson, Eastern Virginia Local Human Rights Committee
Kimberly Benton, Vice-Chairperson, Eastern Virginia Local Human Rights Committee
Patricia Blair, Member, Eastern Virginia Local Human Rights Committee

CALL TO ORDER:

The October 21, 2005, meeting of the State Human Rights Committee was called to order by Dr. Joyce E. Bozeman, Ph.D., Chairperson. Dr. Bozeman welcomed those present to Norfolk, Virginia. Reginald T. Daye, Regional Human Rights Advocate

for Region V, introduced Matthew Albright, Chairperson; Patricia Blair; and Kimberly Benton, Vice-Chair of Eastern Virginia Local Human Rights Committee. Dr. Bozeman led committee members and staff of the office of human rights in introducing themselves.

Dr. Joyce Bozeman introduced Ruth G. Jarvis, State MHMRSAS Board member. Ms. Jarvis lives in Norfolk, Virginia. She welcomed everyone to the area, and stated that St. Mary's Home for Disabled Children is a blessing to the community.

Ruth Jarvis reported that the Board has recently become very active, hopefully to the benefit of all. The Board is seeking to monitor activities in all aspects of services provided by the department throughout the state. Ms. Jarvis asked human rights committee members and human rights staff to attend state board meetings and participate so that various groups can keep each other informed.

PUBLIC COMMENT PERIOD 10:30 TO 10:45:

Dr. Joyce Bozeman announced the public comment period and invited individuals to come forward to address the committee. There being no individuals who wished to come forward, the committee continued regular business.

MINUTES:

The minutes of the September 9, 2005, state human rights committee meeting were unanimously approved with corrections.

LHRC Meeting Reports

Bobby Tuck reported that he attended a Region IV training session. Mr. Tuck commended James O. Bowser, Jr., Regional Human Rights Advocate for Region IV, for his excellent delivery of training to LHRC members.

LHRC reports provided in the SHRC packet were accepted for the file.

LHRC Administrative Support

Margaret Walsh, State Human Rights Director, reported that she is collecting information from the advocates regarding availability of administrative support provided to LHRCs by the programs, community services boards, and behavioral health authorities. Ms. Walsh will share this information with the SHRC at the December 2, 2005 meeting.

Ready for Discharge List

The committee reviewed the quarterly ready for discharge list. Barbara Jenkins requested an explanation for each consumer that has been on ready for discharge status since 2002 and 2003. The topic of ready for discharge will be covered in the December meeting.

Margaret Walsh offered to include a copy of the draft comprehensive plan in the packet for the December meeting.

FOIA Training

Karen Walters, DMHMRSAS Special Counsel, gave a presentation on the Freedom of Information Act and provided hard copies to keep for reference.

LHRC Meeting Minutes

Margaret Walsh, State Human Rights Director, will send information to human rights staff and the local human rights committees on the legal requirements for recording and posting minutes of LHRC meetings. Barbara Jenkins volunteered to draft guidance on recording minutes. The guidance will be reviewed during the December 2, 2005, SHRC meeting.

Virginia Center for Behavioral Rehabilitation (VCBR)

Anne Stiles, Facility Human Rights Advocate, Piedmont Geriatric Hospital and VCBR, and Cheryl Crawford, Administrative Services Coordinator, VCBR, presented updated policies on Mail Procedures and the Resident Complaint Process. The documents reflect minor changes made to the policies since the last SHRC review.

The SHRC accepted the updated policies for the files.

Cheryl Crawford stated that these minor changes do not affect consumer rights, and asked that the facility be allowed to clear such changes through the advocate rather than appearing before the SHRC.

Barbara Jenkins suggested that, after review by the advocate, the facility shall send a written request through the advocate to the SHRC with a cover letter describing in detail the changes. The advocate is to include a written confirmation that she has reviewed the changes and make a statement as to whether she agrees that the changes have no negative impact on consumer rights.

A motion was made and passed by a vote of 7 to 1 that the Virginia Center for Behavioral Rehabilitation may forward in writing all minor changes to existing

policies to the State Human Rights Committee through the VCBR human rights advocate, provided that the changes do not negatively impact consumer rights. VCBR shall include a cover letter which specifies every change made to the existing policies. The advocate shall include a letter indicating her review and whether she endorses the specified changes.

Review of the VCBR policy on the Privileging System is withdrawn until December 3, 2005.

VCBR monthly reports for August and September, 2005, were accepted for the files.

BYLAWS:

Chesterfield Local Human Rights Committee
Richmond Tri-Cities Local Human Rights Committee
Richmond Unified Local Human Rights Committee
Hanover County Local Human Rights Committee
Fairfax-Falls Church Local Human Rights Committee
Hampton Roads Regional Local Human Rights Committee
Suffolk Regional Local Human Rights Committee
Tidewater Regional Local Human Rights Committee
Newport News Regional Local Human Rights Committee
Williamsburg Regional Local Human Rights Committee
Eastern State Hospital Local Human Rights Committee
Southeast Alliance Local Human Rights Committee
Piedmont Geriatric Hospital Local Human Rights Committee

James O. Bowser, Jr., Regional Advocate, presented a request to approve the amended bylaws of the Chesterfield, Richmond Tri-Cities, and Richmond Unified Local Human Rights Committees (LHRCs). Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center, presented bylaws amendments on behalf of the Hanover County LHRC. Reginald T. Daye, Regional Advocate, presented requests to amend the bylaws for Fairfax-Falls Church, Hampton Roads Regional, Suffolk Regional, and Tidewater Regional LHRCs. Virginia Goodell, Human Rights Advocate, requested bylaws amendments on behalf of Newport News Regional, Williamsburg Regional, and Eastern State Hospital LHRCs. Willie Barnes, Human Rights Advocate, requested bylaws amendments on behalf of Southeast Alliance LHRC. Anne Stiles, Facility Human Rights Advocate, Piedmont Geriatric Hospital and the Virginia Center for Behavioral Rehabilitation, requested bylaws amendments on behalf of the Piedmont Geriatric Hospital LHRC.

Requested amendments will bring bylaws for the above listed Local Human Rights Committees into compliance with changes in the Code of Virginia concerning

membership composition of local human rights committees and the re-numbering of sections of the Code of Virginia as follows:

Article III Membership, Section I

- 1) Change the Virginia Code number regarding the composition of the LHRC membership to §37.2-204.
- 2) Add the following sentence: In addition, at least one appointment to the LHRC must be a health care provider.

Henrico Local Human Rights Committee

Central State Hospital Local Human Rights Committee

Michael Curseen, Human Rights Program Supervisor, presented the amended bylaws of Henrico LHRC and Central State Hospital LHRC. The amendments comply with the Virginia Code requirements concerning the membership composition and re-numbering of sections of the Code of Virginia as specified above, as well as the following:

Article III Membership, Section 1

Change the minimum number of LHRC members from seven (7) to five (5); and

Article IV Officers, Section 2, Number 2

Change wording from, . . . appointment of committees . . . to, . . . appointment of subcommittees . . .

A motion was made and unanimously passed to approve the Bylaws for Chesterfield LHRC, Richmond Tri-Cities LHRC, Richmond Unified LHRC, Hanover County LHRC, Fairfax-Falls Church LHRC, Hampton Roads Regional LHRC, Suffolk Regional LHRC, Tidewater Regional LHRC, Newport News Regional LHRC, Williamsburg Regional LHRC, Eastern State Hospital LHRC, Southeast Alliance LHRC, Piedmont Geriatric Hospital LHRC, Henrico LHRC, and Central State Hospital LHRC as submitted.

LHRC MEMBERSHIP:

The 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.

Harrisonburg-Rockingham LHRC

Appoint:

Ms. Florence Ferguson

Northern Virginia Regional LHRC

Appoint:

Ms. Denise Kaffka

Mr. W. Bruce Jennings

Catawba Hospital LHRC

Appoint:

Mrs. G. Rena Ferguson

Southwestern Virginia Mental Health Institute LHRC

Appoint:

Mr. Benjamin Plummer

Southwestern Virginia Training Center LHRC

Appoint:

Ms. Loretta Evans

Genesis LHRC

Appoint:

Mr. Patrick Shunkwiler

Chesapeake Regional LHRC

Appoint:

Ms. Jannie W. Robinson

Middle Peninsula-Northern Neck LHRC

Appoint:

Mr. William F. Reisner

Eastern State Hospital LHRC

Appoint:

Mr. Steven E. Bennett

Danville-Pittsylvania County Regional LHRC

Reappoint:

Mr. Gregory Greene

Rockbridge Area CSB LHRC

Appoint:

Mr. Ronald Telsh

VARIANCES

Virginia Goodell, Patient Advocate, Eastern State Hospital and Region V CORE Alternate, submitted an update on the Individual Residential Living Suite for D.K., a patient of Eastern State Hospital.

Barbara Jenkins asked Virginia Goodell to ask a representative of the treatment team to contact Ms. Jenkins regarding the treatment and status of this patient.

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

Respectfully submitted,

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