

**STATE HUMAN RIGHTS COMMITTEE
MEETING MINUTES**

Eastern State Hospital
4601 Ironbound Road
Williamsburg, Virginia
Friday, October 24, 2003

ADMINISTRATIVE MEETING
8:00 a.m.

COMMITTEE MEMBERS PRESENT

Joyce Bozeman, Chair
Michael Marsh, Vice-Chair
Jim Briggs
Angela Brosnan
Bobby Tuck
Davey Zellmer

STAFF PRESENT

Margaret S. 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
Barry Lee, Human Rights Advocate, Eastern State Hospital
Virginia Goodell, Patient Advocate, Eastern State Hospital, CORE Alternate
Stewart Prost, Human Rights Advocate, Southeastern Virginia Training Center

OTHERS PRESENT

Delores Archer, Tentatively Appointed SHRC Member
John "J" Gardner, Training Manager, Eastern State Hospital

Substitute Decision Making and Consent

Reginald T. Daye, Regional Human Rights Advocate, Region V, Virginia Goodell, Patient Advocate, Eastern State Hospital and CORE Alternate, Barry Lee, Human Rights Advocate, Eastern State Hospital, and Stewart Prost, Human Rights Advocate, Southeastern Virginia Training Center, delivered a presentation on substitute decision making and consent. Mr. J Gardner provided technical support for a PowerPoint slide show.

REGULAR MEETING
10:15 a.m.

COMMITTEE MEMBERS PRESENT:

Joyce Bozeman, Chair
Michael Marsh, Vice-Chair
Jim Briggs
Angela Brosnan
Bobby Tuck
Davey Zellmer

STAFF PRESENT:

Margaret S. 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
Barry Lee, Human Rights Advocate, Eastern State Hospital
Virginia Goodell, Patient Advocate, Eastern State Hospital, CORE Alternate
Stewart Prost, Human Rights Advocate, Southeastern Virginia Training Center
Anne Stiles, Facility Human Rights Advocate, Piedmont Geriatric Hospital, and the
Virginia Center for Behavior Rehabilitation

OTHERS PRESENT:

Delores Archer, Tentatively Appointed SHRC Member
J Gardner, Training Manager, Eastern State Hospital
Stephen Wolf, Special Projects Manager, Quality Management, DMHMRSAS
Dr. Ito, Clinical Director, ABS/Pines
Kathy Hill, Inspections Manager, DMHMRSAS
Dr. George McMahon, Treatment Team Head, Eastern State Hospital (ESH)
Dr. Edward Turner, Team Psychologist, ESH
Dr. Deborah Mazzarella, Psychology Supervisor for Acute Admissions, ESH
Dana M. Johnson, Assistant Attorney General

CALL TO ORDER:

The October 24, 2003, meeting of the State Human Rights Committee was called to order by Chair Joyce Bozeman. Dr. Bozeman lead the members in introducing themselves. Advocates and staff of the Office of Human Rights introduced themselves.

Reginald T. Daye, Regional Human Rights Advocate, Region V, introduced John Favret, Facility Director, Eastern State Hospital. Mr. Favret welcomed committee members and staff of the Office of Human Rights to the hospital and provided a brief overview of the history and services provided by ESH. Mr. Favret

also announced that this month marks the 230th anniversary of the Hospital.

MINUTES:

The minutes of the September 12, 2003 State Human Rights Committee meeting were unanimously approved with one correction.

VARIANCES:

Model Accounting Variance - Catawba Hospital, Southern Virginia Mental Health Institute, Commonwealth Center for Children and Adolescents, Southwestern Virginia Training Center, Southwestern Virginia Mental Health Institute, and Northern Virginia Mental Health Institute:

The SHRC reviewed requests for the above listed facilities to use the Model Accounting Variance to sections 12 VAC 35-115-80 B(6) and C(3) of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services From Providers of Mental Health, Mental Retardation and Substance Abuse Services*.

A motion was made and unanimously passed to approve, for one year, the Model Accounting Variance to 12 VAC 35-115-80 B(6) and C(3) for use by Catawba Hospital, Southern Virginia Mental Health Institute, Commonwealth Center for Children and Adolescents, Southwestern Virginia Training Center, Southwestern Virginia Mental Health Institute, and Northern Virginia Mental Health Institute.

The Pines Residential Treatment Center

Reginald Daye, Regional Advocate, Region V introduced Dr. Ito, Clinical Director, ABS/Pines. Dr. Ito provided a brief overview of the population served and the services offered by the Pines/Kenbridge campus, and stated that the Pines is seeking a variance to 12 VAC 35-115-110 B(13), Use of Seclusion, Restraint, Time Out, to implement a structured living program at the Pines/ Kenbridge Campus.

A motion was made and passed by a vote of five to one to approve the use of the variance for one year, with the addition of a corrected page provided by Dr. Ito.

POLICIES AND PROCEDURES:

Virginia Center for Behavior Rehabilitation (VCBR) - SVP Unit Briefing

Anne Stiles, Facility Human Rights Advocate, Piedmont Geriatric Hospital, and the Virginia Center for Behavior Rehabilitation, introduced Stephen Wolf, Special Projects Manager, Quality Management, DMHMRSAS. Mr. Wolf stated that he is working with staff of the Office of Human Rights to design policies for the VCBR that will force VCBR staff to treat their clients as humanly as possible. These clients have served their time in the penal system and are now being civilly committed until the time that they become a less serious risk to the general population. Mr. Wolf has visited other states with similar systems and examined statistical models in preparing to develop a set of policies and guidelines for operating the new unit. Exemptions policies and procedures will come to the SHRC for review. Ms. Stiles reported that she and Mr. Wolf are orienting the VCBR security staff to human rights policy and philosophy.

Dr. Bozeman thanked Mr. Wolf and Ms. Stiles for coming to speak with the Committee.

VARIANCES:

Eastern State Hospital

Ms. Virginia Goodell, Patient Advocate, Eastern State Hospital, CORE Alternate, introduced Dr. George McMahon, Treatment Team Head, Dr. Edward Turner, Team Psychologist, and Dr. Deborah Mazzarella, Psychology Supervisor for Acute Admissions, for Eastern State Hospital. Dr. Mazzarella described the unit and manner in which the variance would be implemented if approved. Ms. Goodell reviewed the behavioral treatment plan which prompted the development of this variance.

Ms. Goodell indicated that Eastern State Hospital is requesting a variance to sections 110 B(2) and 110 B(5)c 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. Goodell indicated that approval of the variance would allow the program to implement the Individualized Residential Living Suite procedure, which exceeds the time requirements for seclusion, restraint and timeout (12 VAC 35-115-110).

A motion was made and passed by unanimous vote to approve, for a one-year period, the Eastern State Hospital variance request with no additional requirements.

Virginia Beach Psychiatric Center

Reginald T. Daye, Regional Human Rights Advocate, Region V, presented a request for extension of the Structured Living Protocol variance for Virginia Beach

Psychiatric Center.

A motion was unanimously passed to grant Virginia Beach Psychiatric Center an extension of the structured living protocol variance until the December 5, 2003 SHRC meeting.

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 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 their respective Local Human Rights Committees.

Suffolk Regional

Appoint:

Sylvia Capehart Paige

Eastern State Hospital

Appoint:

Ned Goodwin

Doris Foreman

Sande Saunders

Middle Peninsula-Northern Neck Community Services Board

Appoint:

Leslie Bradshaw, Jr.

T.W. Neumann & Associates

Appoint:

John S. Ramos

New River Valley Community Services Board

Appoint:

Martin Felker

Mount Rogers MH & MR Services Board

Appoint:

John McClane

Chris Bird

Northern Virginia Hospitals

Appoint:

Barbara Caldwell

Alexandria Community Services Board

Appoint:

Naomi C. Cooper

Northwestern Community Services Board

Appoint:

Cynthia L. Toth

Goochland-Powhatan Community Services Board

Appoint:

Inez L. Poe

Eulease O. Cypress

Joan W. Doss

Elizabeth B. Middleton

State Human Rights Director's Report:

Margaret Walsh, State Human Rights Director, reviewed the Draft Complaint process for the VCBR. It is proposed that once a complaint is made, an appointed Team Leader will trouble shoot the complaint. Complaints that are not resolved informally will be referred to the Level 3 Appeals Committee. This committee is composed of the Assistant Commissioner of Facility Management and the State Human Rights Director.

A motion was unanimously passed to recommend there be a third person on the Appeals Committee, and that the third person be a member of the SHRC. The SHRC is to be responsible for determining which member will serve.

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

Respectfully submitted,

Joyce Bozeman, Chair
State Human Rights Committee