

**State Human Rights Committee  
Meeting Minutes**  
Eastern State Hospital  
Hancock Geriatric Treatment Center  
Cavey Conference Room  
4601 Ironbound Road  
Williamsburg, Virginia, 23187  
October 24, 2008

**ADMINISTRATIVE MEETING**  
**8:30 a.m.**

**COMMITTEE MEMBERS PRESENT**

Kirby Wright, Chair  
Christina Delzingaro, Vice-Chair  
Angela Brosnan  
Delores Archer  
Randy Johnsey  
Joseph Lynch  
Donald Lyons  
Jannie Robinson

**NOT PRESENT**

Carolyn M. DeVilbiss

**HUMAN RIGHTS STAFF PRESENT**

Margaret Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
Deb M. Lochart, Regional Human Rights Advocate  
Reginald T. Daye, Regional Human Rights Advocate  
Gianna Mitchell, Human Rights Advocate

**OTHER STAFF PRESENT**

Karen Walters, DMHMRSAS Special Counsel  
Jennifer Barker, Patients Rights Coordinator, Central State Hospital

**OTHERS PRESENT**

Josephene Johnsey, Interested Person

Thelma G. Wright, Interested Person

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

**SHRC Workplan**

Margaret Walsh reviewed the SHRC goals for upcoming meetings. Ms. Walsh stated that she moved some agenda items back on the schedule so as not to overburden any of the meetings.

The committee acknowledged receipt of the Variance Summary Sheets Christina Delzingaro commented that is very helpful to have the variances at a glance.

The committee received a copy of a letter from Ms. Beasley to Chesterfield CSB. Mr. Reginald T. Daye, Regional Advocate for Region 5 commented that Mr. Michael Curseen, Human Rights Advocate, may be able to provide an update on the situation when he arrives.

Margaret Walsh provided an update of the department's 15% budget reductions. Approximately 34 positions were lost in central office. Mr. James O. Bowser, Regional Advocate for Region 4 and Ms. Judy Crews, Human Rights Advocate for Central Virginia Training Center, have decided to retire. Ms. Walsh stated that resources at central office will be stretched because the positions cannot be filled. Jim Bowser has been on short term disability for approx two months. Mr. Daye has been covering for Region 4 during Mr. Bowser's absence. Kli Kinzie taking on administrative support of the State MHMRSAS Board. Jannie Robinson talked about budget cuts at Norfolk State University. Delores Archer announced that she is retiring from MCV. Christina Delzingaro commented that business is booming at Goodwill Industries because of the many layoffs elsewhere.

Reginald Daye relayed the sad news that Sylvia Capehart Page of Suffolk Regional LHRC passed away of a heart attack. Also, Alvin Holloway has resigned from Portsmouth Regional LHRC for health reasons.

**9:00 a.m. Break**

**REGULAR MEETING**

**9:15 a.m.**

**COMMITTEE MEMBERS PRESENT**

Kirby Wright, Chair

Christina Delzingaro, Vice-Chair  
Angela Brosnan  
Delores Archer  
Randy Johnsey  
Joseph Lynch  
Donald Lyons  
Jannie Robinson  
**NOT PRESENT**  
Carolyn M. DeVilbiss

**HUMAN RIGHTS STAFF PRESENT**

Margaret Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
Deb M. Lochart, Regional Human Rights Advocate  
Reginald T. Daye, Regional Human Rights Advocate  
Willie Barnes, Human Rights Advocate  
Michael Curseen, Human Rights Advocate  
Beverly W. Garnes, Human Rights Advocate  
Carrie Flowers, Human Rights Advocate  
Gianna Mitchell, Human Rights Advocate  
M. Ansley Perkins, Human Rights Advocate

**OTHER DMHMRSAS STAFF PRESENT**

Karen Walters, DMHMRSAS Special Counsel  
Jennifer Barker, Patients Rights Coordinator, Central State Hospital  
James D. Bell, Director of Forensic Services, Central State Hospital  
D. Belinda Craig, Clinical Social Worker, Piedmont Geriatric Hospital  
Charles Davis, Executive Director, Central State Hospital  
John Favret, Executive Director, Eastern State Hospital  
Carolyn Lankford, Clinical Quality Manager, Health and Quality Care  
Reta P. Martin, Clinical Social Worker, Patient Relations Department, Central State Hospital  
Meghan McGuire, Communications Director  
Douglas Newsome, Regional Manager, Office of Licensing  
Mary Clair O'Hara, Clinical Training Manager, Quality Management  
James Reinhard, Commissioner  
Cecily Rodriguez, Director, Office of Cultural and Linguistic Competence  
Larry Stewart, Security Supervisor, Piedmont Geriatric Hospital  
Cherol K. Watkins, HSCW/RA Human Service Care Worker/ Restorative Aide,  
Piedmont Geriatric Hospital

**OTHERS PRESENT**

Carey Chappell, Risk Manager, Keystone Newport News  
Brenda Coleman, Disability Rights Advocate, VOPA  
Scott Cook, LCSW, Chief Executive Officer, Hallmark Youth Center  
Jamie Cooney, Intern, VOPA

Jenny Heilborn, Disability Rights Advocate, VOPA  
Brooke Henderson, Staff Attorney, VOPA  
Renee Heyliger, PsyD, Clinical Director, Keystone Newport News  
Josephene Johnsey, Interested Person  
Karen Johnson, VP, Clinical, Keystone  
Robert Lehmann, Chief Executive Officer, Keystone Newport News  
Bill McKelway, Reporter, Richmond Times Dispatch  
Dena Potter, Reporter, The Associated Press  
Chris Ruble, Chief Operating Officer, Keystone  
Lisa Shehi, Executive Assistant, VOPA  
Mark Stevens, Disability Rights Advocate, VOPA  
Garpzelle Thomas, Project Director, Hallmark Youth Center  
Thelma G. Wright, Interested Person  
CS, Consumer, Piedmont Geriatric Hospital

**DMHMRSAS STAFF PRESENT VIA TELECOM**

Jack Barber, MD, Facility Director, Western State Hospital  
Chanda Braggs, Regional Manager, Office of Licensing  
Gail Burford, Western State Hospital Director's Liaison to the WSH LHRC  
Nancy C. Neese, Regional Human Rights Advocate  
Deb Jones, Human Rights Advocate  
Adrien Monti, Human Rights Advocate

**OTHERS PRESENT VIA TELECOM**

Rick Bridges, Chief Executive Officer, Marion Keystone  
Janice Collins, Risk Manager, Marion Keystone  
Mark D. Kilgus, MD, PhD, Chairman, Department of Psychiatry and Behavioral  
Medicine, Carilion's Roanoke Memorial Hospital Psychiatry and Behavioral  
Medicine Center  
Judie Snipes, Vice President of Regulatory Administration and Chief Privacy Officer,  
Carilion's Roanoke Memorial Hospital Psychiatry and Behavioral Medicine  
Center  
Nathan Veldhuis, Attorney, Representative for CC and Family, Tremblay & Smith, LLP

**Welcome / Call to Order**

The October 24, 2008 meeting of the State Human Rights Committee was called to order by Mr. Kirby Wright, Chairperson. Mr. Wright asked committee members to introduce themselves.

Mr. Wright introduced John Favret, Executive Director of Eastern State Hospital. Mr. Favret, welcomed all present to Williamsburg and to the new Hancock Geriatric Treatment Center and spoke briefly about the history of Eastern State Hospital.

**Chesterfield CSB: M.B.**

Michael Curseen, Human Rights Advocate, provided an update on the case of Chesterfield Community Services Board and DB. Margaret Walsh stated that DB is not anticipating any action by the SHRC at this time. Christina Delzingaro thanked Mr. Curseen for being there for DB and for the clients of Chesterfield CSB.

### Minutes

**Upon a motion Christina Delzingaro and Randy Johnsey and seconded by Delores Archer the minutes of the September 5, 2008 State Human Rights Committee meeting were unanimously approved as corrected.**

### DMHMRSAS Response to SHRC Recommendations for Appeal Case 08-03 (SVMHI)

The committee reviewed the DMHMRSAS response to its recommendations in the case of Appeal Case 08-03 for Southern Virginia Mental Health Institute (SVMHI). Joseph Lynch commented that the SVMHI letter of apology did exactly what SHRC asked. Kirby Wright added that the Commissioner's response also was exactly as the SHRC asked.

### Variances

#### Hallmark Youthcare Richmond

Ansley Perkins, Human Rights Advocate, introduced Scott Cook, LCSW, Chief Executive Officer, and Garpzelle Thomas, Project Director, of Hallmark Youth Center. Hallmark Youthcare is an 84 bed Residential Treatment Center that serves adolescent males and females ages 12 to 17 whose mental health and behavioral issues have prevented them from safely and effectively being treated in other community, non-secure settings. Mr. Cook reported that Hallmark Youthcare Richmond is seeking renewal of a variance to 12 VAC 35-115-110 B13, Time Out of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services*. If approved the variance would allow for implementation of its Structured Living procedure.

Mr. Scott reported that the program has not had any instances of use for the variance but would like to have the variance in place should occasion arise. He further stated that Structured Living would be used only as a last resort and only after failure of all other interventions identified in the treatment plan and on the individualized behavioral support plan have been exhausted.

**Upon a motion by Joseph Lynch and seconded by Delores Archer the variance to 12 VAC 35-115-110 B13 of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services* for Hallmark Youthcare Richmond was unanimously approved for**

**two years with an annual report to be submitted for review on the anniversary of the approval date.**

Central State Hospital

Michael Curseen, Human Rights Advocate, introduced James Bell, Director of Forensic Services at Central State Hospital and Jennifer Barker, Director of Patient Relations for Central State Hospital. Mr. Bell reported that the facility is seeking approval of four variances to the human rights regulations. If approved, the variance to 12 VAC 35-115-20 A, Assurance of Respect for Basic Human Dignity; and to 12 VAC 35-115 50 C3a, Right to Reasonable Privacy (Non-Forensic Pat-Downs), would allow the facility to search rooms and body cavities for contraband. Variance to 12 VAC 35-115-50 C 7, Right to Communicate in Private with Any Person by Mail or Telephone; and 12 VAC 35-115-5- E 3, Exception for Staff to Open but Not Read Mail if CSH Has Reasonable Cause to Believe Patient's Mail Contains Illegal or Dangerous Material, would allow facility staff to inspect mail and packages for contraband. Staff would open and inspect but not read mail. If approved, variance to 12 VAC 35-115-100 A 1c, Freedom to Have and Spend Personal Money, would allow Central State Hospital to refuse the consumers to retain money. Mr. Bell explained that consumers can purchase items from the canteen but they are not allowed to retain money. Variance to 12 VAC 35-115-20 A, Assurance of Respect for Basic Human Dignity; and 12 VAC 35-115-50 C 3 a, Reasonable Privacy, would allow for civil and forensic exams, inspections, pat-downs and searches.

Michael Curseen reported that the Local Human Rights Committee recommends approval of the variances at this time.

**Upon a motion by Joseph Lynch and seconded by Jannie Robinson the SHRC unanimously approved the following variances for a two-year period with an annual report to be submitted for review upon the anniversary of the approval date.**

**12 VAC 35-115-20 A, Assurance of Respect for Basic Human Dignity; and 12 VAC 35-115 50 C3a, Right to Reasonable Privacy (Non-Forensic Pat-Downs)**

**Allows facility to search rooms and body cavities for contraband.**

**12 VAC 35-115-50 C 7, Right to Communicate in Private with Any Person by Mail or Telephone; and 12 VAC 35-115-5- E 3, Exception for Staff to Open but Not Read Mail if CSH Has Reasonable Cause to Believe Patient's Mail Contains Illegal or Dangerous Material.**

**Allows the opening but not reading of mail.**

**12 VAC 35-115-100 A 1c, Freedom to Have and Spend Personal Money. Prohibits consumers from retaining money.**

**12 VAC 35-115-20 A, Assurance of Respect for Basic Human Dignity; and  
12 VAC 35-115-50 C 3 a, Reasonable Privacy  
Allows Civil and Forensic Exams, Inspections, Pat-Downs and Searches**

Bylaws

Southeast Alliance Local Human Rights Committee

Mr. Reginald T. Daye, Regional Advocate, Region 5, presented on behalf of the Southeast Alliance Local Human Rights Committee their bylaws which incorporate language from the human rights regulations. The language allows the LHRC to form sub-committees for LHRC membership reviews, restrictive techniques, affiliations, etc. If approved, activity of sub-committees would be reported to the full committee with recommendations for action by the full committee.

**Upon a motion by Angela Brosnan and seconded by Randy Johnsey the SHRC unanimously approved the Southeast Alliance Local Human Rights Committee Bylaws as follows:**

**Article VII – Quorum, add the following paragraph: “The local human rights committee may delegate summary decision-making authority to a sub-committee when expedited decisions are required before the next scheduled local human rights committee meeting to avoid compromising an individual’s quality of care, habilitation, or quality of life. The decision of the sub-committee shall be reviewed by the full LHRC at its next meeting.**

**The LHRC should also note that this section shall not apply to fact-finding conferences.**

Chesterfield LHRC

Michael Curseen, Human Rights Advocate, reported that Chesterfield Local Human Rights Committee sent a letter to James Bowser, Regional Human Rights Advocate for Region 4, requesting revision of its Bylaws. The LHRC is requesting to revise the name of the rules and regulations in the Bylaws to the name of the current rules and regulations. The committee also requests to add language requiring affiliated programs involved in an appeal to assume responsibility for arranging and/or providing the location for the hearing. Mr. Curseen reported that the committee also requests to add language stating that members must attend all regular meetings or be subject to a recommendation for removal from the committee.

On behalf of James Bowser, Regional Advocate for Region 4, Reginald Daye, Regional Advocate for Region 5, supports the above stated changes to the Bylaws.

Christina Delzingaro raised concerns regarding how the presence of court reporters may influence the tenor of LHRC hearings.

**Upon a motion by Joseph Lynch and seconded by Randy Johnsey and Angela Brosnan, the SHRC unanimously approved the requested revision to the Bylaws for Chesterfield Local Human Rights Committee.**

LHRC Membership

**A motion was made and passed to go into closed session pursuant to Virginia Code §2.2-3711(1) for the purpose of discussion and consideration of appointments to 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.

**Upon a motion by Christina Delzingaro and seconded by Delores Archer and Randy Johnsey the SHRC unanimously appointed the following applicants to the specified local human rights committees.**

Region I

Harrisonburg-Rockingham LHRC

Appoint: Ms. Sabrina Rozzell

Fredericksburg Area LHRC

Reappoint: Karen Tiberio

Region II

Prince William LHRC

Appoint: Mr. Stan Miles, Ms. Ann Pascoe

Loudoun LHRC

Appoint: Ms. Barbara Franklin, Ms. Kelli Nemer

Reappoint: Mr. Bennett Downey

Northern Virginia Regional LHRC

Appoint: Mr. Rob Jones, Ms. Linda Muniz

Region III

Southwest Va Mental Health Institute LHRC

Appoint: Mrs. Rachel Jones

Blue Ridge Regional HRC

Appoint: Dr. H. Preston Boggess, Linda Peters

Region IV

Central Area LHRC

Appoint: Ms. Monica Lucas, Ms. Wendy DeMarzio, Mr. Paul Coleman,  
Ms. Shirley Wynn, Ms. Rachel Hill

Commonwealth LHRC

Appoint: Mr. Shawn L. Minter, Ms. Clarissa Law, Demeitrius Whitehurst,  
Ms. Anika T. Allen, Ms. Ja'Nel Evans, Mr. Damon R. Thompson,  
Ms. Valentina S. Thompson, Mr. Donald Thompson

ANUE LHRC

Appoint: Ms. Joslynn Elaine Napper, Dr. Joyce E. Bozeman, Ms. Sally Fletcher,  
Mr. Donald Wheeler, Ms. Kimberly Scott, Mr. James Hunter,  
Mr. Leonard P. Wiley

Crater LHRC

Appoint: Ms. Rebecca Branch-Griffin

Richmond Unified LHRC

Appoint: Ms. Barbara J. Delbridge

Region V

Ocean View Regional LHRC

Appoint: Ms. Rosalyn Wiggins, Ms. Debbie Coley, Ms. Odulia Brown,  
Mr. Carlton B. Hunt

Atlantic Regional LHRC

Appoint: Ms. Kiana Hargrove, Ms. Karen, Ms. Valerie Guess

Suffolk Regional LHRC

Appoint: Mr. Steven Alexander

Mid-City LHRC

Appoint: Mr. Sean Kerwin, Ms. Latonia Edmonds

Newport News Regional LHRC

Appoint: Ms. Deborah Elliot

Colonial Regional LHRC

Appoint: Ms. Cheryl Westray, Dr. Charles Ponquinette, Mr. Joe Winborne

The record notes that the SHRC did not make appointments to the Central Virginia Training Center Local Human Rights Committee because the submitted documentation was not complete. The SHRC will send a request for more information.

The SHRC acknowledged receipt of the resignation of Alvin Holloway from Tidewater LHRC due to health complications. Kirby Wright relayed his regards to Mr. Holloway on behalf of the SHRC.

10:30 a.m. Public Comment

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.

Appeal

Central State Hospital - CS v Charles Davis

This case came before the State Human Rights Committee (SHRC) on October 24, 2008, on appeal of a decision of the Central State Hospital (CSH) Local Human Rights Committee (LHRC). CS presented the case on her own behalf with assistance from human rights advocates Carrie Flowers and Michael Curseen. Dr. Charles Davis, Director of Central State Hospital, was present to represent the facility. At the request of CS the hearing was held in open session. Members present were Kirby Wright,

Christina Delzingaro, Donald Lyons, Joseph Lynch, Randy Johnsey, Jannie Robinson, Delores Archer and Dr. Angela Brosnan.

CS previously filed a formal human rights complaint with the CSH LHRC alleging that CSH violated her rights under 12 VAC 35-115 et seq (human rights regulations). Specifically, CS alleged that CSH violated her right to receive services according to law and sound therapeutic practice pursuant to 12 VAC 35-115-60 A and her right to be free of discrimination in the receipt of services pursuant to 12 VAC 35-115-60 B1. The parties appeared for a hearing on appeal of the formal complaint before the CSH LHRC on May 2, 2008.

On October 24, 2008, the SHRC heard CS's appeal of the CSH LHRC's findings. CS raised the following issue on appeal: CS is dissatisfied with the LHRC's finding of no violation of 12 VAC 35-115-60 A. CS maintains that the LHRC decision failed to make mention of or acknowledge certain facts from the record regarding the medical treatment she received while in Florida in 2006. She feels that the LHRC either overlooked the prescription for ear drops prescribed to treat MRSA or that the LHRC thought it was of no consequence.

The SHRC considered documentation and testimony presented by both parties to the complaint. Kirby Wright thanked CS for bringing her issues forth and thanked all others involved for their presence. Mr. Wright announced that the SHRC would deliberate and inform all parties to the complaint of its decision.

### Variance

#### Carilion's Roanoke Memorial Hospital Psychiatry and Behavioral Medicine Center

The SHRC considered a request for variance to 12 VAC 35-115-50, C3, a, b, and d, Dignity, of *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services*. Douglas Newsome, Regional Manager for the Office of Licensing was present to answer questions from the committee. Participating via teleconference were Chanda Braggs, Regional Manager for the Office of Licensing, Nancy C. Neese, Regional Human Rights Advocate for Region 3, Adrien Monti, Human Rights Advocate for Catawba Hospital and the Roanoke Valley, Mark D. Kilgus, MD, PhD, Chairman of the Department of Psychiatry and Behavioral Medicine, Carilion's Roanoke Memorial Hospital, and Judie Snipes, Vice President of Regulatory Administration and Chief Privacy Officer, Carilion's Roanoke Memorial Hospital. The program is seeking a variance which will allow them to use an annex of the Emergency Department as a temporary inpatient psychiatric unit while one floor of its existing unit is under construction for a period of 90 days.

The SHRC heard testimony from Dr. Kilgus and Mrs. Snipes, who provided clarification and described additional efforts to assure rights protections during the period of construction that may not have been presented to the Catawba LHRC. The renovation will transform the floor to a 16-bed Intensive Treatment Unit to better serve

the needs of individuals in Roanoke's downtown and surrounding area. While in use, the annex will not provide the level of privacy, access to bathroom facilities, or amount of windows specified in the human rights regulations.

Committee members asked questions of the program representatives and human rights staff. Nancy Neese reported that within the last few weeks she has become satisfied with the proposed set-up and that Dr. Kilgus and his staff are prepared for the temporary crowded conditions. Joseph Lynch asked what is the outer limit of time the construction is expected to take. Judie Snipes responded that 90 days is past the outer limit and is more than enough time for the work to be completed. Angela Brosnan asked if there is a common area for patients when they leave their rooms while the construction is underway. Mrs. Snipes assured the committee that the patients have an area to spend time while out of their rooms. Jannie Robinson asked about the state requirements for bathrooms. The ratio is just below requirements but a few feet from the closed off area there are two more bathrooms. Douglas Newsome asked if the staff escort into the unsecure area for bathroom use will compromise patients' safety. Mrs. Snipes responded that threats to patient safety will be minimal. Mr. Newsome asked that the program develop a protocol for bathroom use with escort.

**Upon a motion by Joseph Lynch and seconded by Randy Johnsey and Jannie Robinson the variance to 12 VAC 35-115-50, C3, a, b, and d, Dignity, of Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services for Carilion's Roanoke Memorial Hospital Psychiatry and Behavioral Medicine Center was approved for a period of 100 days.**

#### Correspondence, Recommendations and Follow-Up Regarding WSH Case of CC

Dr. James Reinhard, Commissioner, and Cecily Rodriguez, Director, Office of Cultural and Linguistic Competency, met with the SHRC to discuss issues related to the case of CC and Western State Hospital. Participating in the discussion via telecom were Dr. Jack Barber, Director of Western State Hospital, Nathan Veldhuis, Attorney and Representative for CC and Family, Charles T. Collins, Regional Human Rights Advocate, and W. Jerry Thomas, Human Rights Advocate.

Dr. Reinhard thanked the committee for the opportunity to attend and make comments on the department's plan to increase cultural awareness and other organizational development initiatives. As part of a national program, and in keeping with the department's vision of recovery, much has been done to reduce the use of seclusion and restraint in DMHMRSAS facilities. Dr. Reinhard emphasized that Virginia should be a leader in cultural diversity because of the wide range of culture throughout the state.

Cecily Rodriguez, Director, Office of Cultural and Linguistic Competency, thanked the SHRC for inviting her to meet with them. Ms. Rodriguez provided copies of updated plans for increasing cultural awareness for DMHMRSAS staff and gave an

overview of the plans. The plans include recruiting diverse staff, increasing communication cross-culturally, and networking with associations for free programs that increase cultural awareness. Ms. Rodriguez stated that Dr. Barber worked closely with her on this project looking at ways to institutionalize training as part of the orientation of new staff. She emphasized the importance of having an interpreter certified as a medical interpreter and a mental health interpreter. The Office of Cultural and Linguistic Competency also is developing ways for existing staff to learn the Spanish language.

Dr. Jack Barber, Facility Director for Western State Hospital, reported that the hospital has scheduled CME programs for interested staff.

Nathan Veldhuis, representative for CC and family, said he was encouraged by what has been said so far, especially as relates to training and diversifying mental health services in Virginia. There is a huge population of Spanish persons in Virginia and, in this case, Spanish-speaking people have been critical for the care of CC. Mr. Veldhuis asked Cecily Rodriguez questions related to documents he received which were issued by her office. He commented that he received the documents after the agenda deadline and stated that he wants to receive all documents contemporaneously. He also stated his objection to any plan to move CC to Central State Hospital. In closing Mr. Veldhuis stated that he appreciates all of the work that went into developing the plan and he thanked those present for taking the time to hear him.

Jack Barber discussed the discharge plan for CC and reported that Western State Hospital is working toward moving CC into the community.

Following questions from the committee, Angela Brosnan thanked Dr. Barber for all of the information he has provided regarding the plan for CC and said the treatment team has laid out, in a visibly tangible way, the day to day issues.

**Upon a motion made by Randy Johnsey and seconded by Jannie Robinson the SHRC unanimously accepted the responses and information received.**

Nathan Veldhuis stated his objection to the plan's timelines being insufficiently concrete.

CC: WSH - Variance Reporting

**The State Human Rights Committee moved to convene in Closed Session pursuant to Virginia Code, 2.2-3711(15), for the purpose of discussion or consideration of medical and mental records excluded from the Virginia Freedom of Information Act, namely to discuss the variance for CC.**

SHRC members Kirby Wright, Chair, Christina Delzingaro, Vice-Chair, Delores Archer, Angela Brosnan, Randy Johnsey, Joseph Lynch, Donald Lyons and Jannie Robinson were present. The SHRC was accompanied by Karen Walters, DMHMRSAS Special Counsel, Margaret Walsh, Human Rights Director, and Kli Kinzie, Human Rights Secretary. Nathan Veldhuis, Tremblay & Smith, LLD, was present via telecom to

represent CC and family. Also present via telecom were Jack Barber, WSH Director, and Gail Burford, WSH Director's Liaison to the WSH LHRC.

Jack Barber summarized and highlighted the information provided regarding the use of the variance for CC. Christina Delzingaro asked for any comments in regards to staffing while CC is out of his suite. Nathan Veldhuis commented that there is no incentive for CC to come out of the suite because the area is empty.

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.

**A motion was made and unanimously passed to accept the variance report for CC. The committee reminded Dr. Barber that the variance will expire on December 5, 2008. If the hospital wishes to seek continued use of the variance, documentation and justification for the variance must be submitted to the office of human rights by the agenda deadline of November 18, 2008.**

#### Central State Hospital - CS v Charles Davis

**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, namely to consider the case of CS v Charles Davis.**

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.

**Upon a motion made by Christina Delzingaro and seconded by Jannie Robinson the SHRC unanimously upheld the decision of the CSH LHRC of no violation of 12 VAC 35-115-60 A. Also the SHRC concurs with the recommendations of the CSH LHRC**

The SHRC thanks the CSH LHRC for its time, effort, and careful consideration in conducting the underlying hearing. The SHRC also wishes to acknowledge the serious concern that CS has for her health. The Committee supports her effort to make sure that she has thorough medical care and that treatment providers take patient concerns seriously at all times.

#### Update on Keystone Youth Centers

The SHRC met with the Office of Licensing and representatives of Keystone Youth Centers to discuss incidents at the Marion and the Newport News locations.

Douglas Newsome, Regional Licensing Manager for DMHMRSAS, represented the Office of Licensing. Chris Ruble, Chief Operating Officer for Keystone Youth Centers, Robert Lehmann, Chief Executive Officer for Keystone Newport News, Carey Chappell, Risk Manager and Director of Quality Improvement for Keystone Newport News, and Renee Heyliger, PsyD, Clinical Director for Keystone Newport News, were present to represent their program. Rick Bridges CEO for Keystone Marion, Steven Patrick, DMHMRSAS Licensing Specialist, and Deb Jones, Human Rights Advocate, were present via telecom.

Douglas Newsome, DMHMRSAS Regional Licensing Manager, provided some background on the issue of staffing ratios. Steven Patrick, Licensing Specialist, stated that he is augmenting his monitoring of the Marion Keystone location. Joseph Lynch asked questions regarding admission criteria. Robert Lehmann reported that Keystone has not changed admission criteria and that the program is enhancing clinical services and working on increasing staffing ratios. Staff are optimistic that Increasing services with more activities and programs will decrease the number of incidents at the site.

Joseph Lynch asked Rick Bridges of Keystone Marion if they have changed their admission criteria. Mr. Bridges reported that the program has not changed its criteria and that the two more troublesome clients have been discharged.

Christina Delzingaro asked for staffing ratios. Joseph Lynch asked Keystone Newport News questions about the reported incident of sexual assault. The program is providing training to staff on boundaries and professionalism. The therapists have Masters level degrees and all are licensed.

Joseph Lynch stated that the incidents reports are quite disturbing and the SHRC is very concerned. Kirby Wright thanked all for participating in the discussion and expressed the SHRC's appreciation for the programs' work with a very difficult population.

### Variance

#### Keystone Newport News Youth Center - Structured Living Protocol

Mr. Reginald T. Daye, Regional Advocate for Region 5, acknowledged Mr. Robert Lehmann, Chief Executive Officer of the Keystone Newport News Youth Center. Chris Ruble, Chief Operating Officer for Keystone Youth Centers, Carey Chappell, Risk Manager and Director of Quality Improvement for Keystone Newport News, and Renee Heyliger, PsyD, Clinical Director for Keystone Newport News, also were present to represent the program.

Mr. Daye indicated that the Keystone Newport News Youth Center is requesting a variance to Section 12 VAC-35-115-110, Item C16, Use of Seclusion, Restraint and Time Out of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services*.

The program was informed of the expiration of the variance following the September 5, 2008 SHRC meeting due to lack of complying with reporting requirements. Robert Lehmann apologized for the lapse. Mr. Lehmann provided a brief overview of the Keystone Newport News Youth Center and the population of children for whom the variance and structured living policy would impact. If approved, the variance would allow for the use of Focus Time, during which kids are essentially removed from the milieu and placed in time out. Robert Lehmann stated that it is their hope that the variance will not need to be used.

Reginald Daye reported that he supports renewal of the variance for a one year period. Mr. Daye does not support a longer period because of the acuity of care at the program.

**Upon a motion by Randy Johnsey and seconded by Joseph Lynch the committee unanimously approved the variance to 12 VAC-35-115-110, Item C16, Use of Seclusion, Restraint and Time Out of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services*, for Keystone Newport News Youth Center for a one-year period, with a six-month status report to be submitted to the State Human Rights Committee. The variance request and structured living policy was approved as submitted.**

#### Updates on Seclusion and Restraint Grant and TOVA

Carolyn Lankford, Clinical Quality Manager, Health and Quality Care, and Mary Clair O'Hara, Clinical Training Manager, Office of Quality Management, provided a progress report on the Seclusion and Restraint Reduction Grant. Committee members asked questions regarding the implementation of S&R Reduction on a state-wide basis. Kirby Wright thanked Ms. Lankford and Ms. O'Hara for meeting with the SHRC.

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

Respectfully submitted,

Kirby Wright, Chair