

STATE HUMAN RIGHTS
COMMITTEE

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Kirby Wright
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Davey Zellmer
Fredericksburg



Margaret S. Walsh
State Human Rights Director

Kli Kinzie
Executive Secretary

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COMMONWEALTH of VIRGINIA

*Department of
Mental Health, Mental Retardation and Substance Abuse Services
Post Office Box 1797
Richmond, Virginia 23218-1797*

State Human Rights Committee
Meeting Minutes
Virginia Beach Psychiatric Center
1100 First Colonial Road
Virginia Beach, Virginia, 23454
Friday, October 27, 2006

ADMINISTRATIVE MEETING

8:00 a.m.

COMMITTEE MEMBERS PRESENT

Michael Marsh, Chairperson
Angela Brosnan, Vice-Chairperson
Joyce Bozeman
Christina Delzingaro
Joseph Lynch
Kirby Wright
Davey Zellmer
NOT PRESENT
Delores Archer
Carmen Anne Thompson

HUMAN RIGHTS STAFF PRESENT

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Deb Lochart, Regional Human Rights Advocate, Region II
Reginald T. Daye, Regional Human Rights Advocate, Region V
Michael Curseen, Patient Advocate, Central State Hospital
Willie Barnes, Human Rights Advocate, Eastern State Hospital
Gianna Mitchell, Human Rights Advocate, Eastern State Hospital

OTHER STAFF PRESENT

Karen Walters, DMHMRSAS Special Counsel

OTHERS PRESENT

Denise Webb, Administrator, Virginia Beach Psychiatric Center
Ruth Mawyer, Director of Nursing, Virginia Beach Psychiatric Center

Dr. Michael Marsh, Chairperson, opened the administrative session of the State Human Rights Committee. Dr. Marsh proposed that the SHRC open meetings at 8:30 a.m., rather than 8:00 a.m. Members discussed this issue and decided to convene SHRC meetings at 8:30 whenever the workload permits.

Dr. Marsh discussed the development of SHRC goals for 2007. Christina Delzingaro and Angela Brosnan volunteered for the SHRC Goals Sub-Committee.

Davey Zellmer will continue to head the Communications Sub-Committee and put the newsletter together.

The SHRC reviewed the State Board meeting schedule and changed the date of the December 2006 SHRC meeting from December 8 to December 1. The committee also reviewed and accepted the 2007 SHRC meeting schedule.

Margaret Walsh provided an update on the revision of the human rights regulations. Ms. Delzingaro asked for a brief description of the sexually violent predator program at Virginia Center for Behavioral Rehabilitation (VCBR). Ms. Walsh summarized the development of the program and commented on the status of the development of policies for VCBR. Joseph Lynch suggested inviting Dr. Mario Dennis to an SHRC meeting to speak about the mission or vision of VCBR. The SHRC decided to meet at Southside Virginia Training Center in Petersburg in January or March of 2007 to take a tour of VCBR and speak with Dr. Dennis.

Denise Webb, Administrator, introduced Ruth Mawyer, Director of Nursing for Virginia Beach Psychiatric Center. Ms. Mawyer welcomed the committee to the facility and described the program and the populations served at the facility. Ms. Mawyer and Ms. Webb gave a tour of the facility to the SHRC and staff of the office of human rights.

REGULAR MEETING

10:00 a.m.

COMMITTEE MEMBERS PRESENT

Michael Marsh, Chairperson
Angela Brosnan, Vice-Chairperson
Joyce Bozeman
Christina Delzingaro
Joseph Lynch
Kirby Wright
Davey Zellmer

NOT PRESENT

Delores Archer

Carmen Anne Thompson

HUMAN RIGHTS STAFF PRESENT

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Deb Lochart, Regional Human Rights Advocate, Region II
Reginald T. Daye, Regional Human Rights Advocate, Region V
Michael Curseen, Patient Advocate, Central State Hospital
Willie Barnes, Human Rights Advocate, Eastern State Hospital
Gianna Mitchell, Human Rights Advocate, Eastern State Hospital

OTHER STAFF PRESENT

Karen Walters, DMHMRSAS Special Counsel
James S. Reinhard, Commissioner, DMHMRSAS
James Bell, Forensic Unit Director for Central State Hospital

OTHERS PRESENT

Kelly Walter, Risk Manager, Keystone Newport News Youth Center

Welcome / Call to Order

The October 27, 2006, meeting of the State Human Rights Committee was called to order by Dr. R. Michael Marsh, Chairperson. Dr. Marsh asked committee members and human rights staff to introduce themselves for those present.

Minutes

The minutes of the September 1, 2006, State Human Rights Committee meeting were unanimously approved as submitted.

Public Comment Period 10:30 to 10:45

Dr. Marsh 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 SHRC continued with regular business.

Commissioner's Update on System Transformation

Dr. James Reinhard, Commissioner, thanked committee members for their work on behalf of DMHRMSAS consumers. Dr. Reinhard talked with the committee about system transformation and the impact of department initiatives on the lives of people receiving services.

Virginia Center for Behavioral Rehabilitation

The committee received the advocate monthly report for August, 2006, a

September 27, 2006 letter regarding revision of the VCBR Resident Handbook from C.C. Murphy, and Clinical Justification for Current Exemptions to the human rights regulations for VCBR.

VARIANCES

Central State Hospital

Michael Curseen, Patient Advocate, Central State Hospital, introduced Mr. James Bell, Forensic Unit Director for Central State Hospital, presented four forensic variances for re-approval to the State Human Rights Committee as follows:

1. 12 VAC 35-115-20, A Dignity and 50, C.3 (a), Reasonable Search of patients and property, civil and secured;
2. 12 VAC 35-115-50, C7, Mail or Telephone, and E3, Mail Opening but not reading mail, forensic;
3. 12 VAC 35-115-100, A, 1c, Personal Money – Prohibition of money for civil patients in secure forensic programs; and
4. 12 VAC 35-115-20, A, Dignity; and 50, C3, Reasonable Privacy – Routine pat-downs and searches of bedroom areas.

A motion was made and unanimously passed to approve the four Central State Hospital Forensic Variances for a period of two years.

Keystone Newport News Youth Center

Mr. Reginald T. Daye, Regional Advocate, introduced Ms. Kelly Walter, Risk Manager for the Keystone Newport News Youth Center. Ms. Walter provided a brief overview of the services offered by the Keystone Newport News Youth Center and the population of children for whom the variance and policy would impact.

At Margaret Walsh's request, Mr. Daye provided a brief description of the meaning of and reason for structured living policies/variances.

Mr. Daye indicated that the Keystone Newport News Youth Center is requesting a variance to Section 12 VAC 35-115-110, Item B13, Use of Seclusion, Restraint and Time Out of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services* (Human Rights Regulations).

A motion was made and unanimously passed to approve the Keystone Newport News Youth Center variance request and the structured living policy as submitted for a two-year period. An annual status report is to be submitted to the State Human Rights Committee by the anniversary of the approval date.

Dr. Elizabeth Coffelt-Hill, Chairperson of the Southeastern Virginia Training

Center Local Human Rights Committee, came before the SHRC on behalf of the SEVTC LHRC to say that the LHRC supports the appointment of both Dr. Agatha Parks-Savage and Mr. Samuel T. Moore. As there is only one position available on the LHRC at this time, Dr. Marsh suggested the LHRC meet and discuss modification of their bylaws to allow for an increase in membership. Any requests for changes to the Bylaws can be submitted to the SHRC for review at a future meeting.

Margaret Walsh reviewed items of particular importance to the SHRC in the draft revised human rights regulations. Of note are emergency procedures and SHRC denial of LHRC refusals to accept additional affiliations.

Dr. Michael Marsh talked about recognizing LHRCs and LHRC members for their service during the State MHMRSAS Board Luncheon. The committee agreed and it was decided that notice be published in the SHRC newsletter *Human Writes*.

Committee members discussed their impressions of Virginia Beach Psychiatric Center and the issue of using shower curtains in place of bathroom doors. Dr. Michael Marsh and Ms. Margaret Walsh will work on a letter to the Center asking them to come up with an action plan that replaces the shower curtains while addressing the safety and dignity of their consumers.

LHRC Membership

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.

Rappahannock Area CSB LHRC

Appoint:

Ms. Deborah Lincoln

Prince William County LHRC

Appoint:

Ms. Mary Kelly Deputy

Northern Virginia Training Center LHRC

Appoint:

Ms. Valerie Burton

Alexandria LHRC

Appoint:

Ms. Mary Locicero
Northern Virginia Regional HRC
Appoint:
Ms. Susan R. Lowry
Mount Rogers LHRC
Appoint:
Ms. Jennifer Leah Haga
Ms. Danita Moore
Southwest Regional HRC
Appoint:
Mr. Charles F. Stapleton, Jr.
Ms. Tracy Kennedy Mullins
Metro Richmond LHRC
Appoint:
Mr. James Wallace
Chesterfield LHRC
Appoint:
Ms. Mauretta Copeland
Hanover County LHRC
Reappointment:
Ms. Charlene W. Leah
Southeastern Virginia Training Center LHRC
Appoint:
Dr. Agatha Parks-Savage
Eastern State Hospital LHRC
Appoint:
Mr. Timm D. Eberly
Southeastern Alliance LHRC
Appoint:
Ms. Shirley Ann Atkins

The motion was made and unanimously passed to remove Mr. Ronald Gibbs from the Suffolk Regional Local Human Rights Committee.

The State Human Rights Committee accepted the resignations of Ms. Patricia Fuller and Ms. Lucy Sotar from the NOVA Regional Local Human Rights Committee.

Davey Zellmer asked that Sherry Miles, Regional Advocate for Region VI, submit an article for the next Meet the Advocate column of *Human Writes*. Reginald Daye, Regional Advocate for Region V, was asked to suggest an exemplary LHRC member to be featured in the newsletter. Dr. Michael March will submit a notice of new SHRC member Joseph Lynch, and a note about the State Board Luncheon. Margaret Walsh will write an update on the status of the human rights regulations revision, and new staff of the human rights office. Ms. Walsh will ask the Commissioner for a submission on system transformation.

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

Respectfully submitted,

A handwritten signature in black ink that reads "R. Michael Marsh". The signature is written in a cursive style with a large, stylized initial "R".

R. Michael Marsh, Ph.D.
Chairperson