

**State Human Rights Committee
Meeting Minutes**

Region IV

Friday, December 7, 2007
Youth Empowerment Services
Crises Receiving Center
7307 Hull Street Road
Richmond, Virginia 23235

ADMINISTRATIVE MEETING

8:30 a.m.

8:30 a.m. Administrative Meeting

COMMITTEE MEMBERS PRESENT

Kirby Wright, Chair
Angela Brosnan
Delores Archer
Donald Lyons
Jannie Robinson
Carmen Thompson
Davey Zellmer

NOT PRESENT

Christina Delzingaro, Vice-Chair
Joseph Lynch

HUMAN RIGHTS STAFF PRESENT

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Deb Lochart, Regional Human Rights Advocate, Region II
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Reginald T. Daye, Regional Human Rights Advocate, Region V
Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center

OTHER STAFF PRESENT

Karen Walters, DMHMRSAS Special Counsel

OTHERS PRESENT

Mrs. Margie Tuck, Vice Chair, Southside Virginia Training Center LHRC
Mr. Bobby Tuck, Interested Person
Mr. Stephen A. Parson, Jr., Executive Director, Youth Empowerment Services
Mr. Rob Johnson, Director of Residential Services, Youth Empowerment Services
Ms. Trish Angle, Chair, Chesterfield Local Human Rights Committee
Dr. Analie Rademaker, Vice-Chair, Chesterfield Local Human Rights Committee
Ms. Mauretta Copeland, of the Chesterfield Local Human Rights Committee

Mr. Kirby Wright, Chair, opened the administrative session of the December 7, 2007, State Human Rights Committee meeting at 8:50 a.m.

The SHRC review the proposed 2008 meeting schedule. James O. Bowser, Jr., Regional Human Rights Advocate for Region IV, suggested the committee meet at Henrico Area Mental Health and Retardation Services Board for the January 2008 meeting. Mr. Bowser will also look into holding the March 7, 2008, SHRC Meeting at Chesterfield CSB.

The Committee accepted the proposed 2008 meeting schedule. The schedule will be posted on the DMHMRSAS web site.

Margaret Walsh reported that Gail Rheinheimer, Community Resource Manager for the Office of Mental Retardation/Community Resources, will come before the SHRC in January to provide an update on the activities of her office.

At the October 26, 2007, meeting, the SHRC asked Ms. Walsh to draft guidelines on the SHRC Membership Recruitment Process. Ms. Walsh reviewed her draft with the SHRC during the December meeting.

Ms. Delores Archer presented the guidelines for SHRC recruitment as developed by the SHRC Recruitment Sub-Committee. The SHRC agreed on the process as presented by Ms. Archer with changes to timeframes. Davey Zellmer will include information on SHRC recruitment for upcoming vacancies in the January issue of *Human Writes*. It was agreed that SHRC applications to be reviewed at the April 2008 SHRC meeting must be received in the human rights office by the agenda deadline of April 1. In January 2008 the committee will post upcoming vacancies on the web.

A motion was made and unanimously passed to accept the Guidelines for SHRC New Membership with changes.

Ms. Zellmer said that she is glad there is an SHRC application that is separate and different from the LHRC application.

The committee reviewed Margaret Walsh's draft SHRC Guidance on Affiliation of New Providers with Local Human Rights Committees. Angela Brosnan asked for the correction of a typo - "Please not..." should be "Please note...". Reginald Daye asked if affiliation decisions made on the local level are to be allowed to be appealed at the level

of the SHRC. The SHRC decided that the decision to approve or remove affiliations rests solely with the LHRCs.

The SHRC discussed a letter from Dr. John Holland, Facility Director of Southside Virginia Training Center. Beverly W. Garnes, Patient Advocate for Southside Virginia Training Center, introduced Ms. Margie Tuck, Vice-Chair of Southside Virginia Training Center Local Human Rights Committee. Ms. Garnes provided background on issues being monitored by the LHRC on behalf of the clients of SVTC. Ms. Garnes reported that Dr. Holland agreed with the LHRCs recommendation to comply with policies and procedures in accordance with Departmental Instruction 201 and the human Rights regulations. Margie Tuck commended Dr. Holland for his cooperative spirit and respectful attitude toward the Local Human Rights Committee.

The SHRC reviewed a letter from H.B., mother of a consumer, and discussed issues of the case of H.B. and Blue Ridge Behavioral Healthcare.

Margaret Walsh reported that one of the responsibilities of the Virginia Office for Protection and Advocacy is to focus on deaths where there is probable cause to believe abuse or neglect occurred.

The committee reviewed a copy of the SHRC Opinion on the case of L.H. and Rappahannock Area Community Services Board. Carmen Thompson noted a formatting issue for future reference.

10:00 a.m. Break

REGULAR MEETING

10:15 a.m.

COMMITTEE MEMBERS PRESENT

Kirby Wright, Chair
Angela Brosnan
Delores Archer
Donald Lyons
Jannie Robinson
Carmen Thompson
Davey Zellmer

NOT PRESENT

Christina Delzingaro, Vice-Chair
Joseph Lynch

HUMAN RIGHTS STAFF PRESENT

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Deb Lochart, Regional Human Rights Advocate, Region II

James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Reginald T. Daye, Regional Human Rights Advocate, Region V
Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center
Anne Stiles, Human Rights Advocate, Piedmont Geriatric Hospital and Virginia Center
for Behavioral Rehabilitation

OTHER STAFF PRESENT

Karen Walters, DMHMRSAS Special Counsel

OTHERS PRESENT

Mrs. Margie Tuck, Vice Chair, Southside Virginia Training Center LHRC
Mr. Bobby Tuck, Interested Person
Mr. Stephen A. Parson, Jr., Executive Director, Youth Empowerment Services
Mr. Rob Johnson, Director of Residential Services, Youth Empowerment Services
Dr. Mario Dennis, Clinical Director, Virginia Center for Behavioral Rehabilitation
Ms. Cheryl Young, Resident Complaint Coordinator, Virginia Center for Behavioral
Rehabilitation
Ms. Trish Angle, Chair, Chesterfield Local Human Rights Committee
Dr. Analie Rademaker, Vice-Chair, Chesterfield Local Human Rights Committee
Ms. Mauretta Copeland, Member, Chesterfield Local Human Rights Committee
Ms. Kimberly M. Lindblad, LCSW, Director of Quality Assurance and Staff Development,
Specialized Youth Services, Blanford Manor
Ms. Kate McBride, Director of Compliance and Risk Management, Poplar Springs
Hospital
Mr. Jerry Von Poks, Human Rights Coordinator, Poplar Springs Hospital

Welcome / Call to Order

The December 7, 2007 meeting of the State Human Rights Committee was called to order by Mr. Kirby Wright, Chairperson. Mr. Wright asked committee members and human rights staff to introduce themselves for those present.

Mr. James O. Bowser, Jr., Regional Human Rights Advocate for Region IV, introduced Mr. Stephen Parson, Executive Director of Youth Empowerment Services. Mr. welcomed the committee to the program and described the facility and population served.

Minutes

The minutes of the October 26, 2007 meeting and the special meeting called on November 16, 2007 were approved unanimously.

Virginia Center for Behavioral Rehabilitation

The SHRC reviewed Level 3 Appeal Responses processed since the last meeting.

The SHRC reviewed Monthly Advocate Reports for July and August, September, and October. Kirby Wright thanked Anne Stiles, Human Rights Advocate, for providing the monthly reports. The reports are informative and they help the SHRC to stay abreast of activities at the facility. Dr. Angela Brosnan asked about a point in the October report. Dr. Mario Dennis stated that nursing staff been have attending all treatment team meetings.

Anne Stiles introduced Dr. Mario Dennis, Clinical Director, and Ms. Cheryl Young, Resident Complaint Coordinator for Virginia Center for Behavioral Rehabilitation

The SHRC reviewed VCBR the policies Polygraph Examinations and Resident Computer Use, as well as Rules for the Use of the Unit Computer and a Resident Agreement for the Use of the Unit Computer. Mario Dennis said that the policy for polygraph examinations went into practical application in May of 2007. Kirby Wright said he has had concerns in the past about mandatory reporting. Margaret Walsh asked what has been changed since the SHRC last reviewed the policy. Dr. Dennis commented that this policy is an amalgam of several similar policies from different states. Ms. Walsh asked Dr. Dennis and Ms. Young to explain the difference between “will be asked to” and “are expected to” as used in the policies. Dr. Dennis answered that they are used interchangeably. Ms. Walsh suggested that VCBR might want to consider using the same phrasing throughout for the sake of clarity. A typo was corrected.

There were no questions asked about the policy Resident Computer Use. Mario Dennis said that the facility is planning a library for its residents and staff would like to install one or two computers for resident use. Some minor modifications to language in the policy were suggested.

The SHRC asked no questions about the Rules for the Use of the Unit Computer or the Resident Agreement for the Use of the Unit Computer.

Anne Stiles, Human Rights Advocate, commented that Ms. Cheryl Young has been a great addition to staff at VCBR. Dr. Mario Dennis said that Anne Stiles has been a tremendous help to VCBR staff. She has kept them focused on the human rights of residents at VCBR and has provided many solutions to various issues.

Public Comment Period 10:30 TO 10:45

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 SHRC continued with regular business.

Reviews/appeals

Variances

Youth Empowerment Services

Mr. James O. Bowser, Jr., Regional Advocate, introduced Trish Angle, Chair, Dr. Analie Rademaker, Vice-Chair, and Mauretta Copeland, of the Chesterfield Local Human Rights Committee. Mr. Bowser also introduced Mr. Stephen A. Parson, Jr., Executive Director of Youth Empowerment Services.

Mr. Bowser reported that he program is seeking a Variance to 12 VAC 35-115-50 C 3d Dignity, which provides for individuals to..."*Live in a human, safe, sanitary environment that gives each individual, at a minimum: Windows or skylights in all major areas used by individuals.*"

The facility has no windows or skylights in individual bedrooms and are therefore requesting a variance to the human rights regulations so they may be allowed to operate without installing windows or skylights in residents' bedrooms. Mr. Bowser reminded the committee that this Variance came before the SHRC on October 26, 2007, and was tabled until the SHRC could see the actual bedrooms before considering what Impact on services the variance would have.

Mr. Bowser reported that the Chesterfield LHRC met on October 1, 2007 to consider the variance request by Youth Empowerment Services and did not recommend approval of the varaince request.

The motion was made and passed to go into Executive Session pursuant to Virginia Code, 2.2-3711 (15), for the purpose of discussion of information excluded from the Freedom of Information Act.

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 Executive Session were discussed in the Executive Session.

A motion was made by Delores Archer and seconded by Jannie Robinson to provide Youth Empowerment Services with a grace period of one year to give the program time to install windows or skylights in residents' bedrooms. This grace period is a temporary Variance to 12 VAC 35-115-50 C 3d, Dignity. The motion passed unanimously.

Specialized Youth Services of Virginia, Inc.

James O. Bowser, Jr., Regional Advocate, introduced Ms. Kimberly M. Lindblad, LCSW, Director of Quality Assurance and Staff Development. Ms. Lindblad reported that Specialized Youth Services of Va. Inc., is requesting a renewal of a variance for the utilization of *Treatment Refocus/Structured Living. Structured Living/Treatment Refocus* is a variance to 12VAC35-115-110, B16 of the time-out requirements of the regulations.

Ms. Lindblad reported that the variance was first approved in December 2003 and again in January 2004, for a period of two years. Specialized Youth Services failed to request continued use of the variance in January 2006, and was therefore advised by the Office of Human Rights to cease all use of the substitute procedure.

On October 10, 2007, the Petersburg Regional LHRC recommended that the SHRC approve a renewal of the variance.

A Motion was made by Delores Archer and seconded by Davey Zelmer to approve the variance to 12VAC35-115-110, B16 for Specialized Youth Services for a period of 2 years. The motion passed unanimously.

Poplar Springs Hospital

James O. Bowser, Jr., Regional Advocate, introduced Ms. Kate McBride, Director of Compliance and Risk Management and Jerry Von Poks, Human Rights Coordinator for Poplar Springs Hospital.

Ms. McBride provided the Committee with an annual report of the Poplar Springs Variance request to 12 VAC35-115-110, B16 of the time-out requirements of the regulations and requested a renewal of the variance. Ms. McBride reported that in December 2005, the variance was approved for a period of two years by the SHRC. The average utilization of *Treatment Refocus/Structured Living* has been 1 – 3 times per month. The total number of times the procedure was used in 2006 was 24. Ms. McBride reported that Poplar Springs has not experienced any problems or difficulties with the implementation of the variance and there have been no complaints from individuals, family members or staff.

On November 8, 2007, the Petersburg Regional LHRC recommended that the SHRC approve the variance renewal request.

A Motion was made by Jannie Robinson and seconded by Donald Lyons to approve for a two year period the use of the variance to 12VAC35-115-110, B16 with an annual report submitted in December of each year. The Motion passed unanimously.

The SHRC thanks the program for the clear and thorough documentation submitted for the Variance request.

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.

A certificate of appreciation will be sent to Mrs. Michelle Johnson for her service on the Southside Virginia Training Center Local Human Rights Committee.

A motion was made and passed unanimously to remove Dr. Holvar Olsen from Hiram Davis Local Human Rights Committee and Mr. Brian McSally from Norfolk Regional Local Human Rights Committee.

A motion was made and passed unanimously to appoint the following applicants to the specified local human rights committees.

Arlington LHRC

Appoint:

Mr. Ron Honberg

Northern Virginia Mental Health Hospitals LHRC

Appoint:

Ms. Darlene M. Holmes

New River Valley LHRC

Appoint:

Ms. Deborah Perez-Lopez

Southwestern Va Mental Health Institute LHRC

Reappoint:

Mr. Benjamin Plummer

Chester Regional LHRC

Appoint:

Mr. Gregory Hopkins

Ms. Danielle Hunt

Colonial Regional LHRC

Appoint:

Ms. Sherry L. Hamilton

Mr. Paul S. Thourgood

Mid-City LHRC

Appoint:

Ms. Amanda Bruer

Norfolk Regional LHRC

Appoint:

Mr. Brian Gretzler

Southeastern Virginia Training Center LHRC

Appoint:

Ms. Brenda Gilmore-Hicks

Mr. Samuel Moore

Southside LHRC

Appoint:

Ms. Kathleen Dring

Dr. Agatha Parks-Savage
Universal Family LHRC

Appoint:

Ms. Grace Washington
Ms. Adria Peterson

Virginia Beach Area LHRC

Appoint:

Mr. Kevin Bowing
Ms. Mary Meaghar
Ms. Kimberly M. Hitchman

Heartland Regional Human Rights Committee

Appoint:

Ms. Eunice Lee
Ms. Shirley Sprague
Ms. Barbara Helton

Southern Virginia Mental Health Institute

Appoint:

Mr. Jeff Rodden

State Human Rights Director Report

Ms. Margaret Walsh reported that the office has upcoming staffing changes. Sonia Smith, Human Rights Advocate for Catawba Hospital and the Roanoke Valley has resigned, and Anne Stiles, Human Rights Advocate for Piedmont Geriatric Hospital and Virginia Center for Behavioral Rehabilitation, has announced her plan to retire in April. Mr. James O. Bower, Jr., reported that he has hired a new staff member who will begin working on January 10, 2008.

Davey Zellmer will feature staffing changes in the next issue of *Human Writes*.

Margaret Walsh reported that over 800 people across the state attended training on the new human rights regulations. Training supplies and resources are available on the DMHMRSAS web site.

Ms. Walsh said the department is developing a computer based system for reporting abuse and neglect. The on-line reporting system will later include death and serious incident reporting. This system is being designed to alert all necessary parties.

Ms. Walsh reported that Mr. Jerry Deans, Assistant Commissioner, Division of Facility Management, and Dr. James Evans, Director of the Office of Health and Quality Care, are retiring from the Department.

Ms. Walsh also reported that the department is focusing on Mental Health reform issues in preparation for the next meeting of the General Assembly.

Beverly Garnes, Human Rights Advocate, reported that the Medical Director and seven other staff are soon retiring from Hiram W. Davis Medical Center.

Kirby Wright thanked the advocates and members of the Stater Human Rights Committee for their work on behalf of our consumers, and wished everyone Happy Holidays.

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 "Kirby Wright". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Kirby Wright, Chair