

# DRAFT

## **State Human Rights Committee Meeting Minutes**

Virginia Center for Behavioral Rehabilitation  
Virginia Center for Behavioral Rehabilitation  
Main Conference Room  
4901 East Patrick Henry Highway  
Burkeville, Virginia 23922  
Friday, May 30, 2008

### **ADMINISTRATIVE MEETING**

**8:30 a.m.**

#### **COMMITTEE MEMBERS PRESENT**

Kirby Wright, Chair  
Angela Brosnan  
Joseph Lynch  
Donald Lyons  
Carmen Thompson  
Davey Zellmer

#### **NOT PRESENT**

Christina Delzingaro, Vice-Chair  
Delores Archer  
Jannie Robinson

#### **HUMAN RIGHTS STAFF PRESENT**

Margaret Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
Charles T. Collins, Regional Human Rights Advocate, Region I  
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  
Sherry C. Miles, Regional Human Rights Advocate, Region VI  
Michael Curseen, Human Rights Advocate

#### **OTHERS PRESENT**

Dr. Stephen M. Herrick, Executive Director, Piedmont Geriatric Hospital

Eric Alridge, Director of Operations, Virginia Center for Behavioral Rehabilitation  
Zachary S. DeVore, Staff Attorney, Virginia Office for Protection and Advocacy  
Mark Stevens, Disability Rights Advocate, Virginia Office for Protections and Advocacy  
Elizabeth Mercuri, Intern, Virginia Office for Protections and Advocacy  
Mary Aab, Disability Rights Advocate, Virginia Office for Protections and Advocacy  
Carolyn M. DeVilbiss, Prospective SHRC Member  
David Nelms, Chair, Piedmont Geriatric Hospital LHRC  
Anne P. Stiles, Recently Retired Advocate for PGH and VCBR  
David Patterson, Piedmont Geriatric Hospital LHRC  
Margie Nevins, Piedmont Geriatric Hospital LHRC  
David Nelms, Piedmont Geriatric Hospital LHRC  
Heleen Anderson-Grant, Chair, Henrico LHRC  
David Mangano, Consumer and Family Advocate, Chesterfield CSB  
Walter Small, Senior Investigator for VCBR,  
Steve Herrick, PhD., Director of PGH  
Cheryl Young, Resident Complaint Coordinator, Virginia Center for Behavioral  
Rehabilitation  
Cheryl Crawford, Administrative Services Coordinator, VCBR

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

#### SHRC Goals and Annual Report

Margaret Walsh, Human Rights Director, summarized the status of SHRC goals and presented the updated draft of the SHRC Annual Report.

#### VCBR Tour

At 9:00 a.m. staff of Virginia Center for Behavioral Rehabilitation provided a tour of the facility.

### **REGULAR MEETING**

**10:15 a.m.**

#### **COMMITTEE MEMBERS PRESENT**

Kirby Wright, Chair  
Angela Brosnan  
Joseph Lynch  
Donald Lyons  
Carmen Thompson  
Davey Zellmer

#### **NOT PRESENT**

Christina Delzingaro, Vice-Chair  
Delores Archer

Jannie Robinson

**HUMAN RIGHTS STAFF PRESENT**

Margaret Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
Charles T. Collins, Regional Human Rights Advocate, Region I  
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David Patterson, Piedmont Geriatric Hospital LHRC  
Margie Nevins, Piedmont Geriatric Hospital LHRC  
David Nelms, Chair, Piedmont Geriatric Hospital LHRC  
Heleen Anderson-Grant, Chair, Henrico LHRC  
David Mangano, Consumer and Family Advocate, Chesterfield CSB  
Walter Small, Senior Investigator for VCBR  
Steve Herrick, PhD., Director, Piedmont Geriatric Hospital  
Cheryl Young, Resident Complaint Coordinator, Virginia Center for Behavioral Rehabilitation  
Cheryl Crawford, Administrative Services Coordinator, VCBR  
Stephanie Pechura, Director of Treatment Services, VCBR  
Maureen Beasley, Complainant  
George E. Braunstein, Executive Director, Chesterfield CSB

**Welcome / Call to Order**

The May 30, 2008 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.

**LHRC Services for Virginia Center for Behavioral Rehabilitation**

Chairman Wright opened a discussion with the Piedmont Geriatric Hospital LHRC regarding the SHRC's request that the PGH LHRC also serve as the VCBR LHRC.

David Nelms, Piedmont Geriatric Hospital LHRC Chair, thanked Mr. Wright for the invitation to come to the SHRC meeting and tour of the facility. Members of the PGH LHRC asked questions regarding the number of resident complaints received on average and the basic process for reviewing VCBR complaints. Cheryl Young, Resident Complaint Coordinator for VCBR briefly described the current complaint process. Margaret Walsh stated that thus far the majority of VCBR complaints have been regarding lifestyle issues. Policies for VCBR have necessarily been security oriented. The human rights program and the Department must balance the need for security with rights.

David Nelms requested that the LHRC receive copies of the human rights regulations, VCBR Exemptions to the regulations, and VCBR policies.

Kirby Wright thanked members of the LHRC for their support of the human rights program and for their willingness provide services to the Residents of VCBR.

Steve Herrick, PhD., Director of Piedmont Geriatric Hospital, welcomed the committee to Burkeville. Dr. Herrick spoke highly of the PGH LHRC and expressed his confidence in the ability of the LHRC members to serve a population with very different needs than the population they have been providing human rights services for thus far.

## **Minutes**

The minutes of the April 18, 2008 State Human Rights Committee meeting were unanimously approved with modification.

## **Virginia Center for Behavioral Rehabilitation**

### **Pay-Tel Phone System**

Stephanie Pechura, Director of Treatment Services, VCBR, spoke regarding resources allocated for phone calls and the security issues considered in selecting the phone system and the use of phone cards at VCBR. She described the Pay-Tel phone system as a self-managed system that allows detailed review of usage. The system also allows the blocking of individual phone numbers.

Margaret Walsh offered to pursue getting a way for residents to receive calls from social workers, attorneys, etc.

## **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 committee continues with regular business.

## **Nominating Committee**

**A motion was made by Joseph Lynch and seconded by Davey Zellmer to elect Kirby Wright as Chair and Christina Delzingaro as Vice-Chair for another year. The motion passed unanimously.**

**A motion was made by Joseph Lynch and seconded by Donald Lyons to accept the 2007 SHRC Annual Report. The motion passed unanimously.**

### **Request for Guidance Regarding Henrico LHRC and Henrico MH & MR Services**

Michael Curseen, Human Rights Advocate, introduced Ms. Heleen Anderson-Grant, Chair of Henrico LHRC. Ms. Anderson-Grant presented issues concerning Henrico Area Mental Health and Mental Retardation Services' refusal to inform the LHRC of what follow-up action was taken against a staff member following an unsubstantiated allegation of abuse. This information was requested so the LHRC may conduct its business in a manner that is correct and appropriate. The program has refused to divulge the information because knowledge of the follow-up action may make it possible to identify the staff person. As a result of the program's refusal to divulge the information the LHRC has suspended affiliation with the program.

Margaret Walsh stated that the human rights regulations do not specifically say that the LHRC is entitled to get personnel information. Charles Collins, Regional Human Rights Advocate, stated that Licensing Specialists do have access to staff records. Carmen Anne Thompson expressed concern over the LHRC not being able to function meaningfully without the information. Michael Curseen agreed that the LHRC should have the requested information to appropriately do their job in oversight. Margaret Walsh stated that there is ample room in the Freedom of Information Act to allow the LHRC to go into executive session to discuss personnel issues.

**A motion was made by Carmen Thompson and seconded by Joseph Lynch that the SHRC agrees that the LHRC's request is consistent with their duties as an oversight body and that Henrico Area Mental Health and Mental Retardation Services should conform. The decision to discontinue the affiliation of a provider in accordance with a local committee's affiliation agreement and bylaws rests solely with the local committee and is not subject to an appeal before the SHRC. The motion passed unanimously.**

Margaret Walsh will draft a response to Michael O'Connor, Henrico Area MH and MR Services, and Heleen Anderson-Grant, Henrico LHRC. the letter will include excerpts from the regulations to support the decision.

### **Appeal**

This case came before the State Human Rights Committee (SHRC) on May 30, 2008 on appeal of a decision of the Chesterfield Local Human Rights Committee (CLHRC). Ms. Maureen Beasley brought the case forward on behalf of her deceased son D.B. with support and guidance from Michael Curseen. Members present were

Kirby Wright, Davey Zellmer, R.N., Carmen Thompson, Donald Lyons, Joseph Lynch, and Dr. Angela Brosnan, M.D. Mr. George E. Braunstein, Executive Director of Chesterfield CSB, and Mr. David Mangano represented the Community Services Board. At the request of Ms. Beasley the hearing was held in open session.

The SHRC allowed for statements from the parties to the case.

**SHRC Decision:**

**By a vote of 6-0, the SHRC upholds the findings and recommendations made by the Chesterfield Local Human Rights Committee in its decision, to include the following:**

- 1. Violation of 12 VAC 35-115-60 B. 3.b, failure to provide training necessary to assess and evaluate the suicidal risks of a child or adolescent.**
- 2. Four Violations of 12 VAC 35-115-60 B 2, failure to provide services in accordance with sound therapeutic practice.**
- 3. Violation of 12 VAC 35-115-50 (B) 2, protection from harm, specifically neglect.**
- 4. No Violation of 12 VAC 35-115-50 (b) 2, protection from harm, specifically abuse.**

**SHRC Recommendations:**

- 1. In accordance with the time frames and actions established in the CCSB action plan dated April 8, 2008, CCSB is to provide updates on all activities to the Chesterfield LHRC at its first meeting after July 2008 and six months later.**
- 2. Chesterfield LHRC is to report to the SHRC the status of CCSB's activities in February 2009.**

The SHRC thanks the parties in this case for the respectful and professional manner in which this case was approached. The SHRC thanks the Chesterfield LHRC for its time, careful consideration and effort in conducting this hearing.

**Bylaws**

**Southwest Virginia Training Center**

On behalf of BJ McKnight, Human Rights Advocate, Sherry Miles, Regional Human Rights Advocate, presented the bylaws modification for Southwest Virginia Training Center. Ms. Miles reported that the LHRC request a change in the number of members for the committee from 9 to 7.

**The motion was made by Davey Zellmer and seconded by Angela Brosnan to approve the bylaws modification for Southwest Virginia Training Center. The motion passed unanimously.**

On behalf of Bj McKnight, Human Rights Advocate, Sherry Miles, Regional Human Rights Advocate, requested the regulation title change in the bylaws of the southwest regional and local committees.

**The motion was made by Davey Zellmer and seconded by Angela Brosnan that the SHRC approves the regulation title change for all of the LHRCs in the DMHMRSAS system. The motion passed unanimously.**

### 2007 Annual Regional Human Rights Staff Activities and Statistical Report

Charles T. Collins, Regional Human Rights Advocate, Region I, presented an overview of staff activities in 2007 for the northwest region. The SHRC also received a copy of the region's comprehensive written annual report.

### SHRC Membership

Kirby Wright presented framed certificates to Davey Zellmer and Carmen Thompson, whose terms will expire on June 30, 2008. Kirby Wright thanked them for their advocacy on behalf of consumers in Virginia.

The SHRC asked questions of Carolyn M. DeVilbiss in consideration of the recommendation for her appointment to the SHRC.

**A motion was made and passed to go into closed session pursuant to Virginia Code §2.2-3711 for the purpose of considering an appointment to the State Human Rights Committee.**

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.

### 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 SHRC accepted the letter of resignation from Ms. Alice Anderson from the Southside Virginia Training Center Local Human Rights Committee.

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

Rockbridge Area CSB LHRC

Reappoint:

Mr. Ronald Telsch

Harrisonburg-Rockingham LHRC

Appoint:

Ms. Page Shields

Reappoint:

Ms. Florence Ferguson

Dr. H. Richard Travis

Northwestern CSB LHRC

Reappoint:

Mr. Fred Sabia

Rappahannock-Rapidan CSB LHRC

Appoint:

Ms. Eileen Peet

Region Ten CSB LHRC

Reappoint:

Mr. Paul A. Patrick

University of Virginia LHRC

Appoint:

Mr. Kenneth Moore

Rappahannock Area CSB LHRC

Appoint:

Mr. Walter Nivens, Jr.

Northwestern CSB LHRC

Appoint:

Ms. Jeannie Decker

Reappoint:

Ms. Nancy Cartier

Northern Virginia Regional LHRC

Reappoint:

Ms. Mary Griffith

Arlington LHRC

Reappoint:

Ms. Christina Kozyn

Mr. Doug Bradley

Ms. Margaret Hanson

Prince William LHRC

Appoint:

Ms. Sandra Molle

Reappoint:

Ms. Charlotte Gracey

Fairfax-Falls Church

Appoint:  
Ms. Mary Jane Billinger  
Ms. Patricia B. Miles  
Alexandria LHRC  
Appoint:  
Ms. Deborah Sikes  
Ms. Andrea Rakhmanov  
Ms. Amrita Banerjee  
Ms. Molly O'Shea  
Northern Virginia Training Center LHRC  
Appoint:  
Mr. Edward Anthony "Tony" Grimm  
Ms. Tracy Self  
Reappoint:  
Mr. Peter Black  
Mr. Francis X. Doyle  
Mr. Ron Kearns  
Southwestern Virginia Training Center  
Reappoint:  
Ms. Betty L. Meredith  
Dr. Ohlen R. Wilson  
Richmond Tri-Cities LHRC  
Appoint:  
Mr. Jimmy Christmas  
Ms. Silvia Hill  
Tidewater Regional LHRC  
Appoint:  
Ms. Felicia F. Sawyer  
Chesapeake Regional LHRC  
Appoint:  
Dr. Martin A. Powell  
Southeast Alliance LHRC  
Reappoint:  
Ms. Shirley Atkins  
Eastern Virginia LHRC  
Appoint:  
Ms. Denise Gordon  
Mid-City LHRC  
Appoint:  
Mr. Edward Kent  
Universal Family LHRC  
Appoint:  
Ms. Dorothy Williams Drummond  
Eastern State Hospital LHRC  
Reappoint:  
Mr. Steven Bennett  
Hampton Roads Regional LHRC

Reappoint:  
Ms. Sara Flippens  
Health Planning Region V LHRC  
Reappoint:  
Ms. Linda Ritter  
Ms. Townes  
Piedmont Community Services LHRC  
Reappoint:  
Ms. Jerri Crews  
Ms. Aleen Wilson  
Mr. James Potter  
Ms. Nancy Davis  
Danville-Pittsylvania County Regional LHRC  
Appoint:  
Ms. Beverly Scruggs  
Central Virginia Training Center  
Reappoint:  
Mr. William P. Saunders  
Southside Community Services LHRC  
Reappoint:  
Ms. Gloria C. Sharber

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

Respectfully submitted,

Kirby Wright, Chair