

**State Human Rights Committee**  
**Meeting Minutes**  
Catawba Hospital  
5525 Catawba Hospital Drive  
Catawba, Virginia, 24070  
September 4, 2009

**Administrative Meeting**

<b>Committee Members Present</b>	Kirby Wright, Chair; Christina Delzingaro, Vice-Chair, Carolyn M. DeVilbiss, Randy Johnsey, Joseph Lynch
<b>Committee Members Excused</b>	Delores Archer, Donald Lyons, Jannie Robinson
<b>Human Rights Staff</b>	Margaret Walsh, State Human Rights Director Kli Kinzie, Executive Secretary Nancy C. Neese, Regional Human Rights Advocate Reginald T. Daye, Regional Human Rights Advocate Roanna Deal, Human Rights Advocate Beverly W. Garnes, Human Rights Manager Deb Jones, Human Rights Advocate Deb Lochart, Regional Human Rights Advocate BJ McKnight, Human Rights Advocate Sherry C. Miles, Regional Human Rights Advocate Mark Seymour, Human Rights Advocate Walter Small, Human Rights Advocate
<b>Other Staff</b>	Karen A. DeSousa, DMHMRSAS Special Counsel Jack Wood, Facility Director, Catawba Hospital Vickie Fisher, Chief Nurse, Catawba Hospital
<b>Others</b>	Helen Lang, BRBH, Director Of Corporate Compliance Betty Bingham, Manager, Office of Consumer Affairs, Blue Ridge Behavioral HealthCare David DeVilbiss, Interested Person Rena Ferguson, Vice-Chair, Catawba Hospital LHRC Michael Gray, Staff Attorney, VOPA Josephine Johnsey, Interested Person Frank Royal, Interested Person
<b>Call to Order</b>	Mr. Kirby Wright, Chair, opened the administrative session of the State Human Rights Committee meeting at 8:40 a.m.

- SHRC Workplan** The Committee is up to date on Workplan goals.
- NVH LHRC** Margaret Walsh updated the Committee on the issue of LHRC terms of membership. Regional Human Rights Advocates will meet to discuss the issue, which was brought the SHRC's attention via communications from Tim Simmons, NVMHI Advocate.
- Budget** Margaret Walsh provided an update on the budget. An announcement will be made next week.
- SHRC Membership** Margaret Walsh suggested that the SHRC recruit for members in time for the Board to make new appointments prior to the next term begin date of July 1, 2010.
- Correspondence and Informational Items** The committee reviewed correspondence received in the Office of Human Rights.
- Break** *At 8:55 a.m. Chairman Wright called for a 10 minute break.*

### **Regular Meeting**

- Committee Members Present** Kirby Wright, Chair; Christina Delzingaro, Vice-Chair, Carolyn M. DeVilbiss, Randy Johnsey, Joseph Lynch
- Committee Members Excused** Delores Archer, Donald Lyons, Jannie Robinson
- Human Rights Staff** Margaret Walsh, State Human Rights Director  
 Kli Kinzie, Executive Secretary  
 Chuck Collins, Regional Human Rights Advocate  
 Reginald T. Daye, Regional Human Rights Advocate  
 Nancy C. Neese, Regional Human Rights Advocate  
 Roanna Deal, Human Rights Advocate  
 Beverly W. Garnes, Human Rights Manager  
 Deb Lochart, Regional Human Rights Advocate  
 Deb Jones, Human Rights Advocate  
 BJ McKnight, Human Rights Advocate  
 Sherry C. Miles, Regional Human Rights Advocate  
 Mark Seymour, Human Rights Advocate

Walter Small, Human Rights Advocate

**Other Staff**

Karen A. DeSousa, DMHMRSAS Special Counsel  
Jack Wood, Facility Director, Catawba Hospital  
Vickie Fisher, Chief Nurse, Catawba Hospital

**Staff Present via  
Telecom**

Dr. Jack Barber, Facility Director, Western State Hospital  
David Lyon, Executive Director, Southern Va Mental Health Institute  
Stewart Prost, Human Rights Advocate

**Others**

Helen Lang, BRBH, Director Of Corporate Compliance  
Betty Bingham, Manager, Office of Consumer Affairs, Blue Ridge  
Behavioral HealthCare  
David DeVilbiss, Interested Person  
Rena Ferguson, Vice-Chair, Catawba Hospital LHRC  
Michael Gray, Staff Attorney, VOPA  
Josephine Johnsey, Interested Person  
Frank Royal, Interested Person

**Others Present via  
Telecom**

Alex Gulotta, Executive Director, Legal Aid Justice Center  
Carol Schall Ph.D., Special Education and Disability Policy Director,  
Virginia Autism Resource Center  
Emily Helmbolt, LPC, Behavior Therapist and PBS Facilitator, Judge  
Rotenberg Center  
Stacey Durr, Chief Operating Officer, The Pines Residential Treatment  
Center  
Vonda Harrison, Director of Program Improvement, The Pines  
Residential Treatment Center  
Dee Keenan, Quality Assurance Director, Virginia Beach Department of  
Human Services

**Call to Order and  
Welcome**

Kirby Wright called the meeting to order at 9:05. A call for  
introductions took place prior to proceeding.

Jack Wood welcomed the SHRC to Catawba Hospital and gave a brief  
history of the hospital and grounds.

**Minutes**

*Upon a motion by Randy Johnsey and seconded by Carolyn DeVilbiss  
the SHRC unanimously approved the minutes of the July 10, 2009  
meeting as corrected.*

**Region 3 2008  
Annual Report**

Nancy C, Neese, BJ McKnight and Deb Jones presented the annual  
report for region 3. Nan Neese touched on some highlights and gave an

overview of systemic issues in the region.

## **LHRC Membership**

*Upon a motion the SHRC convened in 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 the SHRC unanimously appointed the following applicants to the specified local human rights committees.*

- 
- Resignation THE SHRC acknowledges the resignation of Ms. Joslynn Napper from ANUE Local Human Rights Community.
- Region 1 University of Virginia LHRC  
Appoint: Ms. Myra Anderson  
Central Area's LHRC  
Appoint: Ms. Rachel Hill  
Loudoun County CSB LHRC  
Appoint: Mr. Ronald Johnston, Ms. Leslie Lobos
- Region 4 Crater LHRC  
Appoint: Ms. Audrey J. Wood, Mr. L. Carlton Starke, Ms. Mary A. Trotter, Mr. Daniel Moore  
Commonwealth LHRC  
Reappoint: Mr. Demetrius Whitehurst, Mr. Damon Thompson
- Region 5 Newport News Regional LHRC  
Appoint: Ms. Robin Rukin, Ms. Christine G. Pearce  
Southside Regional LHRC  
Appoint: Ms. Sharon Liddle, Ms. Jean Bohnhoff  
Norfolk regional LHRC  
Appoint: Ms. Lisa Lockwood  
Bay Regional LHRC  
Appoint: Mr. Richard Bishop, Ms. Tamesha Giddens, Ms. Renee Greene
- Region 6 Goochland Powhatan CSB  
Appoint: Mr. Brad Burdette, Ms. Kitty Hardt, Ms. Ruth Lavine, Mr. Walter Reeves, Ms. Gwen Hogen  
Heartland Regional  
Reappoint: Ms. Bettie L. Hazelwood  
Southern Va Mental Health Institute LHRC  
Appoint: Ms. Esther Goins
- *Upon a motion made by Christina Delzingaro and seconded by Randy Johnsey the SHRC made the following appointment with one abstention..*

- Region 3 Southern Virginia Mental Health Institute  
Reappoint: Ms. Thelma Wright

**Departure of Chair** *At 10:00 Chairman Wright excused himself from the meeting to attend to a family matter. Remaining members continued with regular business, noting that they did not have a quorum and that they would not be able to Move on action items.*

**Overview of JM Case** *Upon a motion made by Randy Johnsey the State Human Rights Committee convened in Closed Session pursuant to Virginia Code, 2.2-3711(15), for the purpose of discussion or consideration of matters excluded from the Virginia 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.

The SHRC heard information pertaining to JM at the Judge Rotenberg Center. Present for this review were SHRC Members Christina Delzingaro, Carolyn DeVilbiss, Randy Johnsey and Joseph Lynch. Also present were Margaret Walsh, Director of Human Rights, Karen DeSousa, DBHDS Special Counsel, Kli Kinzie, Secretary, Nancy C. Neese, Regional Human Rights Advocate, Chuck Collins, Regional Human Rights Advocates, BJ McKnight, Human Rights Advocate, Deb Jones, Human Rights Advocate, and Frank Royal, Psychiatrist. Present via teleconference were Carol Schall Ph.D., Endorsed Positive Behavior Support Facilitator and Emily Helmbolt, LPC, Endorsed Positive Behavior Support Facilitator.

No action is needed at this time. Christina Delzingaro thanked Carol Schall and Emily Helmbolt for talking with the Committee on Behalf of this client.

**Variance Report for C.C. - Western State Hospital** Christina Delzingaro announced that the review of Western State Hospital's Variance report for CC would be held in closed session.

*Upon a motion the State Human Rights Committee convened 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.*

Present for review of the variance report were SHRC members Christina Delzingaro, Carolyn DeVilbiss, Randy Johnsey and Joseph Lynch. Also present were Margaret Walsh, Director of Human Rights, Karen DeSousa, DBHDS Special Counsel, and Kli Kinzie, Secretary. Dr. Jack Barber, Facility Director, Western State Hospital, was present via teleconference to represent the facility. Alex Gulotta, Executive Director, Legal Aid Justice Center, was present via teleconference to represent CC and family. Frank Royal, Psychiatrist, was also present.

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.

*The Committee discussed contacting the Commissioner regarding urging Western State Hospital and Northern Virginia Mental Health Institute complete C.C.'s move from WSH to NVMHI.*

**Variance: The Pines**

Ms. Stacy Durr, Chief Operating Officer, and Ms. Vonda Harrison, Director of Program Improvement, The Pines Residential Treatment Center were present via teleconference to request a Variance to 12 VAC 35-115-50, C7, Dignity. The requested variance would allow the program to utilize its point level system referred to as "The Matrix" for the Kempsville, Brighton and Crawford campuses.

Vice-Chair Delzingaro explained that due to the absence of a quorum the SHRC could not at this time move on the Variance. Ms. Durr decided that the Pines would wait until the next meeting to present the formal review and request for variance.

**Variance: Virginia Beach Department of Human Services**

Ms. Dee Keenan, Quality Assurance Director, Virginia Beach Department of Human Services (VBDHS) was present via teleconference to request a Variance to 12 VAC 35-115-50, C7 and C8, Dignity. The requested variance would allow the VBDHS Residential Crisis Stabilization Program to implement its Residential Crisis Stabilization Program Rules of Conduct, which restricts the resident's use of the telephone or visitation access to those individuals named under section 12 VAC 35-115-50, B4, Dignity.

Vice-Chair Delzingaro explained that due to the absence of a quorum the SHRC could not at this time move on the Variance. VBDHS decided to wait until the next meeting to present the formal review and request for variance.

**Public Comment**

At 11:30 Christina Delzingaro called for Public Comment.

Chuck Collins, Regional Human Rights Advocate, commented that he has enjoyed a good working relationship with Virginia Office for Protection and Advocacy, and that he was sorry to have missed the presentation given by Coleen Miller, Executive Director for VOPA at the last meeting.

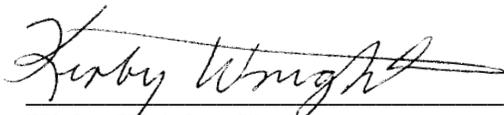
**Status of Appeal  
Case 08-03; JW  
and SVMHI**

David Lyon, Executive Director, Southern Va Mental Health Institute, was present via telecom to provide an update on the status of appeal case 08-03. Michael Gray, Staff Attorney for VOPA was present on behalf of the client.

**Adjournment**

*There being no further business, the meeting adjourned. The next meeting will be held on October 23, 2009 at Southeastern Virginia Training Center in Chesapeake.*

Respectfully Submitted:

  
\_\_\_\_\_  
Kirby Wright, Chair

\_\_\_\_\_  
Kli Kinzie, Secretary