

**State Human Rights Committee
Meeting Minutes**

Department of Behavioral Health and Developmental Services (BHDS)
STATE HUMAN RIGHTS COMMITTEE
Southside Virginia Training Center
26317 W. Washington Street
Building 1, Classroom B
Petersburg, Virginia, 23803
Friday, June 11, 2010

Administrative Meeting

**Committee
Members Present**

Kirby Wright, **Chair**; Christina Delzingaro, **Vice-Chair**, Delores Archer, Carolyn M. DeVilbiss, Randy Johnsey, Joseph Lynch
Donald Lyons, Jannie Robinson

**Members Not
Present**

Frank Royal

Human Rights Staff

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Deb Lochart, Regional Human Rights Advocate, Region 2
Michael Curseen, Human Rights Manager, Region 4 and Central
State Hospital
Beverly W. Garnes, Human Rights Manager, Region 4 and Southside
Virginia Training Center
Roanna Deal, Human Rights Advocate, Region 6 and Southern
Virginia Mental Health Institute
Carrie Flowers, Human Rights Advocate, Region 4, Southside
Virginia Training Center, Hiram Davis Medical Center and
Eastern State Hospital
Walter Small, Human Rights Advocate, Piedmont Geriatric Hospital
and Virginia Center for Behavioral Rehabilitation
Yolanda Smith, Executive Secretary, Region 4
Reuel "Jean" Grim, Vice Chairperson, Southside Virginia Training Center

Local Human Rights Committee

Other Staff	Karen DeSousa, DBHDS Special Counsel William Hawkins, Director, Hiram W. Davis Medical Center and Southside Virginia Training Center
Others	Josephene Johnsey, Interested Person
Call to Order	At 8:37 a.m. Mr. Kirby Wright, Chair, opened the administrative session of the State Human Rights Committee meeting. A call for introductions took place before proceeding.
SHRC Annual Report	At 8:40 the SHRC reviewed the draft SHRC annual report. The Committee accepted the draft without modifications and thanked Margaret Walsh for developing the report.
SHRC Bylaws	At 8:40 Margaret Walsh noted that the current SHRC Bylaws were provided for the committee for their records. Joseph Lynch noted that the Bylaws should be updated to reflect the current department name.
SHRC Workplan	At 8:42 the Committee reviewed the SHRC Workplan. The SHRC will make recommendations on human rights system reform in October. Carolyn-DeVilbiss suggested moving the date of the Communications Committee report to the December meeting. At that time they will report on recommendations on how to enhance communication and foster greater news and idea sharing among the SHRC and the LHRCs.
Patient Funds	Margaret Walsh reported on her research into common practices for handling patient funds at state facilities. Ms. Walsh suggested sending a letter to Mr. David Lyon, Facility Director at Southern Virginia Mental Health Institute, regarding the policy/practice at SVMHI in relation to policy/practice at other facilities. Upon a motion by Delores Archer and seconded by Jannie Robinson the SHRC unanimously voted to send a letter to Mr. David Lyons asking that he and staff review patient funds management in light of what other facilities are doing.
Funding for LHRC Training	Christina Delzingaro asked about limitations on the use of LHRC affiliation fees and whether those funds can be used for training. Margaret Walsh and Karen DeSousa reported that, as stated in LHRC affiliation agreements, the money is for administrative support of

LHRCs in carrying out their duties. Use of affiliation fees for training would be inappropriate. Christina Delzingaro suggested that the SHRC may want to provide some guidance across the state regarding provision and use of affiliation funds.

Break

At 9:00 a.m. Chairman Wright called for a 15 minute break.

Regular Meeting

**Committee
Members Present**

Kirby Wright, Chair; Christina Delzingaro, Vice-Chair, Delores Archer, Carolyn M. DeVilbiss, Randy Johnsey, Joseph Lynch, Donald Lyons, Jannie Robinson, and Frank Royal

Human Rights Staff

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Deb Lochart, Regional Human Rights Advocate, Region 2
Michael Curseen, Human Rights Manager, Region 4 and Central State Hospital
Beverly W. Garnes, Human Rights Manager, Region 4 and Southside Virginia Training Center
Sherry C. Miles, Regional Human Rights Advocate, Region 6
Roanna Deal, Human Rights Advocate, Region 6 and Southern Virginia Mental Health Institute
Carrie Flowers, Human Rights Advocate, Region 4, Southside Virginia Training Center, Hiram Davis Medical Center and Eastern State Hospital
Walter Small, Human Rights Advocate, Piedmont Geriatric Hospital and Virginia Center for Behavioral Rehabilitation
Yolanda Smith, Executive Secretary, Region 4

**Human Rights Staff
Present via Telecom**

Reginald T. Daye, Regional Human Rights Advocate, Region 5
Stewart J. Prost, Human Rights Advocate, Region 5 and Southeastern Virginia Training Center

Other Staff

Karen DeSousa, DBHDS Special Counsel
Steven Wolf, Director of Sex Offender Services
Russell Payne, Community Support Specialist
William Hawkins, Director, Hiram W. Davis Medical Center and Southside Virginia Training Center
Dr. Elizabeth Nance, DDS, Director of Dental Services, Hiram Davis Medical Center
Brenda Buenvenida, LNHA, Operations Director, Hiram Davis Medical Center
Margaret Miller, Southside Virginia Training Center

Others

Scott Cook, CEO, Hallmark Youthcare
Di Hayes, Hallmark Youthcare
Josephene Johnsey, Interested Person
Reuel “Jean” Grim, Vice Chairperson, Southside Virginia Training Center
Local Human Rights Committee
Zachary S. DeVore, Staff Attorney, Virginia Office for Protection
and Advocacy
Mark Stevens, Disability Rights Advocate, Virginia Office for
Protection and Advocacy
Jennifer Koltiska, Intern, Virginia Office for Protection and
Advocacy
Carlton Matthews, Intern, Virginia Office for Protection and
Advocacy
Nisha Patel, Intern, Virginia Office for Protection and Advocacy
Dr. Monica Manley, Clinical Director, Barry Robinson Center
Pam Golas, Regional Program Manager, Wall Residences
Charles Johnson, Provider, Wall Residences
Sandra Johnson, Provider, Wall Residences
C.W., Consumer, Wall Residences

**Others Present via
Telecom**

J.M., Complainant
Dee Keenan, Director of Quality Assurance, Virginia Beach
Department of Human Services
Monica Manley, Psy.D., Clinical Director, Barry Robinson Center

Call to Order

Kirby Wright called the meeting to order at 9:15 a.m. A call for
introductions took place prior to proceeding.

**Welcome and
Update on Dental
Issues**

At 9:15 Mr. Bill Hawkins welcomed the SHRC back to SVTC and
the campus. Mr. Hawkins gave a brief description of services
provided on the campus and talked about changes since the latest
reduction in budget and new management in central office.

Mr. Hawkins introduced Dr. Elizabeth Nance, DDS, Director of
Dental Services, and Ms. Brenda Buenvenida, LNHA, Operations
Director, Hiram Davis Medical Center. Dr. Nance provided an
update on current routine dental care at Southside Virginia Training
Center. The facility continues to develop and modify policies and
install new equipment for better provision of care. The projected
time for completion of dental improvements is October, 2010.

**Region 5 Annual
Report (Polycom)**

At 9:30 Mr. Reginald T. Daye and Mr. Stewart J. Prost presented the
Region 5 annual report. Mr. Prost reported on systemic issues in the
region. Mr. Daye thanked Margaret Walsh for sharing staff members
Carrie Flowers and Ansley Perkins from Region 4 to help cover

Region 5.

Kirby Wright thanked Mr. Daye and Mr. Prost for the excellent report and for the work they do on behalf of consumers. Mr. Wright also commended staff for taking on added responsibility as the department struggles to provide services with reduced budget and fewer staff.

Variance (Polycom)
Barry Robinson
Center

At 9:50 Stewart Prost presented a request for Variance to the human rights regulations for Barry Robinson Center. Mr. Prost introduced Monica Manley, Psy.D., Clinical Director of the Barry Robinson Center. Dr. Manley provided a brief overview of the Barry Robinson Center and the population of children for whom the variance and policy would impact.

Mr. Prost indicated that the Barry Robinson Center is requesting a variance to Section 12 VAC 35-115-110, 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 Behavioral Health and Developmental Services*. If approved, the variance would allow for the continued use of a structured living policy.

Upon a motion by Joseph Lynch and seconded by Randy Johnsey the SHRC unanimously approved the Barry Robinson Center variance request and the structured living policy for a three-year period. The program must submit an annual written report to the Office of Human Rights for review by the State Human Rights Committee.

Bylaws - Fairfax-Falls Church LHRC

At 10:00 Deb Lochart presented the Bylaws modification request for Fairfax-Falls Church Local Human Rights Committee.

Upon a motion by Christina Delzingaro and seconded by Donald Lyons the SHRC unanimously approved the Bylaws modification request for Fairfax-Falls Church Local Human Rights Committee as submitted.

Minutes

At 10:08 the SHRC reviewed the draft SHRC minutes for the April 16, 2010 SHRC meeting.

Upon a motion by Christina Delzingaro and seconded by Jannie Robinson the minutes of the April 16, 2010 SHRC meeting were unanimously approved with modifications.

Election of Officers

At 10:10 Delores Archer reported on the recommendations of the Officers Committee. On behalf of the Officers Committee Ms.

Archer nominated Christina Delzingaro as Chair and Randy Johnsey as Vice-Chair for the upcoming term of July 1, 2010 to June 30, 2011.

Kirby Wright asked for nominations from the floor. No nominations were offered from the floor.

Upon a motion by Carolyn DeVilbiss and seconded by Joseph Lynch the SHRC unanimously elected Christina Delzingaro as Chair and Randy Johnsey as Vice-Chair for the upcoming term of July 1, 2010 to June 30, 2011.

Kirby Wright announced that the Public Comment Period scheduled for 10:30 may need to be postponed to accommodate the appeal of J.M. v. Virginia Beach Community Services Board.

Appeal

At 10:15 the SHRC conducted via Polycom the appeal of JM v Va Beach Community Services Board. The case came before the SHRC on appeal of the decision of the Virginia Beach CSB Local Human Rights Committee. Stewart Prost assisted J.M., Complainant and mother of G.M., with the presentation of the case. Dee Keenan, Director of Quality Assurance, Virginia Beach Department of Human Services, was there to represent the program.

At the request of the complainant the appeal was held in closed session. Members present were Kirby Wright, Christina Delzingaro, Delores Archer, Carolyn M. DeVilbiss, Donald Lyons, Joseph Lynch, Randy Johnsey and Jannie Robinson. Also present were Margaret Walsh, Human Rights Director, Reginald T. Daye, Regional Advocate for Region 5, Kli Kinzie, Secretary, and Karen DeSousa, DBHDS Special Counsel.

Upon a motion by Christina Delzingaro and seconded 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 medical and mental records 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.

Upon a motion by Joseph Lynch and seconded by Delores Archer the SHRC unanimously upholds the findings and recommendations of the Virginia Beach CSB Local Human Rights Committee that there was no violation of G.M.'s right to sound therapeutic practice.

Public Comment

At 10:50 Kirby Wright announced the Public Comment Period. Mark Stevens, Disability Rights Advocate, Virginia Office for Protection and Advocacy, read a statement from patients at Eastern State Hospital regarding an increase in the restrictiveness of the environment at Eastern State Hospital.

Following questions from the SHRC, Kirby Wright thanked Mark Stephens for bringing issues forward on behalf of the patients of ESH. The Committee and the office of human rights will look into the complaints.

Region 4 Annual Report

At 11:00 staff of Region 4 presented their Annual Report. Beverly Garnes gave an overview of recent provider openings and the impact of budget reduction on services delivery for a quickly expanding system. Carrie Flowers reported on training provided by staff to local human rights committees and program providers. Michael Curseen covered complaints and systemic issues in the region.

Beverly Garnes recapped the on-going work to improve dental services delivery at Southside Virginia Training Center.

Margaret Walsh thanked Carrie Flowers for her support of the patients at Eastern State Hospital.

Kirby Wright thanked staff of Region 4 for their services to consumers in the system.

Human Rights System Reform

At 11:30 Christina Delzingaro reported that the SHRC met on the evening of June 10, 2010 to discuss and plan the future of the human rights system. At the meeting a subcommittee was formed to look at LHRC structure and use.

Ms. Delzingaro opened a dialog regarding the formation of new LHRCs in light of the systems' burden of supporting the current 80 LHRCs. Margaret Walsh suggested that the SHRC may want to issue a moratorium on the creation of new LHRCs for the time being.

Beverly Garnes requested that the SHRC recommend that existing LHRCs increase the limit of affiliations to 25 and accept new providers up to the limit.

Upon a motion by Christina Delzingaro and seconded by Jannie Robinson, Joseph Lynch and Randy Johnsey the SHRC will issue a moratorium on the formation of new LHRCs until some recommendations can be made regarding changes to the LHRC system.

Variance: Wall Residences

At 12:00 Kirby Wright announced the review of a Variance to 12 VAC 35-115-50, 3a, Dignity, for C.W., a resident of Wall Residences. Sherry Miles, Regional Advocate for Region 6, was present to assist the program in presenting the Variance request. Ms. Miles introduced Mr. and Mrs. Charles Johnson, Service Providers, Pam Golas, Regional Program Manager for Wall Residences, and C.W., Consumer.

Upon a motion by Christina Delzingaro and seconded by Jannie Robinson and Carolyn DeVilbiss 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.

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.

Upon a motion by Christina Delzingaro and seconded by Joseph Lynch the SHRC unanimously approved the Variance to VAC 35-115-50, 3a, Dignity, for C.W., resident of Wall Residences for as long as the medical condition exists. The program is to submit annually a written report on the use of the variance.

Kirby Wright commended the Johnson's for the excellent written report submitted for SHRC review.

At 12:15 Chairman Wright called for a break for lunch.

Sexual Offenders

At 12:35 Steven Wolf, Director of Sex Offender Services, spoke with the SHRC regarding best practices in programs for sex offenders. This item came before the SHRC to address the use of video monitoring in bedrooms. Mr. Wolf provided an overview of common practices of providers of services for sex offenders in other states.

Kirby Wight thanked Mr. Wolf for attending the meeting to talk about this important issue.

Variance - Hallmark Youthcare

At 12:45 the SHRC acknowledged a memo from Hallmark Youthcare stating that the program is not requesting approval for continued use of variance to 12 VAC 35-115-110 for the use of seclusion, restraint and time out.

Variance - Hallmark Youthcare

At 12:46 Sherry Miles introduced Scott Cook and Di Haynes of Hallmark Youthcare. Ms. Miles reported that the program is seeking approval for Variance to 12 VAC 35-110-50, 3a, Dignity, of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services*. If approved, the variance would allow for the use of video monitoring in bedrooms.

Upon a motion by Randy Johnsey and seconded by Frank Royal the SHRC unanimously voted not to approve the request for Variance to 12 VAC 35-110-50, 3a, Dignity, of the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services.

Extraordinary Barriers to Discharge

At 1:05 Russell Payne, Community Support Specialist, provided an update on extraordinary barriers to discharge. The number of consumers held in programs because of extraordinary barriers has declined significantly in the Commonwealth.

Kirby Wright thanked Russell Payne for attending the meeting to talk with the SHRC.

LHRC Membership

At 1:30 upon a motion by Christina Delzingaro and seconded by Randy Johnsey the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(1) for the purpose of discussion and consideration of 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.

Removals: *Upon a motion by Christina Delzingaro and seconded by Jannie Robinson the SHRC unanimously voted to remove Mr. Desmond Robinson and Mr. Anthony Weah from Metropolitan Local Human Rights Committee.*

Resignation: *The SHRC acknowledged the resignation of Mrs. Shirley Wynn from Central Area LHRC.*

Upon a motion made by Christina Delzingaro and seconded by Frank Royal the SHRC unanimously appointed the following applicants to the specified local human rights committees.

- Region 1
 - Valley CSB LHRC
 - Reappoint: Mr. Bradley Houff
 - Rappahannock-Rapidan CSB LHRC
 - Appoint: Ms. JoAnn Lyons
 - Region Ten CSB LHRC
 - Appoint: Mr. John Shepherd
 - Commonwealth Center for Children & Adolescents LHRC
 - Appoint: Ms. Deborah Atno-Shelton
- Region 2
 - Rappahannock Area LHRC
 - Appoint: Ms. Kelly Cohen
 - Alexandria LHRC
 - Reappoint: Ms. Marisa C. Brown, Ms. Robyn Rosenblum
- Region 3
 - Mount Rogers LHRC
 - Reappoint: Ms. Danita Moore, Ms. Jennifer Haga
 - New River Valley LHRC
 - Reappoint: Mr. Case Niedermayer
 - SWVTC LHRC
 - Reappoint: Ms. Loretta Evans, Ms. Judy Padgett
 - Appoint: Ms. Nancy Thurman, Ms. Dona Blair
- Region 4
 - Southside Virginia Training Center
 - Appoint: Mr. Bobby J. Tuck
 - Central Area LHRC
 - Appoint: Ms. Felicia B. Daniels
 - Richmond Unified LHRC
 - Appoint: Ms. Rhonda T. Carter
- Region 5
 - Peninsula Regional LHRC
 - Appoint: Ms. Beatrice Onyeali, Hampton Regional LHRC
 - Reappoint: Ms. Rebecca Newsome
 - Ocean View LHRC

Reappoint: Ms. Odulia Brown
Williamsburg Regional LHRC
Reappoint: Ms. Rita Gregory
Southeastern Virginia Training Center LHRC
Reappoint: Mr. Samuel Moore
Universal Family LHRC
Reappoint: Ms. Grace M. Washington, Ms. Barbara Johnson
Chesapeake Regional LHRC
Reappoint: Dr. William F. Austin
Eastern State Hospital LHRC
Reappoint: Ms. Jajala J. Scjweiger

o Region 6

Heartland Regional LHRC
Reappoint: Ms. Eunice T. Lee, Ms. Shirley E. Sprague

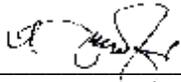
At the April 16, 2010 SHRC meeting the SHRC tabled a decision on the appointment of Ms. Karen Wilkenson to the Danville-Pittsylvania County Regional LHRC until further information could be obtained regarding the license held by her employer. At the June 11, 2010, SHRC meeting the Committee determined that there is a conflict of interest between her appointment to the LHRC and her employer and, therefore, Karen Wilkenson was not appointed to the Danville-Pittsylvania County LHRC.

Kirby Wright thanked the human rights advocates for their hard work in recruiting valuable LHRC membership.

Adjournment

There being no further business, the meeting adjourned. The next meeting will be held on July 9, 2010 at Rappahannock Area Community Services Board in Fredericksburg.

Respectfully Submitted:



Christina Delzingaro, Chair

Kli Kinzie, Secretary