

STATE HUMAN RIGHTS
COMMITTEE

Christina Delzingaro, Chair
Richmond

Randy Johnsey, V-Chair
Glade Spring

Thomas C. Bullock
South Hill

Penny Cameron
Reston

Carolyn DeVillbiss
Alexandria

Joseph Lynch
Harrisonburg

Donald Lyons
Hillsville

Jannie Robinson
Chesapeake

Frank Royal, Jr.
Richmond



COMMONWEALTH of VIRGINIA

*Department of Behavioral Health and Developmental Services
Post Office Box 1797
Richmond, Virginia 232181797*

**MINUTES
STATE HUMAN RIGHTS COMMITTEE**

Rappahannock Area CSB
Rappahannock Area Community Services Board
Fredericksburg Clinic
Rooms 201 and 202
600 Jackson Street
Fredericksburg, Virginia, 22401
Friday, July 9, 2010

Margaret S. Walsh
State Human Rights Director

Kli Kinzie
Executive Secretary

DBHDS
Office of Human Rights
1220 Bank Street
Richmond, VA 23219

P. O. Box 1797
Richmond, VA 23218

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8:30

Administrative Meeting

Members Present

Christina Delzingaro, **Chair**, Randy Johnsey, **Vice-Chair**, Thomas Bullock, Penny Cameron, Carolyn DeVilbiss, Joseph Lynch, Donald Lyons, Jannie Robinson, Frank Royal

Human Rights Staff

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Deb Lochart, Regional Human Rights Advocate, Region 2
Timothy Simmons, Human Rights Advocate, Northern Va Mental Health Institute
J. Mark Seymour, Child and Adolescent Human Rights Advocate
Walter Small, Human Rights Advocate, Piedmont Geriatric Hospital and Virginia Center for Behavioral Rehabilitation

Other Staff

Karen DeSousa, DBHDS Special Counsel

Others

Josephene Johnsey, Interested Person

Call to Order

At 8:35 a.m. Christina Delzingaro called the Administrative meeting to order. A call for introductions took place before proceeding.

Orientation of New Members

At 8:36 Margaret Walsh provided an overview of the human rights system including organizational structure. Ms. Walsh touched on the history of restrictive practices in state facilities and summarized the

basic human rights of consumers. The current human rights regulations are designed to empower individuals to make decisions regarding their own lives and their treatment while receiving services.

The rights outlined in the human rights regulations are very similar to the protected rights of consumers in other states. These rights are also similar to the basic rights of all individuals. Virginia, however, has a unique structure which includes a dispute resolution process.

Margaret Walsh spoke briefly about the services provided by the 5000 DBHDS licensed programs, including psychiatric hospitals and psychiatric wards of other hospitals and types of programs. Ms. Walsh also spoke about some of the organizations and situations which do not come within the purview of the DBHDS human rights regulations.

Ms. Walsh reviewed some of the goals and expectations of the SHRC, including the submission of an annual report on the status of the human rights system to the DBHDS State Board, receiving annual training on the Freedom of Information Act, and the SHRC Workplan, which is a tool developed by the SHRC for identifying and tracking goals.

Break

At 9:15 Christina Delzingaro called for a 15 minute break.

9:30

Regular Meeting

Members Present

Christina Delzingaro, **Chair**, Randy Johnsey, **Vice-Chair**, Thomas Bullock, Penny Cameron, Carolyn DeVilbiss, Joseph Lynch, Donald Lyons, Jannie Robinson, Frank Royal

Human Rights Staff

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Deb Lochart, Regional Human Rights Advocate, Region 2
Timothy Simmons, Human Rights Advocate, Northern Va Mental Health Institute
J. Mark Seymour, Child and Adolescent Human Rights Advocate
Walter Small, Human Rights Advocate, Piedmont Geriatric Hospital and Virginia Center for Behavioral Rehabilitation

Other Staff

Karen DeSousa, DBHDS Special Counsel
Michele Thomas, Pharm.D, Manager of Clinical Pharmacy Services, Mental Health - Community Support Services

Others

Ronald W. Branscome, Executive Director, Rappahannock Area CSB

Josephene Johnsey, Interested Person
Jacqué Newsome, Coordinator of Emergency Services, Rappahannock
Area CSB.

**Call to Order and
Welcome**

At 9:30 Christina Delzingaro called the regular meeting of the State Human Rights Committee to order. A call for introductions took place prior to proceeding.

**Approval of Draft
Minutes June 10 and
June 11, 2010**

At 9:31 the SHRC reviewed the minutes of the June 10 and 11, 2010 meetings.

Upon a motion by Frank Royal and seconded by Jannie Robinson the SHRC unanimously approved the minutes of the June 10 and 11, 2010 SHRC meetings as corrected.

SHRC Workplan

At 9:32 Margaret Walsh reviewed the SHRC Workplan with the Committee. Training on the human rights regulations was added as a goal to be covered during the September meeting in Blacksburg. The SHRC agreed to convene the September meeting at 8:00 to allow for extra time for the training.

Carolyn DeVilbiss suggested rescheduling the report of the communications sub-committee from September to December.

Randy Johnsey announced that he is removing himself from the communications sub-committee. Remaining members are Frank Royal and Carolyn DeVilbiss. Chairman Delzingaro called for a volunteer from the SHRC to join the sub-committee.

Penny Cameron joined the Communications Sub-Committee.

Correspondence

At 9:35 the SHRC reviewed correspondence received.

**Piedmont Geriatric
Hospital LHRC**

The Committee reviewed and discussed a letter dated July 8, 2010 from Piedmont Geriatric Hospital Local Human Rights Committee regarding their decision to terminate affiliation with Virginia Center for Behavioral Rehabilitation.

Patient Funds

The Committee reviewed and discussed a letter dated June 28, 2010 from David M. Lyon, Director of Southern Virginia Mental Health Institute in response to the SHRC's opinion on SVMHI's policy #206 which restricts individuals from receiving money directly from visitors. On behalf on the institute Mr. Lyon requested an extension until August 1, 2010 to put into practice the SHRC's recommendation to revise the policy.

Upon a motion by Christina Delzingaro the SHRC unanimously voted to extend the timeframe for implementing the SHRC's recommended changes to hospital policy #206 until August 1, 2010.

**Danville-Pittsylvania
County Regional
LHRC request for
extension for a
Hearing**

The SHRC reviewed and discussed a letter dated July 7, 2010 from Sherry Miles, Regional Advocate for Region 6, requesting an extension to the timeframe to conduct a hearing for D.T., a patient at Southern Virginia Mental Health Institute. The extension is requested due to issues with quorum to conduct the hearing.

Upon a motion by Joseph Lynch and seconded by Donald Lyons the SHRC unanimously voted to extend the timeframe to conduct a hearing for D.T., patient at Southern Virginia Mental Health Institute, for a period of no longer than 90 days of the date of the complaint correspondence.

**Eastern State
Hospital Patient's
Public Comments
Regarding
Restrictiveness of
Environment**

The SHRC reviewed correspondence resulting from comments presented by Mark Stevens, Disability Rights Advocate, Virginia Office for Protection and Advocacy, during the public comment period on June 11, 2010, regarding an increase in the restrictiveness of the environment at Eastern State Hospital (ESH). Mr. Stevens presented these comments on behalf of a group of patients at ESH.

Christina Delzingaro asked Margaret Walsh to invite relevant staff of ESH to the October SHRC meeting to talk with the committee about the issues raised by the patients.

**PGH LHRC
(continued)**

Christina Delzingaro lead a continued discussion regarding Piedmont Geriatric Hospital (PGH) Local Human Rights Committee's (LHRC) decision to terminate affiliation with Virginia Center for Behavioral Rehabilitation (VCBR). Human Rights Office staff and SHRC members discussed VCBR's exemptions to the regulations and the history of LHRC coverage for VCBR.

Walter Small, Human Rights Advocate, provided some background on the PGH LHRC makeup and spoke about the nature of the consumers at VCBR. Workload and man hours associated with managing the rights complaints for the large and growing population at VCBR has become overwhelming for the LHRC.

The SHRC agreed to re-visit this issue later during the meeting.

**Community
Pharmacy System**

At 10:15 Dr. Michelle Thomas, provided an overview of clinical pharmacy resource services. Dr. Thomas discussed changes to the

community pharmacy system as a result of budget cutbacks. She has received many complaints from programs and clients since the closing of the state pharmacy about a decline in services delivery.

The office has tightened up and reduced costs of services while resolving some problems in efficiently distributing needed medications. Issues regarding continuity of care remain a concern. Dr. Thomas emphasized that if pharmacy staff were involved at the time of client discharge they could take steps to insure that clients have an adequate supply of medication until they are in community programs or are able to get needed medications on their own.

Penny Cameron commended the state pharmacy system and Michelle Thomas for getting a system in place for discharge medications.

**Public Comment
Period**

At 10:35 Chairman Delzingaro called for public comments.

There were no public comments.

**Region 2 Annual
Report**

At 10:35 Deb Lochart and Tim Simmons presented the annual report for Region 2. Region 2 is a small but densely populated region. Deb Lochart, Regional Advocate, talked about loss of staff and covered the number and type of complaints received locally and at the LHRC level, as well as other statistics for the region. Ms. Lochart has talked with various programs about what is reported and how it is reported in an effort to foster consistency throughout the region. Northern Virginia continues to struggle with recruitment and retention of LHRC members.

Timothy Simmons is the primary advocate for all private psychiatric hospitals and for Northern Virginia Mental Health Institute (NVMHI), and provides backup to Deb Lochart as needed. Mr. Simmons focused his report on statistical information and systemic issues at NVMHI. Also, he noted that housing and resources have been a problem in northern Virginia, which becomes a barrier to discharge. Unfortunately, consumers are sometimes discharged to shelters rather than to community programs.

Christina Delzingaro thanked Ms. Lochart and Mr. Simmons for presenting their report.

At 10:54 Chairman Delzingaro postponed the tour of the new crisis stabilization unit until 11:30.

VCBR (continued)

At 10:54 the committee resumed discussion of VCBR and the PGH LHRC.

The SHRC identified some options for managing the many complaints that come to PGH LHRC from the clients of Virginia Center for Behavioral Rehabilitation

Upon a motion by Frank Royal and seconded by TC Bullock the SHRC unanimously voted to send a letter to Piedmont Geriatric Hospital Local Human Rights Committee with suggestions for managing the many VCBR complaints.

Bylaws

At 11:15 the SHRC reviewed the Danville/Pittsylvania County Regional LHRC bylaws.

Upon a motion by Joseph Lynch and seconded by Jannie Robinson the SHRC unanimously voted to approve the bylaws revision for Danville-Pittsylvania Local Human Rights Committee.

Local Human Rights Committee Membership

At 11:16 upon a motion by Randy Johnsey and seconded by Jannie Robinson 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.

Acknowledgement of Resignations:

The SHRC acknowledged the resignations of Mr. Alhassan Elbarasse from Fairfax-Falls Church LHRC, and Mr. G. Scott Singleton from Alexandria LHRC.

Removal

Upon a motion by Randy Johnsey and seconded by Penny Cameron the SHRC unanimously voted to remove Ms. Sharon Butcher from Suffolk Regional LHRC.

Region 1

The SHRC discussed a recommendation to appoint Ms. Kathryn Van Curen to the Loudoun County CSB LHRC. The SHRC has concerns regarding whether this candidate meets the criteria for serving as a health care provider LHRC member.

Upon a motion by Randy Johnsey the SHRC voted by a vote of 8 to 1 to make the following conditional appointment.

Loudoun County CSB LHRC
Appoint: Ms. Kathryn Van Curen

operational.

The facility is an expansion of the community-based Mental Health Crisis Stabilization Program initiated by RACSB for area residents. It is a safe, therapeutic residential program for adults experiencing acute psychiatric crisis. Individuals are supported and stabilized in the least restrictive environment possible for up to 15 consecutive days per psychiatric episode. The goals of the Crisis Stabilization Program are to: serve as an alternative to psychiatric hospitalization in acute crisis; be a step-down transition from inpatient psychiatric care; divert persons with mental illness from jail; and provide respite services. Services are provided by a multidisciplinary team of psychiatrists, counselors, nurses, and qualified mental health providers.

In addition to admitting residents from the City of Fredericksburg and the Counties of Caroline, King George, Spotsylvania and Stafford, the program serves as a regional resource, accepting referrals from the Rappahannock-Rapidan Community Services Board in Culpeper, Virginia.

The program was made possible through the Virginia Systems Transformation Initiative and funded by the 2006 Virginia General Assembly.

Adjournment

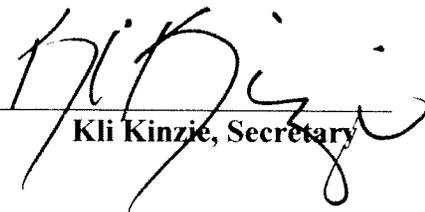
At 12:19 upon a motion by Joseph Lynch and seconded by TC Bullock the SHRC unanimously voted to adjourn the meeting.

The next meeting will be held on September 10, 2010, at New River Valley Community Services Board in Blacksburg.

Respectfully Submitted:



Christina Delzingaro, Chair



Kli Kinzie, Secretary