

STATE HUMAN RIGHTS
COMMITTEE

Christina Delzingaro, Chair
Richmond

Randy Johnsey, V-Chair
Glade Spring

Thomas C. Bullock
South Hill

Penny Cameron
Reston

Carolyn DeVilbiss
Alexandria

Joseph Lynch
Harrisonburg

Donald Lyons
Hillsville

Jannie Robinson
Chesapeake

Frank Royal, Jr.
Richmond



COMMONWEALTH of VIRGINIA

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**MINUTES
STATE HUMAN RIGHTS COMMITTEE**

Friday, April 20, 2012
Central Virginia Training Center
Nagler Building, Audio / Visual Room
521 Colony Road
Madison Heights, Virginia
24572

Administrative Session

Members Present

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

Members Not Present

T.C. Bullock, Frank Royal

DBHDS Staff

Chuck Collins, Regional Human Rights Advocate
Michael Curseen, Regional Human Rights Advocate
Karen DeSousa, DBHDS Special Counsel
Kli Kinzie, Executive Secretary
Beth Lee, Human Rights Advocate
Deb Lochart, Regional Human Rights Advocate
Tammy Long, Regional Human Rights Advocate
Dwayne Lynch, Human Rights Advocate
Sherry Miles, Licensing Specialist
Kevin Paluszak, Regional Human Rights Advocate
Margaret Walsh, State Human Rights Director

Others

Erin Haw, Disability Rights Advocate, VOPA

At 8:41 Christina Delzingaro called the meeting to order. A call for

introductions took place prior to proceeding.

Approval of April 20, 2010 Agenda

At 8:42 upon a motion by Randy Johnsey the SHRC unanimously approved the agenda for the April 20, 2012 meeting as revised.

Meeting Schedule

At 8:43 the SHRC agreed to meet at SVTC for the December 7, 2012 meeting.

Correspondence

At 8:45 the SHRC reviewed correspondence and information copies.

LHRC Vacancy Tracking

At 8:46 the SHRC reviewed the LHRC vacancy tracking sheet. Joseph Lynch discussed updates made to the revised table. The tracking sheet will be updated and re-published in the newsletter.

Human Rights advocates reported on recruitment and interviewing to fill vacancies.

SHRC Goals Worksheet

At 8:51 the SHRC discussed goals for the next two years. Joseph Lynch asked for DOJ updates. Penny Cameron asked for a goal on appropriate use of the 'NGRI' determination. Upon discussion, the SHRC developed a Forensic Services goal, which will include education regarding appropriate use of the NGRI determination, tracking of flow-thru of NGRIs and forensic patients and census management.

Newsletter Discussion

At 9:00 Joseph Lynch talked about the SHRC newsletter. Randy Johnsey will continue to assist in developing issues. Joseph Lynch advised the SHRC to identify a new editor to take over when his term expires on June 30, 2012.

BREAK

At 9:07 Christina Delzingaro called for a break.

Regular Session
9:15 a.m.

Members Present

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

Members not Present

T.C. Bullock and Frank Royal

DBHDS Staff	<p>Chuck Collins, Regional Human Rights Advocate Michael Curseen, Regional Human Rights Advocate Karen DeSousa, DBHDS Special Counsel Kli Kinzie, Executive Secretary Jennifer Kovack, Human Rights Advocate, Southern Virginia Mental Health Institute Beth Lee, Human Rights Advocate Deb Lochart, Regional Human Rights Advocate Tammy Long, Regional Human Rights Advocate Dwayne Lynch, Human Rights Advocate Sherry Miles, Licensing Specialist Kevin Paluszak, Regional Human Rights Advocate Nerissa Rhodes, Human Rights Advocate Dick Roberts, Resident Relations Liaison and Resident Safety Coordinator, Eastern State Hospital Margaret Walsh, State Human Rights Director Dale Woods, Facility Director, CVTC</p>
Present via Teleconference	<p>Reginald T. Daye, Regional Human Rights Advocate, Region 5 Jason Wilson, VCBR Hillary Zaneveld, Human Rights Advocate, Eastern State Hospital</p>
Others	<p>Erin Haw, Disability Rights Advocate, VOPA Kirby Wright, Provider</p>
Call to Order and Introductions	<p><i>At 9:15 Christina Delzingaro called the April 20, 2012, regular session of the April 20, 2012, SHRC meeting to order. A call for introductions took place prior to proceeding.</i></p>
Welcome	<p>At 9:15 Dale Woods, welcomed the SHRC to CVTC and gave a slide show presentation on the facility.</p>
Approval of Draft Minutes	<p>At 9:31 the SHRC reviewed the draft minutes for the March 9, 2012 SHRC meeting.</p> <p><i>Upon a motion by Randy Johnsey and seconded by Jannie Robinson the minutes were approved with corrections.</i></p>
Region 6 Annual Report	<p>9:32 Kevin Paluszak, Regional Human Rights Advocate, presented the annual report for Region 6.</p>
Healthcare Decisions Act Update	<p>At 9:48 Karen DeSousa reported on changes to the Healthcare Decisions Act.</p>
VCBR	<p>At 9:57 Christina Delzingaro presented suggestions for the VCBR</p>

Administrative Segregation

Administrative Segregation Policy. Jason Wilson was present via telecom to speak on behalf of VCBR.

The SHRC will invite Kim Runion, VCBR Facility Director, to report during June 8, 2012, SHRC meeting.

VCBR Variance

At 9:58 SHRC reviewed the request for VCBR Variance to 12 VAC 35-115-220(B) of the Human Rights Regulations. Jason Wilson was present on behalf of the facility. Tammy Long, Human Rights Advocate was present on behalf of the clients. If granted, the Variance would allow for the use of bedrooms without windows as part of the Administrative Segregation Policy.

Upon a motion by Joseph Lynch and seconded by Penny Cameron the SHRC approved the Variance for use on the Medical Unit for a period of one (1) year with a 6-month report on the use of the Variance.

The SHRC asked that VCBR staff submit in June a request for a revised plan for use of a Variance on the Behavioral unit.

Public Comment Period

At 10:34 Christina Delzingaro called for Public Comments. There were no public comments.

Tammy Long, Human Rights Advocate, reported that the VCBR RAC requests something in writing regarding Administrative Segregation.

BREAK

At 10:35 Christina Delzingaro called for a 15 minute break.

Region 1 Annual Report

At 10:50 Chuck Collins, Regional Human Rights Advocate, recognized Kirby Wright, Provider and former SHRC Member.

Chuck Collins presented the annual report for Region 1.

Request for Extension to File Appeal

At 11:30 Hillary Zaneveld, Human Rights Advocate, and Reginald T. Daye, presented a request for extension to file an appeal from T.A., a former patient of Eastern State Hospital.

Upon a motion by Randy Johnsey and seconded by Carolyn DeVilbiss the SHRC unanimously granted the extension to file for appeal.

Appeal of K.D. v. ESH (polycom)

At 11:32 on behalf of K.D., Hillary Zaneveld requested a closed appeal for K.D., a patient of Eastern State Hospital. Present via PolyCom were Reginald T. Daye, Hillary Zaneveld, and Nerissa Rhodes, Human Rights Advocates. Dick Robert was present at the meeting site on behalf of Eastern State Hospital.

Upon a motion by Randy Johnsey and seconded by Jannie Robinson the SHRC convened in closed session for the purpose of discussion of medical and medical records excluded from the Freedom of Information Act.

Upon reconvening in open session each member certified that to the best of each member's knowledge only those matters identified in the motion to convene in closed session were discussed in closed session.

Upon a motion by Joseph Lynch and seconded by Randy Johnsey and Carolyn DeVilbiss the SHRC unanimously supports the findings of the ESH LHRC. The SHRC strongly admonishes Eastern State Hospital for not following specifically section 12 VAC 35-115-250, A, 8, 9 and 11, as exemplified by receipt of heavily redacted documentation.

BREAK FOR LUNCH *At 12:00 Christina Delzingaro called for a break for lunch.*

Recognition of Joe Lynch At 12:40 Christina Delzingaro announced that this would be Joseph Lynch's last meeting on the SHRC, as his term will expire on June 30, and he will not be in attendance at the June 8, 2012 meeting. SHRC members recognized Mr. Lynch's significant contributions to the human rights program and his exemplary service on the State Human Rights Committee, especially in advocating for the rights of consumers at Virginia Center for Behavioral Rehabilitation.

Newsletter Editor At 12:49 the SHRC discussed passing on the responsibility of Editor for the newsletter.

Officers At 12:52 Christina Delzingaro reported that the Officers committee recommends Donald Lyons for Chair and Randy Johnsey for Vice-Chair for the upcoming term of July 1, 2012 to June 30, 2013.

LHRC Membership At 1:09 Beth Lee, Human Rights Advocate, talked with the SHRC about a request from Central Virginia Community Services LHRC to allow a current member of the LHRC to continue serving on the LHRC after onset of employment at the CSB.

Per 12 VAC 35-115, 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, the SHRC cannot appoint an employee of a CSB to the LHRC that is providing oversight to that CSB.

Appointments

At 12:53 Upon a motion 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.

Upon a motion lawfully made and seconded the SHRC unanimously made the following appointments.

Region 3

Mount Rogers LHRC

Appoint: Ms. Mary L. Coulson

Region 4

Central State Hospital LHRC

Appoint: Ms. Liesl Lipford

Hanover LHRC

Appoint: Mr. Anthony Bates

New Creation LHRC

Appoint: Ms. Ruth Molyne

Richmond Tri-Cities LHRC

Appoint: Mr. John Gibbs, Ms. Laura Pond

Tuckahoe LHRC

Appoint: Mr. John R. Vannoy, Mr. William Surber

Region 5

Atlantic Regional LHRC

Reappoint: Ms. Marilyn Copeland

Bay Regional LHRC

Reappoint: Mr. Richard Bishop

Eastern State Hospital LHRC

Reappoint: Ms. Alice S. Callahan

Eastern Virginia Regional LHRC

Reappoint: Mr. David Page

Newport News Regional LHRC

Reappoint: Ms. Robin Rukin, Ms. Felicia D. Tyler

Norfolk Regional LHRC

Reappoint: Ms. Lynette Askew

Williamsburg Regional LHRC

Reappoint: Mr. John Barrett

Michael Curseen, Regional Human Rights Advocate, will work with Margaret Walsh on matters concerning an applicant for Chester Regional LHRC.

Personnel Issue *Upon a motion by Randy Johnsey the SHRC moved into closed session for purpose of discussion of personnel issues.*

SHRC Membership The membership committee is asked to contact prospective SHRC members to ascertain their continued interest in serving and to invite them to interview with the SHRC at the June 8, 2012, meeting.

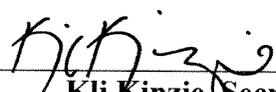
Adjournment *At 1:30 the meeting adjourned.*

The next meeting will be held on June 8 at Jackson Feild Homes in Jarratt, Virginia (Region 4).

Respectfully Submitted:



Christina DelFingaro, Chair



Kli Kinzie, Secretary