

***DRAFT MINUTES***  
**STATE HUMAN RIGHTS COMMITTEE**

**Thursday, September 6, 2012**  
Hillsville, Virginia  
24343

**Tours** At 5:00 p.m. SHRC Members and staff of the human rights office gathered for a tour of Carroll Home, a Mount Rogers Group Home, and a cottage at Southwestern Virginia Training Center. SHRC Members present were Donald H. Lyons, T.C. Bullock and Carolyn DeVilbiss. DBHDS human rights staff present were Nancy C. Neese, Regional Human Rights Advocate, Region 3, B.J. McKnight, Human Rights Advocate, Southwestern Virginia Training Center, Dwayne Lynch, Human Rights Advocate, Catawba Hospital, Margaret Walsh, Human Rights Director, and Kli Kinzie, Executive Secretary.

**Friday, September 7, 2012**  
Southwestern Virginia Training Center  
160 Training Center Road  
Hillsville, Virginia  
24343

**Administrative Session**

**Members Present** Donald H. Lyons, **Chair**, Randy Johnsey, **Vice-Chair**, T.C. Bullock, Carolyn DeVilbiss, Jannie Robinson

**Members Not Present** Penny Cameron, Frank Royal

**DBHDS Staff** Kli Kinzie, Executive Secretary  
Jennifer Kovack, Human Rights Advocate, Southern Virginia Mental Health Institute

Dwayne Lynch, Human Rights Advocate, Catawba Hospital  
B. J. McKnight, Human Rights Advocate, Southwestern Virginia  
Training Center  
Nancy C. Neese, Regional Human Rights Advocate, Region 3, B.J.  
J. Mark Seymour, Human Rights Advocate, Children Services  
B. J. Sharp, Community Services Director, Southwestern Virginia  
Training Center  
Margaret Walsh, State Human Rights Director

**Others**

Rebecca Currin, Disability Rights Advocate, Virginia Office for  
Protection and Advocacy  
Josephene Johnsey, Interested Person

*At 8:30 Don Lyons called the meeting to order. Introductions took  
place prior to proceeding.*

**Approval of Revised  
September 7, 2012  
Agenda**

*At 8:31 upon a motion by T.C. Bullock and seconded by Jannie  
Robinson the SHRC unanimously approved the agenda for the  
September 7, 2012 meeting as revised.*

**Correspondence**

At 8:32 the SHRC reviewed correspondence and information.

**LHRC Vacancy  
Tracking**

At 8:44 the SHRC reviewed the LHRC vacancy tracking sheet.

**SHRC Goals  
Worksheet**

At 8:46 the SHRC discussed goals for the next two years. Margaret  
Walsh will invite DBHDS staff to attend the October 26, 2012, SHRC  
meeting to discuss recovery and peer support.

**Newsletter**

At 8:49 Randy Johnsey reported that the Spring issue of the newsletter  
has gone out.

*Up on a motion by Carolyn DeVilbiss and seconded by Jannie  
Robinson the SHRC unanimously voted to approve the distribute the  
Summer 2012 issue of Human Writes.*

Carolyn DeVilbiss thanked Randy Johnsey and former member Joe  
Lynch for their work on the newsletter.

**Welcome**

At 8:50 Dennis Shrewsbury, Facility Director, welcomed the SHRC  
to Hillsville and spoke briefly about issues relative to discharges from  
the training center into the community.

*BREAK*

*At 8:55 Donald Lyons called for a break.*

**Regular Session**

**9:00 a.m.**

**Members Present** Donald H. Lyons, **Chair**, Randy Johnsey, **Vice-Chair**, T.C. Bullock, Carolyn DeVilbiss, Jannie Robinson

**Members not Present** Penny Cameron, Frank Royal

**DBHDS Staff** Kli Kinzie, Executive Secretary  
Jennifer Kovack, Human Rights Advocate, Southern Virginia Mental Health Institute  
Dwayne Lynch, Human Rights Advocate, Catawba Hospital  
B. J. McKnight, Human Rights Advocate, Southwestern Virginia Training Center  
Nancy C. Neese, Regional Human Rights Advocate, Region 3, B.J.  
J. Mark Seymour, Human Rights Advocate, Children Services  
B. J. Sharp, Community Services Director, Southwestern Virginia Training Center  
Margaret Walsh, State Human Rights Director

**Present via Teleconference** Deborah Acors, Rappahannock Area Community Services Board  
Mr. Ronald Branscome, Executive Director, Rappahannock Area Community Services Board  
Reginald T. Daye, Regional Human Rights Advocate  
Heidi Dix, Assistant Commissioner, Developmental Services  
Jaime Fernandez, Director of Nursing Center, Kempsville Center for Behavioral Health  
Deb Lochart, Human Rights Advocate  
L.W., Complainant  
Tammy Long, Human Rights Advocate  
Timothy Jones, Human Rights Advocate, Region V  
Matt Ours, Chief Executive Officer, Kempsville Center for Behavioral Health  
Anita Schlank, Virginia Center for Behavioral Rehabilitation  
Jane Yau, Rappahannock Area Community Services Board  
Jason Wilson, Virginia Center for Behavioral Rehabilitation  
Hillary Zaneveld, Human Rights Advocate, Eastern State Hospital

**Others** Rebecca Currin, Disability Rights Advocate, Virginia Office of Protection and Advocacy

Josephine Johnsey, Interested Person

**Call to Order and Introductions**

*At 9:03 Donald Lyons called the September 7, 2012, regular session to order. Introductions took place prior to proceeding.*

**Approval of Draft Minutes**

At 9:05 the SHRC reviewed the draft minutes of the June 8, 2012 SHRC meeting.

*Upon a motion by Randy Johnsey and seconded by T.C. Bullock the minutes of the June 8, 2012 SHRC Meeting were unanimously approved as revised.*

**VCBR**

At 9:07 Tammy Long, Human Rights Advocate, Anita Schlank, Virginia Center for Behavioral Rehabilitation (VCBR), and Jason Wilson, VCBR, joined the meeting via teleconference.

**Administrative Segregation**

Jason Wilson summarized changes made to the Administrative Segregation Policy for Virginia Center for Behavioral Rehabilitation. The SHRC reviewed the policy at the June 8, 2012, SHRC meeting and requested modifications specific to use on the Behavioral Unit, namely use of bedrooms without windows. VCBR staff answered questions from the committee.

*Upon a motion by Randy Johnsey and seconded by T.C. Bullock the SHRC unanimously approved use of the Variance for one year with a six month report. The report is to include the number of individuals double-bunked at VCBR, any complaints made about the variance and a report on how issues are being resolved.*

**Behavioral Plan**

At 9:25 the SHRC reviewed a Behavioral Plan for R.J., and consumer of VCBR. Anita Schlank and Tammy Long were present via teleconference to present the plan and answer questions from the committee.

*Upon a motion by Randy Johnsey 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 T.C. Bullock and seconded by Carolyn DeVilbiss the SHRC temporarily approved the Behavioral Plan for R.J. for a six month period until the March 2013 SHRC meeting. At that time the facility is to provide a status report on the progress of R.J. and on the effectiveness of the*

*behavioral plan. The motion passed unanimously.*

**DOJ Settlement  
Overview**

At 9:45 Heidi Dix, Assistant Commissioner, Developmental Services, joined the meeting via teleconference and provided an update on changes being made as a result of the DOJ Settlement Agreement.

**Region 2 Annual  
Report**

At 10:15 Margaret Walsh announced that Deb Lochart submitted the Annual Report for Region 2 which was provided to SHRC members in the meeting packet. If the SHRC wishes, Ms. Lochart can be available at the next SHRC meeting to follow up with any questions from the committee.

There being no questions from the committee, the SHRC proceeded to the next agenda item.

**Timely Transfers**

At 10:16 the SHRC reviewed correspondence regarding the timely transfer of residents to settings appropriate to treatment in less restrictive environments. Rebecca Currin, Disability Rights Advocate, Virginia Office for Protection and Advocacy, thanked the SHRC for taking an interest in and acting proactively in support of the transfers. Ms. Currin has found DBHDS Central Office staff and, in particular, staff of the Office of Forensic Services to be very responsive to requests for resolution of this issue.

There 12 individuals remaining in need of transfer. Ms. Currin requests that the SHRC continue to encourage the Department to effect the transfers as soon as possible.

The SHRC will send a letter to Commissioner Stewart underscoring the need for timely transfers.

**Letter from Legal  
Aid Justice Center**

At 10:32 Mark Seymour, Human Rights Advocate, was present to discuss issues raised in a letter from the Legal Aid Justice Center. Mr. Seymour briefly stated that there have been some irregularities concerning the Western State Hospital LHRC and issues addressed in the letter. Rebecca Currin has been involved in this issue.

*Upon a motion by Randy Johnsey 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.*

The SHRC will send a letter to Jack Barber, Facility Director, Western State

Hospital. The LHRC and the Legal Aid Justice Center will receive copies.

**START**

At 10:50 Nancy C. Neese, Regional Human Rights Advocate, discussed affiliation with START, a program in southwestern Virginia.

*Upon a motion by Randy Johnsey and seconded by T.C. Bullock, the SHRC unanimously approves the extension of geographical boundaries for START to include two more planning regions.*

**Appeal**

*At 11:00 the SHRC cancelled the appeal of S.S. v. Northern Virginia Hospitals due to unreadiness on the part of the consumer.*

**LHRC  
Membership**

At 11:20 the SHRC considered LHRC Membership.

*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.*

The SHRC acknowledged the resignations of Mr. Charles H. Loundermon from Eastern State Hospital LHRC and Ms. Barbara Jean Compton from Southwest LHRC.

*Upon a motion by Randy Johnsey and seconded by T.C. Bullock the SHRC unanimously made the following appointments.*

**Region 1**

Loudoun County CSB Local Human Rights Committee  
Reappoint: Mr. Ronald Johnston  
Region Ten CSB Local Human Rights Committee  
Appoint: Ms. Kristina Robertson

**Region 3**

Catawba Local Human Rights Committee  
Appoint: Mr. David Lofgren  
New River Valley Local Human Rights Committee  
Appoint: Ms. Jeanetta Marie Beamer  
Reappoint: Ms. Elizabeth (Beth) Deskins  
Southwest Local Human Rights Committee  
Appoint: Mr. Sam Dillon  
Reappoint: Ms. Ada Stacy

Region 4

ANUE Local Human Rights Committee  
Appoint: Ms. Elisabeth (Lisa) E. Edwards  
Chester Regional Local Human Rights Committee  
Appt: Ms. Toni Y. Hutchinson  
Petersburg Regional Local Human Rights Committee  
Appt: Ms. Isabel Vartarian

Region 5

Atlantic Regional Local Human Rights Committee  
Appoint: Ms. Carlenia Jackie Jackson-Burton  
Chesapeake Regional Local Human Rights Committee  
Reappoint: Ms. Sebrina Porter  
Eastern State Hospital (*see ESH LHRC Bylaws and Membership section below*)  
Eastern Virginia Regional Local Human Rights Committee  
Appoint: Mr. John K. Dickinson  
Genesis Local Human Rights Committee  
Reappoint: Ms. Althea T. Wynn  
Hampton Roads Regional Local Human Rights Committee  
Appoint: Ms. Crystal D. Brown  
Health Planning Region V Local Human Rights Committee  
Appoint: Ms. Marion Taylor  
Mid-City Local Human Rights Committee  
Appoint: Ms. April Moore  
Norfolk Regional Local Human Rights Committee  
Appoint: Ms. E. Louise Harley  
Reappoint: Ms. Lisa Lockwood  
Peninsula Regional Local Human Rights Committee  
Appoint: Ms. Ernestine A. W. Duncan  
Portsmouth Regional Local Human Rights Committee  
Appoint: Ms. Gwendolyn Whitfield  
Suffolk Regional Local Human Rights Committee  
Appoint: Ms. Nora D. Butler  
Tidewater Regional Local Human Rights Committee  
Appoint: Ms. Denise N. Tynes  
Virginia Beach Local Human Rights Committee  
Appoint: Mr. John A. Winfield

Region 6

Central Va Community Services Local Human Rights Committee  
Appoint: Paula Brent  
Heartland Local Human Rights Committee  
Appoint: Mr. L. Carlton Starke  
Central Virginia Training Center Local Human Rights Committee  
Reappoint: Mr. Gordon Burford  
Danville Pittsylvania Regional Local Human Rights Committee  
Reappoint: Ms. Beverly Scruggs

Goochland/Powhatan Local Human Rights Committee  
Reappoint: Mr. Brad Burdette, Ms. Kitty Hardt  
Heartland Local Human Rights Committee  
Appoint: Mr. L. Carlton Starke  
Southside Community Local Human Rights Committee  
Reappoint: Mr. Willis A. Woodall

*Upon a motion by Randy Johnsey and seconded by T.C. Bullock the SHRC unanimously removed Ms. April Short from Southwest Local Human Rights Committee.*

## **Appeal**

At 11:36 the SHRC conducted a review of the decision of the Rappahannock Area Local Human Rights Committee in the matter of L.W. Deborah Lochart, Human Rights Advocate, presented the case via telephone on behalf of L.W. Ronald Branscome, Executive Director, Jane Yau, and Deborah Acors represented Rappahannock Area Community Services Board. At the request of Ms. Lochart on behalf of L.W., the hearing was held in closed session.

*Upon a motion by Randy Johnsey 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 Carolyn DeVilbiss and seconded by T.C. Bullock the SHRC upheld unanimously the findings and recommendations of the Rappahannock Area LHRC.*

*The SHRC cautions the community Services board to be mindful of confidentiality when conversing in public areas and sharing information obtained from other venues. The SHRC strongly believes that sharing information from other sources may be inappropriate, even though it may not be a violation of confidentiality.*

*The SHRC hopes that the parties can reestablish a professional, trusting relationship in order to better meet the needs of L.W.*

## **BREAK FOR LUNCH**

*At 12:00 Donald Lyons called for a break for lunch.*

## **Variance**

At 12:43 the SHRC considered a Variance request for Kempsville Center for Behavioral Health. This item was heard via PolyCom. Mr. Reginald Daye, Regional Advocate, Region V, introduced, Mr. Matt Ours, Chief

Executive Officer and Ms. Jaime Fernandez, Director of Nursing Center of the Kempsville Center for Behavioral Health. Mr. Ours provided a brief overview of the Kempsville Center for Behavioral Health and the population of children for whom the variances and policies would impact.

Mr. Daye indicated that the Kempsville Center for Behavioral Health is requesting variances to the following sections 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* (Human Rights Regulations):

12 VAC 35-115-50C6, C7 and C8 -Dignity;

12 VAC 35-115-100A1a, A1g -Restrictions on freedoms of everyday life;

12 VAC 35-115-110C16 -Use of Seclusion, Restraint and Time Out.

Mr. Daye also indicated that if all of the variances are approved, it will allow the program to implement its handbooks and level system which includes restrictions on the mail, phone use, and visitation, access of the program store and the use of unit restrictions that exceeds the 30 minutes requirement for the use of timeout as well as place restrictions on the individual's movement within the service setting. The handbooks and level systems apply to the following programs: Child Acute; Children residential and the Adolescent residential.

The SHRC decided to vote on each variance request separately.

*A motion was made and passed unanimously not to approve the variance to 12 VAC 35-115-50, C6-Dignity. The program may not routinely open all mail of the individuals in the program. All reference to the aforementioned must be removed from all handbooks and level systems.*

*A motion was made and passed unanimously to approve the variance to section 12 VAC 35-115-50, C7& C8-Dignity, for a one-year period, with a six month status report to be submitted to the State Human Rights Committee. The program may implement its handbooks and level systems which includes restrictions on the use of the phone and visitation.*

*A motion was made and passed unanimously to approve the variance to section 12 VAC 35-115-100, A1g -Restrictions on freedoms of everyday life, for a one-year period, with a six month status report to be submitted to the State Human Rights Committee. The program may implement the handbooks and level systems which includes restrictions on the use of the program store (canteen).*

*A motion was made and passed to approve the variance to sections 12 VAC 35-115-110, C16 -Use of Seclusion, Restraint and Time Out and 12 VAC 35-*

*115-100, A1a -Restrictions on freedoms of everyday life, for a six month period, with a three month status report to be submitted to the State Human Rights Committee. The program may implement the handbooks and level systems which include restrictions on the individual freedom to move within the service setting and time out for a period exceeding 30 minutes. Provisions of this variance are only to be used when the individual is on unit restriction. The program is also required to add to its Unit Restriction Policy the following staffing ratio: One staff member to a maximum of three individual while on unit restriction.*

*The SHRC also voted to accept the following LHRC recommendations: Any violations of the approved variances for the use of the handbooks, level systems and unit restriction policy are to be reported to the Regional Advocate within 24 hours. The program is to provide the Tidewater Regional LHRC with an update on the implementation of the entire program and any violations of the handbooks, level systems and unit restriction policy at each quarterly meeting.*

**Variance**

The SHRC reviewed the annual update from Harbor Point Behavioral Health Center for the use of its Matrix Level System. The annual report was accepted for the file.

**Bylaws**

Mr. Timothy Jones, Human Rights Advocate, Region V, presented the Health Planning Region-V LHRC Bylaws modification request. The HPR-V LHRC made a request to amend Article III, Section 1 of its bylaws, in order to reduce its total membership from seven to five members.

*A motion was made and passed unanimously to approve the amendment to the HPR-V LHRC Bylaws as submitted.*

**ESH LHRC  
Bylaws and  
Membership**

Hillary Zaneveld, Human Rights Advocate, Eastern State Hospital, was present via PolyCom to report on modifications recommended by the advocate's office for the ESH LHRC. If approved, the modification would change the membership total for the LHRC, as well as change the name of the LHRC. Ms. Zaneveld also reported on the ESH LHRC membership recommendations.

*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 the Eastern State Hospital Local 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.*

*The SHRC deferred action on the Eastern State Hospital LHRC Bylaws modification until after the LHRC has met and considered the proposed changes.*

*Upon a motion by Carolyn DeVilbiss and seconded by Jannie Robinson the SHRC approved unanimously the following appointment:*

Eastern State Hospital LHRC  
Appoint: Mary Ellen Pitard

**Tour and  
Adjournment**

At 1:30 the SHRC meeting adjourned. Interested persons went on a tour of Mount Rogers Day Support Center.

Respectfully Submitted:

---

**Donald H. Lyons, Chair**

---

**Kli Kinzie, Secretary**