

STATE HUMAN RIGHTS
COMMITTEE

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Randy Johnsey, V-Chair
Glade Spring

Thomas C. Bullock
South Hill

Penny Cameron
Reston

Victoria Cash Graff
Staunton

Carolyn DeVilbiss
Alexandria

Jannie Robinson
Chesapeake

Frank Royal, Jr.
Richmond

Timothy Russell
Williamsburg



COMMONWEALTH of VIRGINIA

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**STATE HUMAN RIGHTS COMMITTEE
MINUTES**

Friday, October 26, 2012

Hampton / Newport News Community Services Board
300 Medical Drive
Board Room
Hampton, Virginia
23666

Administrative Session

8:30 a.m.

- Members Present** Donald H. Lyons, **Chair**, Randy Johnsey, **Vice-Chair**, T.C. Bullock, Penny Cameron, Vicki Cash Graff, Carolyn DeVilbiss, Jannie Robinson, Timothy Russell
- Member Not Present** Frank Royal
- DBHDS Staff** Reginald T. Daye, Regional Human Rights Advocate, Region 5
Beverly Games, Regional Human Rights Advocate, Region 6
Kli Kinzie, Executive Secretary
Karen Taylor, DBHDS Special Counsel
Margaret Walsh, State Human Rights Director
Hillary Zaneveld, Human Rights Advocate, Eastern State Hospital
- Others** Michelle Iwaniw, Human Rights Liaison, Hampton/Newport News Community Services Board
Vicki Pegram, Southeast Alliance Local Human Rights Committee
Josephene Johnsey, Interested Person

At 8:31 Don Lyons called the meeting to order. Introductions took place prior to proceeding. Chairman Lyons welcomed new members Vicki Cash Graff and Timothy Russell.

Present via Teleconference R. Maximilien Del Rio, Medical Director, Northern Virginia Mental Health Institute
Eileen G. Cantwell, Quality Assurance and Risk Manager, Northern Virginia Mental Health Institute
S.S., Complainant
Timothy Simmons, Human Rights Advocate, Northern Virginia Mental Health Institute

Call to Order and Introductions *At 9:10 Donald Lyons called the October 26, 2012, regular session to order. Introductions took place prior to proceeding.*

Welcome Donald Lyons introduced Michelle Iwaniw. Ms. Iwaniw welcomed the SHRC to Hampton / Newport News Community Services Board and gave a brief overview of services offered and populations served by the program. Ms. Iwaniw offered a tour of programs in the area for those interested.

Approval of Draft Minutes At 9:23 the SHRC reviewed the draft minutes of the September 7, 2012 SHRC meeting.

Upon a motion by Randy Johnsey and seconded by Carolyn DeVilbiss the minutes of the September 7, 2012 SHRC Meeting were unanimously approved as revised.

ESH Bylaws At 9:24 Hillary Zaneveld presented the Eastern State Hospital Local Human Rights Committee's request for modification of its Bylaws. Ms. Zaneveld provided background and justification for the proposed changes which are to change membership to five (5) members and to change the name of the LHRC to Eastern State Local Human Rights Committee.

Upon a motion by Randy Johnsey and seconded by T.C. Bullock the SHRC unanimously approved the Bylaws modification to change the name of Eastern State Hospital LHRC to Eastern State LHRC, and to reduce its membership to a five member committee.

VCBR At 9:35 Jason Wilson and Cheryl Young reported on the corrective action plan for complaints 2012 0638 and 2012 0645. Tammy Long, Human Rights Advocate, provided background on the complaints.

VCBR Variance At 9:40 Jason Wilson presented VCBR Variance to 12 VAC 35-115-50 C3d, Administrative Segregation Policy, which allows for the use of bedrooms without windows.

Upon a motion by Frank Royal and seconded by Randy Johnsey the SHRC unanimously approved the Variance to VAC 35-115-50 C3d for one year with a six month report. VCBR staff are to continue to provide monthly

written reports and to be available during SHRC meetings to answer questions and report on the use of the variance.

**VCBR Variance
Annual Report**

At 9:46 Jason Wilson, Cheryl Young and Tammy Long presented the annual report for VCBR Variances: 12 VAC 35-115-50 D3e (5), Abuse, Neglect and Exploitation; 12 VAC 35-115-60 B1(d), Services; 12 VAC 35-115-140 A2 &4, Complaints and Fair Hearing; 12 VAC 35-115-150 General Provisions; 12 VAC 35-115-170 Formal Complaint Process; 12 VAC 35-115-180 LHRC Hearing and Review Procedures; 12 VAC 35-115-190 Special Procedures for Emergency Hearing by LHRC; 12 VAC 35-115-200 Special Procedures for LHRC Reviews Involving Consent and Authorization; and 12 VAC 35-115-210 State Human Rights Committee Appeals Procedure.

Upon a motion by Randy Johnsey and seconded by Frank Royal the SHRC voted to unanimously approve the variances to 12 VAC 35-115-50 D3e (5), Abuse, Neglect and Exploitation; 12 VAC 35-115-60 B1(d), Services; 12 VAC 35-115-140 A2 &4, Complaints and Fair Hearing; 12 VAC 35-115-150 General Provisions; 12 VAC 35-115-170 Formal Complaint Process; 12 VAC 35-115-180 LHRC Hearing and Review Procedures; 12 VAC 35-115-190 Special Procedures for Emergency Hearing by LHRC; 12 VAC 35-115-200 Special Procedures for LHRC Reviews Involving Consent and Authorization; and 12 VAC 35-115-210 State Human Rights Committee Appeals Procedure for one year with a six month report. The facility is to continue to submit monthly written reports on the use if the variances.

**Appeal of S.S. v.
NVMHI LHRC**

At 10:32 the SHRC heard the appeal of S.S. v. Northern Virginia Mental Health Institute Local Human Rights Committee. R. Maximilien Del Rio, Medical Director, NVMHI, Eileen G. Cantwell, Quality Assurance and Risk Manager, NVMHI, Timothy Simmons, Human Rights Advocate, NVMHI and S.S., Complainant, participated via teleconference. At the request of S.S. the appeal was heard 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 Randy Johnsey and seconded by Timothy Russell the SHRC unanimously upheld the findings and recommendations of the Northern Virginia Mental Health Institute LHRC.

Update on

At 11:05 Jim Martinez, Director of Behavioral Health , provided an update

Recovery on recovery activities of the Department.

Sub Committees Updates Carolyn DeVilbiss recommended a review and update of human rights related information on the DBHDS web site. Margaret Walsh suggested that SHRC review the web information at the December 7, 2012 meeting.

At the December meeting the SHRC should appoint a Nominating Committee to work on officers for the upcoming term and to work on recruitment to fill vacancies as of July 1, 2013.

Carolyn DeVilbiss, Penny Cameron and Frank Royal are on the Communications Committee. Randy Johnsey and Vicki Cash Graff are on the Newsletter Committee.

Attending LHRC Meetings T.C. Bullock reported that he attended a meeting of the Piedmont Geriatric Hospital LHRC. Tammy Long and Beverly Garnes were present to facilitate the meeting. During the meeting the PGH and Heartland LHRCs combined to form a single committee. T.C. Bullock reported that the LHRC's appreciated his presence at the meeting.

Carolyn DeVilbiss emphasized the importance of SHRC members attending Local Human Rights Committee meetings in their areas.

BREAK FOR LUNCH At 12:00 Donald Lyons called for a break for lunch.

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 resignation of Ms. Pamela Minter from the Commonwealth LHRC.

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

Region 4 Chesterfield LHRC
Appoint: Mr. Peter Mazure

Commonwealth LHRC
Appoint: Ms. Jeanette Knight
Crater Local Human Rights Committee
Reappoint: Mr. Daniel Moore
Metropolitan Local Human Rights Committee
Appoint: Ms. Chana Ramsey
Richmond Unified LHRC
Appoint: Ms. Ashley Kemnitz
Southside Virginia Training Center LHRC
Appoint: Ms. Shelly Cook

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 Frank Royal and seconded by Randy Johnsey the SHRC voted unanimously to make the following appointments.

Region 3

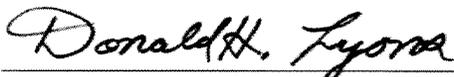
Virginia Highlands Local Human Rights Committee
Appoint: Mrs. Beverly B. Derian, Mr. Denton Staley
Dr. Elvera McLees - appt

Furthermore, the SHRC tabled consideration of the appointment of Elvera McLees to Virginia Highlands Local Human Rights Committee until the December 7, 2012 SHRC meeting.

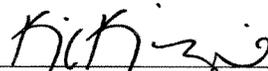
Adjournment

At 1:30 the SHRC meeting adjourned.

Respectfully Submitted:



Donald H. Lyons, Chair



Kh Kinzie, Secretary