

**State Human Rights Committee**

**Meeting Minutes**

Department of Behavioral Health and Developmental Services (BHDS)

Western State Hospital

Jeffreys Building, Rooms 86 & 87

1301 Richmond Road

Staunton, VA 24401

March 5, 2010

**Administrative Meeting**

<b>Committee Members Present</b>	Kirby Wright, <b>Chair</b> ; Christina Delzingaro, <b>Vice-Chair</b> , Delores Archer, Carolyn M. DeVilbiss, Randy Johnsey, Donald Lyons, Jannie Robinson
<b>Members Excused</b>	Joseph Lynch
<b>Members Present via Teleconference</b>	Frank Royal
<b>Human Rights Staff</b>	Margaret Walsh, State Human Rights Director Kli Kinzie, Executive Secretary Charles T. Collins, Regional Human Rights Advocate Deb Lochart, Regional Human Rights Advocate Nancy C. Neese, Regional Human Rights Advocate Deborah Jones, Human Rights Human Rights Advocate, SWVMHI Mark Seymour, Human Rights Advocate, Children and Adolescents
<b>Other Staff</b>	Karen DeSousa, DBHDS Special Council Jack Barber, Facility Director, Western State Hospital Joe Tuell, Facility Director, Commonwealth Center for Children and Adolescents

**Others**

Connie L. Chappell, Residential Director, Negril, Inc., Danville  
Gretta Doering, DBHDS State Board Member  
Robert DeSousa, Interested Person  
Elizabeth Fischer Nagji, Disability Rights Advocate, VOPA  
Erin Haw, Disability Rights Advocate, VOPA  
Josephene Johnsey, Interested Person  
Hal Meyers, Vice-Chair, Western State Hospital LHRC  
Robert Wade, Western State Hospital LHRC, ADA Coordinator,  
City of Waynesboro  
Thelma G. Wright, Vice-Chair, Southern Virginia Mental Health  
Institute LHRC

**Call to Order**

At 8:35 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.

*A motion was made and passed unanimously that Dr. Frank Royal, SHRC Member, may participate via teleconference from a non-public location in accordance with Virginia Code section 2.2-3708.1. Dr. Royal's principal residence is more than 60 miles from the meeting location.*

**SHRC Workplan**

At 8:40 the Committee worked on developing goals for the upcoming year. Christina Delzingaro proposed working on a statement from the SHRC to the Commissioner regarding the impact of budget on services delivery. Margaret Walsh suggested that the SHRC meet with human rights staff to discuss the direction in which the human rights program is moving. Randy Johnsey proposed raising the minimum requirement for each SHRC member to attend LHRC meetings in their catchment areas from one LHRC meeting to two. Carolyn DeVilbiss would like to continue to hear about the work and perspectives of persons who are peer counselors. Christina Delzingaro asked about life after discharge and how to determine consumer satisfaction after receiving services.

The SHRC will ask for staff of the Division of Services and Supports and Mental Health Services to come speak regarding consumer satisfaction. The SHRC agreed to request status reports on youth in transition and on the continued reduction of seclusion and restraint.

Christina Delzingaro asked that old, inactive Variances be removed from the Variance Tracking Sheet. Also, that the tracking sheet be modified to indicate expiration dates.

The SHRC considered the SHRC newsletter and how to enhance communication. The newsletter was formed as a device for facilitating communication and idea sharing between LHRCs. SHRC members can discuss this with LHRCs when they attend LHRC meetings. A Communications Subcommittee was formed with Carolyn DeVilbiss (Communications Chair), Randy Johnsey and Frank Royal to develop a more effective device for facilitating the SHRC's leadership in fostering greater news and idea sharing between the LHRCs.

**SHRC Membership**

At 9:20 a motion was made and passed to go into closed session pursuant to 2.2 3711, A 1 and 4 for the purpose of discussion, consideration and interview of a candidate for appointment to the SHRC, and the protection of that individual in personal matters not related to public business.

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 interviewed Connie L. Chappell, who resides in Danville, Virginia.

Christina Delzingaro, Chair of the Membership Subcommittee, reported on other applications received. More applicants will be interviewed during the April 16 SHRC meeting in Danville.

Christina Delzingaro reported that the Membership Subcommittee plans to recommend the reappointment of Jannie Robinson and Donald Lyons during the April 16 meeting. Appointment and reappointment recommendations will be forwarded to the DBHDS State Board following the April SHRC meeting.

**Agenda**

*Upon a motion the Committee unanimously approved the agenda.*

**Break**

*At 9:40 Chairman Wright called for a ten minute break.*

**Regular Meeting**

**Committee  
Members Present**

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

	Jannie Robinson
<b>Members Excused</b>	Joseph Lynch
<b>Members Present via Teleconference</b>	Frank Royal
<b>Human Rights Staff</b>	Margaret Walsh, State Human Rights Director Kli Kinzie, Executive Secretary Charles T. Collins, Regional Human Rights Advocate Deb Lochart, Regional Human Rights Advocate Nancy C. Neese, Regional Human Rights Advocate Deborah Jones, Human Rights Human Rights Advocate, SWVMHI Mark Seymour, Human Rights Advocate, Children and Adolescents
<b>Other Staff</b>	Karen DeSousa, DBHDS Special Council Jack Barber, Facility Director, Western State Hospital Joe Tuell, Facility Director, Commonwealth Center for Children and Adolescents Jerry Von Poks, Poplar Springs Hospital
<b>Others</b>	Connie L. Chappell, Residential Director, Negril, Inc., Danville Gretta Doering, DBHDS State Board Member Robert DeSousa, Interested Person Elizabeth Fischer Nagji, Disability Rights Advocate, VOPA Erin Haw, Disability Rights Advocate, VOPA Josephene Johnsey, Interested Person Hal Meyers, Vice-Chair, Western State Hospital LHRC Robert Wade, Western State Hospital LHRC, ADA Coordinator, City of Waynesboro Thelma G. Wright, Vice-Chair, Southern Virginia Mental Health Institute LHRC
<b>Call to Order and Welcome</b>	Kirby Wright called the meeting to order at 9:50 a.m. A call for introductions took place prior to proceeding.  Chuck Collins introduced Gretta Doering DBHDS State Board Member, Dr. Jack Barber, Facility Director, Western State Hospital, and Mr. Joe Tuell, Facility Director, Commonwealth Center for Children and Adolescents.  Jack Barber welcomed the SHRC to Western State Hospital and thanked the committee for efforts on behalf of CC, former

consumer of WSH. Dr. Barber said that the facility is cutting more than seven and a half million dollars from budget at the same time that a new facility is being planned for the Hospital. The new facility will be built around the mall. It will provide a secure setting in which the consumers can move about with some freedom in the mall.

Chuck Collins introduced Hal Meyers and Rob Wade, Western State Hospital LHRC Members.

Chuck Collins invited Mr. Joe Tuell, Facility Director of Commonwealth Center for Children and Adolescents to say a few words of welcome. Mr. Tuell thanked the SHRC and staff of the Office of Human Rights for their work on behalf of the children served by CCCA. Mr. Tuell spoke about these difficult times and the difficult decisions that have to be made due to budget restraints. When CCCA was slated to be closed, the facility received a heartwarming response from the community across the state, which may have convinced the General Assembly Finance Committee to put CCCA back in the budget.

Mr. Tuell also extended gratitude to Jack Barber and staff of Western State Hospital for coming to CCCA's aid following breakage of the water main at CCCA. CCCA asked for help from WSH to house the children until CCCA was ready for occupation again. By 4:00 pm that evening WSH was welcoming the children into the hospital. By Monday, two days later, CCCA went back into full service at Western State Hospital.

**Minutes**

*At 10:00 Upon a motion by Randy Johnsey and seconded by Carolyn DeVilbiss the SHRC unanimously approved the minutes of the January 22, 2010 meeting as submitted.*

**Region 1 Annual Report**

At 10:01 staff of region 1 shared their annual report. Chuck Collins presented a brief PowerPoint slide show highlighting statistics and systemic issues from Region 1. Mark Seymour commented on his child-specific LHRC and reported that he may form another child-specific committee. Chuck Collins commented that the human rights office has had to triage services provision due to budget restrictions.

Chuck Collins commended the members of the WSH LHRC and reported that every time the CC variances were discussed by the SHRC the WSH LHRC reviewed all of the information with diligence. When CC passed away, Western State Hospital held a

service for him, which was well-attended by staff, the LHRC and WSH consumers.

**Public Comment**

At 10:30 Chairman Wright called for public comments. There were no comments.

**Variance: Poplar Springs Hospital**

At 10:31 Carrie Flowers was present via teleconference to assist in the presentation and review of a Variance request from the Poplar Springs Hospital SAY (Sexually Abusive Youth) program. Mr. Jerry Von Poks, patient advocate for Poplar Springs Hospital, briefed the SHRC on the SAY program and the population served.

The program is seeking a variance to section 12 VAC 35-115-50, C. 3. a, Dignity, to allow the use of surveillance cameras in residents bedrooms for the purpose of providing for a higher level of supervision.

*Upon a motion by Christina Delzingaro and Randy Johnsey and seconded by Delores Archer the variance to 12 VAC 35-115-50, C. 3. a, was not approved. The program must stop the use of video surveillance in bedrooms immediately.*

**Region 3 Annual Report**

At 10:55 Nan Neese and Deb Jones presented the annual report for Region 3. A statistical report was provided to the committee. Ms. Neese and Ms. Jones talked about systemic issues in the region. Ms. Neese emphasized the importance of being present daily for the programs rather than just addressing problems as they arise. Ms. Neese also voiced a need for supporting staff of programs who are appointed to handle complaints internally.

**Bylaws Amendment: Blue Ridge Regional HRC**

At 11:40 Nan Neese presented the Bylaws amendment on behalf of the Blue Ridge Regional Human Rights Committee. The Blue Ridge Regional Human Rights Committee has voted to amend membership from nine members to seven.

*Upon a motion by Delores Archer and seconded by Randy Johnsey the SHRC unanimously approved the bylaws amendment for Blue Rights Regional Human Rights Committee as submitted.*

**LHRC Membership**

*Upon a motion the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(1) for the purpose of discussion and consideration of appointments 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 letter of Ms. .Pamela Stover from Hampton Rhodes LHRC.

*Upon a motion made by Delores and seconded by Randy the SHRC unanimously appointed the following applicants to the specified local human rights committees.*

- Region 1                      Northwestern CSB LHRC  
    Appoint: Ms. Eileen J. Manuel
  
- Region 2                      Fairfax-Falls Church LHRC  
    Appoint: Mr. Alhassan Elbarasse
  
- Region 3                      Blue Ridge Regional HRC  
    Appoint: Mr. Joseph Kinchloe, Ms. Martha S. Pillow
  
- Region 4                      ANUE LHRC  
    Appoint: Mr. Rodney Priest
  
- Region 5                      Genesis LHRC  
    Appoint: Mr. Stan Rockwell  
    Peninsula regional LHRC  
    Appoint: Mr. Cyrus Boyd  
    Universal Family LHRC  
    Reappoint: Ms. Adria Peterson  
    Southside Regional LHRC  
    Reappoint: Dr. Kathleen Dring
  
- Region 6                      Piedmont Community Services LHRC  
    Reappoint: Ms. Sharon Shepherd

Kirby thanked advocates for their hard work in recruiting valuable membership.

**Letter Handout  
BM postponement  
of LHRC Hearing**

At 11:47 the SHRC reviewed a letter from B.M., regarding the postponement of his hearing before the Alexandria Community Services Board. Deb Lochart reported that Tim Simmons, Human Rights Advocate, has worked tirelessly with B.M. to resolve his issues.

*A motion was made by Jannie Robinson and seconded by Delores*

*Archer to write a letter from the SHRC to B.M. in response to his concerns.*

Carolyn DeVilbiss commented that when she attends LHRC meetings she does not sit in on LHRC hearings because the cases may come to the SHRC at a later date. Karen DeSousa confirmed that SHRC members should not remain in the meeting room when an LHRC goes into closed session.

**SHRC Workplan  
(continued from  
morning session)**

At 11:50 the SHRC resumed work on developing the Goals Workplan for the current year. The SHRC will develop guidelines relative to the support of LHRCs and staff of programs. Discussion involved the use of affiliation fee money for providing training to program staff. The guidelines should include a statement regarding custodial responsibility for records retention and destruction in the LHRC administrative offices.

The SHRC is removing Goal 9, Recognition Award.

The SHRC will re-vamp Goal 7, Enhance Communications with LHRCs, and develop a new tool for cross-communication between LHRCs and the SHRC.

**Development of  
SHRC Annual  
Report**

At 12:20 the SHRC resumed work on the SHRC Annual Report. Margaret Walsh will have a draft of the annual report ready for review at the April SHRC meeting.

Kli Kinzie will revise the Variance Tracking Sheet to indicate action taken and upcoming reporting and expiration dates. Ms. Kinzie will also develop an electronic tickler system for Variance annual reporting and notice of expiration dates.

**Adjournment**

*There being no further business, the meeting adjourned. The next meeting will be held in Danville on April 16, 2010.*

Respectfully Submitted:

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**Kirby Wright, Chair**

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**Kli Kinzie, Secretary**