

**State Human Rights Committee  
Meeting Minutes**

Piedmont Geriatric Hospital  
5001 E. Patrick Henry Highway  
Auditorium  
Burkeville, Virginia, 23922  
June 5, 2009

**Administrative Meeting**

**Committee Members Present** Kirby Wright, Chair; Christina Delzingaro, Vice-Chair, Angela Brosnan, Delores Archer, Carolyn M. DeVilbiss, Randy Johnsey, Joseph Lynch, Donald Lyons, Jannie Robinson

**Human Rights Staff** Margaret Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
Reginald T. Daye, Regional Human Rights Advocate  
Roanna Deal, Human Rights Advocate, Southern Va Mental Health Institute  
Beverly W. Garnes, Human Rights Advocate, Southside Virginia Training Center  
Deb Lochart, Regional Human Rights Advocate  
Sherry C. Miles, Regional Human Rights Advocate  
Mark Seymour, Child and Adolescent Advocate  
Walter Small, Human Rights Advocate, Piedmont Geriatric Hospital and Virginia Center for Behavioral Rehabilitation

**Other Staff** Karen Walters, DMHMRSAS Special Counsel

**Others** Josephene Johnsey, Interested Person

**Call to Order** Mr. Kirby Wright, Chair, opened the administrative session of the State Human Rights Committee meeting.

**SHRC Workplan** Members confirmed that the committee is up to date with Workplan goals.

**Subcommittee Report** Joseph Lynch reported that Dr. Frank Royal will attend the meeting to meet with members and discuss his interest in serving on the committee.

**SHRC Annual Report** The committee reviewed the updated draft annual report.

**Region 6 Annual Report** Region 6 staff Sherry Miles, Roanna Deal and Walter Small presented the Region 6 2008 annual report.

Ms. Miles reported on staffing changes in the region and provided a brief overview of programs and populations served.

Roanna Deal identified some of the trends in the region. She has been working with staff to improve documentation of complaints. Also, there has been a delay on the part of Southern Virginia Training Center's facility director in responding to informal complaints. Ms. Deal has been working with facility director and his assistant to improve timeliness of responses. Further, there is a tendency to implement policies and practices before taking them to the LHRC for review. Margaret Walsh suggested that the SHRC may wish to issue a letter to the Commissioner to remind facility directors to follow all policies and departmental instructions currently in place.

Walter Small shared that he is aware of a delay in response time and also, occasionally, a lack of responding at all. Also there seems to be confusion between the meaning of privileges and rights especially as pertains to clients' use of telephones at Virginia Center for Behavioral Rehabilitation (VCBR). Christina Delzingaro asked for a report on exemptions at VCBR. MW suggested staff of VCBR attend the next meeting to discuss status of current exemptions. Margaret Walsh suggested the SHRC may want staff of VCBR to attend the next SHRC meeting to discuss the status of current exemptions to policy.

*Upon a motion by Carolyn DeVilbiss and seconded by Christina Delzingaro the SHRC unanimously moved to send a letter to the Commissioner regarding timeliness of responding to complaints.*

Walter Small updated the committee on the beds at VCBR. New wooden wardrobes have replaced the cage style lockers in the client's quarters and beds have wooden headboards. Mr. Small applauds the facility for being proactive in making these upgrades.

Mr. Small reminded the SHRC that the Piedmont Geriatric LHRC agreed last year to act as the human rights committee through June of 2009. The issue of whether to continue serving as the VCBR LHRC will be discussed at the June 2009 LHRC meeting.

Sherry Miles shared with the SHRC that Informed Consent forms are being signed by some consumer who do not/can not understand the forms.

Christina Delzingaro asked about the status of public guardianship.

**Break  
Agenda**

*At 9:15 a.m. Chairman Wright called for a ten minute break.  
Upon a motion the Board unanimously approved the agenda.*

**Regular Meeting**

**Committee Members Present** Kirby Wright, Chair; Christina Delzingaro, Vice-Chair, Angela Brosnan, Delores Archer, Carolyn M. DeVilbiss, Randy Johnsey, Joseph Lynch, Donald Lyons, Jannie Robinson

**Human Rights Staff** Margaret Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
Reginald T. Daye, Regional Human Rights Advocate  
Roanna Deal, Human Rights Advocate, Southern Va Mental Health Institute  
Beverly W. Garnes, Human Rights Advocate, Southside Virginia Training Center  
Deb Lochart, Regional Human Rights Advocate  
Sherry C. Miles, Regional Human Rights Advocate  
Mark Seymour, Child and Adolescent Advocate  
Walter Small, Human Rights Advocate, Piedmont Geriatric Hospital and Virginia Center for Behavioral Rehabilitation

**Other Staff** Karen Walters, DMHMRSAS Special Counsel  
Jack Barber, Facility Director, Western State Hospital  
Gail Burford, Western State Hospital Director's Liaison to WSH LHRC  
Jeannette Duval, Director of Juvenile Competency  
Dick Roberts, Eastern State Hospital

**Others** Josephene Johnsey, Interested Person

**Call to Order and Welcome** Kirby Wright called the meeting to order at 9:25 a.m. A call for introductions took place prior to proceeding.

Walter Small welcomed the SHRC to Burkeville and Piedmont Geriatric Hospital.

**Minutes**

*Upon a motion by Carolyn DeVilbiss and seconded by Delores Archer the SHRC unanimously approved the minutes of the April 17, 2009 meeting as amended.*

**Election of Officers**

Delores Archer reported on the activities of the Officers committee.

*Upon a motion by Donald Lyons and seconded by Randy Johnsey the SHRC unanimously appointed Kirby Wright as Chairman and Christina Delzingaro as Vice Chair for the July 1, 2009 to June 30, 2010 term.*

**Variance Report for Barry Robinson Center**

Reginald T. Daye presented the annual report from the Barry Robinson Center (BRC), for the use of a variance to 12 VAC 35-115-110, Use of Seclusion, Restraint and Time Out of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services*. The variance allowed BRC to use its structured living policy (SLP). Mr. Daye stated that the program is reporting its use of the SLP as required under the stipulations outlined by the State Human Rights Committee approved variance. Mr. Daye indicated that there were three episodes of structured living that exceeded the 48-hour limit during the past 12 months. Each incident was reported to the Regional Advocate in accordance with the Structured Living Policy.

Mr. Daye complimented the Barry Robinson Center for staying on top of the variance reporting requirements and stated that he does not need to prompt them to submit the reports.

**Variance Report for C.C. - Western State Hospital**

Kirby Wright announced that the review of Western State Hospital's Variance reporting for CC would be held in closed session.

*Upon a motion by Christina Delzingaro and seconded by Delores Archer the State Human Rights Committee convened in Closed Session pursuant to Virginia Code, 2.2-3711(15), for the purpose of discussion or consideration of medical and mental records excluded from the Virginia Freedom of Information Act.*

Present for review of the variance report were SHRC members Kirby Wright, Christina Delzingaro, Delores Archer, Angela Brosnan, Carolyn DeVilbiss, Randy Johnsey, Joseph Lynch, Donald Lyons and Jannie Robinson. Also present were Margaret Walsh, Director of Human Rights, Karen Walters, DMHMRSAS Special Counsel, Mark Seymour, Human Rights Advocate, and Kli Kinzie, Secretary. Jack Barber,

Director, Western State Hospital, and Gail Burford, WSH Director's Liaison to the WSH LHRC, were present represent the facility. Nathan J.D. Veldhuis, Tremblay & Smith, LLP, was present via telecom to represent CC and family.

Upon reconvening in public session, the State Human Rights Committee unanimously certified that to the best of each State Human Rights Committee 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 Executive Session were discussed in the Executive Session.

**Variance Request for C.C. - Western State Hospital** Kirby Wright announced that the request for Western State Hospital's Variance for CC would be held in closed session.

*Upon a motion by Christina Delzingaro and seconded by Delores Archer the State Human Rights Committee convened in Closed Session pursuant to Virginia Code, 2.2-3711(15), for the purpose of discussion or consideration of medical and mental records excluded from the Virginia Freedom of Information Act.*

Present for review of the variance request were SHRC members Kirby Wright, Christina Delzingaro, Delores Archer, Angela Brosnan, Carolyn DeVilbiss, Randy Johnsey, Joseph Lynch, Donald Lyons and Jannie Robinson. Also present were Margaret Walsh, Director of Human Rights, Karen Walters, DMHMRSAS Special Counsel, Mark Seymour, Human Rights Advocate, and Kli Kinzie, Secretary. Jack Barber, Director, Western State Hospital, and Gail Burford, WSH Director's Liaison to the WSH LHRC, were present represent the facility. Nathan J.D. Veldhuis, Tremblay & Smith, LLP, was present via telecom to represent CC and family.

Upon reconvening in public session, the State Human Rights Committee unanimously certified that to the best of each State Human Rights Committee 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 Executive Session were discussed in the Executive Session.

*Upon a motion by Jannie Robinson and seconded by Delores Archer the SHRC approved by a vote of 7:2 the variance request for Western State Hospital for C.C. for a period of six months.*

*The record notes the objection of Nathan Veldhuis to the above motion.*

**Juvenile Competency** Jeannette Duval, Director of Juvenile Competency, provided an overview

of Juvenile Competency Services provided by the department.

**Appeal C.S. - VOPA  
and ESH**

This case came before the State Human Rights Committee (SHRC) on June 5, 2009 on appeal of the March 5, 2009 decision of the Eastern State Hospital (ESH) Local Human Rights Committee (LHRC). Mr. Mark Stevens, Disability Rights Advocate, Virginia Office of Protection and Advocacy (VOPA) and Mr. Lloyd Clements, guardian for C.S., presented the case on behalf of C.S. C.S. participated by polycom and added comments on her own behalf as well. Mr. Dick Roberts, Patient Complaint Liaison and Patient Safety Officer for Eastern State Hospital, presented the case for the Hospital. At the request of the parties, the hearing was held in closed session. Members present were Kirby Wright, Christina Delzingaro, Delores Archer, Dr. Angela Brosnan, Donald Lyons, Joseph Lynch, Randy Johnsey, Jannie Robinson, and Carolyn DeVilbiss.

*The motion was made and passed to go into Executive Session pursuant to Virginia Code, 2.2-3711 A (4& 15), for the purpose of discussion of information excluded from the Freedom of Information Act.*

Upon reconvening in public session, the State Human Rights Committee unanimously certified that to the best of each State Human Rights Committee 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 Executive Session were discussed in the Executive Session.

*Upon a motion by Delores Archer and seconded by Randy Johnsey the SHRC unanimously upholds the decision of the ESH LHRC of no violation of 12 VAC 35-115-30, Neglect.*

*SHRC Recommendations:*

*The SHRC also concurs with the recommendation of the ESH LHRC in this matter and encourages ESH and the CSB to find an appropriate placement for CS with all haste. The SHRC is very concerned about the length of time (23 months) that CS has remained at ESH while ready for discharge. Also, the SHRC reminds ESH to comply with all required notifications.*

The SHRC thanks the ESH LHRC for its time, effort, and careful consideration in conducting the underlying hearing and for its clearly written decision.

**Bylaws for James  
City Regional LHRC**

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of the James City Regional Local Human Rights Committee, a request to approve its bylaws.

*Upon a motion by Randy Johnsey and seconded by Carolyn DeVilbiss the SHRC unanimously approved the bylaws for James City Regional Local Human Rights Committee as submitted.*

**LHRC Membership** The SHRC acknowledged the resignation letter of Ms. Susan Lee Viehweg from Peninsula Regional LHRC

*Upon a motion by Christina Delzingaro 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 made by Jannie Robinson and seconded by Delores Archer the SHRC unanimously appointed the following applicants to the specified local human rights committees.*

- Region 1
  - Northwestern CSB LHRC
    - Appoint: Ms. Darleen Gotterup
  - Rappahannock-Rapidan CSB LHRC
    - Reappoint: Ms. Dawn Klemann
  - Rockbridge Area LHRC
    - Reappoint: Ms. Leslie Cintron, Mr. Paul Collins, Mr. James McDaniels
  - University of Virginia LHRC
    - Appoint: Ms. Judith Minter
  - Valley CSB LHRC
    - Reappoint: Ms. Jo Carpenter
- Region 2
  - Northern Virginia Regional LHRC
    - Reappoint: Ms. Norma Lester
  - Northern Virginia Training Center LHRC
    - Reappoint: Ms. Valerie Burton, Mr. Joe Caturano, Ms. Tracy Ormes
- Region 3
  - New River Valley LHRC
    - Appoint: Ms. Beth Deskins
  - Southwestern Virginia Training Center LHRC
    - Reappoint: Ms. Charlotte Barkley

- Region 4
  - Crater LHRC
    - Appoint: Mr. Stonewall Odom
  - Tuckahoe LHRC
    - Reappoint: Ms. Norma Draper
  
- Region 5
  - Genesis LHRC
    - Reappoint: Ms. Carol Kidd
  - Hampton Roads Regional LHRC
    - Appoint: Mr. Robin L. Belfield
  - James City Regional LHRC
    - Appoint: Ms. Jeanette Ralph
  - Peninsula Regional LHRC
    - Appoint: Ms. Victoria Whitaker
    - Reappoint: Mr. Pasquale G. Cannavino, Ms. Doris R. Feltman
  - Virginia Beach Area LHRC
    - Appoint: Ms. Lisa Thatcher
    - Reappoint: Ms. Mary Meagher
  - Mid-City LHRC
    - Appoint: Ms. Karen Potter
  - Newport News Regional LHRC
    - Appoint: Ms. Felicia D. Tyler
  - Norfolk Regional LHRC
    - Reappoint: Ms. Lynette Askew, Mr. Jeffrey Hoyt
  - Southside Regional LHRC
    - Appoint: Ms. Elaine Martin
  - Universal Family LHRC
    - Reappoint: Mr. Melvin Jones, Ms. La Vern Johnson
  - Chesapeake Regional LHRC
    - Appoint: Dr. Jeremiah Williams
  - Eastern State Hospital LHRC
    - Appoint: Ms. Ti'juana Gholson
  - Eastern Virginia LHRC
    - Appoint: Mr. Matthew David Albright
    - Reappoint: Mr. George Amory
  - Middle Peninsula-Northern Neck LHRC
    - Reappoint: Mr. B. Frank Jewel
  
- Region 6
  - Heartland regional LHRC
    - Reappoint: Ms. Brenda S. Helton, Ms. Royce Cersley

**Other Business**

- SHRC
  - Membership
    - Upon a motion by Joseph Lynch and seconded by Delores Archer the SHRC unanimously voted to recommend the appointment of Dr. Frank Royal to the State Human Rights Committee.*

*Upon a motion by Delores Archer and seconded by Carolyn DeVilbiss the SHRC unanimously voted to recommend the reappointments of Christina Delzingaro and Joseph Lynch to the State Human Rights Committee.*

- Juvenile Competency LHRC

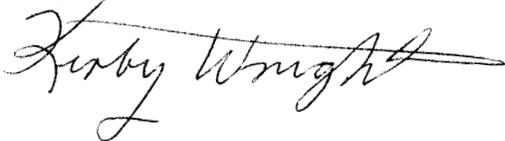
The SHRC discussed the appointment of a state-wide LHRC for review of juvenile competency cases.

*Upon a motion by Delores Archer and seconded by Christina Delzingaro the SHRC unanimously voted to send a letter to the Commonwealth Center for Children and Adolescents LHRC requesting that they take on state-wide responsibility for juvenile competency.*

**Adjournment**

*There being no further business, the meeting adjourned at 2:20 p.m. The next meeting will be held on July 10, 2009.*

Respectfully Submitted:



---

**Kirby Wright, Chair**

---

**Kli Kinzie, Secretary**