

DRAFT MINUTES
STATE HUMAN RIGHTS COMMITTEE

Friday, July 8, 2011
Spotsylvania Regional Medical Center
4600 Spotsylvania Parkway
Classrooms A and B
Fredericksburg, Virginia
22408

8:37

Administrative Session

Members Present

Don Lyons, **Acting Chair**, T.C. Bullock, Penny Cameron, Carolyn DeVilbiss, Jannie Robinson, Frank Royal

Members Not Present

Christina Delzingaro, **Chair**, Randy Johnsey, **Vice-Chair**, Joseph Lynch

OHR Staff

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Deb Lochart, Regional Human Rights Advocate, Region 2
Tim Simmons, Human Rights Advocate
Mark Seymour, Human Rights Advocate
Beth Lee, Human Rights Advocate

Others

Ken West, MHSA, Assistant Administrator, Spotsylvania Regional Medical Center
Julie Sutherland, Clinical Leader, Spotsylvania Regional Medical Center
Mark Stevens, Disability Rights Advocate, Virginia Office for Protection and Advocacy

Call to Order and Welcome

The July 8, 2011 SHRC meeting convened at 8:36 a.m.

Upon a motion by Frank Royal and seconded by TC Bullock the SHRC unanimously elected Donald Lyons as Acting Chairperson for the July 8 meeting.

At 8:37 Julie Sutherland, Clinical Leader for Spotsylvania Regional Medical Center, welcomed the SHRC to Fredericksburg and to the medical center. Ms. Sutherland introduced Mr. Ken West, MHSA, Assistant Administrator for Spotsylvania Regional Medical Center, to the Committee. Ken West welcomed the SHRC and spoke briefly about the facility.

Information Copies

At 8:42 the SHRC acknowledged receipt of recent VCBR Appeal Responses and a copy of the response to SHRC Appeal 11-02.

Approval of July 8, 2011 Agenda

At 8:43 the SHRC unanimously approved the agenda for the July 8, 2011, SHRC meeting.

At 8:44 Margaret Walsh briefed the committee on recent activities at Virginia Center for Behavioral Rehabilitation. The double-bunking of residents is planned for September. Tammy Long, Human Rights Advocate, met with the resident council and was able to answer some questions about phone use and other issues. The residents had questions about funds which could not be answered at this time.

The Resident Advisory Council would like to meet with the SHRC when the SHRC meets at Piedmont Geriatric Hospital in December, 2011.

TC Bullock voiced concerns about the processing of mail at VCBR. This issue will be addressed further during the regular session.

Goals Worksheet Review

At 8:55 Donald Lyons directed attention to the goals worksheet. Margaret Walsh updated the worksheet according to discussion on June 10, 2011. Ms. Walsh will invite Marion Greenfield, Director of Clinical Quality and Risk Management, to the September 9, 2011 meeting to discuss seclusion and restraint.

At 9:01 the SHRC reviewed the revised LHRC Vacancy Tracking table.

BREAK

At 9:06 Donald Lyons called for a break until 9:15.

9:15

Regular Session

Members Present

Donald Lyons, **Acting Chair**, T.C. Bullock, Penny Cameron, Carolyn DeVilbiss, Jannie Robinson, Frank Royal

Members Not Present

Christina Delzingaro, **Chairperson**, Randy Johnsey, **Vice-Chairperson**, Joseph Lynch

OHR Staff

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Karen DeSousa, DBHDS Special Counsel
Deb Lochart, Regional Human Rights Advocate, Region 2
Tim Simmons, Human Rights Advocate
Mark Seymour, Human Rights Advocate
Beth Lee, Human Rights Advocate

OHR Staff via Teleconference

Nancy C. Neese, Regional Advocate, Region 3

Others

Julie Sutherland, Clinical Leader, Spotsylvania Regional Medical Center
Mark Stevens, Disability Rights Advocate, Virginia Office for Protection and Advocacy
Judy Regner, Chairperson, Fairfax-Falls Church LHRC

Call to Order and Introductions

At 9:20 a.m. Donald Lyons called the Regular Session of the July 8 2011, SHRC meeting to order. Introductions took place prior to proceeding.

Minutes:
June 10, 2011

At 9:22 the SHRC reviewed the draft minutes of the June 10, 2011 SHRC meeting.

Upon a motion by T Bullock and seconded by Jannie Robinson the SHRC unanimously approved the minutes of the June 10, 2011 SHRC meeting.

At 9:24 Karen DeSousa, DBHDS Special Counsel, briefed the committee on the investigation of Marion Youth Center.

Frank Royal recommended that any and all documentation for SHRC meetings be returned to Kli Kinzie or her designee at the end of each meeting. Karen DeSousa suggested that this item be added to the SHRC Bylaws.

Margaret Walsh will amend language in the Bylaws to include the practice of turning in all SHRC meeting documents. Language will include method of destruction of those documents. SHRC Members may retain non-confidential documents such as SHRC rosters, meeting schedules, variance tracking tables, etc.

**Annual Report:
Region 2**

At 9:30 Deb Lochart, Regional Human Rights Advocate for Region 2, welcomed the SHRC to the Northern Virginia region. Ms. Lochart introduced Tim Simmons, Human Rights Advocate. Ms. Lochart and Mr. Simmons presented the annual report for Region 2.

**Notice from Fairfax
Falls Church LHRC
Chair**

At 9:45 Deb Lochart introduced Ms. Judy Regner, Chairperson, Fairfax-Falls Church (F-FC) LHRC. Ms. Regner addressed the SHRC regarding a matter between the Fairfax-Falls Church LHRC and F-FC CSB following a hearing.

Members of the SHRC asked questions of Ms. Regner in an attempt to gain a better understanding of the sequence of events leading to the LHRC's concern about the lack of response from the CSB to the findings and recommendations of the LHRC. The SHRC recognized that there may have been a miscommunication about what the LHRC was requesting of the CSB because a letter was not sent directly to Mr. Braunstein, F-FC CSB Executive Director, or his staff.

Upon a motion by Penny Cameron and seconded by TC Bullock the SHRC unanimously voted to send a letter in support of the Fairfax Falls-Church LHRC requesting that F-FC CSB respond in full to LHRC's recommendations related to the CSB.

**Variance Report:
Barry Robinson
Center**

At 10:00 the SHRC acknowledged receipt of a variance report from Barry Robinson Center regarding use of the program's Structured Living Policy.

VCBR Facility Instructions	At 10:02 the SHRC reviewed facility instructions for VCBR.
Mail and Packages	TC Bullock voiced concerns about the legality of reading residents' mail and about the dangers of handling potentially hazardous material coming into the mailroom. Human rights staff and the Office of the Attorney General will follow-up.
Resident Computer Use	At 10: 24 The SHRC reviewed the VCBR policy on Resident Computer Use. No comments were offered related to this policy.
Patient Funds	At 10:25 the SHRC reviewed a letter from John Pezzoli, Assistant Commissioner, DBHDS Behavioral Health Services, regarding patient and resident funds accounts <i>Upon a motion by Frank Royal and seconded by TC Bullock the SHRC unanimously voted to send a letter to John Pezzoli asking for a detailed response regarding restriction of personal funds and common practices for handling patient funds at state facilities by August 23, 2011.</i>
Public Comment	At 10:29 Don called for Public Comments. No comments were offered.
Creating Opportunities Strategic Initiatives	At 10:29 Margaret Walsh shared information on Creating Opportunities Strategic Initiatives for the department. Frank Royal commented on the unavailability of suitable of beds in the state and the complexity of tracking moves from facilities to community programs and from program to program. The new CHRIS (Computerized Human Rights Information System) will streamline what is now the extremely cumbersome process of receiving an abundance of faxes and keying data. The new system requires program staff to enter the data, which sends automatic electronic notifications.
Bylaws and Cooperative Agreements	At 10:38 the SHRC considered the Bylaws and Cooperative Agreements for the following LHRCs.
Region 2	Alexandria LHRC Arlington LHRC Fredericksburg LHRC NOVA Hospitals LHRC NOVA Regional LHRC Northern Virginia Training Center LHRC Prince William LHRC Rappahannock Area LHRC
Region 3	Southwestern Virginia Training Center LHRC Southwest LHRC

Southwestern Virginia Mental Health Institute LHRC
Virginia Highlands LHRC

Region 5 Health Planning Region V LHRC
Chesapeake Regional LHRC

Region 5 Southeast Alliance LHRC
Health Planning Region V LHRC
Norfolk Regional LHRC
Chesapeake Regional LHRC
Southside Regional LHRC
Mid-City LHRC
Peninsula Regional LHRC
Williamsburg Regional LHRC
Colonial Regional LHRC
Middle Peninsula / Northern Neck LHRC

Region 6 Southside Regional LHRC
Central Virginia Community Services LHRC
Piedmont Community Services LHRC
Goochland-Powhatan Community Services LHRC
Piedmont Geriatric Hospital LHRC
Heartland Regional LHRC
Central Virginia Training Center LHRC

Upon a motion by TC Bullock and seconded by Penny Cameron the SHRC unanimously approved the Bylaws and Cooperative Agreements for the above LHRCs.

LHRC Structure Sub-Committee At 10:41 Margaret Walsh recommended tabling the report of the LHRC Structure Sub-Committee until Christina Delzingaro and Joseph Lynch can attend and comment.

Healthcare Provider Sub-Committee At 10:43 the SHRC agreed that the Healthcare Provider Sub-Committee has completed this item and that it should be removed as a regular agenda item.

Committee on Communications At 10:43 Margaret Walsh reported that Christina Delzingaro is working on some additions to the current issue of the SHRC newsletter.

SHRC Membership and Officers Sub-Committee At 10:44 Donald Lyons said SHRC Membership and Officers Sub-Committee reporting can be removed as a regular agenda item until membership and officer elections are again under review and recruitment.

LHRC Meeting Attendance Reporting At 10:45 TC Bullock reported that he attended a meeting of the Piedmont Geriatric Hospital (PGH) LHRC. The LHRC had an interesting discussion about what constitutes abuse. Mr. Bullock said that the Chairperson and the Vice-Chairperson are eligible for reappointment but they have decided

not to return to serve second terms. Margaret Walsh reported that the PGH LHRC conducted a hearing which may come up to the SHRC on appeal. Ms. Walsh suggested the SHRC establish a sub-committee to go to PGH to hear the appeal so the consumer will not have to present the case via teleconference.

Donald Lyons appointed TC Bullock, Christina Delzingaro and Frank Royal to a sub-committee to conduct the appeal and then report recommendations to the SHRC.

Donald Lyons participated in the 4th of July parade and celebration at Southwestern Virginia Training Center. Frank Royal attended a meeting of the Metro Richmond LHRC.

Margaret Walsh encouraged all SHRC members to attend as many LHRC meetings as possible. Carolyn DeVilbiss commented that when she attends LHRC meetings she contacts the LHRCs first, which allows time to prepare and facilitates more meaningful communication and participation.

At 10: 59 Donald Lyons called for a 5 minutes break.

LHRC Membership Appointments:

At 11:11 the meeting reconvened and the SHRC considered LHRC Membership.

Upon a motion by Carolyn DeVilbiss and seconded by Jannie Robinson the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(1) for the purpose of discussion and consideration of appointments and reappointments to Local Human Rights Committees.

Upon a motion made by Carolyn DeVilbiss and seconded by Jannie Robinson the committee reconvened. Each member 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.

Donald Lyons acknowledged the resignation of Ms. Loretta Evans from Southwestern Virginia Training Center LHRC.

Upon a motion by TC Bullock and seconded by Jannie Robinson the SHRC unanimously made the following appointments and reappointments:

Region 1

Western State Hospital LHRC
Appoint: Ms. Heidi Campbell

Region 2

Fredericksburg Area LHRC
Reappoint: Ms. Nancy Sorrentino

Appoint: Ms. Heidi Swale
NOVA Regional LHRC
Reappoint: Mr. Rob Jones
Prince William LHRC
Reappoint: Ms. Ann Pascoe
Appoint: Ms. Pam Horak

Region 3 Southwestern Virginia Mental Health Institute
Reappoint: Mr. Mark Fendig
Southwest LHRC
Appoint: Ms. Mary Coppedge

Region 4 Chester Regional LHRC
Appoint: Ms. Lakia D Gilliam

Region 5 Atlantic Regional LHRC
Reappoint: Ms. Kiana Hargrove
Genesis LHRC
Appoint: Mr. Michael Stage
Newport News LHRC
Reappoint: Ms. Deborah Elliott

Region 6 Central Virginia Training Center LHRC
Reappoint: Mr. Charles Fallis
Appoint: Mr. Gordon Burford

Other Business At 11:27 Margaret Walsh reported on staff changes in the human rights office. The department is currently recruiting to fill the vacancy left by Sherry Miles, who leaves the office of Regional Advocate for Region 6 to join the Office of Licensing.

Adjournment At 11:28 the July 8, 2011 SHRC meeting adjourned.

The next SHRC meeting will be held on Friday, September 9, 2011 at Blue Ridge Behavioral Healthcare Children and Family Services Center in Roanoke.

Respectfully Submitted:

Donald Lyons, Acting Chair

Kli Kinzie, Secretary