

**STATE HUMAN RIGHTS COMMITTEE  
DRAFT MINUTES**

Department of Behavioral Health and Developmental Services  
Jefferson Building, 13<sup>th</sup> Floor Board Room  
1220 Bank Street  
Richmond, Virginia 23219

**Friday, January 25, 2013**

**Administrative Session AGENDA**  
**8:30 a.m.**

<b>Members Present</b>	Donald H. Lyons, <b>Chair</b> , Randy Johnsey, <b>Vice-Chair</b> , Penny Cameron, Vicki Cash Graff, Carolyn DeVilbiss, Jannie Robinson, Frank Royal, Timothy Russell
<b>Member Not Present</b>	T.C. Bullock
<b>DBHDS Staff</b>	Michael Curseen, Regional Human Rights Advocate Carrie Flowers, Human Rights Advocate Beverly Garnes, Regional Human Rights Advocate, Region 6 Timothy Jones, Human Rights Advocate Kli Kinzie, Executive Secretary Deb Lochart, Human Rights Manager Tammy Long, Human Rights Advocate Buddy Small, Human Rights Advocate Karen Taylor, DBHDS Special Counsel Margaret Walsh, State Human Rights Director Carrie Flowers, Human Rights Advocate
<b>Others</b>	Erin Haw, Disabilities Rights Advocate, VOPA Josephene Johnsey, Interested Person

*At 8:33 Don Lyons called the meeting to order. Introductions took place prior to proceeding.*

**Approval of January 25, 2013 Agenda**      *At 8:33 upon a motion by Carolyn DeVilbiss and seconded by Frank Royal the SHRC approved the agenda for the January 25, 2013 meeting unanimously.*

**Correspondence**      At 8:34 the SHRC reviewed correspondence and information.

**Attendance at LHRC Meeting**      At 8:35 Timothy Russell reported on attending a James City LHRC meeting. Mr. Russell relayed a letter from the SHRC to the LHRC addressing a consumer vacancy on the LHRC. Mr. Russell reported to the SHRC regarding the LHRC's concerns. The SHRC discussed possible options for fulfilling the requirements for membership on LHRCs.

**LHRC Vacancies**      At 8:43 Beverly Garnes reported that effective Jan 1, 2013, the Heartland and Piedmont LHRCs combined to form one LHRC. By the next SHRC meeting the consumer vacancy on the newly forms LHRC will be filled.

SHRC reviewed the LHRC vacancy tracking sheet.

**SHRC Goals**      At 8:49 the SHRC reviewed the Goals Workplan.

**Regular Session**

**8:55 a.m.**

**Members Present**      Donald H. Lyons, **Chair**, Randy Johnsey, **Vice-Chair**, Penny Cameron, Vicki Cash Graff, Carolyn DeVilbiss, Jannie Robinson, Frank Royal, Timothy Russell

**Members Not Present**      T.C. Bullock

**DBHDS Staff**      Michael Curseen, Regional Human Rights Advocate  
Carrie Flowers, Human Rights Advocate  
Beverly Garnes, Regional Human Rights Advocate, Region 6  
Marion Greenfield, Director, Clinical Quality & Risk Management  
Timothy Jones, Human Rights Advocate  
Kli Kinzie, Executive Secretary  
Deb Lochart, Human Rights Manager  
Tammy Long, Human Rights Advocate  
Les Saltzberg, Director, Licensing  
Mark Seymour, Human Rights Advocates  
Buddy Small, Human Rights Advocate  
Karen Taylor, DBHDS Special Counsel

Margaret Walsh, State Human Rights Director

**Others**

Erin Haw, Disability Rights Advocate, Virginia Office for Protection and Advocacy  
Josephene Johnsey, Interested Person

**Call to Order and Introductions**

*At 8:55 Donald Lyons called the January 25, 2013, regular session to order. Introductions took place prior to proceeding.*

**Approval of Draft Minutes**

At 8:56 the SHRC reviewed the draft minutes of the December 7, 2012, SHRC meeting.

*Upon a motion by Frank Royal and seconded by Carolyn DeVilbiss the minutes of the October 26, 2012 SHRC Meeting were unanimously approved.*

**FOIA Annual Training**

At 8:57 Karen Taylor provided annual FOIA training to the SHRC.

**VCBR**

At 9:4 the SHRC reviewed monthly reports from VCBR, and the updated corrective action plan for R.D. Timothy Russell noted a typo in the report.

The SHRC discussed the lower number of complaints with Tammy Long, Advocate for VCBR.

*Upon a motion by Timothy Russell and seconded by Vicki Cash Graff, the SHRC voted to hold the April 19 hold the July 19 SHRC meeting at Piedmont Geriatric Hospital. The SHRC will request a meeting with the VCBR Resident Advisory Council and request a tour of VCBR to include viewing double bunked resident quarters.*

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.

**Forensic Workgroup Report**

At 9:55 the SHRC reviewed a written report submitted by Dr. Michael Schaeffer, Director of Forensic Services.

Carolyn DeVilbiss asked that the SHRC continue to receive reports from the Forensic Workgroup.

Margaret Walsh reported that staff of the Forensics Office have offered to come back to the SHRC in June, 2013.

**Bylaws**

At 10:00 the SHRC reviewed a request for modification of the Bylaws of

the Southside Virginia Training Center LHRC. If approved, the Bylaws revision would allow the LHRC to meet quarterly rather than monthly. Carrie Flowers, Human Rights Advocate, reported that with the reduction of consumers residing at the training center, the workload of the LHRC has diminished significantly. Ms. Flowers believes the LHRC will be able to provide effective human rights protections with regularly scheduled quarterly meetings.

*Upon a motion by Carolyn DeVilbiss and seconded by Jannie Robinson the SHRC approved the Bylaws modification request for the Southside Virginia Training Center LHRC unanimously.*

**Variances**

At 10:03 the SHRC reviewed requests for extension of the variance to 12 VAC 35-115-110 for Harbor Point Behavioral Health Center, Virginia Beach Psychiatric Center and Kempsville Center for Behavioral Health. Provision of the variance allows the use of the programs' Structured Living policies.

*The SHRC did not approve the request for extension of the variance to 12 VAC 35-115-110 for Harbor Point Behavioral Health Center, Virginia Beach Psychiatric Center and Kempsville Center for Behavioral Health. These programs are to discontinue use of the variance and their Structured Living Policies.*

At 10:12 the SHRC reviewed the Kempsville Center for Behavioral Health's quarterly report on the use of variance to 12 VAC 35-115-110, C16 and A1a Unit Restriction. The report was submitted in response to the SHRC's request for quarterly reports on the use of the variance.

**CHRIS**

At 10:15 Margaret Walsh reported on the status of the implementation of CHRIS (Computerized Human Rights Information System). CHRIS is migrating to a web-based system to allow program staff to enter human rights data.

**LHRC  
Attendance**

At 10:28 Carolyn DeVilbiss asked about the form used for reporting on LHRC attendance. The form is offered as a guideline for SHRC members to use while attending LHRC meetings and is intended only to suggest topics and areas of focus to report back to the SHRC.

**SHRC Officers**

At 10:29 Chairman Lyons appointed Jannie Robinson and T.C. Bullock to the Officers Subcommittee.

**SHRC  
Membership**

Chairman Lyons appointed Carolyn DeVilbiss and Penny Cameron to the SHRC Membership Subcommittee.

**LHRC  
Membership**

At 10:34 the SHRC considered LHRC Membership.

*Upon a motion by Carolyn DeVilbiss and seconded by Frank Royal the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(1) for the purpose of discussion and consideration of appointments to 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. Shelly Cooke from Southside Virginia Training Center LHRC.*

*Upon a motion by Carolyn DeVilbiss and seconded by Timothy Russell the SHRC unanimously made the following appointments and reappointments to Local Human Rights Committees.*

**Region 2**

Northern Virginia Training Center LHRC  
Appoint: Ms. Susan Hoenisch and Ms. Judith Regner

**Region 4**

Henrico LHRC  
Appoint: Ms. Kiva Gatewood  
Richmond Tri-Cities LHRC  
Appoint: Ms. Brenda Mujahid

**Region 5**

Southeast Alliance LHRC  
Appoint: Mr. Kevin Jay Moran  
Colonial Regional LHRC  
Appoint: Ms. Carol Brown  
James City Regional LHRC  
Appoint: Ms. Diane R. Cooper

**Region 6**

Goochland / Powhatan LHRC  
Appoint: Ms. WandaMarie Moriah Duke  
Danville Pittsylvania Regional LHRC  
Reappoint: Mr. Jeff Rodden

**Licensing**

At 10:50 Les Saltzberg provided an update on the role and the activities of the Office of Licensing.

**Seclusion and  
Restraint**

At 11:30 Marion Greenfield provided an update on the department's efforts to reduce the use of seclusion and restraint (S&R). More information is now available on the use of S&R in the community than in the past. Data is

now reported to CMS.

**Adjournment**

At 12:00 the SHRC meeting adjourned. The next meeting will be held on April 19, 2013 at Virginia Home for Boys and Girls, Fellowship Hall 8716 W. Broad Street, Henrico, VA 23294.

Respectfully Submitted:

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**Donald H. Lyons, Chair**

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**Kli Kinzie, Secretary**