

Rev. DRAFT MINUTES
STATE HUMAN RIGHTS COMMITTEE

Loudoun County Community Services Board
Aspen Conference Room
906 Trail View Boulevard, SE
Suite C
Leesburg, VA 20175
Friday, March 8, 2013

Administrative Session
8:30 a.m.

Members Present Randy Johnsey, **Vice-Chair**, T.C. Bullock, Penny Cameron, Vicki Cash Graff, Carolyn DeVilbiss, Joseph Lynch, Jannie Robinson, Timothy Russell

Members Not Present Donald Lyons, **Chair**

Staff Chuck Collins, Regional Human Rights Advocate
Kli Kinzie, Executive Secretary
Mark Seymour, Human Rights Advocate
Margaret Walsh, State Human Rights Director

Others Josephene Johnsey, Interested Person

Call to Order and Welcome *At 8:30 Randy Johnsey, Vice-Chair, called the March 8, 2013, SHRC meeting to order. A call for introductions took place prior to proceeding.*

Approval of March 8, 2013 Agenda	<i>At 8:31 upon a motion by T.C. Bullock and seconded by Frank Royal the SHRC unanimously approved the agenda for the March 8, 2013, SHRC meeting.</i>
Correspondence	At 8:31 the SHRC reviewed correspondence.
Vacancy Tracking	At 8:33 the SHRC reviewed and discussed LHRC vacancies.
SHRC Goals Worksheet	At 8:35 the SHRC reviewed the goals worksheet. The committee decided the SHRC annual report should be finalized by the June 2013 SHRC meeting and should be submitted to the DBHDS State Board office in time for the Board's review at its July 2013 meeting.
SHRC Newsletter	At 8:41 Randy Johnsey announced that he is stepping back and a letting Vicki Cash Graff be Editor of the newsletter.
SHRC Goals (continued)	<p>At 8:45 Margaret asked members to consider what areas from the existing goals worksheet they would like to emphasize. Ms. Walsh asked what critical items she should begin working on. SHRC members expressed interest in follow up to the DOJ settlement, consumer and family member representation on LHRCs, forensics flow thru, and the ramifications of attorneys pushing for NGRI pleas.</p> <p>Margaret Walsh will ask John Pezzoli and Mike Shaeffer to attend the next SHRC meeting.</p> <p>Margaret Walsh continues to work on the Departmental Instruction on patient funds.</p>
BREAK	<i>At 8:50 Randy Johnsey called for a ten minute break.</i>

Regular Session
9:00 a.m.

Members Present	Randy Johnsey, Vice-Chair , T.C. Bullock, Penny Cameron, Vicki Cash Graff, Carolyn DeVilbiss, Jannie Robinson, Frank Royal, Timothy Russell
Members not Present	Donald Lyons, Chair
Staff	Margaret Walsh, State Human Rights Director Kli Kinzie, Executive Secretary

Karen Taylor, DBHDS Special Counsel
Chuck Collins, Regional Human Rights Advocate
Mark Seymour, Human Rights Advocate

Present via Telecom Reginald Daye, Regional Human Rights Advocate
Hillary Zaneveld, Human Rights Advocate
Timothy Jones, Human Rights Advocate
Stewart Prost, Human Rights Advocate
Jacqueline Abbott, Director of Risk Management/ Performance
Improvement of the Harbor Point Behavioral Health Center
Fran Neaves, Director of Risk Management/Performance
Improvement of the Virginia Beach Psychiatric Center
Dana Gillentine, Risk Manager of the Kempsville Center for
Behavioral Health

Others Josephene Johnsey, Interested Person
Becky Currin, Consumer Advocate, Virginia Office for Protection and
Advocacy
Ron Johnston, Loudoun LHRC Chair
Barbara Franklin, LCMH, LHRC Member Loudoun Co LHRC
Lorri Murray, Loudoun LHRC Liaison, ECHO
Kimberly Higginson, Loudoun LHRC
Joseph Wilson, Executive Director, Loudoun County CSB

**Call to Order and
Introductions** *At 9:00 Randy Johnsey called the Regular Session of the March 8,
2013, SHRC meeting to order. A call for introductions took place
prior to proceeding.*

Randy Johnsey introduced Joseph Wilson, Executive Director of
Loudoun County Community Services Board. Mr. Wilson welcomed
the SHRC to Leesburg and spoke briefly about the services offered
and populations served by the CSB.

Minutes At 9:10 the SHRC reviewed the minutes of the January 25, 2013
SHRC meeting.

*Upon a motion by Frank Royal and seconded by T.C. Bullock the
SHRC approved the minutes of the January 25, 2013 SHRC meeting as
corrected.*

**Management of
Individuals Found
NGRI** At 9:14 Rebecca Currin spoke with the SHRC about the management
of individuals found not guilty by reason of insanity.

VCBR Monthly At 9:36 the SHRC reviewed VCBR monthly reports and a behavioral

Reports

plan for J.R.

VCBR Behavioral Plan for J.R.

At 9:37 the SHRC reviewed the behavioral plan for J.R.

Upon a motion by Timothy Russell and properly seconded 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 Frank Royal and seconded by Penny Cameron and Randy Johnsey the SHRC unanimously supports the treatment plan for J.R. as written. The SHRC requests that quarterly reports be submitted for review.

Request for Extensions of time frames

At 10:00 the SHRC considered a request for extension of time frame to appeal the decision of the Eastern State Hospital Local Human Rights Committee in the matter of T.A./E.A.

Mr. Reginald Daye and Ms. Hillary Zaneveld joined the meeting via teleconference. Ms. Zaneveld presented the request for extension of time frame on behalf of T.A./E.A. If approved, the time frame would be extended by one day.

Upon a motion by Frank Royal and seconded by T.C. Bullock the SHRC unanimously granted the extension of time frame to file appeal of the decision of the Eastern State Hospital LHRC in the matter of T.A./E.A.

Annual Report for Region 5

At 10:06 human rights staff for Region 5 presented their annual report. Reginald Daye, Hillary Zaneveld, Timothy Jones and Stewart Prost joined the meeting via teleconference to present the report.

Variance: Harbor Point Behavioral Health Center

At 10:28 the SHRC considered a Variance request from Harbor Point Behavioral Health Center for use of its Structured Living Policy.

Mr. Reginald Daye, Regional Human Rights Advocate, Region V, introduced Ms. Jacqueline Abbott, Director of Risk Management/Performance Improvement of the Harbor Point Behavioral Health Center. Ms. Abbott provided a brief overview of the Harbor Point Behavioral Health Center and the population of individuals for whom the variance and its Structured Living Policy would impact.

Mr. Daye indicated that the Harbor Point Behavioral Health Center (HPBHC) is requesting a variance to the following section of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services*:

12 VAC 35-115-110C16 -Use of Seclusion, Restraint and Time Out.

Mr. Daye also indicated that the HPBHC variance expired on January 21, 2013. The staff of the HPBHC indicated that they have not used the Structured Living Policy, since the expiration date of its variance.

Upon a motion by Frank Royal and seconded by T.C. Bullock the SHRC approved the variance to sections 12 VAC 35-115-110, C16 - Use of Seclusion, Restraint and Time Out, which allows the implementation the HPBHC Structured Living Policy, for a time period of March 08, 2013 through October 25, 2013.

Variance extension:
Harbor Point
Behavioral Health
Center

In an effort to improve the State Human Rights Committee's Variance Tracking System, the SHRC voted to have all approved variances (by specific motion of the SHRC) expire on the same date in a given Region. Therefore all SHRC approved variances in Region V will expire on October 25, 2013.

A motion was made and approved to extend the Harbor Point Behavioral Health Center (HPBHC) SHRC approved variances of the following sections of the regulations, through October 25, 2013. (These variances were scheduled to expire on September 7, 2013):

Human Rights Regulations: 12VAC 35-115-100-A1a, Restrictions on Freedoms of Everyday Life. The variance allows the program to utilize its point level system referred to as "The Matrix – Our Behavior Management Model". The variance will allow HPBHC to tie an individual's movement within the service setting, grounds and community to its point level system.

Human Rights Regulations: 12VAC 35-115-110-C16, Use of seclusion, restraint, and time out. The variance allows the HPBHC to place an individual in "time out" for periods longer than the regulatory 30 minutes limit per episode.

Upon a motion by Frank Royal and seconded by T.C. Bullock the SHRC unanimously approved the variance to sections 12 VAC 35-115-110, C16 -Use of Seclusion, Restraint and Time Out, which allows the implementation the Harbor Point Behavioral Health Center

Structured Living Policy for a time period of March 08, 2013 through October 25, 2013.

Variance: Kempsville Center for Behavioral Health

At 10:35 the SHRC considered a variance request from Kempsville Center for Behavioral Health for use of Unit Restriction.

Mr. Reginald Daye, Regional Advocate, Region V, introduced, Ms Dana Gillentine, Risk Manager of the Kempsville Center for Behavioral Health. Ms. Gillentine provided a brief overview of the Kempsville Center for Behavioral Health and the population of individuals for whom the variances and policies would impact.

Mr. Daye indicated that the Kempsville Center for Behavioral Health is requesting a variance to the following section of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services (Human Rights Regulations)*:

12 VAC 35-115-100A1a, A1g -Restrictions on freedoms of everyday life; and

12 VAC 35-115-110C16 -Use of Seclusion, Restraint and Time Out.

Mr. Daye also indicated that if all of the variances are approved, it will allow the program to implement its handbooks and level system which includes the use of unit restrictions that exceed the 30 minutes requirement for the use of timeout as well as place restrictions on the individual's movement within the service setting. The handbooks and level systems apply to the following programs: Child Acute; Children residential and the Adolescent residential.

Upon a motion by Frank Royal and seconded by T.C. Bullock the SHRC unanimously approved the variance to sections 12 VAC 35-115-110, C16 -Use of Seclusion, Restraint and Time Out and 12 VAC 35-115-100, A1a -Restrictions on freedoms of everyday life, for a time period of March 08, 2013 through October 25, 2013, for Kempsville Center for Behavioral Health .

The program may implement the handbooks and level systems which include restrictions on the individual freedom to move within the service setting and time out for a period exceeding 30 minutes. Provisions of this variance are only to be used when the individual is on unit restriction. The program is also required to continue the following staffing ratio: One staff member to a maximum of three individual while on unit restriction.

The SHRC also supports the following Tidewater Regional LHRC (TR-LHRC) recommendations: Provide the TR-LHRC and the Regional Advocate with written quarterly statistical updates on the implementation of the unit restriction policy. This update shall include at a minimum:

A listing of the residents placed on unit restriction.

The actual amount of time each resident was on the restriction.

Identify the residents involved in multiple unit restrictions.

Provide details of how to determine the effectiveness of the policy.

Any violations of the approved variance are to be reported to the Regional Advocate within 24 hours and the TR-LHRC each quarter.

The KCBH shall include the above noted data in its renewal to the State Human Rights Committee.

Variance: Kempsville Center for Behavioral Health (KCBH)-Variance- Structured Living Policy

Mr. Reginald Daye, Regional Advocate, Region V, introduced, Ms Dana Gillentine, Risk Manager of the Kempsville Center for Behavioral Health. Ms. Gillentine provided a brief overview of the Kempsville Center for Behavioral Health and the population of individuals for whom the variance and its Structured Living Policy would impact.

Mr. Daye indicated that the Kempsville Center for Behavioral Health is requesting a variance to the following section of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services*:

12 VAC 35-115-110C16 -Use of Seclusion, Restraint and Time Out.

Mr. Daye also indicated that the KCBH variance expired on January 21, 2013. The staff of the KCBH indicated that they have not used the Structured Living Policy, since the expiration date of its variance.

A motion was made and passed to approve the variance to sections 12 VAC 35-115-110, C16 -Use of Seclusion, Restraint and Time Out, which allows the implementation the KCBH Structured Living Policy, for a time period of March 08, 2013 through October 25, 2013.

Kempsville Center for Behavioral Health- Variance (Use of Level System)

A motion was made and approved to extend the Kempsville Center for Behavioral Health SHRC approved variance to the following sections of the regulations, through October 25, 2013. (These variances are scheduled to expire on September 7, 2013):

Extension Based upon SHRC Guidelines

-Section 12 VAC 35-115-50, C7& C8-Dignity. The variance allows the program to implement its handbooks and level systems which includes restrictions on the use of the phone and visitation; Section 12 VAC 35-115-100, A1g -Restrictions on freedoms of everyday life. The variance allows the program to implement the handbooks and level system which includes restrictions on the use of the program store (canteen).

Variance: Virginia Beach Psychiatric Center

At 10:45 the SHRC considered the variance request Virginia Beach Psychiatric Center for use of the Structured Living Policy.

Mr. Reginald Daye, Regional Human Rights Advocate, Region V, introduced Ms. Fran Neaves, Director of Risk Management/ Performance Improvement of the Virginia Beach Psychiatric Center. Ms. Neaves provided a brief overview of the Virginia Beach Psychiatric Center (VBPC) and the population of individuals for whom the variance and its Structured Living Policy would impact.

Mr. Daye indicated that the VBPC is requesting a variance to the following section of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services:*

12 VAC 35-115-110C16 -Use of Seclusion, Restraint and Time Out.

Mr. Daye also indicated that the VBPC variance expired on January 21, 2013. The staff of the VBPC indicated that they have not used the Structured Living Policy, since the expiration date of its variance.

A motion was made and passed to approve the variance to sections 12 VAC 35-115-110, C16 -Use of Seclusion, Restraint and Time Out, which allows the implementation the VBPC Structured Living Policy, for a time period of March 08, 2013 through October 25, 2013.

Virginia Beach Department of Human Services Variance (Use of Level System and Program Rules) Extension Based upon SHRC Guidelines

The SHRC acknowledged receipt of the Virginia Beach Department of Human Services annual report for the variance to 12 VAC 35-115-50 C7 & 8, Dignity.

In an effort to improve the State Human Rights Committee's Variance Tracking System, the SHRC voted to have all approved variances (by specific motion of the SHRC) expire on the same date in a given Region.

Therefore all SHRC approved variances in Region V, by approved motion, will expire on October 25, 2013.

A motion was made and approved to have the Virginia Beach Department of Human Services (VBDHS) SHRC approved variance of the following sections of the regulations expire on October 25, 2013. (This variance was scheduled to expire on March 09, 2014):

Section 12 VAC 35-115-50, C7& C8-Dignity. The variance allows the program to implement its handbooks and level systems which includes restrictions on the use of the phone and visitation during the first level of treatment.

BREAK

At 10:50 Randy Johnsey called for a ten minute break.

LHRC Membership

At 11:00 the SHRC considered local human rights committees membership.

Appointments

Upon a motion by Carolyn DeVilbiss 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 by Vicki Cash Graff and seconded by Timothy Russell the SHRC unanimously moved to effect the following removal and make the following appointments:

Removal

Removal of Ms. Hazel Vaughn from Metro Richmond LHRC

Region 1

Commonwealth Center for Children and Adolescents LHRC
Ms. Deidre Pritt – appt
University of Virginia LHRC
Mr. Reed Banks - appt

Region 3

Appalachian Community LHRC
Ms. Vickey McCarty – appt
Ms. Helen Rippey – appt
Mount Rogers LHRC
Mrs. Loretta Evans - appt

Region 5
Health Planning Region V LHRC
Dr. William E. Austin - appt
Southeastern Virginia Training Center LHRC
Ms. Sharon D. Chapel – appt
Ms. Kimberly M. Hill – appt
York Regional LHRC
Mr. James E. Graves - appt

Region 6
Central Virginia Community Services LHRC
Mr. Morris Jefferson - appt

**SHRC Officer
Subcommittee**

At 11:00 T.C. Bullock reported on the activities of the SHRC Subcommittee on Officers for the upcoming term. The subcommittee presented the following slate of officers: Dr. Frank Royal as Chair and Ms. Carolyn DeVilbiss as Vice-Chair.

The full committee will consider the presented slate of officers at the next SHRC meeting and will entertain nominations from the floor.

**SHRC Membership
Subcommittee**

At 11:13 Carolyn DeVilbiss reported on the activities of the SHRC Membership Subcommittee. The subcommittee made the following recommendations for reappointment to the SHRC: Ms. Penny Cameron and Mr. T.C. Bullock.

Upon a motion by Frank Royal and seconded by Jannie Robinson the SHRC voted to recommend the reappointments of Penny Cameron and T.C. Bullock.

Ms. DeVilbiss reported that the subcommittee received applications for new SHRC members from the following individuals: John Barrett, Ann Bevan, Connie Chappell, Bruce Copeland, Marietta Cottingham, Lisa Hillman, Mark Stevens and Ioannis Stivachtis.

The subcommittee will screen all applications and contact each individual. The full SHRC will discuss recommendations for new members further at the next SHRC meeting.

Adjournment

The meeting adjourned at 11:25.

Respectfully Submitted:

Donald H. Lyons, Chair

Kli Kinzie, Secretary