

DRAFT MINUTES
STATE HUMAN RIGHTS COMMITTEE

Friday, June 8, 2012
Jackson Feild Homes
546 Walnut Grove Drive
Jarratt, Virginia
23867

Administrative Session

Members Present Christina Delzingaro, **Chair**, Randy Johnsey, **Vice-Chair**, T.C. Bullock, Penny Cameron, Carolyn DeVilbiss, Donald Lyons, Frank Royal

Members Not Present Joseph Lynch, Jannie Robinson

DBHDS Staff Michael Curseen, Regional Human Rights Advocate
Reginald T. Daye, Regional Advocate, Region 5
Karen DeSousa, DBHDS Special Counsel
Carrie Flowers, Human Rights Advocate
Kli Kinzie, Executive Secretary
Tammy Long, Human Rights Advocate
Kevin Paluszak, Regional Human Rights Advocate
Walter Small, Human Rights Advocate
Margaret Walsh, State Human Rights Director
Hillary Zaneveld, Human Rights Advocate

Others Josephene Johnsey, Interested Person

At 8:30 Christina Delzingaro called the meeting to order. A call for introductions took place prior to proceeding.

Approval of April 20, 2010 Agenda

At 8:31 upon a motion by Randy Johnsey and seconded by T.C. Bullock the SHRC unanimously approved the agenda for the June 8, 2012 meeting as revised.

Correspondence/ Information

At 8:32 the SHRC reviewed correspondence and information.

LHRC Vacancy Tracking

At 8:34 the SHRC reviewed the LHRC vacancy tracking sheet.

SHRC Goals Worksheet

At 8:34 the SHRC discussed goals for the next two years. The goals worksheet will be reviewed again and revised at the July SHRC meeting.

SHRC Annual Report

At 8:38 Margaret Walsh asked for comments from the SHRC on the draft SHRC annual report. The report should be presented to the DBHDS State Board at its next meeting on July 17, 2012.

Newsletter Discussion

At 8:45Rendy Johnsey reported on the Summer 2012 edition of the SHRC newsletter. The newsletter will have final edits made, then be distributed to SHRC members before sending out for general distribution.

BREAK

At 9:00 Christina Delzingaro called for a break.

Regular Session
9:15 a.m.

Members Present

Christina Delzingaro, **Chair**, Randy Johnsey, **Vice-Chair**, T.C. Bullock, Penny Cameron, Carolyn DeVilbiss, Donald Lyons and Frank Royal

Members not Present

Joseph Lynch, Jannie Robinson

DBHDS Staff

Michael Curseen, Regional Human Rights Advocate
Reginald T. Daye, Regional Human Rights Advocate
Karen DeSousa, DBHDS Special Counsel
Carrie Flowers, Human Rights Advocate
Kli Kinzie, Executive Secretary
Tammy Long, Regional Human Rights Advocate
Kevin Paluszak, Regional Human Rights Advocate

Dick Roberts, Resident Relations Liaison and Resident Safety
Coordinator, Eastern State Hospital
Walter Small, Human Rights Advocate
Margaret Walsh, State Human Rights Director
Jason Wilson, Va Center for Behavioral Rehabilitation
Hillary Zaneveld, Human Rights Advocate

Others

Complainant
Josephine Johnsey, Interested Person

**Call to Order and
Introductions**

At 9:15 Christina Delzingaro called the June 8, 2012, regular session to order. A call for introductions took place prior to proceeding.

**Approval of Draft
Minutes**

At 9:16 the SHRC reviewed the draft minutes for the April 20, 2012 SHRC meeting.

Upon a motion by Randy Johnsey and seconded by Penny Cameron the minutes of the April 20, 2012 SHRC Meeting were approved unanimously.

**VCBR
Administrative
Segregation**

At 9:17 Jason Wilson reported on changes made to the Administrative Segregation Policy for Virginia Center for Behavioral Rehabilitation. The SHRC reviewed the policy at the April 20, 2012, SHRC meeting and approved the policy for use on the Medical Unit. The policy before the SHRC this day is specifically for use on the Behavioral Unit.

**Request for
Guidance**

At 9:38 the SHRC reviewed a request from Northern Virginia Hospitals LHRC for guidance on the review of requests for implementation of Electro-Convulsive Therapy. Implementation of the procedure should be handled as appropriate for medical procedures.

Kevin Paluszak, Regional Advocate, will confer with Timothy Simmons, Human Rights Advocate, regarding what advice has been given to the LHRC. The SHRC will send a letter to the LHRC reiterating the role of the Advocate in providing assistance when guidance is requested.

**Region 4 Annual
Report**

9:345 Michael Curseen, Regional Human Rights Advocate, and Carrie Flowers, Walter Small and Tammy Long, presented the annual report for Region 4.

**Bylaws: Chesterfield
LHRC**

At 10:07 Walter Small presented the proposed Bylaws revision for Chesterfield LHRC.

Upon a motion by Randy Johnsey and seconded by T.C. Bullock the SHRC unanimously approved the revised Bylaws of the Chesterfield LHRC as submitted.

**Appeal of March 8,
2012 ESH LHRC
decision in the
matter of T.A, E.A.
v. ESH**

At 10:10 the SHRC reviewed an appeal of the decision of the March 8, 2012, Eastern State Hospital LHRC in the case of T.A, on behalf of E. A., a patient of Eastern State Hospital. Ms. T.A., mother of E.A., presented the case on behalf of her daughter E.A. Hillary Zaneveld was present to provide technical support. Dick Roberts, Resident Relations Liaison and Resident Safety Coordinator, Eastern State Hospital, was present to represent the facility. Also present were Reginald T. Daye, Margaret Walsh, Karen DeSousa and Kli Kinzie. At the request of T.A., the appeal was heard in closed session.

Upon a motion by Randy Johnsey 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 Carolyn DeVilbiss the SHRC unanimously supports the findings and recommendations of the ESH LHRC. The SHRC advises that the LHRC's findings in this case are somewhat ambiguous. The SHRC asks that the LHRC be mindful of writing on a level appropriate to the venue and of articulating decisions that clearly delineate their findings and recommendations.

**Appeal of April 2,
2012 ESH LHRC
decision in the
matter of T.A, E.A.
v. ESH**

At 10:44 SHRC reviewed an appeal of the decision of the April 2, 2012, Eastern State Hospital LHRC in the case of T.A, on behalf of E. A., a patient of Eastern State Hospital. Ms. T.A., mother of E.A., presented the case on behalf of her daughter E.A. Hillary Zaneveld was present to provide technical support. Dick Roberts, Resident Relations Liaison and Resident Safety Coordinator, Eastern State Hospital, was present to represent the facility. Also present were Reginald T. Daye, Margaret Walsh, Karen DeSousa and Kli Kinzie. At the request of T.A., the appeal was heard in closed session.

Upon a motion by Randy Johnsey 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.

The SHRC puts forth that this is a matter of an abuse and/or neglect finding of an internal investigator of the Department. Findings of this nature are not appealable thru the human rights program,.

Public Comment

No public comments were offered.

SHRC Officers

At 11:40 Frank Royal reported on the activities of the Officers Nominating Committee. Dr. Royal proposed the following slate of officers: Donald Lyons for Chairperson and Randy Johnsey for Vice-Chairperson.

Christina Delzingaro asked for nominations from the floor. Hearing none, *Christina Delzingaro moved to appoint Donald Lyons as Chairperson and Randy Johnsey as Vice-Chairperson for the term of July 1, 2012 thru June 30, 2013. The motion passed unanimously.*

Attending LHRC Meetings

At 11:44 Christina Delzingaro asked for LHRC meeting attending reports from the SHRC. No reports were given.

SHRC members were reminded of their responsibility to attend LHRC meetings in their geographic areas.

Other

At 11:45 Reginald T. Daye, Regional Human Rights Advocate reported on an affiliation issue in Region 5.

BREAK: 12:00

BREAK FOR LUNCH

Recognition of Christina Delzingaro

At 12:20 Carolyn DeVilbiss thanked Christina Delzingaro for her years of service on the State Human Rights Committee and for her leadership in serving as Vice-Chairperson and as Chairperson of the committee. Ms. Delzingaro was presented with a gift and card as members of the SHRC thanked her for her service.

Ms. Delzingaro thanked the SHRC and the human rights office for support and guidance.

LHRC Membership

At 12:34 the SHRC considered LHRC Membership.

Upon a motion by Randy Johnsey 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 lawfully made and seconded the SHRC unanimously made the following appointments.

Region 1

Commonwealth Center for Children & Adolescents LHRC

Reappoint: Ms. Susan Richardson

Northwestern CSB LHRC

Appoint: Ms. Carol Ricker

Rappahannock-Rapidan CSB LHRC

Appoint: Mr. Ronald Upshur

Rockbridge Area CSB LHRC

Appoint: Ms. Rebecca Dean, Ms. Patti Cook

Reappoint: Ms. Jean Kelser

University of Virginia LHRC

Reappoint: Ms. Judith Minter, Ms. Beth Gager

Valley CSB LHRC

Appoint: Ms. Barbara Fitch

Reappoint: Ms. Patricia Gore

Region 2

Arlington Area LHRC

Reappoint: Ms. Alicia Guajardo

Fredericksburg Area LHRC

Appoint: Ms. Debe Fults

Rappahannock Area LHRC

Appoint: Ms. Diane Bachman

Region 3

Catawba LHRC

Reappoint: Ms. Millie Rhodes

Mount Rogers LHRC

Reappoint: Ms. Judith Burkett, Ms. Danita Moore, Ms. Jennifer Haga

New River Valley LHRC

Reappoint: Ms. Vickie Linkous, Ms. Rhonda Queensberry

Roanoke LHRC

Reappoint: Mr. Vincent Dabney, Ms. Ann Patterson, Ms. Renu Musselwhite, Mr. Thayer T. Walker, Ms. Rebecca Downs

Roanoke Valley LHRC

Reappoint: Ms. Martha S. Pillow, Mr. Joseph Kinchloe

Virginia Highlands LHRC

Reappoint: Ms. Jo Ann Johns

Region 4

Chesterfield LHRC

Reappoint: Mr. Charles Armstrong, Mr. Linwood Alford, Ms. Susan Foster, Mr. Craig Gross, Ms. Roxanna Ronquillo

Crater LHRC

Appoint: Ms. Sequoya Willis, Mr. Steve Pories

Reappoint: Mr. Edward Barlow, Mr. L. Carlton Starke

Metro Richmond LHRC

Appoint: Ms. Hazel Vaughan

Reappoint: Ms. Jennifer Spangler

Metropolitan LHRC

Reappoint: Ms. Dawn Wadiak-Chillon, Mr. Edward Gerhard

Petersburg Regional LHRC

Appoint: Mr. Rudi Jackson

Piedmont Geriatric Hospital LHRC

Appoint: Mr. Jere C. Bankston, Ms. Daphne H. Norfleet, Ms. Kimberly Gold

Southside Virginia Training Center LHRC

Reappoint: Ms. Carol Gittman, Mr. James Pullman

Tuckahoe LHRC

Reappoint: Ms. Corrinthia Morris

Region 5

Bay Regional LHRC

Reappoint: Ms. Renee Greene

Colonial Regional LHRC

Appoint: Ms. Veronica Reid, Ms. Denese Gillis

Eastern State Hospital LHRC

Reappoint: Mr. Charles H. Loundermon

Genesis LHRC

Reappoint: Mr. Joseph B. Motley

Hampton Roads Regional LHRC

Appoint: Mr. James Overton, Jr.

James City Regional LHRC

Reappoint: Ms. Shenita Brown, Ms. Cheryl Jones

Middle Peninsula-Northern Neck LHRC

Appoint: Ms. Kathy Powell, Ms. Robin Campbell Wyatt, Ms. Claudette Carter Henderson

Ocean View LHRC

Reappoint: Mr. Michael Vann

Peninsula Regional LHRC

Appoint: Mr. Steve Deyerle

Reappoint: Ms. Victoria Whitaker

Portsmouth Regional LHRC

Appoint: Ms. Amanda D. Smith

Tidewater Regional LHRC
Appoint: Ms. Jacqueline Blackett, Ms. Amy Jennings
Reappoint: Ms. Delinda P. Swanson

Region 6

Piedmont Community Services LHRC
Appoint: Ms. Susan Meeks
Southside LHRC
Appoint: Ms. Gloria Barnes, Ms. Jacqueline Barnette

Kevin Paluszak commented that T.C. Bullock was very helpful in recruiting consumer membership.

SHRC Membership

At 1:00 the SHRC interviewed applicants for SHRC membership. The following candidates were interviewed:

Victoria Cash-Graff
Bruce A. Copeland
Charles Perso
Juliette P. Rey
Timothy M. Russell

The SHRC will make its recommendations to the State Board.

Adjournment

At 1:30 the meeting adjourned.

The SHRC would like to hold the next meeting on July 13, rather than July 6, at Spotsylvania Regional Hospital in Fredericksburg.

Respectfully Submitted:

Christina Delzingaro, Chair

Kli Kinzie, Secretary