

MINUTES
STATE HUMAN RIGHTS COMMITTEE

Virginia Home for Boys and Girls
Fellowship Hall
8716 West Broad Street
Richmond, VA 23294

Friday, April 19, 2013

Administrative Session

8:30 a.m.

- Members Present** Donald Lyons, **Chair**, T.C. Bullock, Penny Cameron, Vicki Cash Graff, Carolyn DeVilbiss, Jannie Robinson, Timothy Russell
- Staff** Michael Curseen, Regional Human Rights Advocate, Region 4
Reginald T. Daye, Regional Human Rights Advocate, Region 5
Beverly Garnes, Regional Human Rights Advocate, Region 6
Tanieka Goldman, Human Rights Advocate
Kli Kinzie, Executive Secretary
Deb Lochart, Human Rights Manager
Kevin Paluszak, Regional Human Rights Advocate, Region 2
Walter Small, Human Rights Advocate
Karen Taylor, DBHDS Special Counsel
Margaret Walsh, State Human Rights Director
LaDonna Walters, Human Rights Advocate
Hillary Zaneveld, Human Rights Advocate
- Others** John Barrett, Chair, Williamsburg Regional LHRC, SHRC Candidate
Ann Bevan, SHRC Candidate
Marina Caro, Disability Rights Advocate, Virginia Office for Protection and Advocacy
Marietta Cottingham, SHRC Candidate
Rebecca Currin, Disability Rights Advocate, Virginia Office for Protection and Advocacy
- Call to Order and Welcome** *At 8:30 Don Lyons, Chair, called the April 19, 2013, SHRC meeting to order. A call for introductions took place prior to proceeding.*

Approval of April 19, 2013 Agenda

At 8:32 upon a motion properly made and seconded the SHRC unanimously approved the agenda for the April 19, 2013, SHRC meeting.

VCBR

At 8:33 the SHRC reviewed VCBR Appeal Responses and monthly reports. Margaret Walsh will request that VCBR reformat one of the reports.

Correspondence

The Committee acknowledged receipt of a copy of a letter from the SHRC to affiliates of Northern Va Hospitals LHRC.

Withdrawal of Appeal

The SHRC acknowledged receipt of the withdrawal of the Western State Hospital appeal in the matter of M.W.

LHRC Vacancy Tracking

At 8:46 the SHRC reviewed and discussed LHRC vacancies. Margaret Walsh suggested the SHRC may want to issue an article in the next newsletter concerning filling LHRC vacancies.

SHRC Goals Worksheet

At 8:56 the SHRC reviewed the goals worksheet. Members Vicki Cash Graff and Timothy Russell were asked to review and give feedback on their bios for the SHRC annual report.

SHRC Newsletter

At 8:58 Vicki Cash Graff asked for direction on the goal and purpose of the Newsletter and on what kind of information should be included. Following discussion among committee members and human rights advocates present, Don Lyons appointed a subcommittee to consider the suggestions made and then make recommendations to the full committee at the June 7, 2013 SHRC meeting.

Welcome

At 9:07 Ms. Claiborne, President of Virginia Home for Boys and Girls, welcomed the SHRC and briefly described program services and populations served.

BREAK

At 9:08 Don Lyons called for a ten minute break.

Regular Session
9:15 a.m.

Members Present

Donald H. Lyons, **Chair**, T.C. Bullock, Penny Cameron, Vicki Cash Graff, Carolyn DeVilbiss, Jannie Robinson, Frank Royal, Timothy Russell

Staff

Michael Curseen, Regional Human Rights Advocate, Region 4
Reginald T. Daye, Regional Human Rights Advocate, Region 5
Kathy Drumwright, Assistant Commissioner, Quality Management
and Development
Beverly Garnes, Regional Human Rights Advocate, Region 6
Tanieka Goldman, Human Rights Advocate
Kli Kinzie, Executive Secretary
Deb Lochart, Human Rights Manager
Kevin Paluszak, Regional Human Rights Advocate, Region 2
Dick Roberts, Resident Relations Liaison & Resident Safety
Coordinator, Eastern State Hospital
Michael Schaefer, Director, Office of Forensic Services
Walter Small, Human Rights Advocate
Karen Taylor, DBHDS Special Counsel
Margaret Walsh, State Human Rights Director
LaDonna Walters, Human Rights Advocate
Hillary Zaneveld, Human Rights Advocate

Others

John Barrett, Chair, Williamsburg Regional LHRC, SHRC Candidate
Ann Bevan, SHRC Candidate
Marina Caro, Disability Rights Advocate, Virginia Office for
Protection and Advocacy
Marietta Cottingham, SHRC Candidate
Rebecca Currin, Disability Rights Advocate, Virginia Office for
Protection and Advocacy

**Call to Order and
Introductions**

At 9:16 Don Lyons called the Regular Session of the April 19, 2013, SHRC meeting to order. A call for introductions took place prior to proceeding.

Minutes

At 9:18 the SHRC reviewed the draft minutes of the March 8, 2013 SHRC meeting.

Upon a motion by Frank Royal and seconded by Jannie Robinson the SHRC unanimously approved the minutes of the March 8, 2013, SHRC meeting as corrected.

**Request for
Guidance**

At 9:20 the SHRC discussed a request for guidance from Fairfax-Falls Church Local Human Rights Committee. Kevin Paluszak, Regional Human Rights Advocate for Region 2, provided background. The LHRC is requesting guidance on the LHRC's role in reviewing treatment plans and other reports submitted by programs and facilities. The LHRC would like to shift from current practices of proofing and editing to the roles and procedures stated in the human rights regulations.

Margaret Walsh will draft a response to the questions raised.

Deb Lochart will look into re-establishing northern Virginia regional LHRC discussions.

Penny Cameron and Carolyn DeVilbiss will try to attend a Fairfax-Falls Church LHRC meeting.

Management of NGRIs

At 9:40 Dr. Michael Schaeffer and Rebecca Currin spoke with the SHRC about the management of individuals found not guilty by reason of insanity. This item comes before the SHRC in response to ongoing issues raised by the Virginia Office for Protection and Advocacy, and specifically to issues raised by Rebecca Currin during the March 8, 2013, SHRC meeting.

Attending LHRC Meetings

At 10:02 Don Lyons asked for reports on attending LHRC meetings.

LHRC Membership

At 10:05 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 Jannie Robinson and seconded by Frank Royal the SHRC unanimously moved to effect the following removal and make the following appointments:

Removals

Removal of Ms. Olusola Akinkuade, Mr. Anthony Bates and Mr. Edward W. Barlow, Jr., from Hanover LHRC due to lack of attendance.

Region 2

Fairfax – Falls Church LHRC

Appoint: Mr. John King

Fredericksburg Area LHRC

Appoint: Ms. Rachel Wright , Ms. Marguerite Roche

- Region 3 Roanoke LHRC
 Appoint: Ms. Gloria Rena Ferguson
- Region 4 Hanover LHRC
 Appoint: Ms. Brandy Barkins, Ms. Cheryl Boykin, Mrs. Linda Townsel
- Region 5 Bay Regional LHRC
 Reappoint: Ms. Constance Daily Hollands
 Genesis LHRC
 Appoint: Ms. Tracy Dawes
 Hampton Regional LHRC:
 Reappoint: Ms. Sheila Stamps, Ms. Maria Fuentes-Sherman
 Hampton Roads Regional LHRC
 Appoint: Ms. Carleen Siegle
 Reappoint: Rev. Christopher R. Boyd
 Health Planning Region V LHRC
 Reappoint: Ms. Adrian Benjamin-Scott
 James City Regional LHRC
 Reappoint: Ms. Lisa Thatcher
 Mid-City LHRC
 Appoint: Ms. Betty J. Morgan
 Appoint: Mr. Andre L. Richards
 Newport News Regional LHRC
 Reappoint: Mr. Robert Thompson
 Peninsula Regional LHRC
 Reappoint: Ms. Beatrice Onyeali -, Mr. Cyrus Boyd
 Southeast Alliance LHRC
 Reappoint: Mr. Nathaniel Parker
 Suffolk Regional LHRC
 Reappoint: Ms. Yvonne B. Green
 Tidewater Regional LHRC
 Reappoint: Ms. Janet S. Martin
- Region 6 Central Virginia Community Services LHRC
 Mr. Morris Jefferson - appt

SHRC Officer Subcommittee

At 10:15 T.C. Bullock presented the slate of officers recommended by the Officers sub-committee. The sub-committee recommends Dr. Frank Royal as Chair and Ms. Carolyn DeVilbiss as Vice-Chair. Don Lyons called for nominations from the floor.

No nominations were made from the floor.

Upon a motion by TC Bullock and seconded by Penny Cameron the SHRC unanimously voted to appoint Frank Royal as Chair and Carolyn DeVilbiss as Vice-Chair for the term of July 1, 2013 to June 30, 2014.

SHRC Member Resignation

At 10:16 SHRC acknowledged the experience and insight lent to the SHRC by resigning member Randy J. Johnsey. The SHRC appreciates Mr. Johnsey's leadership in developing the SHRC Newsletter and his years of devoted service to the SHRC on behalf of consumers across the Commonwealth.

CHRIS

At 10:18 Margaret Walsh reported on the progress of the implementation of the Computerized Human Rights Information System (CHRIS).

HR Regulation Revision

At 10:22 Margaret Walsh reported on activities pertaining to the revision of 12 VAC 35-115, Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services.

BREAK

At 10:26 Don Lyons called for a break.

Quality Management & Development

At 10:35 Kathy Drumwright, Assistant Commissioner of Quality Management and Development reported on activities of the division of Quality Management and Development.

Appeal of T.A./E.A. v ESH LHRC

This case comes before the SHRC on appeal of the decision of the Williamsburg Regional Local Human Rights Committee (LHRC) following a fact finding hearing that took place on January 9, 2013.

T.A. presented the case on behalf of her daughter E.A. with support of Ms. Hillary Zaneveld, human rights advocate. Mr. Dick Roberts represented Eastern State Hospital. SHRC members present were Donald Lyons, Carolyn DeVilbiss, Jannie Robinson, Penny Cameron, Dr. Frank Royal, Vickie Cash-Graff, Timothy Russell, and T.C. Bullock. At the request of the complainant the appeal was held in open session.

T.A. on behalf of E.A. disagrees with all of the findings of the Williamsburg Regional LHRC in this matter.

Each party was given the floor to summarize their issues relative to the review of the case by Williamsburg Regional LHRC.

Upon a motion by T.C. Bullock and seconded by Carolyn DeVilbiss the SHRC unanimously upholds the findings and recommendations of the Williamsburg Regional LHRC.

The SHRC agrees that a serious violation occurred and understands the confusion and frustration of T.A. regarding this case. The SHRC does not find evidence that the LHRCS finding for fact are clearly wrong or that the hearing procedures employed by the Williamsburg Regional LHRC were inadequate.

BREAK

At 12:30 Don Lyons called for a break for lunch.

SHRC Membership Subcommittee

At 12:45 The SHRC conducted interviews for SHRC Membership. Applicants Mr. John Barrett, Ms. Ann Bevan and Ms. Marietta Cottingham were present to talk about their backgrounds and experience and to answer questions from the committee. Also under consideration for membership is Mr. Ioannis Stivachtis, w ho was unable to attend.

At 1:10 upon a motion properly made and seconded the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(1) for the purpose of discussion and consideration of personnel matters.

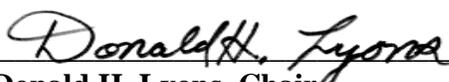
Upon reconvening each member certified that to the best of each member's knowledge only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in closed session.

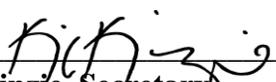
Upon a motion by Frank Royal and seconded by Jannie Robinson the SHRC voted unanimously to recommend the appointments of Ms. Ann Bevan and Ms. Marietta Cottingham and Mr. Ioannis Stivachtis.

Adjournment

The meeting adjourned at 1:20.

Respectfully Submitted:


Donald H. Lyons, Chair


Kli Kinzie, Secretary