

DBHDS STATE BOARD MEETING
MINUTES

Thursday, October 11, 2012
Southeastern Virginia Training Center, Building 3
2100 Steppingstone Square
Chesapeake, Virginia 23320-2591

REGULAR SESSION

Members Present Cheryl Ivey Green, **Acting Chairperson**, Gretta Doering, Sandy Hermann, Thomas J. Kirkup, Paula Mitchell, Anand Pandurangi, Anthony Soltys

Staff Present Emily Bryant
Charline Davidson, Director of Planning and Development
Heidi Dix, Assistant Commissioner, Developmental Services
Kathy Drumwright, Assistant Commissioner, Quality Management & Development
Linda Grasewicz, Assistant Director and Regulatory Coordinator, Planning and Budget
Paul Gilding, Director of Community Contracting
Kli Kinzie, Executive Secretary, Office of Human Rights
Stewart J. Prost, Human Rights Advocate, Southeastern Virginia Training Center
Joseph J. Scislowicz, Executive Director, Chesapeake Community Services Board
Robert D. Shrewsberry, Facility Director, Southeastern Virginia Training Center
James W. Stewart, III, Commissioner
Allyson Tysinger, DBHDS Special Counsel
Ruth Anne Walker, Director, Office of Legislative Affairs and Board Liaison
Margaret Walsh, Human Rights Director

Staff Present via Telecom Lee Price, Director, Developmental Services

Others Present

Call to Order and Introductions

At 9:34 Cheryl Ivey Green called the October 11, 2012, DBHDS State Board meeting to order. A call for introductions took place prior to proceeding.

Rev. Green introduced Robert Shrewsberry, Facility Director of Southeastern Virginia Training Center. Dr. Shrewsberry welcomed the Board and was pleased that Board members would have the opportunity to see one of the newly constructed consumer homes on site.

Rev. Green welcomed the newly appointed Board members. She noted that some items on the agenda were delayed from the canceled July meeting while new member appointments were pending (the regulatory action, the State Human Rights and Prevention and Promotion Advisory Council appointments, the election of officers, and the appointment of members to the Board's standing committees). Appointments of new members have been made to committees as follows:

- Thomas Kirkup and Anthony Soltys are appointed to the Planning and Budget Committee; and
- Sandy Hermann and Paula Mitchell are appointed to the Policy and Evaluation Committee.
- As designated by the bylaws, as Acting Chair, Rev. Green has shifted to the Planning and Budget Committee, and requested that Anand Pandurangi temporarily act as Chair of the Policy and Evaluation Committee until officer elections are held.

There is one pending State Board member appointment who will be asked to serve on the Planning and Budget Committee.

Rev. Green noted for anyone in the audience wishing to provide public comment that there was a signup sheet available.

Approval of October 11, 2012 Agenda

At 9:39 upon a motion by Gretta Doering and seconded by Anthony Soltys the Board voted unanimously to adopt the October 11, 2012' agenda as circulated.

Approval of Draft Minutes Regular Meeting April 19, 2011

At 9:40 upon a motion by Anand Pandurangi and seconded by Gretta Doering the Board approved with one abstention the minutes of the April 19, 2012, State Board of BHDS Meeting as revised.

Public Comment

At 9:42 Rev. Green called for public comments and introduced Mr. Joseph J. Scislowicz, Executive Director of Chesapeake Community Services Board. Mr. Scislowicz welcomed the Board to Chesapeake and provided a brief overview of services provided by the CSB and populations served in the area.

Commissioner's Report

At 10:00 Rev. Green turned the floor over to James W. Stewart, III, DBHDS Commissioner. Mr. Stewart expressed enthusiasm for having a Board

representative of citizens across the Commonwealth and thanked the Board for its input on department policies. He reviewed the role of the Board versus the budget processes, and assured the Board that as the budget is prepared and moved through the process he will keep members informed of the department's priorities and initiatives.

Mr. Stewart spoke briefly about department structure and organization and about staff changes, including the recent hire of Kathy Drumwright and even more recently announced new agency Chief Financial Officer, J.R. Simpson, who would begin on November 15th. As demonstrated by the organizational chart, the effort to better blend community and facility services by behavioral health or developmental (regardless of where the service is provided). He spoke also about new construction underway at a number of department facilities and about how funding is being utilized to create a more integrated life for people with developmental disabilities. In particular, he stated that the evolution of services to the community is a natural one and the decisions to downsize SEVTC while at the same time building community homes (related to SEVTC catchment area and CVTC statewide catchment) was a decision by the General Assembly that could be viewed as 'transitional' within the broader evolution of the services system.

Mr. Stewart also provided an update on the *Creating Opportunities* strategic planning initiative. Over 250 people participated in the workgroups associated with that effort.

Department of Justice (DOJ)

At 10:32 Heidi Dix, Assistant Commissioner of Developmental Services, provided background on and an update of the Department of Justice Settlement Agreement with Virginia. The department is striving to ensure that consumers are making informed choices about where they would like to live in the community.

A Court Monitor has been appointed to observe department activity and report to the judge. The department has been for a long time looking for a more community-based system of care and services. Department heads came to the conclusion in that **in order to be fully compliant with the requirements of the settlement agreement**, it would be necessary to close some of the training centers. As the centers are gradually downsized and closed, funds and other supports will transfer from the training centers to the community. DBHDS will continue to work closely with families on the discharge process.

As this transition progresses, the department is supporting training center employees through education of employment options, including information on starting their own businesses, job hunting skills and other resources.

Ms. Dix briefly reported on the START program, a 24/7 crisis response system across the Commonwealth.

VCBR

Mr. Stewart gave an overview of the development of the sexually violent predator (SVP) program at the Virginia Center for Behavioral Rehabilitation (VCBR). State law was amended in the late 1990s which allows for the civil commitment of individuals after they serve terms in prison. Subsequently, the General Assembly made further changes in state code in 2006 to increase the list of predicate crimes, which ‘widened the door’ of those who could be considered for commitment.

The number of complaints by VCBR residents has greatly decreased since the appointment of new leadership at VCBR.

Regulatory Actions

General Matrix
Update

At 11:00 Linda Grasewicz, Assistant Director, Office of Planning and Development, reviewed the Regulatory Matrix of the status of pending regulatory action in the meeting packet. For the benefit of the new Board members, she briefly reviewed the role of the Board in the regulatory process.

12 VAC 35-115
Human Rights
Regulations

At 11:06 Ms. Grasewicz asked that the Board initiate a Notice of Intended Regulatory Review (NOIRA) to begin the process of periodic review and modification of the human rights regulations.

Upon a motion by Gretta Doering and seconded by Anthony Soltys the Board voted unanimously to initiate a Notice of Intended Regulatory Review (NOIRA) with respect to 12 VAC 35-115.

Individual and Family
Support Program

At 11:19 Ms. Grasewicz briefed the Board on the proposed regulation for establishment of Individual and Family Support Programs (IFSP). Ms. Dix added further explanation and answered clarifying questions. Ms. Grasewicz requested a temporary emergency regulation, which would allow programs to get up and running and allow the department to make funding available.

Upon a motion by Thomas Kirkup and seconded by Anthony Soltys the Board voted unanimously to adopt the emergency to establish an Individual and Family Support Program and to initiate a NOIRA to establish permanent regulations.

Sandy Hermann indicated she had to depart for a court appearance in a nearby locality.

Tour of New
Construction at
SEVTC

At 11:40 Rev. Green asked that the Board hold the committee reports agenda items until after the tour. She then announced a recess for a tour of new residential buildings on the grounds of Southeastern Virginia Training Center, called ‘Steppingstone.’

Committee Reports

Grant Review Process	At 12:02 Rev. Green announced that Thomas Kirkup and Paula Mitchell will serve on the Grant Review Committee. Ms. Grasewicz stated there was no report at that time.
Planning & Budget	At 12:03 Charline Davidson, Director, Office of Planning and Budget, had no recent business to report from the Planning and Budget Committee. During its meeting that morning, members reviewed the role and purview of the committee.
Policy Development and Evaluation	At 12:05 Ruth Anne Walker, Director, Office of Legislative Affairs, reported that the newly constituted Policy Development and Evaluation Committee is also reviewing its role and purview, some standards of policy drafting, and the schedule of policy review. There is a general practice of a four year turnaround time for review of existing policies though circumstances may dictate taking an existing policy up for review sooner than four years, and new policies were developed as needed. The draft Employment First policy would be before the committee and probably also the Board in December.
BREAK	At 12:10 the Board took a break for lunch.
SEVTC Overview	At 12:34 Rev. Green again thanked Dr. Shrewsberry for hosting the Board meeting. Dr. Shrewsberry provided a presentation of the grounds, facility, services, and discussed the history of the design of facility. He gave an overview of the transition process as residents move into the community and of the discharge process. At Ms. Walker's request, Mr. Shrewsberry reported briefly on the status of putting a large portion of the property on the market for sale now that the new construction is completed.
State Human Rights Committee Membership	<p>At 1:00 Rev. Green introduced Margaret Walsh, Human Rights Director. The Human Rights regulation (12 VAC 35-115) is one of the regulations that falls within the purview of the State Board. Ms. Walsh reported that one of the code mandated responsibilities of the Board is to appoint members to the State Human Rights Committee (SHRC), and directed members' attention to the member applications included in the packet. She described the screening and interview process.</p> <p>The SHRC is composed of representatives of individuals receiving services throughout the Commonwealth. At this time, the SHRC is seeking to appoint an individual receiving services and an expert on the treatment of SVPs. Ms. Walsh reported also that the first term of SHRC member Frank S. Royal, M.D., expired. On behalf of the SHRC, Ms. Walsh requested the appointment of Ms. Victoria Cash Graff and Mr. Timothy Russell, and the reappointment Dr. Frank Royal to the SHRC.</p> <p><i>Upon a motion made by Anthony Soltys and seconded by Anand Pandurangi the Board voted unanimously to appoint Ms. Victoria Cash Graff and Mr. Timothy Russell, and to reappoint Dr. Frank Royal to the State Human Rights</i></p>

Committee.

**State Human Rights
Committee Annual
Report**

At 1:06 Ms. Walsh presented the SHRC Annual Report on behalf of Donald H. Lyons, SHRC Chairperson. Ms. Walsh gave a brief overview of the human rights system and structure of the human rights program. There are approximately 470 volunteers who serve on the Local Human Rights Committees (LHRC). One of the responsibilities of the SHRC is to provide oversight to the LHRCs.

Ms. Walsh reviewed statistics of complaints reported and reviewed over the last year and briefly described the complaint, hearing and appeal process, and reported that VCBR has a variance for a modified process. The SHRC acts as the rights protections committee for VCBR. In response to a question from Ms. Walker about staff increases, Ms. Walsh reported that the human rights office was granted two new positions as a result of the Settlement Agreement. One of those positions has been filled. Screening and interviewing for the second position has begun.

**Update on the
Virginia Association
of Community
Services Boards**

At 1:15 Rev. Ivey Green introduced William R. Frank, Public Policy Manager, Virginia Association of Community Services Boards (VACSB). Mr. Frank reported that the CSBs have been working on the implementation of initiatives resulting from the Settlement Agreement.

Mr. Frank reported the VACSB budget priorities include Part C Early Intervention services, crisis response for youth, triage referrals, expanded medical detoxification services, supplemental temporary detention order (TDO) rates, outpatient services, reimbursements, housing, expansion and recovery, forensic competency restoration.

The week prior to the Board meeting, the VACSB hosted the annual Institute of Law and Public Policy Conference.

Mr. Frank thanked the Board for the opportunity to come speak about VACSB activities.

Miscellaneous

At 1:28 Ms. Walker directed members' attention to a request from the Prevention and Promotion Advisory Council (PPAC) for reappointment of six individuals.

Upon a motion by Anthony Soltys and seconded by Gretta Doering the Board voted unanimously to reappoint Joseph Galano, Lee Huntington, Christopher Knoschak, Olympia Perkins and Frederick Watson.

A sixth individual will be nominated by Joseph Galano to replace Carla Correia, who has moved out of state.

Board Liaison
Reports

At 1:31 Board members reported on liaison activities. Gretta Doering read a letter received from a member of the informal Western State Hospital Advisory Council and the response sent by her, prepared by staff.

Rev. Green attended an open house and CSB meeting in her area.

Dr. Pandurangi will participate in the NAMI walk. The Psychiatry Department at MCV is a sponsor of the walk this year.

**Quarterly Budget
Report**

At 1:36 Ms. Walker gave the quarterly State Board budget report. Because a summer meeting was not held, there are currently slightly more funds in the budget than would be by this time of year.

**Designation of
Nominating
Committee**

At 1:42 Rev. Green discussed the designation of a Nominating Committee, and appointed Anthony Soltys, Bonnie Neighbour and Ms. Doering to the committee. The Nominating Committee will present a slate of officers for the 2013 term at the December, 2012 meeting, per the Bylaws.

Meeting Schedule

At 1:45 Ms. Walker discussed proposed dates for 2013 Board meetings, and also reported that Ms. Hermann confirmed via email that the proposed dates would work for her schedule.

Upon a motion by Gretta Doering and seconded by Paula Mitchell the Board voted unanimously on the following meeting dates for 2013: April 11, July 18, October 10, December 6, with the understanding that the October and December meeting locations would be confirmed in April and July, respectively.

Finally, Ms. Walker reported that draft revised bylaws would be brought to the Board in December, modified to make it less restrictive in the definition of members' terms of office so that members could continue to serve temporarily past the formal end of their term until they were either reappointed or a new appointment was made (as is standard practice).

Adjournment

Having no further business the meeting adjourned at 1:55 p.m. The next meeting will be held on Thursday, December 4, 2012, in DBHDS Central Office in Richmond.

Respectfully Submitted:

Cheryl Ivey Green, Acting Chairperson

Kli Kinzie, Secretary