

STATE HUMAN RIGHTS COMMITTEE

Julie C. Allen, Chairperson
Springfield
Wil Childers, Vice-Chairperson
Hardy
David Boehm
Marion
Monica Lucas
Richmond
Valentines
Timothy Russell
Williamsburg
Megan Sharkey
Richmond
Cora Swett
Nokesville



COMMONWEALTH of VIRGINIA
Department of Behavioral Health and Developmental Services
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ALISON G. LAND, FACHE, COMMISSIONER

Taneika Goldman
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State Human Rights Committee Meeting

Minutes

Thursday, August 19, 2021

DBHDS

1220 Bank Street

Jefferson Building

13th Floor Board Room

Richmond, Virginia

23219

Zoom for Government

<https://dbhds.zoomgov.com/j/1617839100>

Meeting ID: 161 783 9100

Passcode: \$HRCMet1ng

Administrative Session

9:00 a.m.

Members Present Julie C. Allen, **Chair**; Monica Lucas; Timothy Russell; Megan Sharkey

Members Virtually David Boehm; Cora Swett

Members Excused Will Childers, **Vice-Chair**

Staff Present Taneika Goldman, State Human Rights Director
Karen A. Taylor, Senior Assistant Attorney General
Mary Clair O'Hara, Associate Director, Facility Operations
Kli Kinzie, Executive Secretary
Tony Davis, Human Rights Advocate
Terrell Morris, IT Help Desk Tech

Staff Virtually Brandon Rotenberry, Facility Advocate Manager
Ann Pascoe, Region 2 Human Rights Manager
Sharae Henderson, Human Rights Manager, Region 4
Reginald T. Daye, Human Rights Manager, Region 5
Chelsea Robinette, Human Rights Advocate
Dustin Wilcox, Alternative Transportation Liaison

Call to Order At 9:00, Julie C. Allen, SHRC Chair, called the administrative session of the August 19, 2021, SHRC meeting to order. Ms. Allen introduced herself and welcomed everyone to the meeting. A call for introductions took place prior to proceeding.

Approval of Agenda At 9:03, Taneika Goldman, State Human Rights Director, removed Overall Impact of COVID on State Facilities from the agenda.

A motion was made by Timothy Russell and seconded by Monica Lucas to approve the modified agenda. Julie Allen, SHRC Chair, polled all members in roll call fashion. David Boehm, Monica Lucas, Timothy Russell, Megan Sharkey, Cora Swett and Julie Allen voted yes to pass the motion to approve the modified agenda.

Information At 9:05, Taneika Goldman addressed the Committee. Mrs. Goldman will draft the SHRC Annual Report and present it to the DBHDS State Board at its meeting on September 29.

There has been some movement on the Department's web re-design and content updating. A page has been added for individuals receiving services. The Office of Human Rights has refreshed the look of the OHR staff contact list so that facility and community operations information is displayed differently. Examples and resources in support of human rights have been added to the web.

The Office of Human Rights is working with the Department of Medical Assistance Services (DMAS) on home and community based services. There is a push to have standardized rules and processes for ID services. Programs are coming into compliance as the office continues to conduct site visits. Mrs. Goldman voiced her appreciation of the accomplishments of the staff of the human rights office.

Mrs. Goldman reported on abuse and neglect monitoring. Reporting language is being standardized and will be more specific regarding types of neglect. This will facilitate more appropriate supports for individuals as well as providers.

OHR is going through each section of the human rights regulations. A draft of the revised regulations will go to the Office of the Attorneys General for feedback before going out for public comment. The SHRC will have the opportunity to provide feedback on the proposed revised regulations.

There are several new staff members in OHR. Tony Davis has joined the office as the advocate for individuals at Central State Hospital, Hiram W. Davis Medical Center, Virginia Center for Behavioral Rehabilitation and Piedmont Geriatric Hospital. Mr. Davis will give the VCBR report later in the day. Chelsea Robinette has joined the staff in Region 3 as a community advocate. Ms. Robinette has experience with community services boards. The Office of Human Rights is thankful to have her. OHR is close to filling vacancies in Regions 4 and 5. The office recently hired Ivana Onojafe as part time advocate for Northern Virginia Mental Health Institute.

There has been a significant change in the facility team. Maynard Ritchie has retired as the advocate for Commonwealth Center for Children and Adolescents and Western State Hospital.

OHR is grateful for his service. The facility leadership team, Mary Clair O'Hara and Brandon Rotenberry, are covering the facilities.

Taneika Goldman reiterated Karen Taylor's comments regarding the Freedom of Information Act (FOIA). The state of emergency due to COVID has expired. The SHRC must meet with a quorum of members present on site rather than meeting virtually. The SHRC currently has 7 members. A quorum of 4 is present on site. All votes must be conducted in roll call fashion. Meeting information will be posted so that people have the ability to call if they have difficulty connecting to the meetings. The SHRC must have at least one meeting a year where all members are present on site.

The SHRC must develop and finalize a policy for the conducting of SHRC meetings that includes types of emergencies that excuse members from attending in person. Mrs. Goldman will draft a policy before the next meeting.

Karen Taylor, Senior Assistant Attorney General, reviewed the ways a public body can meet electronically. The SHRC should put forward a document on how to handle public comments.

Regular Session

9:20 a.m.

Members Present Julie C. Allen, **Chair**; Monica Lucas; Timothy Russell; Megan Sharkey

Members Virtually David Boehm; Cora Swett

Members Excused Will Childers, **Vice-Chair**

Staff Present Taneika Goldman, State Human Rights Director
Karen A. Taylor, Senior Assistant Attorney General
Mary Clair O'Hara, Associate Director, Facility Operations
Tony Davis, Human Rights Advocate
Kli Kinzie, Executive Secretary
Terrell Morris, IT Help Desk Tech

Staff Present Virtually Brandon Rotenberry, Facility Advocate Manager
Ann Pascoe, Region 2 Human Rights Manager
Sharae Henderson, Human Rights Manager, Region 4
Reginald T. Daye, Human Rights Manager, Region 5
Chelsea Robinette, Human Rights Advocate
Maynard Ritchie, Human Rights Advocate
Latoya Wilborne, Human Rights Advocate
Dustin Wilcox, Alternative Transportation Liaison

Present Virtually for St. Mary's Appeal	Jeanette Sawyer, Petitioner, Mother and Legal Guardian Christine Parker, St. Mary's Home for Disabled Children Sarah Carlson, Risk Manager, St. Mary's Home for Disabled Children
Present for WSH Appeal	Marian Huber, Guardian Gail Burford MT(ASCP), Director of Quality Management, Western State Hospital (WSH) Virginia Pharis, Senior Disability Rights Advocate, dLCV Ren Faszewski, Disability Rights Advocate, dLCV
Present Virtually for WSH Appeal	Dr. Catherine Leslie, Clinical Consultant, WSH Dr. Jason Stout, PsyD, Director of Psychology, WSH
Call to Order	At 9:20, Julie Allen, Chair, called the regular session of the August 19, 2021, SHRC Meeting to order.
Review of Draft Minutes	The SHRC considered the draft minutes of the June 24, 2021, SHRC meeting. <i>A motion was made by Monica Lucas and seconded by Megan Sharkey to approve the draft minutes of the June 24, 2021, SHRC meeting. Julie Allen polled all members for votes. Monica Lucas, Timothy Russell, Megan Sharkey, David Boehm, Cora Swett and Julie Allen voted to approve the draft minutes.</i>
Regulation Spotlight	At 9:21, Sharae Henderson, Region 4 Human Rights Manager, presented the Regulation Spotlight on section 12VAC 35-115-105 of the human rights regulations. (See addendum I). Ms. Henderson shared her screen and presented a slideshow on Behavioral Treatment Plans.
Public Comment Period	At 9:32, Julie Allen called for public comments. <i>No public comments were offered.</i> At 9:33, Julie Allen, called for introductions. Ms. Allen welcomed everyone to the meeting.
Guest Presenter	At 9:35, Dustin Wilcox, VCARM, Alternative Transportation Liaison, gave a presentation on Alternative Transportation. (See addendum II).
Appeal	At 10:12, the SHRC heard the appeal of JS v St. Mary's Home for Disabled Children. Reginald T. Daye, Human Rights Manager, Region 5, and Latoya Wilborne, Human Rights Advocate, were present virtually to provide technical support. Jeanette Sawyer, Petitioner, Mother and Legal Guardian, was present virtually to speak on her own behalf. Christine Parker, Clinical Services, St. Mary's Home for Disabled Children, and Sarah Carlson, Risk Manager, St. Mary's Home for Disabled Children, were present virtually to represent the program. Committee members present in the room were Julie Allen, Chair; Monica Lucas; Timothy Russell and Megan Sharkey. Committee members present virtually were David Boehm and Cora Swett. DBHDS staff present in the room were Taneika Goldman, State Human Rights Director, Karen Taylor, Assistant Attorney General Senior, and Kli Kinzie, Executive Secretary. At the request of Jeanette Sawyer, the appeal was heard in closed session.

Appeal At 11:04, the SHRC heard the appeal of EJH v Western State Hospital. Brandon Rotenberry, Facility Advocate Manager, and Ann Pascoe, Regional Advocate Manager, were present virtually to provide technical support. Marian Huber, Guardian, was present in the room to speak on her own behalf. Virginia Pharis, Senior Disability Rights Advocate, dLCV, and Ren Faszewski, Disability Rights Advocate, dLCV, were present in the room to assist Marian Huber. Gail Burford MT (ASCP), Director of Quality Management, Western State Hospital, was present in the room to represent WSH. Dr. Catherine Leslie, Clinical Consultant, WSH, and Dr. Jason Stout, PsyD, Director of Psychology, WSH were present virtually to represent WSH. At the request of Marian Huber, the appeal was heard in open session. Also present virtually was Jeanette Sawyer, Petitioner for the appeal of St. Mary's Home for Disabled Children.

BREAK

Facility Reports At 1:18, the Committee reconvened and received updates on facility reporting.

Seclusion/ Restraint & Death Data At 1:18, Mary Clair O'Hara, Associate Director, Facility Operations, presented seclusion/restraint and death data. Ms. O'Hara shared an Excel file and provided data for July 2021. (See addendum III).

Violation Letters At 1:26, Brandon Rotenberry, Facility Advocate Manager, provided statistics on Violation Letters for June 2021. There were a total of 8 letters issued. These letters support the process of looking into violations and taking corrective actions. For the month of June Western State Hospital had 2 violation letters, Commonwealth Center for Children and Adolescents had 3 letters, Southeast Virginia Training Center had 1 letter, Catawba Hospital had 1 letter, and Southern Virginia Mental Health Institute had 1 letter.

VCBR Reports At 1:30, Tony Davis, Human Rights Advocate, provided VCBR reports for the months of May and June. (See addendum IV). Taneika Goldman reported that the construction at VCBR is scheduled to be completed by January 2022.

Subcommittee Reports and Assignments At 1:36, Julie Allen called for subcommittee reports.

Bylaws Subcommittee Bylaws Subcommittee: Monica Lucas, Chair; Jennifer Kovack, Staff

At 1:36, Monica Lucas spoke on behalf of the Bylaws Subcommittee. The subcommittee plans to reconvene in September.

HR Access Project: Monica Lucas

At 1:37, Monica Lucas reported that she continues to work with Carlton Henderson on the HR Access Project. Ms. Lucas has voice samples to share with the SHRC. Taneika Goldman suggested putting the review of HR Access recordings on the agenda for the September meeting.

Signs will be posted in all facilities to inform individuals of their rights using inclusive language, word choice, illustrations, etc., designed to make information accessible to a wide range of diversity. Individuals and family members will be polled for their questions and concerns about human rights. Data gathered will be used to enhance the HR Access project.

Policy Subcommittee: David Boehm; Mary Clair O'Hara, Staff

At 1:39, David Boehm spoke on behalf of the Policy Subcommittee. Taneika Goldman reminded the SHRC of its obligation to develop a policy with guidance on how to engage with the public. David Boehm will develop the policy. Once done, Cora Swett and Monica Lucas will work the policy into the bylaws.

Officer Subcommittee: Julie Allen

At 1:41, Julie Allen spoke on behalf of the Officer Subcommittee. Ms. Allen and Taneika Goldman will work on appointing members to the Subcommittee.

Workplan / Membership Subcommittee: Julie Allen, Chair; Timothy Russell

At 1:41, Julie Allen asked Megan Sharkey to take over recruiting new members. There have not been any new applications received. Julie Allen has contacted all of the applicants for whom she had information and polled them for their interest in serving on the SHRC. She has not heard back from them. There may be concerns about the requirement to meet in person. Taneika Goldman expressed the importance of recruiting for a committee that is inclusive and diverse. Anyone having any ideas or suggestions should contact her or Julie Allen.

LHRC Business: At 1:43, the SHRC considered LHRC business.

LHRC Liaison Reporting There were no reports offered.

Ann Pascoe, Human Rights Manager, reported on a resignation and presented the recommendations for appointment and reappointment.

A motion was made by Timothy Russell and seconded by Monica Lucas to accept the resignation and to make the appointment and reappointments as recommended. Chair Julie Allen called for votes in roll call fashion. David Boehm, Monica Lucas, Timothy Russell, Megan Sharkey, Cora Swett and Julie Allen voted yes to approve the motion.

Resignation of Renee Waymire from Northwestern Area LHRC Facilities

Central State Hospital: Reappoint Danielle Hunt

Region 1

Northwestern Area: Reappoint Christine Taylor

Region 2

Northern Virginia Hospitals: Appoint Juanita James

Region 4

Metropolitan: Reappoint Danielle Johnson

Region 5

Health Planning Region 5: Reappoint Natacha Dolson

Southeastern Regional: Reappoint Mark Douglas and Sandra Montez Gerhardt

Williamsburg Regional: Reappoint Frances McBride

At 1:48, Taneika Goldman reminded SHRC members that all are welcome to attend LHRC meetings virtually.

Other At 1:49, Julie Allen asked the committee to consider where to meet on September 30. Keeping in mind the uncertainty of the Coronavirus Delta variant and that the SHRC is required to meet with all committee members on site at least once a year, the committee decided to schedule the September 30 meeting in a central location and to plan for a full complement of members. The meeting will be held in the DBHDS Central Office Board Room in downtown Richmond.

Adjournment At 1:52, having no further business to discuss the August 19, 2021, SHRC meeting adjourned.

Next Meeting
September 30, 2021
DBHDS
1220 Bank Street
Richmond, Virginia
23219