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| STATE HUMAN RIGHTS COMMITTEE | |  |  | |
| John Barrett, Chairperson  Richmond / Deltaville  Ann Bevan, Vice-Chairperson  Mechanicsville  David Boehm  Marion  Will Childers  Hardy  Pete Daniel  Charlotte Court House  Julie Dwyer-Allen  Leesburg  Tesha Graham  Portsmouth  Monica Lucas  Richmond  Sandy Robbins  Valentines | COMMONWEALTH of VIRGINIA  *Department of Behavioral Health and Developmental Services*  *Post Office Box 1797* Richmond, Virginia 23218-1797 S. HUGHES MELTON, MD, MBA, FAAFP, FABAM, COMMISSIONER | | | Deb Lochart  State Human Rights Director  deb.lochart@dbhds.virginia.gov  Office of Human Rights  1220 Bank Street  Richmond, VA 23219  P.O. Box 1797  Richmond, VA 23218  www.dbhds.virginia.gov |

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|  | | State Human Rights Committee Meeting  ***MINUTES***  Thursday, April 18, 2019  Southern Virginia Mental Health Institute 382 Taylor Drive Danville, Virginia  24541-4023 |  | |
|  | | **Administrative Session**  8:30 a.m. |  | |
| **Members Present** | John Barrett, **Chairperson;** Julie Dwyer-Allen; David Boehm; Will Childers; Pete Daniel; Tesha Graham; and Sandy Robbins | | |  |
| **Members Not Present** | Ann Bevan, **Vice-Chairperson;** Monica Lucas | | |  |
| **Staff Present** | Deb Lochart, State Human Rights Director  Taneika Goldman, Deputy State Human Rights Director  Karen Taylor, Senior Assistant Attorney General  Mandy Crowder, Human Rights Advocate, Southern Virginia Mental Health Institute  Kli Kinzie, Executive Secretary | | |  |
| **Others Present** | George F. Daniel, Charlotte Court House | | |  |
| **Call to Order** | At 8:32, John Barrett, Chairperson, called the administrative session of the April 18, 2019 State Human Rights Committee meeting to order. | | |  |
| **Approval of Agenda** | At 8:32, the SHRC considered the agenda.  *Upon a motion by David Boehm and seconded by Tesha Graham the agenda was approved unanimously.* | | |  |
| **Correspondence and Information** | At 8:36, Deb Lochart, State Human Rights Director, discussed correspondence and information provided in the meeting packet. She also reported that on April 10 the DBHDS State Board reappointed Julie Dwyer-Allen and Sandy Robbins, and appointed Cora Swett to the committee. | | |  |
| *BREAK* | At 8:42, Chairperson Barrett called for a brief break. | | |  |
|  | | **Regular Session**  8:55 a.m. |  | |
| **Members Present** | John Barrett, **Chairperson;** Julie Dwyer-Allen; David Boehm; Will Childers; Pete Daniel; Tesha Graham; Monica Lucas; Sandy Robbins | | |  |
| **Member Not Present** | Ann Bevan, **Vice-Chairperson** | | |  |
| **Staff Present** | Deb Lochart, State Human Rights Director  Taneika Goldman, Deputy State Human Rights Director  Karen Taylor, Senior Assistant Attorney General  Mandy Crowder, Human Rights Advocate, Southern Virginia Mental Health Institute  Jennifer Kovack, Human Rights Regional Manager, Region 3  Bill Cook, Facility Director, Southern Virginia Mental Health Institute  Kli Kinzie, Executive Secretary | | |  |
| **Present via Telecom** | Cheryl Young, Human Rights Advocate, Virginia Center for Behavioral Rehabilitation  Sanita Rhodes, Director of Health Information Management & Healthcare Compliance and Quality Assurance, Virginia Center for Behavioral Rehabilitation | | |  |
| **Others Present** | George F. Daniel, Charlotte Court House | | |  |
| **Call to Order** | At 9:00, John Barrett, Chairperson, called the April 18, 2019 State Human Rights Committee (SHRC) meeting to order.  Chairman Barrett proposed an amendment to the agenda. LHRC Tour will be discussed directly after the Public Comment Period.  *Upon a motion by David Boehm and seconded by Will Childers the SHRC voted unanimously to approve the amended agenda.* | | |  |
| **Draft Minutes Review** | At 9:01, the committee reviewed the draft minutes of the March 7, 2019 SHRC meeting.  *Upon a motion by Will Childers and seconded by Pete Daniel the minutes of the March 7, 2019 SHRC meeting were unanimously approved.* | | |  |
| **Welcome and Presentation:** SVMHI | At 9:02, Bill Cook, Facility Director, Southern Virginia Mental Health Institute (SVMHI), welcomed the committee to SVMHI.  SVMHI is a 72 bed facility. The hospital was completed in 1977 and accepted its first individual at that time. The building has been refurbished and door hinges were updated because of the ligature risk of standard doors. SVMHI accepts individuals when there is overflow in other catchment areas. Current census at the institute is at 92% capacity. The institute’s 72 beds are accredited acute admission beds. Currently 4 individuals are getting ready for conditional release.  The institute has strong ties to the community and the surrounding CSBs. Many employees have been there for a long time, which creates a family feel to the culture and environment. The institute is fortunate to have 29 RN positions among its direct care staff. | | |  |
| **Facility Overview and S/R:** SVMHI | At 9:15, Mandy Crowder, Human Rights Advocate, SVMHI, presented the Facility Overview Report for SVMHI. Ms. Crowder has 5 years’ experience as a human rights advocate for individuals served at the institute and in the surrounding community. She has easy access to Naomi Gibson, Healthcare Compliance Specialist, who serves as the facility Ombudsman. The institute is Joint Commission accredited. Some nursing students from the community college come to SVMHI for their training.  Ms. Crowder reported on the use of seclusion covering the time period of July - September 2018. Restraints are not used at the facility. SVMHI has an Advocacy Council comprised of individuals being served at the facility. Council meetings provide an opportunity for individuals to bring issues forward in a relaxed setting. Since the forming of the council there has been a drop in incidents. The facility also has an activity group that is supported and staffed by several employees. This activity group takes individuals on excursions into the community for movies and other activities.  Mandy Crowder has a good relationship with the facility director Bill Cook. She spoke highly of Naomi Gibson, Ombudsman, who is instrumental in resolving issues at the facility level. As the human rights advocate for SVMHI, Ms. Crowder provides technical assistance to the facility for its LHRC reviews, and provides CHRIS user support. She assists with LHRC trainings, provides advocacy services to individuals, maintains a presence on hospital committees, attends Advocacy Council meetings and participates in other groups and meetings as requested, including look behind reviews and investigations. | | |  |
| **Facility Overview and S/R:** VCBR | At 9:35, Cheryl Young, Human Rights Advocate for VCBR, joined the meeting via telecom. Ms. Young provided the quarterly report on the use of seclusion and allegations of abuse and neglect for VCBR for the period of October – December 2018. Ms. Young also briefly discussed evidence collection. The timing for assigning investigators to review incidents has greatly improved.  Ms. Young routinely monitors investigations and the closing of CHRIS cases. She attends meetings of the VCBR Resident Advisory Council and participates in staff reviews and meetings as requested. She maintains contact with the residents of VCBR and fosters a positive relationship with the facility director and other staff. Communication at VCBR has significantly improved.  Cheryl Young reported that VCBR facility staff are putting together a protocol. She is looking forward to seeing it and providing feedback. | | |  |
| **Variance:** VCBR | At 9:45, Sanita Rhodes, Director of Health Information Management & Healthcare Compliance and Quality Assurance, VCBR, joined the meeting via telecom. Ms. Rhodes presented a request for variance to 12 VC 35-115-100, Restrictions on Freedoms of Everyday Life, B3a-e. If approved the variance would permit VCBR to place a resident on restrictions temporarily, without first meeting the criteria set forth in 12 VC 35-115-100, B3a-e, if a resident displays behavior that is determined to be an immediate threat to the safety and security of the facility or the community.  Deb Lochart, State Human Rights Director, reported that at the March 7, 2019 SHRC meeting the committee was notified of VCBR’s request to pursue the variance. The variance request was published on March 4, 2019 in the Virginia Registry of Regulations. No comments were received. Ms. Lochart recommended that the SHRC approve this variance request for a two year period, until April 2021 with an annual update to the SHRC.  *Upon a motion by David Boehm and seconded by Pete Daniel the VCBR Variance to 12VAC35-115-100, Restrictions on Freedoms of Everyday Life, B3a-e was approved unanimously for a two year period, until April 2021, with an annual update to the SHRC.* | | |  |
| **Public Comment** | At 9:55, Chairman John Barrett announced the public comment period. *No public comments were offered.* | | |  |
| **LHRC Tour** | At 9:57, Taneika Goldman, Deputy State Human Rights Director, discussed quality reviews of local human rights committees. John Barrett commented on the benefit of attending the meetings. The Western State Hospital LHRC appreciated their presence. Will Childers noted that it is valuable to acknowledge LHRC members’ contribution and what they do in support of the human rights program. | | |  |
| **Subcommittee Reports** | At 10:08, John Barrett asked for subcommittee updates.  Membership Subcommittee: Will Childers, Chairperson; Julie Allen.  Will Childers acknowledged the reappointments of Julie Dwyer-Allen and Sandy Robbins, and the appointment of Cora Swett. Terms will begin on July 1, 2019.  Bylaws Subcommittee: Monica Lucas, Chairperson; Tesha Graham, Taneika Goldman, Staff.  At 10:10, Monica Lucas reported on the bylaws subcommittee’s proposed updates to the SHRC bylaws. John Barrett asked SHRC members to review the recommendations and be prepared to discuss bylaws modifications at the May 30, 2019 SHRC meeting.  Policy Subcommittee: Sandy Robbins, Chairperson; David Boehm, Taneika Goldman, Staff.  At 10:14, Sandy Robbins referred to the policy subcommittee’s statements at the March 7 meeting regarding proposed updates to Departmental Instruction (DI) 209, Ensuring Access to Language and Communication Supports, and David Boehm’s suggestion that facilities have Facility Instructions (FI) in place that are specific and relevant to each facility. The subcommittee is working with staff on developing a FOIA policy for the SHRC and the LHRCs. Sandy Robbins reported that the activities of the subcommittee are running their course.  Officers Subcommittee: Pete Daniel, Chairperson; Sandy Robbins.  At 10:14, Sandy Robbins reported that the subcommittee spoke to members regarding their willingness to serve as Chairperson and Vice-Chairperson for the next term. The following slate of officers was proposed: John Barrett, Chairperson; and Will Childers or Pete Daniel as Vice-Chairperson. The SHRC will vote on officers at the May 30 meeting. | | |  |
| **LHRC Business** | At 9:58, the SHRC considered LHRC business. | | |  |
| Extension Request | At 10:16, Deb Lochart discussed requests for extension on the timeframe to file appeals.  *Upon a motion by Monica Lucas and seconded by David Boehm the SHRC voted unanimously to grant the request of an individual to extend the timeframe to appeal the LHRC findings of fact of the Charlottesville LHRC.*  *Upon a motion by Sandy Robbins and seconded by David Boehm the SHRC voted unanimously to approve Region Ten CSB’s request for extension of the timeframe to appeal the findings of the Charlottesville LHRC.* | | |  |
| Update: Disbandment of Shenandoah LHRC | At 10:24, Taneika Goldman provided an update regarding events that lead to the disbandment of the Shenandoah Area (SA) LHRC. Mrs. Goldman reviewed the activities of the SA LHRC for the past 2 years, and talked about changes in local committee responsibilities. The LHRC tour that is underway will help to ensure the LHRCs are clear about the current expectations and scope of their purview. | | |  |
| LHRC Tours | John Barrett, Taneika Goldman and Will Childers attended the March 25, 2019 meeting of the Western State Hospital local human rights committee. | | |  |
| LHRC Liaison Reporting | No Liaison reports were given. | | |  |
| Dissolution of Mount Rogers LHRC | At 10:31, Jennifer Kovack, Regional Human Rights Manager for Region 3, reported on the dissolution of the Mount Rogers LHRC. Members of the LHRC were encouraged to apply for membership on other LHRCs. Individuals served by the Mount Rogers LHRC have access to the Roanoke Catawba LHRC and the Virginia Highlands LHRC. | | |  |
| **Other**: Goals Workplan | At 10:45, John Barrett appointed Will Childers and Julie Dwyer-Allen to a Goals Workplan Taskforce. The taskforce will make recommendations for guest speakers and topics for review at SHRC Meetings. Sandy Robbins asked to hear from a peer recovery specialist. | | |  |
| LHRC Membership | At 10:45, the SHRC considered LHRC membership.  *Upon a motion by Sandy Robbins and properly seconded the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(A)(1) for the purpose of discussion and consideration of matters lawfully exempt from the Freedom of Information Act, namely to consider human rights committees and membership.*  Taneika Goldman presented LHRC resignations and recommendations for appointment.  Upon reconvening in open session all members of the SHRC 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 the closed session.  *Upon a motion by Sandy Robbins and seconded by David Boehm the SHRC unanimously moved on the following actions:*   * *The SHRC acknowledges the resignations of Ms. Nicole Simmons and Kaisha Williams from the Catawba LHRC and thanks them for their service;* * *The SHRC unanimously appoints Kathy Somer to Northern Virginia Hospitals LHRC;* * *The SHRC unanimously appoints Lisa Nashette to the Chesterfield LHRC;* * *The SHRC unanimously reappoints Jackie Reinert-Hicks to the Piedmont Geriatric Hospital LHRC; and* * *The SHRC unanimously appoints Carlton Starke, Jennifer Gannon, Cheryl Spencer, and Ashley Lawson to the Piedmont Geriatric Hospital LHRC.* | | |  |
|  | The office of human rights appreciates being notified of resignations.  The SHRC asks that names on LHRC rosters are current and consistent with names on cover letters. | | |  |
| *BREAK* | *BREAK FOR LUNCH* | | |  |
| **Initiatives** | Taneika Goldman and Deb Lochart attended the Annual Guardianship Meeting in Staunton on April 9. On April 12 and 13 Deb Lochart and Taneika hosted an All Advocates meeting in Hampton. After the meeting Taneika Goldman issued a survey to illicit feedback from the advocates. The office plans to hold 2 of these meetings per year, the next one in October.  Mrs. Goldman talked about the recent DARS (Department of Aging and Rehabilitative Services) meeting. She is considering attending OHR regional team meetings. Regarding investigations and incident reports from Adult Protective Services, there is a need to know that appropriate follow-up action is performed.  Deb Lochart talked about information available thru the Data Warehouse. Changes since the implementation of the current human rights regulations are apparent in the data. This may be evidence of improvements in services since human rights staff are spending more time in programs and the community. Ms. Lochart talked about Waiver validations and Taneika Goldman’s look behinds. | | |  |
| **Adjournment** | *At 11:40, having no further business to discuss the April 18, 2019 SHRC meeting adjourned.* | | |  |

Respectfully Submitted,

John Barrett, Chairperson Kli Kinzie,

State Human Rights Committee Executive Secretary