

STATE HUMAN RIGHTS COMMITTEE

Julie C. Allen, Chairperson
Springfield
David Boehm, Vice-Chairperson
Marion
Wil Childers
Hardy
Betty Crance
Fincastle
David Crews
Chatham
Monica Lucas
Richmond
Timothy Russell
Williamsburg



COMMONWEALTH of VIRGINIA
Department of Behavioral Health and Developmental Services
Post Office Box 1797
Richmond, Virginia 23218-1797
NELSON SMITH, COMMISSIONER

Taneika Goldman
State Human Rights Director
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State Human Rights Committee Meeting

VIRTUAL MEETING

DRAFT Minutes

Thursday, September 29, 2022

DBHDS

Northwestern Community Services Board
209 West Criser Road, Suite 300
Boardroom
Front Royal, Virginia
22630

Zoom for Government

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

Meeting ID: 161 783 9100

Passcode: \$HRCMet1ng

Convene

9:00 a.m.

SHRC Members Present Physically

David Boehm, **Vice-Chair**; Will Childers; David Crews, Monica Lucas, Timothy Russell

SHRC Members Present Virtually

Julie C. Allen, **Chair**; Betty Crance;

Staff Present Physically

Taneika Goldman, State Human Rights Director
Mary Clair O'Hara, Associate Director for Facility Operations
Artea Ambrose, Human Rights Advocate
Heather Hilleary, Human Rights Advocate
Kli Kinzie, Executive Secretary

Staff Attending Virtually	<p>Karen A. Taylor, Senior Assistant Attorney General, Counsel to the SHRC</p> <p>Dev Nair, Assistant Commissioner</p> <p>Jennifer Kovack, Associate Director for Community Operations</p> <p>Brandon Charles, Facility Operations Manager</p> <p>Cassie Purtlebaugh, Regional Advocate Manager, Region 1</p> <p>Reginald T. Daye, Regional Advocate Manager, Region 5</p> <p>Tony Davis, Human Rights Advocate</p> <p>Latoya Wilborne, Human Rights Advocate</p> <p>Corie Reed, Human Rights Advocate</p> <p>Angela Dodson, Human Rights Advocate</p> <p>Richard Wright, Director, Office of Forensic Services</p> <p>Jennifer Barker, Director of Patient Relations, Central State Hospital</p>
Others Present Physically	<p>Dawn VanMetre, Provider</p> <p>Alex Waddell, Special Project Manager & Human Rights Advocate, Northwestern Community Services Board</p> <p>Jennifer Spangler, Concerned Citizen</p> <p>Steven Gray, Concerned Citizen</p> <p>Dawn Van Metre, Executive Director, Community Alternatives of Virginia</p>
Others Attending Virtually	<p>Rebecca Herbig, Disability Rights Advocate, disAbility Law Center of Virginia, (dLCV)</p> <p>Ren Faszewski, Disability Rights Advocate, dLCV</p> <p>Mr. Riddick, Patient, Central State Hospital</p> <p>Sheldon Ekirch, Fellow, dLCV</p> <p>Jen Sykes, Mother and Legal Guardian of OB</p> <p>Devon Sykes, Father of OB</p> <p>Kerry Kruk, Team Lead Coordinator, Virginia Beach Department of Human Services (VB DHS)</p> <p>Stacy O'Toole, Behavioral Health Services Division Administrator, VB DHS</p> <p>Melissa W, Mother of JTA</p> <p>Stewart Prost, Human Rights Consultant</p> <p>Brandi Justice, Facility Director, Central State Hospital</p> <p>Jennifer Barker, Director Patient Relations and Recovery Initiatives, Central State Hospital</p>
Call to Order	<p>At 9:15, David Boehm, SHRC Vice-Chair, called the September 29, 2022, SHRC meeting to order and welcomed everyone to the meeting. A call for introductions took place prior to proceeding.</p>
Approval of Agenda	<p>At 9:20, the committee considered the agenda. Julie Allen, SHRC Chair, acknowledged and thanked David Boehm for facilitating the meeting due to her participation being virtual.</p>

At 9:20, a motion was made by Timothy Russell and seconded by David Crews to approve the September 29, 2022 agenda. David Boehm, SHRC Vice-Chair, called for votes in roll call fashion. All members voted to pass the motion.

Review of Draft Minutes At 9:22, the SHRC reviewed the draft minutes of the August 18, 2022, meeting. Timothy Russell proposed corrections to subcommittee membership.

At 9:22, a motion was made by David Crews and seconded by Monica Lucas to approve the August 18, 2022, minutes as corrected. David Boehm, SHRC Vice-Chair, called for votes in roll call fashion. All members voted to pass the motion.

Information At 9:22, Taneika Goldman, State Human Rights Director, addressed the Committee.

Commissioner Message At 9:23, Taneika Goldman, State Human Rights Director, shared Commissioner Smith's Weekly Message dated September 11, 2022, with the Committee. Commissioner Smith's message highlighted SHRC member Will Childers. *(See addendum 1).*

Variance Updates At 9:24, Taneika Goldman acknowledged annual updates to variances previously approved by the Committee from The Barry Robinson Center, Holiday House of Portsmouth, Virginia Beach Department of Human Services (Pathways), Newport News Behavioral Health Center, Harbor Point Behavioral Health Center and Kempsville Center for Behavioral Health. These reports have been presented to the programs respective LHRCs. There were no concerns reported by Reginald T. Daye, Regional Advocate Manager, Region 5. R. Daye was present virtually to answer any questions from the Committee.

SHRC 2021 Annual Executive Summary At 9:25, Taneika Goldman briefed the Committee on the SHRC 2021 Annual Executive Summary. The Executive Summary was presented to the DBHDS State Board by Taneika Goldman and Julie C. Allen, SHRC Chair, on July 13, 2022. Mrs. Goldman provided a high-level overview of the report to the Board, enumerating some of the activities of last year. Mrs. Goldman also shared with the Board information on the structure of the Office of Human Rights.

Public Comment Period At 9:34, David Boehm called for public comments. A call for introductions took place prior to proceeding.

At 9:35, Jennifer Spangler and Steven Gray, Interested Citizens, gave public comments and provided a written version of the public comments made, along with dLCV reports and other articles for reference. *(See addendum 2).*

At 9:40, Mr. Riddick, Patient, Central State Hospital, gave public comments and voiced his concerns about human rights protections.

- Welcome and Overview** At 9:49, Mike Elwell, Executive Director, Northwestern Community Services Board, welcomed the Committee and provided an overview of the CSB programs and the populations served in the area. The Committee was especially interested to hear about the drug courts and the success rate of the CSB's behavioral health docket for recovery treatment case management.
- BREAK** At 10:08, David Boehm called for a brief break.
- At 10:15, the meeting reconvened. A call for introductions took place prior to proceeding.
- Appeal** At 10:15, the SHRC considered the Appeal of Northwestern LHRC Findings in the Matter of OB v Community Alternatives of Virginia. This Appeal was postponed from the August 18, 2022, SHRC meeting due to technical difficulties. The SHRC honored the request of Jen Sykes, Mother and Legal Guardian of OB, to hear the appeal in open session.
- Parties to the Appeal** Jen Sykes was present virtually along with Devon Sykes, Father of OB, to represent the individual, OB. Dawn Van Metre, Executive Director, Community Alternatives of Virginia, was present to represent the program. SHRC members present in person were David Boehm, Vice Chair; Will Childers; David Crews; Monica Lucas; and Timothy Russell. SHRC members present virtually were Julie Allen, Chair; and Betty Crance. Also present in person were Taneika Goldman, State Human Rights Director; Mary Clair O'Hara, Human Rights Associate Director of Facility Operations; Artea Ambrose, Human Rights Advocate, Heather Hilleary, Human Rights Advocate and Kli Kinzie, Executive Secretary.
- Also present virtually were Karen Taylor, Senior Assistant Attorney General and Counsel to the SHRC; Jennifer Kovack, OHR Associate Director of Community Operations; and Cassie Purtlebaugh, Regional Advocate Manager for Region 1.
- Closed Session** *At 10:42, upon a motion by Will Childers the SHRC convened in closed session pursuant to VA CODE § 2.2-3711 (A) (4) (8) and (16), for the protection of the privacy of individuals in personal matters not related to public business, discussion of their medical records, and for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.*
- Upon a motion by Will Childers, the SHRC returned to open session. Upon reconvening in open session each member certified that, to the best of their knowledge, only matters lawfully exempted from open meeting requirements and only such matters related to the stated reason for going into closed session were heard, discussed, or considered.*
- The SHRC's written response will be issued to all parties within 20 working days.
- LHRC Business** At 11:27, the SHRC considered LHRC business.

LHRC Membership	At 11:28, Taneika Goldman reported a resignation and presented recommendations for appointments to LHRCs. Discussion followed regarding residency of LHRC applicants. Further discussion was tabled until later in the meeting.
Appeal	<p>At 11:40, the Committee considered the Appeal of Health Planning Region 5 LHRC in the Matter of JTA v Virginia Beach Department of Human Services. The SHRC honored the request of Stewart Prost on behalf of JTA to hear the appeal in open session.</p> <p>Stewart Prost, Human Rights Consultant, was present to represent Melissa W on behalf of JTA. SHRC members present in person were David Boehm, Vice-Chair; Will Childers; David Crews; Monica Lucas; and Timothy Russell. SHRC Members Julie Allen, Chair; and Betty Crance were present virtually. Also present in person were Taneika Goldman, State Human Rights Director; Mary Clair O'Hara, Human Rights Associate Director of Facility Operations; and Kli Kinzie, Executive Secretary. Also present virtually were Karen Taylor, Senior Assistant Attorney General and Counsel to the SHRC; Jennifer Kovack, OHR Associate Director of Community Operations; Reginald T. Daye, Regional Human Rights Manager for Region 5; Corie Reed, Human Rights Advocate; Latoya Wilborne, Human Rights Advocate; Angela Dodson, Human Rights Advocate; Kerry Kruk, Team Lead Coordinator, Virginia Beach Department of Human Services (VB DHS); and Stacy O'Toole, Behavioral Health Services Division Administrator, VB DHS..</p> <p><i>Closed Session At 12:09, upon a motion by Will Childers the SHRC convened in closed session pursuant to VA CODE § 2.2-3711 (A) (4) (8) and (16), for the protection of the privacy of individuals in personal matters not related to public business, discussion of their medical records, and for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.</i></p> <p><i>At 12:36, upon a motion by Timothy Russell, the SHRC returned to open session. Upon reconvening in open session each member certified that, to the best of their knowledge, only matters lawfully exempted from open meeting requirements and only such matters related to the stated reason for going into closed session were heard, discussed, or considered.</i></p> <p>Deliberation will continue later in the meeting. The SHRC's written response will be issued to all parties within 20 working days.</p>
VCBR Follow Up on Appeals	At 12:37, Jason Wilson, Facility Director, Virginia Center for Behavioral Rehabilitation, talked about VCBR's private messaging system and about the facility's process for filing criminal charges. This review was in follow-up to Complaint Appeal 20220047 and Complaint Appeal 20220084.

**Variance
Request**

At 1:08, the SHRC considered a Variance request from Central State Hospital. Jennifer Barker, Director Patient Relations and Recovery Initiatives, Central State Hospital, presented the request with Facility Director Brandi Justice.

A discussion followed relating to the proposed Variances and public comments made earlier in the meeting. The Committee deferred its decision on the Variance request to its November 3, 2022, meeting. Monica Lucas recommended CSH be provided copies of information provided during public comment for their review and feedback to the SHRC.

**LHRC
Membership
(continued)**

At 1:35, the Committee continued its deliberation of the issue of whether LHRC members must be residents of Virginia.

At 1:49, upon a motion by Betty Crance and seconded by David Boehm the SHRC acknowledged the resignation of Mary Ann Gray from Rappahannock-Rapidan LHRC. All members voted to pass the motion.

At 1:50, upon a motion by David Crews and seconded by Will Childers the SHRC appointed Patricia Albritton to the Southeastern Regional LHRC by a vote of 6:1. Julie Allen, David Boehm, Will Childers, David Crews and Monica Lucas voted to make the appointment. Timothy Russell voted against the motion. Betty Crance voted to approve the motion with comments.

At 1:53, upon a motion by Monica Lucas and seconded by David Crews the Committee voted to appoint Stacy Johnson to the Southeastern Regional LHRC. All members voted to pass the motion.

Betty Crance recommended that Taneika Goldman draft guidance on LHRC member screening criteria and residency requirements for the SHRC to review at the November 3, 2022 meeting. Taneika Goldman offered to present a draft revised LHRC application.

Closed Session At 1:54, upon a motion by Will Childers and seconded by David Crews the SHRC convened in closed session pursuant to VA CODE § 2.2-3711 (A) (4) (8) and (16), for the protection of the privacy of individuals in personal matters not related to public business, discussion of their medical records, and for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

Upon a motion by Will Childers, the SHRC returned to open session. Upon reconvening in open session each member certified that, to the best of their knowledge, only matters lawfully exempted from open meeting requirements and only such matters related to the stated reason for going into closed session were heard, discussed, or considered.

Facility Operation Updates	At 2:09, David Boehm called for Facility Operation Updates. Taneika Goldman reported that Brandon Rotenberry has legally changed his name to Brandon Charles. Mrs. Goldman thanked Riley Curran, Human Rights Advocate, and Brandon Charles, Facility Advocate Manager, for covering the vacant Human Rights Advocate position at Northern Virginia Mental Health Institute (NVMHI).
NVMHI	At 2:09, Riley Curran provided an overview of NVMHI, including seclusion and restraint data, allegations of abuse, and complaints. <i>(See addendum 3).</i>
S/R & Death	At 2:13, Mary Clair O'Hara presented seclusion, restraint and death data. <i>(See addendum 4).</i>
Violation Letters	At 2:32, Brandon Charles presented a summary of violation letters. <i>(See addendum 5).</i>
VCBR	At 2:35, Tony Davis provided an update on VCBR complaints, seclusion and restraint and allegations of abuse. <i>(See addendum 6).</i>
LHRC Liaison Reporting	At 2:43, Will Childers reported on an LHRC meeting he attended in Culpeper. A discussion followed on the dynamics of meetings and the lack of a feeling of connection when meetings are held completely virtually. Betty Crance commented that it is helpful when providers present on their programs and services. Taneika Goldman discussed plans for orientation of LHRC members. Timothy Russell asked for a place on the web site for information about the different types of providers.
Sub- committees	At 2:52, David Boehm called for Sub-Committee reports.
Policy Subcommittee	David Boehm; Betty Crance; Mary Clair O'Hara, Staff <i>Nothing to report at this time.</i>
Workplan Subcommittee	David Crews Timothy Russell has stepped down from the Workplan Subcommittee. <i>Nothing further to report at this time.</i>
Membership Subcommittee	Will Childers and David Crews At 11:50, Timothy Russell reported on membership changes. The Subcommittee is now comprised of Will Childers along with David Crews. Mr. Russell offered to send out the Virginia map showing distribution of SHRC members. Taneika Goldman will ask regional managers for recommendations for SHRC membership. Interviews will be conducted during the December 8 meeting in Burkeville.

Bylaws Subcommittee Monica Lucas, Chair; Jennifer Kovack, Staff

Nothing to report at this time.

Officer Subcommittee Officer Subcommittee: Timothy Russell.

Nothing to report at this time.

2023 Meeting Schedule At 3:10, the Committee considered a draft 2023 meeting schedule. Discussion of 2023 meeting dates and locations will be on the November 3, 2022 meeting agenda.

Adjournment At 3:16, having no further business to discuss the September 29, 2022, SHRC meeting adjourned.

Next Meeting

November 3, 2022

Southern Virginia Mental Health Institute

Danville

Region 1