

STATE HUMAN RIGHTS COMMITTEE

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Ioannis Stivachtis
Blacksburg



Margaret S. Walsh
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Kli Kinzie
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COMMONWEALTH of VIRGINIA

Department of Behavioral Health and Developmental Services

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STATE HUMAN RIGHTS COMMITTEE MEETING MINUTES

Southern Virginia Mental health Institute
382 Taylor Drive
Danville, Virginia
2424541

Friday, June 6, 2014

Administrative Session

8:30 a.m.

Members Present Carolyn DeVilbiss , **Chair**; T.C. Bullock, **Vice-Chair**; John Barrett;
Ann Bevan; Penny Cameron ; Vicki Cash-Graff; Marietta Cottingham

Members Excused Timothy Russell

Staff Present Mandy Crowder, Human Rights Advocate
Mike Curseen, Regional Human Rights Advocate
Carrie Flowers, Human Rights Advocate
Beverly Garnes, Regional Human Rights Advocate
Taneika Goldman, Human Rights Advocate
Kli Kinzie, Executive Secretary
Jennifer Kovack, ID Human Rights Advocate
Beth Lee, Human Rights Advocate
Tammy Long, Human Rights Advocate
Kevin Paluszak, Regional Human Rights Advocate
Margaret Walsh, Human Rights Director

Others Sam Dillon, SHRC Applicant
Karen Taylor, DBHDS Special Counsel

Call to Order At 8:30 Carolyn DeVilbiss, Chair, called the June 6, 2014,
Administrative meeting to order. A call for introductions took place
before proceeding.

- Approval of Agenda** At 8:31 the SHRC reviewed the June 6, 2013 meeting agenda. The following items were offered as additions to the agenda:
1. Discussion of Subcommittee for VCBR.
 2. Consideration of additional Appointments to Northern Virginia Training Center LHRC. Note: this LHRC is undergoing transition.
 3. May VCBR monthly report.
 4. Commissioner's Report.

Upon a motion by T.C. Bullock and seconded by Vicki Cash-Graff the SHRC unanimously voted to approve the amended Agenda for the June 6, 2014 meeting.

Correspondence and Information At 8:35 the SHRC reviewed correspondence and information.

Goals Workplan The SHRC acknowledged receipt of the Goals Workplan.

LHRC Letter of Non-Reappointment The SHRC received a copy of a letter of LHRC non-appointment.

Appeal Responses The SHRC received copies of VCBR Appeal Responses. Margaret Walsh reported that Daniel Herr, Assistant Commissioner of Behavioral Health Services, is now on the appeal review panel.

Letter to VCBR RAC SHRC members received a copy of the SHRC Chair's letter to VCBR RAC.

VCBR Monthly Reports The SHRC received VCBR Monthly Reports for April and May 2014.

VCBR Subcommittee At 8:38 Carolyn DeVilbiss, Chair, reported that a subcommittee for VCBR issues was appointed on April 18, 2014. Vicki Cash-Graff will Chair the VCBR subcommittee.

Vicki Cash-Graff reported that the VCBR subcommittee plans to meet quarterly at VCBR. The tentative dates of August 15 and Nov 14, 2014, have been discussed and accepted by the subcommittee and by Jason Wilson, VCBR Director of Healthcare Compliance. Penny Cameron recalled that these meetings are intended to be a collaborative effort to facilitate the process of advocating for the residents of VCBR.

In accordance with open meeting requirements, the VCBR Subcommittee meetings will be called to order at Piedmont Geriatric Hospital in a location accessible to the public. The meetings will then

move to VCBR for closed session with members of the VCBR Resident Advisory Council. Tammy Long, Human Rights Advocate, will handle the logistics of the quarterly meetings.

T.C. Bullock reported that he spoke with Jason Wilson after the April 18, 2014, SHRC meeting. The meeting went well and both parties are looking forward to working collaboratively during the quarterly VCBR Subcommittee meetings.

SHRC Annual Report

The SHRC made some final revisions to the 2013 Annual Report. Upon completion the report will be submitted to the DBHDS State Board for the July 23, 2014 Board meeting.

LHRC Vacancy Tracking

At 8:55 the SHRC reviewed the LHRC Vacancy Tracking sheet. Ann Bevan noted that it has been updated since the last meeting. Carolyn DeVilbiss thanked the advocates for their efforts in filling LHRC vacancies.

Guidance on LHRC Hearings

At 8:57 Margaret Walsh presented documents developed to assist LHRCs in conducting Hearings and preparing documentation for appealing the outcomes of LHRC hearings to the SHRC. Carolyn DeVilbiss asked for the addition of a statement that all patient identifying information be redacted before documents are forwarded for inclusion on SHRC meeting agendas.

Margaret Walsh will revise the guidance before sending back to advocates for comment. Karen Taylor, Special Counsel, will review the guidance before it is finalized.

Margaret Walsh talked about some of the comments received from LHRCs regarding the abundance of reporting requirements. Ms. Walsh has asked the advocates to speak with LHRCs about this. CHRIS reports sometimes do not work correctly due to technology issues, but the system has improved overall.

At 9:02 Margaret Walsh discussed LHRC Recruitment. At Ms. Walsh's request staff mailed fliers and other recruitment documents to the central office. SHRC members responded positively to fliers provided in the meeting packet and thanked human rights staff for their efforts.

Danville-Pittsylvania Regional LHRC

At 9:05 The SHRC acknowledged receipt of a copy of a letter from Carolyn DeVilbiss, SHRC Chair, to Gregory Caster, Chair of Danville-Pittsylvania Regional LHRC.

BREAK

At 9:06 Carolyn DeVilbiss called for a break.

Regular Session

Members Present	Carolyn DeVilbiss, Chair ; T.C. Bullock, Vice-Chair ; John Barrett; Ann Bevan; Penny Cameron; Vicki Cash-Graff; Marietta Cottingham.
Members Excused	Timothy Russell
Staff Present	Bill Cook, Facility Director, SVMHI Mandy Crowder, Human Rights Advocate Mike Curseen, Regional Human Rights Advocate Carrie Flowers, Human Rights Advocate Beverly Garnes, Regional Human Rights Advocate Naomi Gibson, Executive Assistant Taneika Goldman, Human Rights Advocate Kli Kinzie, Executive Secretary Jennifer Kovack, ID Human Rights Advocate Beth Lee, Human Rights Advocate Tammy Long, Human Rights Advocate Kevin Paluszak, Regional Human Rights Advocate Margaret Walsh, Human Rights Director
Others	William “Pete” Daniel, SHRC Applicant Samuel Dillon, SHRC Applicant Donald H. Lyons, SHRC Applicant Karen Taylor, DBHDS Special Counsel
Present via Teleconference	Becky Currin, Disability Rights Advocate, Disability Law Center of Virginia (dLCV) Erin Haw, Disability Rights Advocate, dLCV Marion Greenfield, Director, Clinical Quality and Risk Management Carolyn Lankford, Quality Improvement Specialist, Clinical Quality and Risk Management Tim Jones, Human Rights Advocate Reginald T. Daye, Regional Human Rights Advocate Michelle Iwaniw, Compliance and Standards Manager, Hampton Newport News CSB Charles Hall, Executive Director, Hampton Newport News CSB P.D., Complainant
Reconvene	At 9:16 Carolyn DeVilbiss called the regular session to order. A call for introductions took place prior to proceeding.
Welcome	At 9:17 Mr. Bill Cook, Facility Director, Southern Virginia Mental Health Institute (SVMHI), welcomed the SHRC to the facility. Mr. Cook thanked the committee and staff of the human rights office for their work and dedication to those we serve. Carolyn DeVilbiss thanked Mr. Cook for hosting the meeting and welcomed him to his new position as director of SVMHI.

Approval of Draft Minutes: April 18, 2014

At 9:20 the SHRC reviewed the draft minutes of the April 18, 2014, SHRC meeting.

Upon a motion by Penny Cameron and seconded by Ann Bevan the SHRC unanimously approved the amended minutes foteh April 18, 2014, SHRC meeting.

Region 4 Annual Report

At 9:21 Michael Curseen, Regional Human Rights Advocate, introduced Region 4 Human Rights Advocates Carrie Flowers, Taneika Goldman and Tammy Long. Mr. Curseen reported that Walter Small, Human Rights Advocate, was not able to attend because he was providing technical support for a Central State Hospital LHRC Hearing.

Region 4 staff gave a PowerPoint slideshow presentation of their annual report. Carolyn DeVilbiss thanked region 4 advocates for their hard work and dedication.

Region 6 Annual Report

At 9:55 Beverly Garnes, Regional Advocate introduced region 6 human rights staff, Mandy Crowder and Beth Lee. Region 6 staff presented the annual report for their region. Carolyn DeVilbiss thanked them for their work on behalf of consumers.

Public Comment

At 10:07 Carolyn DeVilbiss called for public comments. *No Public Comments were offered.*

Danville-Pittsylvania Regional LHRC

At 10:07 Gregory Casker, Chair, Esther Goins, and Beverly Scruggs of the Danville-Pittsylvania Regional LHRC, met with the SHRC to discuss a delay in the issuance of the findings of a hearing. The LHRC appears before the SHRC in response to a request from Carolyn DeVilbiss, SHRC Chair. Mandy Crowder, Human Rights Advocate, joined the LHRC members at the table to speak with the SHRC.

Gregory Casker apologized for not issuing the LHRC decision in a timely manner. He reported that the LHRC met and discussed the late issuance. To prevent future delays, the LHRC proposes to have a laptop available at LHRC hearings so that documentation can be issued right away. A template will be made available for the LRHC to use as the hearings are underway. Information will be entered into the template and the document printed before leaving the meeting site.

Carolyn DeVilbiss thanked Mr. Casker and the LLHRC members and asked that they work with Advocate Mandy Crowder to fine tune this plan.

BREAK

At 10:30 Carolyn DeVilbiss called for a break.

Report from the Office of Clinical Quality & Risk Management
(Teleconference)

At 10:38 the SHRC conducted a teleconference to hear an update from the Office of Clinical Quality and Risk Management (CQRM). Carolyn DeVilbiss introduced the SHRC members. Joining the meeting via teleconference were Marion Greenfield, Director, and Carolyn Langford, Quality Improvement Specialist, from the office of CQRM. Also joining via teleconference were Rebecca Currin and Erin Haw, Disability Rights Advocates from the Disability Law Center of Virginia.

LRHC Liaison Reports

At 11:17 Carolyn DeVilbiss called for LHRC Liaison reports. *No LHRC Liaison reports were given.*

Director's Report

At 11:17 Margaret Walsh reported than the Department of Behavioral Health and Developmental Services has been appointed a new Commissioner. Dr. Debra Ferguson, Ph.D., came to us from Illinois. Dr. Ferguson is a very dynamic leader with many issues to handle as she provides leadership to the agency.

Ms. Walsh spoke briefly about other staff changes within the Department.

Appeal: P.D. v. Southeast Alliance LHRC

At 11:24 the SHRC conducted an Appeal Hearing via PolyCom. This case came before the SHRC on appeal of a portion of the decision of the Southeast Alliance Local Human Rights Committee (SEA LHRC) following a fact finding hearing that took place on February 25, 2014. P.D. presented her case with support from Tim Jones, Human Rights Advocate. Hampton Newport News Community Services Board (HNNCSB) was represented by Mr. Charles Hall, Executive Director, and Michelle Iwaniw, Compliance and Standards Manager.

P.D. brings this appeal because she asserts that the facts in this case do not support the finding of the SEA LHRC that HNNCSB did not violate her right to confidentiality, as outlined in 12 VAC 35-115-80 (A), Confidentiality.

The SHRC heard statements from all parties to the appeal.

Upon a motion by Ann Bevan and seconded by Marietta Cottingham the SHRC unanimously upholds the ultimate conclusion of the SEA LHRC that there was no violation of 12 VAC 35-115-80, Confidentiality, but disagrees with the LHRC's reasoning. The section of the regulation cited by the LHRC (12 VAC 35-115-80(B)8.a) should have been 12 VAC 35-115-80(B)7.

Upon a motion by Ann Bevan and seconded Penny Cameron the SHRC unanimously overturns the conclusion of the SEA LHRC that there was no violation of 12 VAC 35-115-80, Confidentiality.

The SHRC supports the LHRC recommendation that Hampton Newport News CSB develop a system of reminders for updating consent authorizations.

The SHRC also recommends that Hampton Newport News CSB review its confidentiality policies to ensure compliance with all state privacy laws and regulations, as it appears to be relying solely on the provisions of HIPAA. In many instances, state law is more restrictive and must be followed instead.

The SHRC commends Dr. Golpari for his dedication and person centered approach to treatment. It is clear from the record that he has worked hard to serve P.D.'s needs for several years and is committed to her care.

The SHRC thanks the LHRC for their time, effort, and careful consideration in conducting the hearing.

BREAK FOR LUNCH

SHRC Membership At 12:29 Carolyn DeVilbiss welcomed William "Pete" Daniel, Samuel Dillon and Donald Lyons to the meeting. These three individuals come before the SHRC as applicants for SHRC membership. SHRC Members asked questions of the three.

Departing
Chairperson At 1:14 Margaret Walsh presented Carolyn DeVilbiss with a certificate of appreciation and gift. Ms. DeVilbiss is rotating off the committee upon expiration of her term on June 30, 2014.

Carolyn DeVilbiss thanked SHRC Members for their dedication and for the opportunity to have worked with them, saying that they have the right energy, compassion and knowledge to work together so well and so effectively on behalf of our consumers. To the Advocates Ms. DeVilbiss expressed how impressed she is with the work they do. They are ones in the trenches, on the scene, and they know what needs to be done. She further expressed her admiration for how they continue to be effective with fewer and fewer resources.

Retirement of
Director At 1:21 Margaret Walsh, Director, said of her own retirement that she has enjoyed working with the SHRC and expressed her admiration of the Human Rights Advocates.

Bylaws At 1:32 Kevin Paluszak presented the proposed Bylaws modification for NVTC LHRC, and the proposed reformatting of the LHRC under a new name. In nine months Northern Virginia Training Center will close as the last of the residents move to the community. At that time

NVTC LHRC will discontinue functioning with the sole affiliate of NVTC and, with the SHRC's approval, re-form as a LHRC under the name of NVID LHRC (for Northern Virginia Intellectual Disabilities).

Ann Bevan proposed they come up with a name that does not seem to leave out the DD (Developmental Disabilities) population.

Upon a motion by Penny Cameron and seconded by Marietta Cottingham the SHRC unanimously voted to approve the re-forming of the LHRC under the name "New Northern Virginia LHRC" pending the LHRC coming back with a name that is not specific to any particular population group.

LHRC Membership

At 1:42 the SHRC considered local human rights committee membership.

Upon a motion by TC Bullock 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.

Appointments

Upon a motion by T.C. Bullock and seconded by Penny Cameron the SHRC unanimously moved to make the following local human rights committee appointments and reappointments.

Region 1

Harrisonburg-Rockingham LHRC

Appoint: Ms. Sara Albrecht

Reappoint: Mr. William Quarles, Ms. Gayl Brunk, Ms. Cindy Ring, Virginia Luong

Western State Hospital LHRC

Appoint: Ms. Mary Kiernan-Stern

Reappoint: Ms. Kathy Belcher

Region 2

Northern Virginia Hospital's LHRC

Appoint: Ms. Tanesh Bates, Ms. Ann Johnson

Northern Virginia Intellectual Disabilities LHRC (pending LHRC name change)

Appoint: Ms. Susan Hoenisch, Mr. Joe Caturano, Ms. Judith

Regner, Mr. Tony E. Grimm, Mr. Peter Black, Ms. Tracy H Shelf, Mr. Ron Kerns

Northern Virginia Regional LHRC

Reappoint: Ms. Reber Chergosky

Prince William County LHRC

Reappoint: Ms. Rebecca Spain

- Rappahannock Area LHRC
Reappoint: Ms. Marsha Stonehill, Ms. Marci Bartley
- Region 3
- Catawba LHRC
Reappoint: Ms. Dianna Parrish, Ms. JoAnn Patterson, Ms. Kathron Richards
- Mount Rogers LHRC
Reappoint: Ms. Loretta Evans, Ms. Mary Coulson, Ms. Patricia McClane
- New River Valley LHRC
Appoint: Dr. Rhonda Quesenberry
Reappoint: Mrs. Lori Bell Mick
- Roanoke LHRC
Appoint: Ms. Summer Matics
- Southwest LHRC
Appoint: Ms. Tamara Kincade
- Virginia Highlands LHRC
Reappoint: Dr. Elvera McLees
- Region 4
- ANUE LHRC
Appoint: Ms. Megan L. Grant, Ms. Jean Grim
- Petersburg Regional LHRC
Appoint: Mr. Stephen Crawford
Reappoint: Ms. Kathy Tierney, Mr. Norman Stone
- Richmond Tri-Cities LHRC
Reappoint: Dr. Cedric Moore
- Richmond Unified LHRC
Appoint: Ms. Tiffany Orndorff, Ms. Shannon Davis, Ms. Tonya L. Pulliam
Reappoint: Ms. Janice Gant, Ms. Thomila Wilson
- Region 5
- James City Regional LHRC
Appoint: Ms. Leslie Brown
- Southeast Alliance LHRC
Appoint: Ms. Lisa O. Hillman
- Southeastern Virginia Training Center LHRC
Reappoint: Mr. Mark T. Douglas
- Southside Regional LHRC
Appoint: Mr. Jermel Pittman
- Suffolk Regional LHRC
Appoint: Ms. Doris Peterkin
- Williamsburg Regional LHRC
Appoint: Ms. Pamela Schlickemeyer
- York Regional LHRC
Appoint: Ms. Nancy Whitaker
- Region 6
- Goochland-Powhatan LHRC
Reappoint: Ms. Geri Vanable
- Piedmont Community LHRC
Reappoint: Ms. Sharon G. Hooker, Dr. James E. Rountree, Sr., Ms.

Rhonda L. Stone
Southside Community LHRC
Appoint: Mrs. Elsie May Gladding, Mr. Kenneth Wayne Herlton

Upon a motion by T.C. Bullock and seconded by Penny Cameron the SHRC moved to make the following local human rights committee appointment with one abstention.

Suffolk Regional LHRC
Appoint: Ms. Susan F. LaRose

The SHRC acknowledges the resignation of Ms. Mary Coppedge from Southwest LHRC.

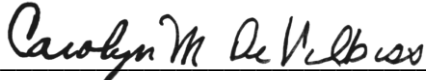
SHRC Membership The State Human Rights Committee discussed SHRC Membership.

Upon a motion by Vicki Cash-Graff and seconded by Ann Bevan and Penny Cameron the SHRC unanimously voted to recommend that the DBHDS State Board appoint Mr. William "Pete" Daniel and Mr. Samuel Dillon to the SHRC.

Adjournment *Upon a motion by T.C. Bullock and seconded by Vicki Cash-Graff the June 6, 2014, SHRC meeting adjourned at 2:17. p.m.*

The next SHRC meeting is scheduled for Friday July 11, 2014, at Northern Virginia Training Center in Fairfax, Virginia.

Respectfully Submitted,



Carolyn DeVilbiss, Chair



Kli Kinzie, Secretary