

STATE HUMAN RIGHTS COMMITTEE

TC Bullock, Chair
South Hill

Penny Cameron, Vice-Chair
Great Falls

John Barrett
Richmond

Ann Bevan
Mechanicsville

Victoria Cash Graff
Staunton

Marietta Cottingham
Hampton

Pete Daniel
Charlotte Court House

Sam Dillon
Big Stone Gap

Timothy Russell
Williamsburg



Deb Lochart
Acting State Human Rights Director

Kli Kinzie
Executive Secretary

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COMMONWEALTH of VIRGINIA

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Post Office Box 1797
Richmond, Virginia 23218-1797

STATE HUMAN RIGHTS COMMITTEE DRAFT MEETING MINUTES

Catawba Hospital
5525 Catawba Hospital Drive
Catawba, Virginia
24070

Friday, September 12, 2014

ADMINISTRATIVE SESSION

Members Present	TC Bullock, Chair ; Penny Cameron, Vice-Chair ; John Barrett; Vicki Cash-Graff; Marietta Cottingham; Pete Daniel; Sam Dillon; Timothy Russell
Members Excused	Ann Bevan
Staff Present	Cleopatra Booker, Psy.D., Facility Operations Specialist Mandy Crowder, Human Rights Advocate Kli Kinzie, Executive Secretary, Office of Human Rights Beth Lee, Human Rights Advocate Deb Lochart, Acting Human Rights Director BJ McKnight, Human Rights Advocate Nan Neese, Regional Human Rights Advocate
Call to Order and Introductions	At 8:35 TC Bullock called the September 12, 2014, State Human Rights Committee meeting to order. A call for introductions took place prior to proceeding.
Adoption of Agenda	At 8:35 upon a motion by Vicki Cash-Graff and seconded by John Barrett the SHRC unanimously adopted the September 12, 2014, meeting agenda.
Correspondence and Information	Deb Lochart, Acting Human Rights Director, remarked that this is an exciting and progressive time of change for DBHDS.

Ms. Lochart reported on staff changes within the Department. Jack Barber has been named Director of Medical Affairs for DBHDS. Employment positions have opened in ID services in response to the DOJ Settlement

Agreement. The interview process has begun for filling the Human Rights Director position. Kevin Paluszak, Regional Advocate for Region 2, has accepted a position at Heart Havens, LLC. His last day with DBHDS is September 26, 2014.

The SHRC received copies of Commissioner Ferguson's communications. Deb Lochart offered to forward the communications to SHRC members via email in real time on an ongoing basis.

Deb Lochart reported on Department activities and current initiatives. Commissioner Debra Ferguson solicited input from DBHDS staff for the development of new Vision and Mission statements. Deb Lochart congratulated Carrie Flowers, Human Rights Advocate, for her submission of statements, which made it into the final round. Commissioner Ferguson has issued following Vision and Mission Statements:

Vision Statement: *A life of possibilities for all Virginians*

Mission Statement: *Supporting individuals by promoting recovery, self-determination, and wellness in all aspects of life.*

Deb Lochart reported that the Department is expecting more budget cuts.

Upon a motion by John Barrett and seconded by Penny Cameron the SHRC unanimously voted to invite Commissioner Ferguson to the December SHRC meeting at central office to discuss her vision, views and objectives especially as relates to human rights protections.

Deb Lochart will speak with Commissioner Ferguson regarding above.

Goals Workplan

At 8:42 Deb Lochart solicited input from SHRC members regarding SHRC goals for the fourth quarter of 2014 and for year 2015.

Goal 1: Ensure rights protection for individuals under forensic status: Penny Cameron would like closure on the VCBR medical procedures. Deb Lochart was asked to invite Pam Duggins, VCBR Director of Nursing, to the October or December, 2014, meeting to share any updated facility instructions and intradepartmental medical procedures. Penny Cameron and Deb Lochart will draft a letter to send to Pam Duggins before the meeting to give Ms. Duggins time to review and consider comments with her peers before coming before the SHRC. Deb Lochart offered to speak with Jack Barber, DBHDS Medical Director, to get his input on how to approach this.

Goal 2: Promote the Department's system Transformation including the Concepts of Recovery and Empowerment: TC Bullock and Deb Lochart will draft a letter to Commissioner Ferguson inviting her to attend the December meeting to talk about her vision.

Goal 3: Promote treatment in the most integrated settings: Cleopatra Booker,

Facility Operations Specialist, and Tammy Peacock, Mental Health Facility Operations Manager, will provide an update later this day.

Goal 3: Ensure that youth in transition receive appropriate services: Deb Lochart reported that she plans to invite Janet Lung, Director of Child and Family Services, and Jim Martinez, Director of Behavioral Health Services, to the December 12, 2014, SHRC meeting in Richmond to talk with the Committee about new initiatives and give a general update on the Office of Child and Family Services.

Goal 4: Promote treatment without coercion: The SHRC received a recent update on the topic from Marion Greenfield, Director of Clinical Quality & Risk Management, and Carolyn Lankford, Quality Improvement Specialist. Deb Lochart will move this item to April 2015 for the next update on reduction of restraint.

Goal 5: Administrative effectiveness. Tracking of activities is ongoing.

Goal 6: Enhance communication with LHRCs – LHRC meetings: On an ongoing basis SHRC members are to attend at least two LHRC meetings a year as Liaisons to the SHRC.

Goal 6: Communications – Newsletter. The SHRC discussed and decided to change this communication vehicle from a newsletter to a more effective use of the Department’s web site. Deb Lochart will remove “Newsletter” and add “Website monitoring and maintenance” to the goals tracking sheet. Deb Lochart said she would monitor and update the web site and she will develop a model for posting LHRC vacancies on the web site.

Timothy Russell asked that the Goals tracking sheet be revised to resemble a calendar with space for notes.

Timothy Russell asked Deb Lochart to email a list of Department offices and personnel, Advocacy groups, etc., to use when considering who to invite to SHRC meetings and what topics should be added to the goals worksheet to help satisfy the indicators.

**Response to SHRC
Case 14-02**

At 9:03 the SHRC reviewed the Hampton-Newport News Community Services Board’s response to SHRC Review of Case 14-02, PD v. Hampton-Newport News Community Services Board. Deb Lochart reported that this response was submitted to the SHRC for information use only. No action is required.

**Request for
Extension: MP**

At 9:03 the SHRC reviewed a letter to The Pavilion at Williamsburg Place granting an extension to complete the investigation for MP.

Upon a motion by Timothy Russell and seconded by Marietta Cottingham the

SHRC unanimously voted to extend the timeline to complete the investigation for MP.

**Request of
Extension: LB**

At 9:04 Deb Lochart presented the request for extension to file an Appeal on behalf of LB following a Hearing conducted by the Southside Regional LHRC in the matter of LB v. Family Systems II. This request comes before the SHRC thru Stewart Prost, Human Rights Advocate, acting on behalf of LB, in response to the action plan submitted by Family Systems II.

Upon a motion by Timothy Russell and seconded by John Barrett the SHRC unanimously voted to extend the timeline for filing an Appeal on behalf of LB.

**LHRC Vacancy
Tracking**

At 9:04 the SHRC reviewed LHRC vacancies. Timothy Russell expressed concern about LHRCs that have both consumer positions vacant. Deb Lochart and Ann Bevan will draft a letter to affiliates regarding recruitment of LHRC members. When ready, the letter will be posted on the web and it may go out to Advocates via email to distribute to LHRCs.

SHRC Newsletter

The SHRC recapped its discussion of the disposition of the SHRC newsletter *Human Writes*. The Committee will discontinue the newsletter and will use the DBHDS web site as the primary communication vehicle for sharing information with local human rights committees.

BREAK

At 9:07 Chairperson Bullock called for a ten minute break.

REGULAR SESSION

Members Present

TC Bullock, **Chair**; Penny Cameron, **Vice-Chair**; John Barrett; Vicki Cash-Graff; Marietta Cottingham; Pete Daniel; Sam Dillon; Timothy Russell

Members Excused

Ann Bevan

Staff Present

Cleopatra Booker, Psy.D., Facility Operations Specialist
Mandy Crowder, Human Rights Advocate
Mitch Mitchell, Facility Director, Catawba Hospital
Kli Kinzie, Executive Secretary, Office of Human Rights
Beth Lee, Human Rights Advocate
Deb Lochart, Acting Human Rights Director
BJ McKnight, Human Rights Advocate
Nan Neese, Regional Human Rights Advocate

Present via Telecom

Tammy Peacock, Manager, Mental Health Facility Operations

At 9: 18 TC Bullock, Chairperson, called the Regular Session of the September 12, 2014, SHRC meeting to order. Introductions took place prior to proceeding.

Review of Draft Minutes: July 11, 2014

The SHRC reviewed the draft minutes for the July 11, 2014, SHRC meeting.

Upon a motion by Timothy Russell and seconded by Penny Cameron the SHRC unanimously voted to approve the minutes of the July 11, 2014, SHRC meeting.

Welcome

At 9:19 Mitch Mitchell, Facility Director, welcomed the SHRC and staff of the human rights office to Catawba Hospital. Mr. Mitchell provided a brief overview of the history of the site and the populations served.

VCBR: Monthly Report

At 9:30 the SHRC reviewed the July 2014 monthly report from the Virginia Center for behavioral Rehabilitation. Timothy Russell asked if there has been a format change. In prior submissions the reports included the previous month's information in the graphs and data tables. Deb Lochart will ask Jason Wilson if the monthly reports can be compiled in the format previously used.

Facility Instructions

The SHRC received VCBR Facility Instruction 130 Administration of Medications, and the draft Facility Instruction on Medication Events. Penny Cameron expressed her appreciation for the efforts of Pam Duggins and staff toward developing clear procedures and instructions. The SHRC would like to support VCBR in bringing closure to the draft facility instructions and procedures. Deb Lochart offered to speak with Dr. Jack Barber, DBHDS Director of Medical Affairs, regarding how to proceed appropriately.

VCBR RAC Subcommittee

At 9:33 Vicki Cash-Graff reported on the activities of the SHRC RAC (Resident Advisory Council) Subcommittee. The subcommittee meetings are conducted to allow the VCBR RAC to present concerns of VCBR residents directly to the SHRC. The goal of the RAC Subcommittee is to improve communication between the VCBR RAC and VCBR Administration.

Per the SHRC's request, prior to the RAC Subcommittee meeting Beth Lee, Human Rights Advocate, met with the VCBR RAC to request their input in identifying topics for discussion. Beth Lee and the Resident Advisory Council developed the agenda for the meeting. The RAC Subcommittee met for the first of its quarterly meetings on August 15, 2014. The meeting convened at Piedmont Geriatric Hospital before proceeding to VCBR to meet with the VCBR RAC in closed session. The main topics on the agenda were the administration of medical needs and morale.

Vicki Cash-Graff reported that during the subcommittee meeting the VCBR RAC requested that the meetings be conducted without the presence of VCBR staff. Vicki Cash-Graff reported also that VCBR staff wanted to be allowed to remove issues from RAC Subcommittee meeting agendas.

Concerning the issue of staff presence during subcommittee meetings, the SHRC determined that, since it is the goal of these meetings to improve

communication between the VCBR RAC and VCBR Administration, it is counter-productive to exclude VCBR staff from attending RAC Subcommittee meetings. However, in the interest of facilitating an avenue in which the Resident Advisory Council may openly articulate their concerns, the SHRC opined that VCBR staff should be present only to hear the issues presented. The RAC Subcommittee meetings are not a forum for staff to voice their concerns and responses. Comments and discussion will occur at Piedmont Geriatric Hospital immediately following subcommittee meetings. Chairman Bullock emphasized the importance of VCBR staff presence at the RAC Subcommittee meetings and the importance of open dialog between the SHRC's RAC Subcommittee and VCBR Administration following those meetings.

Chairperson Bullock reminded the SHRC that in April 2014 he talked with Jason Wilson, VCBR Director of Healthcare Compliance and Acting Facility Director, to make it clear that the SHRC is not interested in taking an adversarial stance.

Concerning the issue of removing topics from meeting agendas, the SHRC opined that the RAC Subcommittee meeting agendas are to be developed by the Resident Advisory Council. Beth Lee, Human Rights Advocate, will assist the RAC in its development. VCBR staff is not to remove items from the agenda.

Upon a motion by Vicki Cash-Graff and seconded by Penny Cameron the SHRC unanimously voted to send a letter extending a personal invitation to Jason Wilson, VCBR Director of Healthcare Compliance, to attend Quarterly SHRC RAC Subcommittee meetings. The letter is to request that: VCBR staff be present for RAC Subcommittee meetings; the attending staff be there to listen only; and the attending staff dialog with the Subcommittee at Piedmont Geriatric Hospital following the subcommittee meetings. The letter shall also provide the next quarterly meeting date of November 14, 2014, and state the goal of improving communication between the VCBR RAC and VCBR Administration.

BREAK TO RELOCATE FOR REVIEW OF APPEALS

Appeal: MW v. Thoroughgood House

At 10:09 the SHRC reviewed the appeal of IM on Behalf of MW vs. John and Mildred Thoroughgood House and the Colonial Regional LHRC.

This case came before the SHRC on appeal of the decision of the Colonial Regional Local Human Rights Committee (LHRC) following a fact finding hearing that took place on June 5, 2014. I.M., sister and legal guardian for M.W., filed a formal complaint on her behalf against the John and Mildred Thoroughgood House (JMTH). I.M. presented her case with support from Timothy Jones, Human Rights Advocate. John and Mildred Thoroughgood

House was represented by Mr. Jeffery Flax, Esq., Counsel for the program, and Jean Thoroughgood, Executive Director. SHRC members present were: T.C. Bullock, Chairperson; Penny Cameron, Vice Chairperson; John Barrett; Marietta Cottingham; Sam Dillon; Pete Daniel; Timothy Russell and Vicki Cash-Graff.

Upon a motion by Penny Cameron the SHRC convened in closed session pursuant to Virginia Code §2.2-3711 for the purpose of discussion and consideration of matters lawfully exempt from open meeting requirements.

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.

Upon a motion by Penny Cameron and seconded by Marietta Cottingham the SHRC unanimously voted to uphold the findings of the Colonial Regional Local Human Rights Committee.

Appeal: LB v.
Family Systems II

At 10:50 the SHRC reviewed the appeal of LB on Behalf of AD vs. Family Systems II and the Southside Regional LHRC.

This case came before the SHRC on appeal of the decision of the Southside Regional Local Human Rights Committee following a fact finding hearing that took place on June 19, 2014. L.B., on behalf of her son A.D., requested an appeal before the SHRC. L.B. was supported by Stewart Prost, Human Rights Advocate. Family Systems II was represented by Andrea Cleves, Executive Director. SHRC members present were: T.C. Bullock, Chairperson; Penny Cameron, Vice Chair; John Barrett; Marietta Cottingham; Sam Dillon; Pete Daniel; Tim Russell and Vicki Cash-Graff.

Upon a motion by Penny Cameron the SHRC convened in closed session pursuant to Virginia Code §2.2-3711 for the purpose of discussion and consideration of matters lawfully exempt from open meeting requirements.

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.

Upon a motion by Vicki Cash-Graff and seconded by John Barrett the SHRC unanimously voted to overturn the findings of the Southside Regional LHRC. The SHRC requests that Family Systems II present to the Southside Regional LHRC their discharge planning protocol and demonstrate how it is meeting

the human rights of its clients in this regard.

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

Public Comment

At 11:55 TC Bullock called for public comments. *There were no public comments.*

Report: Community Support

At 11:56 the SHRC received an update from the Office of Community Support on Ready for Discharge and Extraordinary Barriers to Discharge. The SHRC receives this update as part of its monitoring goal to promote treatment in the most integrated settings and to promote consumer and family choice. Cleopatra Booker, Psy.D., Facility Operations Specialist, was present at Catawba Hospital to speak with the SHRC. Tammy Peacock, Mental Health Facility Operations Manager, participated via teleconference.

Tammy Peacock spoke briefly about extraordinary barriers to discharge. The office strives to nurture relationships with providers and offer whatever help and support the Department can give.

Vicki Cash-Graff noted that VCBR is not on the discharge barriers list and asked if VCBR has extraordinary barriers. Tammy Peacock responded that VCBR residents are not captured on the report because they were not identified as part of Behavioral Health until this new administration came in. Ms. Peacock offered to discuss it with the Assistant Commissioner to see whether it would be appropriate to include VCBR on the report. Vicki Cash-Graff thanked Ms. Peacock and said the SHRC is interested in being informed of the Assistant Commissioner's response. Tammy Peacock will compile the report and have it posted on the website.

BREAK FOR LUNCH

Liaison Reports

At 12:28 TC Bullock called for Liaison Reports. The SHRC reviewed a liaison report submitted by Ann Bevan. The SHRC acknowledged for the record that on July 16, 2014, Ann Bevan attended a meeting of the Metro Richmond Local Human Rights Committee.

Bylaws: Southside Va Training Center

At 12:37 the SHRC reviewed the request for revision of the Bylaws for Southside Virginia Training Center LHRC. The LHRC is changing its name to Phoenix LHRC.

Upon a motion by Penny Cameron and seconded by John Barrett the SHRC unanimously approved the request to revise the Bylaws of Southside Virginia Training Center LHRC. The SHRC acknowledges for the record the name change of Southside Virginia Training Center LHRC to Phoenix LHRC.

LHRC Membership At 12:38 the SHRC considered local human rights committee membership.

Upon a motion by Penny Cameron 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 Penny Cameron and seconded by Vicki Cash-Graff the SHRC unanimously moved to make the following local human rights committee appointments, reappointments and removals.*

Region 1 Commonwealth Center for Children and Adolescents LHRC
Appoint: Ms. Sarah Russell
Loudoun County LHRC
Reappoint: Ms. Delores Grisby
Rappahannock-Rapidan LHRC
Reappoint: Ms. Arla Lewis
University of Virginia LHRC
Reappoint: Ms. Wendy Price, Ms. Christine Duguet
Western State Hospital LHRC
Appoint: Ms. Karen Cochran

Region 3 Appalachian Community LHRC
Reappoint: Mr. Frank Diamond, Ms. Donna Blair
Appoint: Mr. William Bowers
Roanoke LHRC
Appoint: Ms. Nikki Corcoran

Region 4 Commonwealth LHRC
Appoint: Mr. Stephen Crawford

Region 5 Bay Regional LHRC
Appoint: Mr. Valjean M. Roberts
Colonial Regional LHRC
Appoint: Ms. Elizabeth Clemmons , Ms. Brenda Lee
Hampton Roads Regional LHRC
Appoint: Ms. Patricia Alspaugh
Mid-City LHRC
Appoint: Ms. Juanda Antrum
Norfolk Regional LHRC
Appoint: Mr. Roland L. King, Jr.
Southeastern Virginia Training Center LHRC

Appoint: Dr. Anita Louise Marade
Williamsburg Regional LHRC
Appoint: Mr. Robert Bellmore, Jr.

Region 6
Central Virginia Training Center LHRC
Reappoint: Ms. Joan Milnor
Appoint: Ms. Renell Meeks, Ms. Ida Powell
Piedmont Community LHRC
Appoint: Mr. James D. Potter

Region 5 Removal
Ocean View Regional LHRC
Removal: Mr. Michael Vann

Appeal (continued): At 12:48 the SHRC went into closed session to continue its review of SHRC
BF v. CSH Case 14-03 in the matter of BF v. Central State Hospital.

Upon a motion by Penny Cameron and seconded by Pete Daniel the SHRC unanimously voted to:

- 1. Uphold the findings of the Central State Hospital LHRC in the matter of BF v. Central State Hospital for petitions 2, 3, 4 and 5 of SHRC Case 14-03.*
- 2. Send petition 1 back to the LHRC for review of the complaint and determination of whether to render a finding.*

Incoming
Complaints: BF
At 1: 13 Deb Lochart reported on the plethora of complaints coming to the human rights office from BF. The SHRC will pursue meeting on October 23, 2014, to handle the additional complaints.

Adjournment
Having no further business to discuss the meeting adjourned at 1:47 p.m.

The next SHRC meeting is scheduled for Friday, October 24, 2014, at Norfolk Community Services Board.

Respectfully Submitted,

TC Bullock, Jr., SHRC Chairperson

Kli Kinzie, Secretary