

Carolyn M. DeVilbiss, Chair
Alexandria

T.C. Bullock, Vice-Chair
South Hill

John Barrett
Ann Bevan
Mechanicsville

Penny Cameron
Reston

Victoria Cash Graff
Staunton

Marietta Cottingham
Hampton

Timothy Russell
Williamsburg

Ioannis Stivachtis
Blacksburg



Margaret S. Walsh
State Human Rights Director

Kli Kinzie
Executive Secretary

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COMMONWEALTH of VIRGINIA

Department of Behavioral Health and Developmental Services

*Post Office Box 1797
Richmond, Virginia 23218-1797*

STATE HUMAN RIGHTS COMMITTEE DRAFT MEETING MINUTES

Piedmont Geriatric Hospital
5001 E. Patrick Henry Highway
Burkeville, Virginia
23922

And

Virginia Center for Behavioral Rehabilitation
4901 E. Patrick Henry Highway
Burkeville, Virginia
23922

Friday, April 18, 2014

Piedmont Geriatric Hospital
Auditorium
5001 E. Patrick Henry Highway
Burkeville, Virginia
23922

Administrative Session

8:30 a.m.

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

Members Excused John Barrett

Staff Present Mandy Crowder, Human Rights Advocate
Pam Duggins, VCBR Director of Nursing
Beverly Garnes, Regional Human Rights Advocate
Daniel Herr, JD, Assistant Commissioner, Behavioral Health Services,
and Director, SVMHI
Kli Kinzie, Executive Secretary
Beth Lee, Human Rights Advocate
Deb Lochart, Human Rights Manager
Tammy Long, Human Right Advocate

Kevin Paluszak, Regional Human Rights Advocate
Walter Small, Human Rights Advocate
Karen Taylor, DBHDS Special Counsel
Margaret Walsh, Human Rights Director
Jason Wilson, VCBR Director of Healthcare Compliance

- Call to Order** At 8:40 Carolyn DeVilbiss, Chair, called the April 18, 2014, Administrative meeting to order.
- Approval of Agenda** At 8:40 the SHRC reviewed the April 18, 2014 meeting agenda.
Upon a motion by T.C. Bullock and seconded by Penny Cameron the SHRC unanimously voted to approve the Agenda for the April 18, 2014 meeting as submitted.
- Correspondence and Information** At 8:40 the SHRC reviewed correspondence and information.
- Appeal Responses At 8:40 the SHRC acknowledged receipt of Appeal findings and responses. Margaret Walsh reported that Daniel Herr has been appointed Assistant Commissioner for Behavioral Health Services. Mr. Herr is the new signatory on VCBR Appeal Responses.
- Request for Extension of Timeframe At 8:42 the Committee acknowledged receipt of the Southeast Alliance LHRC Notice of Extension for Fact Finding Hearing.
- Danville-Pittsylvania LHRC At 8:42 discussed a complaint regarding a delay in response to an appeal that went before the Danville-Pittsylvania LHRC. The SHRC will send a letter to the LHRC members asking them to attend the next SHRC meeting to discuss this violation of the human rights regulations.
- Goals Workplan At 8:55 the Committee very briefly reviewed the Goals Workplan.
- LHRC Vacancy Tracking At 8:55 the SHRC reviewed the LHRC Vacancy Tracking sheet. Following the March 2014 SHRC meeting Margaret Walsh reminded the human rights advocates to update the LHRC membership data on a regular ongoing basis. The SHRC talked with advocates present about the process of recruiting new LHRC members and about the degree of involvement of current LHRC members in recruiting new members.
- SHRC Annual Report At 9:05 Margaret Walsh reported on the rough draft of the 2013 SHRC Annual Report. The final report will be presented to the DBHDS State Board in the summer.
- Newsletter At 9:02 Margaret Walsh discussed sample letters in the meeting packet. The documents were provided at the SHRC's request for examples of

issues to be addressed in the newsletter.

SHRC Annual Report
(continued)

At 9:06 Margaret Walsh informed the SHRC that the next State Board meeting will be held on Wednesday, July 23, in Richmond. During that meeting the SHRC Annual Report for 2013 will be presented to the Board. By the June 6 SHRC meeting Ms. Walsh will have final data reports to share with SHRC. The SHRC can comment on the data and the reports at that time before inclusion in the annual report for the Board.

The CHRIS application now has the capability to extract data into report form. The Committee may want to again consider inclusion of data on the number and type of abuse and neglect allegations reported during the year and how to present that information in a meaningful way.

Timothy Russell asked if it would be useful to include the number of community programs in the annual report. Also, the number of facilities may be helpful as well as statistics on numbers of individuals served in a given year. Margaret Walsh reminded the SHRC that reporting requirements have changed during the year, which means that information reported will not paint an accurate annual statistical picture.

Piedmont Geriatric Hospital
Auditorium
5001 E. Patrick Henry Highway
Burkeville, Virginia
23922
Regular Session
9:15 a.m.

Members Present

Carolyn DeVilbiss, **Chair**; T.C. Bullock, **Vice-Chair**; Ann Bevan; Penny Cameron; Vicki Cash-Graff; Marietta Cottingham; and Timothy Russell

Members Excused

John Barrett

Staff Present

Mandy Crowder, Human Rights Advocate
Pam Duggins, VCBR Director of Nursing
Beverly Garnes, Regional Human Rights Advocate
Daniel Herr, JD, Assistant Commissioner, Behavioral Health Services,
and Director, SVMHI
Timothy Jones, Human Rights Advocate
Kli Kinzie, Executive Secretary
Beth Lee, Human Rights Advocate
Deb Lochart, Human Rights Manager
Tammy Long, Human Right Advocate
Kevin Paluszak, Regional Human Rights Advocate
Walter Small, Human Rights Advocate

Karen Taylor, DBHDS Special Counsel
Margaret Walsh, Human Rights Director
Jason Wilson, VCBR Director of Healthcare Compliance

Others

Kati Dean, Disability Law Center of Virginia (dLCV)
Catherine Gill, Disability Law Center of Virginia (dLCV)

Convene Regular Session

At 9:15 Carolyn DeVilbiss called the regular session to order. A call for introductions took place prior to proceeding.

Daniel Herr, Assistant Commissioner for Behavioral Health

At 9:16 Daniel Herr thanked the SHRC members for the important work they do and talked briefly about his role in the Department. Carolyn DeVilbiss thanked him, remembering him from his days at Gateway.

Penny Cameron thanked him for coming to the meeting and told him the SHRC has been looking forward to his appointment and looks forward to hearing from him sometime regarding issues such as pending legislature, funding for the department and possibly statewide training for LHRCs in the future. Margaret Walsh invited Mr. Herr to attend the June 6 meeting at Southern Virginia Mental Health Institute to talk further with the SHRC.

Ann Bevan asked how the Psychiatric Bed Registry is going. Mr. Herr responded that it went far smoother than anyone anticipated. Staff worked out the technical kinks and it went out in early March. He will attend a meeting next week to see what further assistance the department can give, especially in the area of emergency response services.

Ann Bevan asked Daniel Herr to talk about some of the results of the November incident and the ensuing investigation. Mr. Herr responded that at the State Board meeting on April 9 John Pezzoli, Acting Commissioner, reported that the department has implemented some responses and is actively working on additional responses to the findings of the investigation.

VCBR

Letter: Gang Survey

At 9:18 the SHRC discussed VCBR's response to multiple complaints from VCBR Residents regarding a gang survey conducted on February 28, 2014. Jason Wilson, Director of Healthcare Compliance, and Acting VCBR Director, was present to discuss the incident with the SHRC.

February 2014 Report

At 9:40 Carolyn DeVilbiss tabled review of the VCBR monthly reports for February and March, 2014.

VBRC Medical Service

At 9:40 Pam Duggins, VCBR Director of Nursing, came before the Committee at its request to discuss various issues. Ms. Duggins has been at VCBR since January of 2013. Since that time Ms. Duggins has been instrumental in developing VCBR's policies and procedures, and a

number of facility instructions. Over the past year VCBR has increased its nursing staff in an effort to keep up with the increasing census at the facility. Ms. Duggins and Jason Wilson talked with the SHRC about reporting requirements and issues involving human rights protections, especially pertaining to medications and medical observation notes.

Among topics and documents reviewed at the meeting were:

- Self Medication Receipt Form;
- Observation Notes Forms;
- Facility Instructions; and
- Intradepartmental Procedures, Medical Department

Penny Cameron thanked Ms. Duggins for completing the daunting task of developing the many VCBR policies and procedures. The SHRC has been concerned about errors in medical administration. Ms. Cameron asked questions regarding the reporting of medical needs, timeframes for making assessments of medical needs and the associated protocols for making fair determination of medical urgency.

Pam Duggins and Jason Wilson responded to questions related to the above. Ms. Duggins is currently revising several medication policies that are more clearly delineated and that require a higher level of disciplinary measures when medical errors occur.

Carolyn DeVilbiss asked Ms. Duggins to address staff issues. It is very difficult for VCBR to recruit quality nursing staff. Many nurses hired are fresh out of nursing school with under 5 years of experience. VCBR nurses are subjected to verbal abuse as well as other potential dangers that exist within the facility's environment.

Carolyn DeVilbiss asked about the availability of external resources when residents have to go out for specialized care. Jason Wilson responded that one of Ms. Duggins' plans is to use telemedicine services provided by Virginia Commonwealth University and perhaps some facilities available at Piedmont Geriatric Hospital when appropriate. Mr. Wilson also mentioned Southside Community Hospital in Farmville.

Timothy Russell and Penny Cameron asked questions regarding protocols for pre-scripted medications availability for issues such as headaches and allergic reactions. Pam Duggins responded that this is not a current practice as there are only a very few allowable medications for ongoing conditions, though there are some PRNs. Jason Wilson explained that medications are issued only in response to very specific needs, as in Tylenol for a named individual on a certain date for pain in his left foot. Mr. Wilson explained that VCBR does, however, have a Physician on Duty on call at all times.

Margaret Walsh reminded the SHRC of their timeframe for the next portion of the meeting. Penny Cameron thanked Pam Duggins and Jason Wilson and said she has many other questions. Ms. Duggins replied that

she would be glad to come and talk to the SHRC again. Ms. Walsh suggested the Committee come up with specific questions that can be supplied to Pam Duggins and other staff as appropriate prior to meeting again.

BREAK

At 10:00 Carolyn DeVilbiss called for a break. The SHRC and others departed for Virginia Center for Behavioral Rehabilitation to participate in a closed meeting with the Resident Advisory Council (RAC).

Virginia Center for Behavioral Rehabilitation

10:05

Room 2273

Contact: Stephanie Pechura

Closed Session

SHRC Members Present

Carolyn DeVilbiss, **Chair**; T.C. Bullock, **Vice-Chair**; Ann Bevan; Penny Cameron; Vicki Cash-Graff; Marietta Cottingham; and Timothy Russell

RAC Members

Members of the VCBR Resident Advisory Council.

Staff Present

Daniel Herr, Assistant Commissioner of Behavioral Health
Karen Taylor, DBHDS Special Counsel
Margaret Walsh, Human Rights Director

Call to Order

At 10:10 Carolyn DeVilbiss called the meeting to order.

Upon a motion properly made and seconded the State Human Rights Committee went into closed session for the purposes of discussing matters lawfully exempt from the Freedom of Information Act.

Dialogue with RAC

The State Human Rights Committee heard from VCBR Residents on the Resident Advisory Council (RAC) about some of their various issues.

BREAK and Return to Piedmont Geriatric Hospital

Regular Session

12:05 p.m.

Piedmont Geriatric Hospital

Auditorium

5001 E. Patrick Henry Highway

Burkeville, Virginia

23922

Members Present

Carolyn DeVilbiss, **Chair**; T.C. Bullock, **Vice-Chair**; Ann Bevan; Penny Cameron; Vicki Cash-Graff; Marietta Cottingham; and Timothy Russell

Members Excused

John Barrett

Staff Present

Mandy Crowder, Human Rights Advocate

Pam Duggins, VCBR Director of Nursing
Carrie Flowers, Human Rights Advocate
Beverly Garnes, Regional Human Rights Advocate
Taneika Goldman, Human Rights Advocate
Daniel Herr, JD, Assistant Commissioner, Behavioral Health Services,
and Director, SVMHI
Timothy Jones, Human Rights Advocate
Kli Kinzie, Executive Secretary
Beth Lee, Human Rights Advocate
Deb Lochart, Human Rights Manager
Tammy Long, Human Right Advocate
Kevin Paluszak, Regional Human Rights Advocate
Walter Small, Human Rights Advocate
Karen Taylor, DBHDS Special Counsel
Margaret Walsh, Human Rights Director
Jason Wilson, VCBR Director of Healthcare Compliance

Others

Kati Dean, Disability Law Center of Virginia (dLCV)
Catherine Gill, Disability Law Center of Virginia (dLCV)
Mr. Long, Interested Person
Karen Taylor, DBHDS Special Counsel

Call to Order

At 12:05 Carolyn DeVilbiss called the meeting to order.

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.

Approval of Draft Minutes

At 12:05 the SHRC reviewed the draft minutes of the March 7, 2014, SHRC meeting.

Upon a motion by T.C. Bullock and seconded by Penny Cameron and Timothy Russell the SHRC unanimously approved the draft minutes of the March 7, 2014, SHRC meeting as corrected.

Public Comment

At 12:08 Carolyn DeVilbiss called for public comments. *No Public Comments were offered.*

Seclusion and Restraint

Agenda item was tabled until a later date.

VCBR (continued)

At 12:08 the SHRC resumed discussion of VCBR issues. Dr. Anita Schlank was present to offer comments and answer questions from the Committee. In response to issues raised earlier Dr. Schlank informed the SHRC that some privileges (i.e., Library time) are extra privileges. Denial of such for a resident is not a punitive measure.

Pam Duggins and Jason Wilson were present to continue the morning's

dialogue with the SHRC. Penny Cameron said the Resident Advisory Council reported that the medical issues have improved. Tammy Long, Human Rights Advocate, reported that Pam Duggins has been very responsive to issues brought before her.

Timothy Russell referred to the observation notes form and asked whether there is a distinction between behavioral and medical observation. In the past the RAC complained that all of the notes in the record are negative; there is no mention of good behavior or neutral behavior. Jason Wilson acknowledged that positive and neutral notes could be added to the routine so that not all comments are negative, especially in cases when predominantly, a resident presents good behavior.

Penny Cameron asked VCBR staff if there is a timeframe within which the facility can develop the protocols and algorithms mentioned in the dialogue earlier this day. Pam Duggins responded that she would like 3 months. Carolyn DeVilbiss requested that VCBR have drafts ready by mid-July, 2014.

Pam Duggins thanked the SHRC for coming and for being receptive to the needs of the facility. Carolyn thanked Pam Duggins and Jason Wilson for their time and their willingness to talk with the SHRC about the important issues discussed.

Margaret Walsh reminded the Committee that while meeting with the Resident Advisory Council the SHRC suggested they might form a sub-committee to meet with RAC more frequently.

Region 2 Annual Report

At 12:30 Kevin Paluszak, Regional Human Rights Advocate, presented the Region 2 annual report.

Annual Report DOJ Advocates

At 12:41 Deb Lochart, Human Rights Manager for the ID services, presented the annual report for the Community ID programs developing as a result of the DOJ Settlement Agreement.

Liaison Reports

At 1:02 SHRC Members reported on LHRC meetings they attended since the last SHRC meeting.

At 1:02 Ann Bevan reported on a meeting of the Central Area LHRC on April 9, 2014. Tammy Long, Human Rights Advocate, was present to facilitate the LHRC meeting.

At 1:05 Ann Bevan reported that she attended a meeting of the Richmond Metro LHRC on April 16. Carrie Flowers was the advocate present to provide technical assistance.

At 1:07 Kli Kinzie reported on behalf of Vicki Cash-Graff on a meeting of the Western State Hospital LRHC on March 24, 2014. Chuck Collins and Mark Seymour were present to provide technical support.

At 1:08 T.C. Bullock reported on a meeting of the Piedmont Geriatric Hospital LHRC on April 16, 2014. Tammy Long and Beverly Garnes were the human rights advocates present.

LHRC Membership

At 1:15 the SHRC considered Local Human Rights Committee membership. Kevin Paluszak, Regional Advocate for Region 2, was present to report on the application for Northwestern CSB LHRC on behalf of Chuck Collins, Regional Advocate for Region 1. Walter Small, Human Rights Advocate, was present to report on the applications for Central State Hospital LHRC. Carrie Flowers, Human Rights Advocate, was present to report on the applications for Chester Regional LHRC and New Creation LHRC. Timothy Jones, Human Rights Advocate, was present to report on the applications for Region 5 LHRCs. Beverly Garnes, Regional Advocate for Region 6, and Beth Lee, Human Rights Advocate, were present to report on the application for Southside Community LHRC.

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

Region 1

Northwestern LHRC

Reappoint: Ms. Audrey Brown, Ms. Joann Ebersole

Region 4

Central State Hospital LHRC

Appoint: Mr. Marco S. Thomas

Chester Regional LHRC

Appoint: Ms. Pamela A. Jones

New Creation LHRC

Appoint: Ms. Ramona Strickland, Ms. Mirenda Valentine-Fifept

Region 5

Genesis LHRC

Reappoint: Mr. Michael Stage

Newport News Regional LHRC

Appoint: Mr. Shawn Barco

Norfolk Regional LHRC

Appoint: Ms. Kimberly Haywood

Tidewater Regional LHRC

Appoint: Ms. Juliet F. Sawi

Universal Family LHRC
Appoint: Ms. Sebrina Edwards

Region 6
Southside Community LHRC
Appoint: Mr. L. Carlton Starke

Upon a motion by T.C. Bullock and seconded by Timothy Russell, the following reappointment was made with one abstention.

Region 5
James City LHRC
Reappoint: Mr. Richard Cottingham

SHRC Membership Committee
At 1:19 Penny Cameron reported on the activities of the Membership Subcommittee. Timothy Russell disseminated a handout of a map of Virginia with color-coded regions and showing SHRC members and their designations.

The SHRC reviewed applications received from individuals interested in serving on the SHRC.

Tammy Long reported that she knows of an individual with LHRC experience who has head trauma as a result of injury and may have depression. Margaret Walsh commented that the Department's scope does include service providers for head injuries with a diagnosis of MH services needs. Tammy Long will contact the individual and follow up.

Margaret Walsh recommended the sub-committee contact applicants via phone for initial interview and screening, then invite a few to the June 6 meeting in Danville.

VCBR (continued)
At 1:41 Carolyn DeVilbiss reminded the SHRC that some of them expressed interest in having a more frequent presence with VCBR RAC. Ms. DeVilbiss appointed Vicki Cash-Graff to Chair a RAC Subcommittee for this purpose. Penny Cameron and T.C. Bullock were appointed to the Subcommittee. Marietta Cottingham and Ann Bevan were appointed as alternates.

The Subcommittee will meet with the VCBR RAC 3 times a year. The full SHRC will continue to meet with RAC annually.

Other Business
Appeal: CSH
At 1:50 Margaret Walsh briefed the SHRC on a CSH resident who is petitioning for appeal to the SHRC. Carolyn DeVilbiss appointed a Subcommittee of T.C. Bullock, who will be Chairperson, Marietta Cottingham and Timothy Russell. The Subcommittee plans to hear the appeal in May, 2014.

Human Rights
Regulations
At 1:58 Margaret Walsh presented the draft revision of the human rights regulations.

Retirement of Human
Rights Director
At 2:35 Margaret Walsh announced her retirement from state service. Her last day with DBHDS will be July 24, 2014.

VCBR (continued)

At 2:48 the SHRC continued discussion of issues raised during discussion with VCBR staff earlier in the day. T.C. Bullock will follow up with Jason Wilson.

Margaret Walsh will draft letters for the SHRC to review.

Adjournment

Upon a motion by T.C. Bullock and seconded by Penny Cameron the April 18, 2014, SHRC meeting adjourned at 3:07p.m.

The next meeting is scheduled for June 6, 2014, at Southern Virginia Mental Health Institute in Danville, Virginia.

Respectfully Submitted,

Carolyn DeVilbiss, Chair

Kli Kinzie, Secretary