

STATE HUMAN RIGHTS  
COMMITTEE

**T.C. Bullock, Chair**  
South Hills  
**Penny Cameron, Vice-Chair**  
Great Falls  
**John Barrett**  
Chesterfield  
**Ann Bevan**  
Mechanicsville  
**Victoria Cash Graff**  
Staunton  
**Marietta Cottingham**  
Hampton  
**Timothy Russell**  
Williamsburg  
**Pete Daniel**  
Charlotte Court House  
**Sam Dillon**  
Big Stone Gap



Deborah. M. Lochart  
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 MEETING MINUTES Friday, April 17, 2015

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

And

Virginia Center for Behavioral Rehabilitation  
4901 E. Patrick Henry Highway  
Burkeville, Virginia  
23922-0548

#### Administrative Session

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

8:30 a.m.

**Members Present** T.C. Bullock, **Chair**; John Barrett; Ann Bevan; Vicki Cash Graff;  
Marietta Cottingham; Timothy Russell; Pete Daniel; Sam Dillon

**Members Absent** Penny Cameron, **Vice-Chair**

**Staff Present** Sarah Burlar, Human Rights Advocate  
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  
Beth Lee, Human Rights Advocate  
Deb Lochart, Human Rights Director  
Tammy Long, Human Rights Advocate  
Michael Schaefer, Director of Forensics Services  
Walter Small, Human Rights Advocate

**Call to Order**

At 8:32, T.C. Bullock, Chair, called the April 17, 2015 Administrative meeting to order. A call for introductions took place before proceeding.

**Approval of Agenda**

At 8:33, the SHRC reviewed the April 17, 2015 meeting agenda.

*Ann Bevan proposed the addition of "Update on Regulatory Action" to the administrative session; and the correction of the date of the draft minutes under review.*

*Upon a motion by Ann Bevan and seconded by Timothy Russel , the SHRC unanimously voted to approve the amended agenda for the April 17, 2015 State Human Rights Committee meeting.*

**Correspondence and information**

At 8:35, the SHRC reviewed correspondence and information.

Deb Lochart reported that the Department is encouraging staff to cross-train and support the movement of staff to leadership positions. Ms. Lochart has encouraged human rights staff to do the same. In response to this, Taneika Goldman, human rights advocate, has been spending time in central office to become acquainted with the Director's responsibilities and daily work activities.

Deb Lochart discussed the reporting of abuse and neglect.

**Regulatory Actions**

Deb Lochart provided an update on Regulatory Action. A copy of the draft human rights regulations, 12 VAC 35-115-10 et seq., was provided in the agenda packet for information purposes. The regulations must go out for public comment again. Ms. Lochart reported that Ruth Anne Walker, Regulatory Coordinator in the Office of Quality Improvement, has been instrumental in shepherding the revision of the regulations thru the legislative process.

**DBHDS Agency Head Communications**

Deb Lochart shared and discussed email communications from leadership in central office and provided an update on department activities.

**SHRC Goals**

The SHRC discussed goals. On the goals worksheet, under Goal 3, the name "Jae Benz" should be changed to "Deb Smith".

*Deb Lochart will invite Deb Smith to attend the June SHRC meeting to talk with the Committee about Department activities in response to the DOJ Settlement Agreement. Deb Lochart will invite Marion Greenfield to attend a meeting to talk about seclusion and restraint.*

## **Recruitment of LHRC Members**

At 8:51, Ann Bevan opened a discussion about recruitment of LHRC members. She stated that it is not incumbent on the current volunteers (LHRC members) to recruit more volunteers. Deb Lochart and the SHRC discussed issues involved in recruitment, including what authority the SHRC has to enforce recruitment, and the impact the new regulations will have on the feasibility of strengthening efforts to recruit aggressively at this time.

Marietta Cottingham said it seems to be hardest to recruit consumer members, perhaps in part due to the requirement that at some point they must disclose that they are consumers.

Ann Bevan suggested sending a letter notifying LHRCs that if they do not have a full complement of members in a year's time, the LHRC may be disbanded. Timothy Russell said that consequences for non-compliance with membership requirements must be equitable. He suggested the SHRC issue notice to all LHRCs stating in plain language the expectations and requirements of membership, and the consequences of long standing vacancies. Ann Bevan suggested that when a LHRC is cited for low membership they should be given six months to produce a full complement of members or the SHRC will consider disbanding the LHRC.

Timothy Russell requested the development of a document outlining the procedure and process of disbanning LHRCs that are not compliant with regulatory and statutory requirements of membership. Mr. Russell suggested appointing a subcommittee to work up the recruitment/disbandment document. The document should be distributed to all SHRC members for review about two weeks before the next meeting (June 5), so that time at the meeting can be used to approve the document by Motion. Action on the approved document should begin immediately after the June 5, 2015, SHRC meeting.

*Deb Lochart volunteered to draft the procedure and email it to SHRC members by two weeks prior to the June meeting.*

Marietta Cottingham would like to explore why it is so difficult to recruit consumers to become LHRC members.

## **Request to Disband LHRC**

At 9:00, Sarah Burlar reported on the lack of a full complement of members on the NOVA LHRC. Ms. Burlar requested that the SHRC disband the NOVA LHRC due to lack of membership. The two remaining LHRC members would like to join a functioning LHRC. Ms. Burlar has received positive responses from other LHRCs in the Northern Virginia area about the possibility of consolidating LHRCs.

*Upon a motion by John Barrett and seconded by Vicki Cash Graff the SHRC unanimously voted to disband the NOVA Local Human Rights Committee.*

At 9:11, Deb Lochart suggested moving on to the Regular Session. TC Bullock announced the opening of the Regular Session.

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

9:10 a.m.

- Members Present** T.C. Bullock, **Chair**; John Barrett; Ann Bevan; Vicki Cash Graff; Marietta Cottingham; Timothy Russell; Pete Daniel; Sam Dillon
- Members Absent** Penny Cameron, **Vice-Chair**
- Staff Present:** Sarah Burlar, Human Rights Advocate  
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  
Beth Lee, Human Rights Advocate  
Deb Lochart, Human Rights Director  
Tammy Long, Human Rights Advocate  
Michael Schaefer, Director of Forensics Services  
Walter Small, Human Rights Advocate  
Jason Wilson, Facility Director, VCBR
- Reconvene** At 9:11, T.C. Bullock called the regular session to order. A call for introductions took place prior to proceeding.
- VCBR Appeal Responses** At 9:12, the SHRC acknowledged receipt of the VCBR Appeal Responses received since the last meeting. Timothy Russell voiced his appreciation for the background information provided on founded allegations.
- Report from the VCBR RAC** *At 9:13, upon a motion by Vicki Cash Graff and seconded by John Barrett the SHRC went into closed session to discuss matters exempt from the Freedom of Information Act. Vicki Cash Graff reported on the activities and issues heard by the SHRC RAC subcommittee on November 14, 2014, in closed session.*
- VCBR Monthly Variance Reports** Jason Wilson presented the VCBR Variances monthly reports. Mr. Wilson reported that these reports are submitted to the SHRC for their regularly scheduled meetings. VCBR will continue to submit these reports if the SHRC finds them to be helpful. Mr. Wilson offered to make any desired changes to the format or information provided on the reports.
- Timothy Russell and John Barrett responded that the reports are helpful. Others on the SHRC commented that they would like to continue to receive regular submissions of the reports. Ann Bevan asked for the addition of a heading or a footer listing the month of the data recorded.

## **VCBR Variances Renewal Request**

Jason Wilson and Michael Schaefer presented the VCBR Variances renewal requests. Deb Lochart reported on the variances approval and renewal process required by the human rights regulations.

## **VCBR Complaint Procedures**

The SHRC reviewed the VCBR request for a Variance to Complaint Procedures:

- 12 VAC 35-115-50 D. 3. e. (5): Abuse, Neglect, and Exploitation
- 12 VAC 35-115-60 B. 1. d.: Services
- 12 VAC 35-115-140 A. 2., 4.: Complaints and Fair Hearing
- 12 VAC 35-115-150: General Provisions
- 12 VAC 35-115-170: Formal Complaint Process
- 12 VAC 35-115-180: Local Human Rights Committee Hearing and Review Procedures
- 12 VAC 35-115-190: Special Procedures for Emergency Hearing by LHRC
- 12 VAC 35-115-200: Special Procedures for LHRC Reviews Involving Consent and Authorization
- 12 VAC 35-115-210: State Human Rights Committee Appeals Procedure

## **VCBR Windows**

At 9:25, the SHRC reviewed the VCBR request for a Variance for rooms with no windows within the medical unit:

- VAC 35-115-50 C. 3. d. Live in a humane, safe, sanitary environment that gives each individual, at a minimum, windows or skylights in all major areas used by individuals.

## **VCBR Double Bunking**

The SHRC reviewed the VCBR Variance request for double bunking:

- VAC 35-115-50 C. 3. a., e.
  - Reasonable privacy and private storage space
  - Clean air, free of bad odors

*Upon a motion by Pete Daniel and seconded by Vicki Cash Graff the SHRC unanimously approved the following requests for VCBR Variances:*

*Complaint Procedures:*

- *12 VAC 35-115-50 D. 3. e. (5): Abuse, Neglect, and Exploitation*
- *12 VAC 35-115-60 B. 1. d.: Services*
- *12 VAC 35-115-140 A. 2., 4.: Complaints and Fair Hearing*
- *12 VAC 35-115-150: General Provisions*
- *12 VAC 35-115-170: Formal Complaint Process*
- *12 VAC 35-115-180: Local Human Rights Committee Hearing and Review Procedures*
- *12 VAC 35-115-190: Special Procedures for Emergency Hearing by LHRC*
- *12 VAC 35-115-200: Special Procedures for LHRC Reviews Involving Consent and Authorization*
- *12 VAC 35-115-210: State Human Rights Committee Appeals Procedure;*

*Rooms with no windows within the medical unit:*

- VAC 35-115-50 C. 3. d. Live in a humane, safe, sanitary

*environment that gives each individual, at a minimum, windows or skylights in all major areas used by individuals; and*

*Double Bunking:*

- VAC 35-115-50 C. 3. a., e.
  - Reasonable privacy and private storage space
  - Clean air, free of bad odors

Jason Wilson and Deb Lochart agreed that they would notify each other four (4) months in advance of the next variance renewal review date.

**BREAK**

*At 9:50, T.C. Bullock called for a called for a break so the SHRC could go to VCBR to meet with members of the VCBR Resident Advisory Council (RAC).*

*Upon a motion by John Barrett and seconded by Ann Bevan, the State Human Rights Committee went into closed session for the purpose of discussing matters lawfully exempt from the Freedom of Information Act.*

*The SHRC and others departed for Virginia Center for Behavioral Rehabilitation to participate in a closed meeting with the Resident Advisory Council (RAC).*

**Closed Session**

Virginia Center for Behavioral Rehabilitation  
4901 E. Patrick Henry Highway  
Burkeville ,Virginia  
23922-0548

10:00 a.m.

<b>SHRC Members Present</b>	T.C. Bullock, <b>Chair</b> ; John Barrett; Ann Bevan; Vicki Cash Graff; Marietta Cottingham; Timothy Russell; Pete Daniel; Sam Dillon
<b>SHRC Members Not Present</b>	Penny Cameron, <b>Vice-Chair</b>
<b>RAC Members</b>	Members of the VCBR Resident Advisory Council.
<b>Staff Present</b>	Sarah Burlar, Human Rights Advocate 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 Beth Lee, Human Rights Advocate Deb Lochart, Human Rights Director Michael Schaefer, Director of Forensics Services Walter Small, Human Rights Advocate
<b>Call to Order</b>	At 10:00, T.C. Bullock called the meeting to order.

*Upon a motion properly made and seconded, the State Human Rights Committee met in closed session for the purpose 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. Items on agenda were:

- Discussion of communication between Residents and Advocate
- Update on Borrowing, Lending, and Trading policy and issues
- Clarification of SHRC's purpose and power
- Discussion of how to communicate effectively with the SHRC

*BREAK and Return to Piedmont Geriatric Hospital*

**Regular Session**

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

11:10 a.m.

**SHRC Members Present**

T.C. Bullock, **Chair**; John Barrett; Ann Bevan; Vicki Cash Graff; Marietta Cottingham; Timothy Russell; Pete Daniel; Sam Dillon

**SHRC Members Not Present**

Penny Cameron: **Vice Chair**

**Staff**

Sarah Burlar, Human Rights Advocate  
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  
Beth Lee, Human Rights Advocate  
Deb Lochart, Human Rights Director  
Tammy Long, Human Rights Advocate  
Michael Schaefer, Director of Forensics Services  
Walter Small, Human Rights Advocate  
Jason Wilson, Facility Director, VCBR

**Opening and Introductions**

At 11:10, Chairman Bullock called the regular session of the April 17, 2015, SHRC meeting to order.

*At 11:12, upon a motion, Vicki Cash Graff formally requested a copy of the report issued as a result of the VCBR Medical Audit performed in November 2014. Ms. Cash Graff asked that the report be delivered in time to be included in the SHRC packet for the June 5, 2015, SHRC meeting. Ann Bevan seconded the motion, which passed unanimously.*

*Michael Schaefer, Forensics Director, offered to provide the report to*

*the human rights office.*

T.C. Bullock turned the floor over to Tammy Long, Human Rights Advocate. Tammy Long introduced Stephen Herrick, Facility Director of Piedmont Geriatric Hospital (PGH). Mr. Herrick welcomed the SHRC to PGH and gave a brief history of the Facility. Piedmont Geriatric Hospital is in the process of becoming an accredited nursing facility.

**Approval of Draft Minutes:** January 22 and 23, 2015

At 11:13, the SHRC reviewed the draft minutes of the January 22 and 23, 2015 SHRC meeting.

*Upon a motion by John Barrett and seconded by Marietta Cottingham the SHRC unanimously approved the minutes of the January 22 and 23, 2015, SHRC meeting.*

**Public Comment**

*No public comments were offered.*

**Advocates Annual Reporting**

Deb Lochart reported on the new process for submitting annual reporting to the SHRC. As reports are received by the Director they will be included in the SHRC packets as informational items. Then, as the SHRC meets in various regions of the Commonwealth throughout the year, human rights advocates will attend meetings local to their catchment areas and be prepared to answer questions from the SHRC as well as discuss items of special interest.

2014 Advocate Annual Report for Region 1 & 2

The Advocate Annual Report for Region 1 & 2 was received by the SHRC in written form.

2014 Advocate Annual Report for Region 4

The Advocate Annual Report for Region 4 was received by the SHRC in written form.

2014 Advocate Annual Report for Region 6

The Advocate Annual Report for Region 6 was received by the SHRC in written form. Beverly Garnes, Regional Advocate, and her staff, Mandy Crowder, Beth Lee and Tammy Long, were present to answer questions from the SHRC.

**SHRC Membership**

At 11:31, the SHRC considered the reappointments of John Barrett, Vicki Cash Graff, and Timothy Russell.

*Upon a motion by Sam Dillon and seconded by Pete Daniel, the SHRC voted to recommend that the DBHDS State Board reappoint John Barrett, Vicki Cash Graff, and Timothy Russell to the State Human Rights Committee.*

**SHRC Officers**

At 11:33, Vicki Cash Graff, on behalf of the Nominating Committee, proposed the slate of officers for the upcoming term of July 1, 2015 thru June 30, 2016. The Nominating Committee recommends Penny Cameron as Chair, and T.C. Bullock as Vice-Chair.

*Upon a motion by John Barrett and seconded by Vicki Cash Graff, the SHRC unanimously accepted the slate of officers: Penny Cameron for*



*Chair, and T.C. Bullock for Vice-Chair.*

*Officers will be elected at the June 5, 2015, SHRC meeting following a call for nominations from the floor.*

**Liaison Reports**

*(report provided in writing from Ann Bevan)*

At 11:35, Ann Bevan reported that she attended a meeting of the Richmond Metro Local Human Rights Committee at Richmond Behavioral Health Authority on Wednesday, April 15, 2015. The LHRC did not have a quorum. Members in attendance were Gina Koke and Amanda Simmons. Sixteen individuals representing ten affiliated programs provided written and verbal reports on complaints and allegations of abuse and neglect.

The meeting was facilitated by Carrie Flowers, Human Rights Advocate, who effectively ensured that the LHRC conducted business in accordance with the regulations. Ann Bevan reported that her general impression of the LHRC was that the committee was structured, open, and helpful.

Ann Bevan reported that the LHRC conducted a lengthy discussion regarding affiliates' responsibility to recruit LHRC members. Carrie Flowers did a good job of explaining the responsibility of affiliates to their committee. One provider especially was resistant to the idea that the providers should take an active role in recruitment and felt that this should be a state responsibility.

An individual at the meeting offered their services as a behavioral consultant in reviewing and evaluating behavioral plans that might be brought before the committee. This proposal was not accepted but the suggestion was made to make application to any vacancies that were open on the committee in general. As a follow-up: Ann suggested to the SHRC that they might want to discuss whether there should be some clarification and guidance given on the issue of LHRCs and their role related to reviewing behavioral protocols. For example, their role is to review for any human rights violations, abuse, etc. versus whether the behavioral protocol is sound.

**Liaison** *(T.C. Bullock)*

T.C. Bullock, SHRC Chair, asked about upcoming LHRC meetings in Region 6. Beverly Garnes, Regional Human Rights Advocate, and Tammy Long, Human Rights Advocate, informed Chairman Bullock of scheduled meetings of the Piedmont Geriatric Hospital LHRC and the Southside Community Services LHRC.

**LHRC Membership**

At 11:41, the SHRC considered local human rights committee membership.

*Upon a motion by John Barrett and a second from Vicki Cash Graff, 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.

**LHRC Removals**

*Upon a motion by John Barrett and properly seconded, the SHRC unanimously voted to remove Ms. Isabelle Vartanian and Ms. Barbara Davis from the Central State Hospital Local Human Rights Committee.*

**LHRC Appointments**

*Upon a motion by Ann Bevan and properly seconded, the SHRC unanimously voted to make the following Local Human Rights Committee appointments and reappointments:*

Region 4

Taneika Goldman, Human Rights Advocate, was present to put forward her recommendation for appointments to:

Central State Hospital LHRC

Appoint: Mr. Mark Howard. Mrs. Sarah Stanford

Walter Small, Human Rights Advocate, was present to put forward his recommendation for appointments to:

Chesterfield LHRC

Appoint: Ms. Genevieve Knieriemen, Ms. Rosaland Jones, Ms. Michele Ann Doyle, Mr. Nicolas John Pappas; and  
Reappoint: Mr. Peter Mazure

Timothy Russell noted that there were several new members seeking appointment to the Chesterfield LHRC. Mr. Russell asked Walter Small to express his thanks to the LHRC for recruiting so many.

Michael Curseen, Region 4 Regional Advocate, was present to put forward his recommendation for appointment to:

Tuckahoe LHRC

Appoint: Ms. Kathryn Merritt

Michael Curseen put forward his recommendation for appointment to:

Metropolitan LHRC

Appoint: Rev. Dr. Kimberly "K.C." Currie Robinson

Ann Bevan asked Michael Curseen how the committee was able to recruit a consumer to serve on the LHRC. Mr. Curseen answered that he continually reminded the committee every time they met that they must fill their mandated consumer vacancy.

Carrie Flowers, Human Rights Advocate, was present to put forward her recommendation for appointment to:

Petersburg Regional LHRC

Ms. Gail Dussere

Region 5

Beverly Garnes, Region 6 Regional Advocate, was present to put forward the following recommendations for appointments on behalf of Reginald T. Daye, Region 5 Regional Advocate:

Atlantic Regional LHRC

Appoint: Ms. Sebrina Edwards

Chesapeake Regional LHRC

Reappoint: Ms. Mary Meagher

Eastern Virginia LHRC

Appoint: Ms. Shellynn McNeil, Ms. Angela Hardin

Hampton Regional LHRC

Appoint: Mr. Rodney Jason Bathurst

Middle Peninsula Northern Neck LHRC

Appoint: Mr. Omentus A. N. Korlison

Reappoint: Ms. Robin Campbell Wyatt

Peninsula Regional LHRC

Reappoint: Dr. Ernestine A. W. Duncan

Southeast Alliance LHRC

Appoint: Mr. Charles Ponquinette

Southeastern Virginia Training Center LHRC

Appoint: Mr. Rick Dinsmore, Ms. Melvinia T. Herbert

Suffolk Regional LHRC

Appoint: Ms. Georgiana Smith

Reappoint: Ms. Nora D. Butler

Mid-City LHRC

Appoint: Mr. Jerel Goforth, Mr. Robert Taylor

Timothy Russell asked about status of Consumer/Professional on the Mid-City LHRC.

Portsmouth Regional LHRC

Appoint: Ms. Roberta Hansel-Union

Tidewater Regional LHRC

Appoint: Ms. Casey J. Gilbert

Virginia Beach Area LHRC

Mr. Joseph P. Yule - reappt

Region 6

Beth Lee, Human Rights Advocate, was present to put forward her recommendation for appointment to:

Central Virginia Community Services LHRC

Appoint: Mr. J. Robert "Bobby" Montgomery

Mandy Crowder, Human Rights Advocate, was present to put forward her recommendation for appointments to:

Danville-Pittsylvania Community Regional LHRC

Appoint: Ms. Sharon L. George, Ms. Lyn Huskett Gaither

The State Human Rights Committee thanks the Local Human Rights

Committees, their affiliates and the advocates who provide support to the LHRCs for their efforts to recruit and appoint members. The SHRC offers a gentle reminder to please use number rankings rather than checkmarks on score sheets when conducting LHRC interviews.

**Adjournment**

*The meeting adjourned at 12:20 p.m.*

The next SHRC meeting is scheduled for Friday June 5, 2015 at Piedmont Community Services Board in Martinsville, Virginia.

Respectfully Submitted,



T.C. Bullock, Jr., SHRC Chairperson



Drafted By: Kli Kinzie, Executive Secretary