

**TIDEWATER REGIONAL  
LOCAL HUMAN RIGHTS COMMITTEE  
January 20, 2015  
MINUTES**

Members Present

Delinda P. Swanston, LHRC Member  
Janet Martin, LHRC Chairperson  
Juliet Sawi, LHRC Committee Member  
Rosalyn Wiggins, LHRC Committee Member

Others Present

Casey J. Gilbert – LHRC Applicant  
Dana Gillentine, Risk Manager – Kempsville Center for Behavioral Health  
Fran Neaves, Risk Manager – Virginia Beach Psychiatric Center  
Heather Fisher, QMS Director/Risk Manager – First Home Care  
Jacqueline Abbott, Risk Manager – Harbor Point Behavioral Health Center  
Jamee Reese, First Home Care Director  
Jennifer Kelly, RN, Chief Nursing Officer – Virginia Beach Psychiatric Center  
Marie Henrich, Office Manager – Harbor Point Behavioral Health Center  
Marquis Norton, TDT Supervisor – First Home Care  
Mary Epps, RN, Director of Nursing – Harbor Point Behavioral Health Center  
Reginald Daye, Regional Advocate – DBHDS  
Reginald Daye, Regional Advocate – DBHDS  
Sara Williams – First Home Care

**I. CALL TO ORDER**

The Local Human Rights Meeting was called to order at 8:30 a.m. by Janet Martin.

**II. CLOSED SESSION:**

Ms. Sawi made a motion that the committee go into Executive Session, pursuant to Virginia code 2-2-3711A (4) for the protection of the privacy of individuals in personal matters not related to public business, namely to conduct a membership interview.

**Action:** Second was made by Ms. Wiggins. All members voted in favor of the motion.

**Reconvene in Open Session:** Upon reconvening in Open Session, Ms. Wiggins, Ms. Swanston Ms. Sawi, and Ms. Martin of the Tidewater Regional LHRC certified to the best of their knowledge that only public matters exempt from statutory open meeting requirements and only public business matters identified in the motion to convene the Executive Session, as referenced above, were discussed in accordance to Virginia Code 2-2-3711A (4).

**Recommendation:**

Ms. Sawi made a motion to recommend to the State Human Rights Committee the appointment of Ms. Casey J. Gilbert to the Tidewater Regional LHRC.

**Action:** Second was made by Ms. Wiggins. All members voted in favor of the motion.

**III. REVIEW OF MINUTES**

The minutes from October 21, 2014 were reviewed and Ms. Sawi made a motion to approve the minutes. Ms. Wiggins seconded the motion. The motion was approved.

**IV. PUBLIC COMMENTS**

Mr. Daye introduced LHRC applicant, Ms. Casey Gilbert to the provider affiliates. Ms. Gilbert was interviewed by this committee for LHRC membership. This committee is recommending to the State Human Rights Committee Ms. Gilbert for membership on the Tidewater Regional Local Human Rights Committee. Ms. Gilbert attended the open session of the meeting as a member of the general public. Ms. Gilbert thanked everyone for allowing her to apply for membership on the LHRC.

**V. UNFINISHED BUSINESS**

A. None

**VI. NEW BUSINESS**

A. None

**VII. STANDING REPORTS**

A. General Information – None

B. Quarterly Reports/Annual Reports/Reports on Structured Living

<b>OVERVIEW OF ALLEGATIONS REPORT-FOURTH QUARTER 2014</b>			
<b>LOCATION</b>	<b>OCTOBER</b>	<b>NOVEMBER</b>	<b>DECEMBER</b>
FHC-Oyster Point Academy	8	7	5
FHC-Fort Lane	0	0	0
FHC-Day Support	1	1	1
FHC-John Tyler	0	0	0
FHC-Brighton Elementary	0	0	0
Kempsville CBH	11	10	4
Harbor Point BHC	33	32	13
VBPC	2	6	5

<b>SECLUSION &amp; RESTRAINT REPORTS</b> <b>(S=Seclusion) (MR=Mechanical) (PR=Physical) (CR=Chemical)</b>			
<b>LOCATION</b>	<b>OCTOBER</b>	<b>NOVEMBER</b>	<b>DECEMBER</b>
FHC-Oyster Point Academy			
Kempsville CBH	PR=59 S=2	PR=37 S=0	PR=30 S=1
Harbor Point BHC	PR=160 S=0	PR=160 S=0	PR=134 S=0
VBPC	0=S 8=MR 0=PR	0=S 5=MR 3=PR	0=S 0=MR 2=PR

**VBPC – ADC (77)** – During the fourth quarter 2014, there have been no changes to the DBHDS licensing status. Virginia Beach Psychiatric Center received citations related to treatment plan documentation, ensuring individual therapy occurs when ordered, and revising terminology used in describing treatment modalities from the term therapy to counseling. Corrective actions were submitted and accepted to the Office of Licensing. During the fourth quarter 2014, there have been no new or amended policies, procedures, or program rules that could potentially impact the human rights of individuals receiving services through Virginia Beach Psychiatric Center including but not limited to, restrictions, restraints, seclusions and time-outs. Recruitment of membership to the LHRC: The membership application and Mr. Daye's contact information was distributed at the clinical forums held at Virginia Beach Psychiatric Center October and November 2014 with the request for the application to either currently be receiving treatment or had received treatment in the past five years. NAMI was also contacted in October. VBPC served 4121 individuals in year 2014.

**Kempsville CBH – *awaiting detailed report.***

**FHC –** Mental Health Tidewater ADC = 64.6; ABA ADC = 36; Day Support ADC = 42; DTS-Portsmouth ADC = 29.6; DTS-OPA ADC = 13.3 – First Home Care follows their submitted Risk Management Policy and Procedures. All allegations are required to be reported within 24 hours with a written summary detailing the allegations of the incident. Allegations are investigated by the Supervisor of the Program with the Internal Investigation Report submitted to the Director of QMS for review and follow up. A final report is submitted to the Office of Human Rights within 10 working days stating the outcome of the investigation and all actions taken as a result of the outcome. FHC had their licensure visit on December 17, 2014 for Day Treatment, Mental Health Skill Building and Intensive In-Home services and have not received the report. However, areas verbally discussed included ISP not being signed and the ability to measure of some identified goals on the ISP. First Home Care retracted the application to DBHDS to add outpatient ABS services to their 231 Hatton Street location in Portsmouth due to a change in the regulations effective January 6, 2015 no longer requiring DBHDS oversight. There have been no changes to policies and procedures since the last meeting. FHC has submitted one application for the consumer vacancy to the Office of Human Rights and provided information and application to another individual.

First Home Care number of individuals served in 2014: Day Treatment ADC = 47; Mental Health Support ADC = 45; Day Support ADC = 31; Behavioral Therapy ADC = 33 and Intensive In-Home Services = 25

**HPBHC – ADC (108.01)** – There have been no changes to our licensing status, any citations or service additions or closures during fourth quarter. During fourth quarter Harbor Point continued to utilize the Matrix (Behavioral Management System) on all units. Harbor Point made no changes to the Matrix during fourth quarter. The Matrix continues to provide rewards to residents for positive behaviors and consequences for negative behaviors. Staff maintains daily point sheets that are used for both staff and resident to track their points and levels daily. The Color System was used in conjunction with the Matrix on Child, BSP D and Horizons during fourth quarter. No grievances related to the Matrix were received during fourth quarter. The Risk Manager asked leadership staff to share the information and application with community members and referral agency employees. Copies of the application and Regional Advocate contact information provided. The facility's CEO reached out to CEO's from other facilities within the region to gain assistance in helping to recruit members as per the regulation requirements. The facility continues to drill down reasons for restraints and implement actions to reduce restraints. The facility's Corporate Clinical department facilitated a mandatory training to all direct care staff on Milieu Management. Data is reviewed daily and posted for staff and residents; monthly analyses are also provided to staff with trends and areas for additional training and resources. Patient Care Monitoring Conferences are held for residents with multiple episodes of restraints. Harbor Point Behavioral Health Center ADC for year 2014 = 105

**C. Reports on Structured Living** – SLP was not utilized this quarter at Harbor Point BHC and Kempsville CBH.

**D. Regional Advocate Report** – Ms. Martin announced that recruitment for Ms. Swanston's space on the LHRC should begin now. Her 2<sup>nd</sup> term ends June 30, 2015. Ms. Swanston will be resigning from this committee. Ms. Martin thanked the providers for their recruiting efforts.

Mr. Daye announced Deborah Lochart as the new Director for the Office of Human Rights. Former Director, Margaret Walsh, retired. Kathy Drumwright is DBHDS new Chief Deputy Commissioner. Dee Keenan is DBHDS Assistant Commissioner, Quality Management and Development.

Mr. Daye reminded the providers not to fax their reports. Mr. Daye reported that CHRIS is up and running smoothly.

Mr. Daye thanked all of the providers for getting their variance updates to the State Human Rights Committee (SHRC) timely. All variances are scheduled to expire on October 23, 2015. All variance renewal requests must be submitted to the SHRC for consideration at its October 23, 2015 scheduled meeting. Please follow the process outlined in the human rights regulation, under section "12VAC35-115-220". (Remember you will need written approval from your governing body before submission to the Tidewater Regional LHRC (TR-LHRC) for its review and comment. Upon completion of the review by the TR-LHRC, your agency can submit the variance application to the SHRC. The agenda deadline for the SHRC meeting is 10/06/15.)

**E. Allegation Reports - CLOSED SESSION:**

Ms. Sawi made a motion that the committee go into Executive Session, pursuant to Virginia code 2-2-3711A (4) for the protection of the privacy of individuals in personal matters not related to public business, namely to review patient information from Harbor Point Behavioral Health Center, Virginia Beach Psychiatric Center, First Home Care and Kempsville Center for Behavioral Health pursuant to the regulations.

**Action:** Second was made by Ms. Wiggins. All members voted in favor of the motion.

**Reconvene in Open Session:** Upon reconvening in Open Session, Ms. Wiggins, Ms. Swanston Ms. Sawi, and Ms. Martin of the Tidewater Regional LHRC certified to the best of their knowledge that only public matters exempt from statutory open meeting requirements and only public business matters identified in the motion to convene the Executive Session, as referenced above, were discussed in accordance to Virginia Code 2-2-3711A (4).

**There were no recommendations.**

This committee reviewed the following:

1. Ms. Martin referred to page four of Harbor Point's medication error report stating that sometimes medication errors are discovered by the patient. Ms. Martin referred to page five of the report and asked if the nurses are provided counseling on medication errors. Ms. Epps stated that the nurses are provided counseling and they are held accountable for medication errors. Ms. Martin referred to page seven and questioned the plan to support non-punitive errors. Ms. Epps stated nurses are provided with an incentive (i.e., pizza party) if the department goes one month without any errors. Ms. Martin referred to number 9 on the report – Ms. Epps stated that an experienced nurse conducts unannounced visits during med pass.

**VIII. NEXT SCHEDULED MEETING**

April 21, 2015

**IX. ADJOURNMENT**

There being no further business to discuss, Ms. Wiggins made the motion to adjourn. Ms. Sawi seconded the motion. The motion was approved. The meeting was adjourned at 11:00 a.m.

RESPECTFULLY SUBMITTED:

Marie Henrich, Office Manager-Harbor Point BHC  
Recording Secretary

Janet Martin, LHRC Chairperson