

**State Human Rights Committee  
Meeting Minutes**  
STATE HUMAN RIGHTS COMMITTEE  
DMHMRSAS  
Region IV  
Friday, January 26, 2007  
Southside Virginia Training Center  
Building 1, Conference Room B  
26317 W. Washington Street  
Petersburg, Virginia 23803

**ADMINISTRATIVE MEETING**  
8:30 a.m.

**COMMITTEE MEMBERS PRESENT**

Angela Brosnan, Vice-Chairperson  
Delores Archer  
Joyce Bozeman  
Christina Delzingaro  
Joseph Lynch  
Carmen Thompson  
Kirby Wright  
Davey Zellmer

**NOT PRESENT**

Michael Marsh, Chairperson

**HUMAN RIGHTS STAFF PRESENT**

James O. Bowser, Jr., Regional Human Rights Advocate, Region IV  
Kli Kinzie, Executive Secretary  
Deb Lochart, Regional Human Rights Advocate, Region II  
Reginald T. Daye, Regional Human Rights Advocate, Region V  
Michael Curseen, Patient Advocate, Central State Hospital  
Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center  
Carrie Flowers, Facility Human Rights Advocate, CSH Forensics, and Hiram Davis  
Medical Center

Rose Mitchell, Executive Secretary, Region IV Satellite Office  
Yolanda Smith, Executive Secretary, Southside Virginia Training Center

### **OTHER STAFF PRESENT**

Karen Walters, DMHMRSAS Special Counsel  
CC Murphy, Facility Director, Va Center for Behavioral Rehabilitation  
Stephanie Pechura, Clinical Services Manager, VCBR

Dr. Angela Brosnan, Vice-Chairperson, opened the administrative session of the January 26, 2007, State Human Rights Committee meeting. James O. Bowser, Jr., Regional Human Rights Advocate for Region IV, was present to provide technical assistance in the absence of Margaret Walsh, State Human Rights Director.

### **Consumer Satisfaction Survey 2005 Annual Report**

The committee received the executive summary of the Consumer Satisfaction Survey 2005 Annual Report. Following a brief discussion Joseph Lynch requested the committee receive the full report for review. Also, the committee would like to have copies of CSB and DMHMRSAS surveys, and information regarding how the surveys were conducted.

### **SHRC Workplan**

The committee reviewed the draft SHRC Workplan for 2007. Christina Delzingaro reported on the activities of the SHRC Goals Sub-committee.

The SHRC added "Quality of services/life after discharge" to the elements of Goal 3. The committee asks that the office of Mental Health/Community Support Services provide updates on consumers who have been released following barriers to discharge. Specifically, the committee would like to know whether discharged consumers received the services and placement of their choosing. Also, the committee is interested in learning by what means Commissioner Reinhard is measuring empowerment.

The SHRC will continue to review reports on the use of seclusion and restraint, and periodically review the human rights regulations. The committee would like to receive a report on the current use of seclusion and restraint.

Dr. Brosnan thanked Christina Delzingaro for an excellent presentation on the SHRC goals.

Reginald T. Daye, Regional Human Rights Advocate for Region V, provided an update on Virginia Beach Psychiatric Center.

Kli Kinzie, Executive Secretary, provided an update on the status of the revision of the human rights regulations.

Davey Zellmer asked for more information exchange from LHRCs for the newsletter. The committee acknowledged a commendation given to Reginald T. Daye in the "Meet the LHRC Honoree" column of *Human Writes, volume 2, issue 1*.

Angela Brosnan reported that she and Margaret Walsh attended the January, 2007, meeting of the State MHMRSAS Board to report on the activities of the SHRC.

At 9:45 a.m. CC Murphy, Facility Director of Virginia Center of Behavioral Rehabilitation (VCBR), gave the committee and staff of the office of human rights a tour of VCBR.

## **REGULAR MEETING**

**10:30 a.m.**

### **COMMITTEE MEMBERS PRESENT**

Michael Marsh, Chairperson  
Angela Brosnan, Vice-Chairperson  
Delores Archer  
Joyce Bozeman  
Christina Delzingaro  
Joseph Lynch  
Carmen Thompson  
Kirby Wright  
Davey Zellmer

### **HUMAN RIGHTS STAFF PRESENT**

James O. Bowser, Jr., Regional Human Rights Advocate, Region IV  
Kli Kinzie, Executive Secretary  
Charles T. Collins, Regional Human Rights Advocate, Region I  
Deb Lochart, Regional Human Rights Advocate, Region II  
Reginald T. Daye, Regional Human Rights Advocate, Region V  
Michael Curseen, Patient Advocate, Central State Hospital  
Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center  
Carrie Flowers, Facility Human Rights Advocate, CSH Forensics, and Hiram Davis Medical Center  
Anne Stiles, Facility Human Rights Advocate, Piedmont Geriatric Hospital and Virginia Center for Behavioral Rehabilitation  
Rose Mitchell, Executive Secretary, Region IV Satellite Office  
Yolanda Smith, Executive Secretary, Southside Virginia Training Center

### **OTHER STAFF PRESENT**

Karen Walters, DMHMRSAS Special Counsel  
CC Murphy, Facility Director, Virginia Center for Behavioral Rehabilitation (VCBR)  
Stephanie Pechura, Clinical Services Manager, VCBR  
Eric Alridge, Director of Operations, VCBR  
Cheryl Crawford, Administrative Services Coordinator, VCBR

## Welcome / Call to Order

Dr. Angela Brosnan, Vice-Chairperson, called the meeting to order and introduced cc Murphy, Facility Director of Virginia Center for Behavioral Rehabilitation. Mr. Murphy welcomed the committee and others in attendance to Petersburg.

## 10:30 - 10:45 a.m. Public Comment Period

Dr. Brosnan announced the public comment period and invited individuals to come forward to address the committee. Charles T. Collins, Regional Human Rights Advocate for Region I, announced that he and Karen Walters, DMHMRSAS Special Counsel, are participating on the Supreme Court Commission on Mental Health Law Reform Task Force and invited all present to provide comments to the task force.

Dr. Angela Brosnan asked that everyone present introduce themselves.

## Virginia Center for Behavioral Rehabilitation

The SHRC received Advocate reports for November and December for the files. Level 3 Appeal Responses will be reviewed during the March 9, 2007 meeting.

CC Murphy, Facility Director, Eric Alridge, Director of Operations, and Cheryl Crawford, Administrative Services Coordinator, for Virginia Center for Behavioral Rehabilitation (VCBR), were present to discuss VCBR policies for Polygraph Examinations, Community Living, Mail Procedures, and Resident Use of Telephone.

Christina Delzingaro requested that the Mail Procedures policy state exactly how thoroughly the mail will be read or scanned. Any exemptions to the policy, and to whom the exemptions apply, should be clearly stated.

**A motion was made and passed by a vote of 8 to 1 to accept the packages element of the mail policy as written. Further, the facility is asked to add language for the advocate's review regarding the specifics of reading or scanning mail and any applicable exemptions**

Carmen Thompson asked that anonymity be written into the Polygraph Examinations policy.

**A motion was made and passed by a vote of 8 to 1 to accept the policy on Polygraph Examinations with the condition that anonymity be written into the policy.**

Christina Delzingaro suggested that a weightier value be placed on safety than neatness.

**A motion was made and unanimously passed to accept the Community Living policy as written.**

Christina Delzingaro asked how the level of restriction on resident use of telephone compares to department policy for other programs.

**A motion was made and unanimously passed to accept the policy on Resident Use of Telephone as written.**

Mr. CC Murphy thanked the SHRC for help in developing the above VCBR policies and stated that he looks forward to receiving suggestions on the ongoing development of policies.

## **MINUTES**

**The minutes of the December 1, 2006, SHRC meeting were unanimously approved with modifications.**

The SHRC received Fall 2006, and Winter 2006-07 issues of *Human Writes*.

### **Virginia Beach Psychiatric Center**

The State Human Rights Committee reviewed the Virginia Beach Psychiatric Center's proposed action plan to address the State Human Rights Committee's recommendations involving Case Number 04-06. Reginald T. Daye, Regional Advocate, Region V, commented on the Virginia Beach Psychiatric Center's proposed action plan and made the following recommendations:

1. Extend the length of the vinyl doors to come within ½ inch of the floor;
2. Develop a better way to secure the left side of the accordion door to the door frame;
3. Place some type of handle on both the inside and outside of the door for easy access.

**A motion was made and passed by a vote of 8 to 1 to approve the Virginia Beach Psychiatric Center's action plan subject to complying with the three modifications recommended by the Regional Advocate.**

**Within six months the Virginia Beach Psychiatric Center shall submit in writing a status report on the use of the accordion doors. This report is to include any problems with the design and function of the accordion doors. The report should include any complaints made by the patients as they relate to the doors.**

**The State Human Rights Committee also noted that although it is accepting the action plan subject to the modifications, its preference would be regular doors at the entrance of the bathrooms.**

## **Appeal**

### **Central State Hospital LHRC Request for SHRC Review of Abuse Case 703-2005-0107**

**A motion was made and unanimously passed to table discussion of this issue until the March 9, 2007 meeting.**

The SHRC asked for a copy of Departmental Instruction 201 for the March 9 agenda packet.

## **HIPAA Variance Annual Reviews**

The SHRC reviewed the annual HIPAA Variance reports for Western State Hospital and Southwestern Virginia Mental Health Institute. The reports were accepted for the file.

## **Other Variances**

### **Western State Hospital**

12 VAC-35-115-110 B2 specific to patient CC, Time Frame for Seclusion.

**The motion was made and passed to go into Executive Session pursuant to Virginia Code, 2.2-3711 (15), for the purpose of discussion of information excluded from the Freedom of Information Act.**

Upon reconvening in public session, the State Human Rights Committee unanimously certified that to the best of each State Human Rights Committee 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 Executive Session were discussed in the Executive Session.

**A motion was made and unanimously passed to accept the annual review for Western State Hospital's variance to 12 VAC-35-115-110 B2, time frame for seclusion, specific to patient CC.**

### **Virginia Beach Psychiatric Center**

The committee reviewed a letter from Virginia Beach Psychiatric Center requesting an extension of its variance to 12-VAC-35-115-110 of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services*, which allows the utilization of a Structured Living Policy. The variance expired on January 21, 2007. The request for extension was made because the Tidewater Regional Local Human Rights Committee was unable to meet to review the program's variance request until after the

agenda deadline for the January 26 SHRC meeting. Virginia Beach Psychiatric Center asks for an extension until the State Human Rights Committee meets on March 9, 2007.

**A motion was made and unanimously passed to grant the Virginia Beach Psychiatric Center's request for an extension to the approved variance to 12 VAC 35-115-110 until March 9, 2007.**

**LHRC Membership**

**A motion was made and passed to go into closed session pursuant to Virginia Code §2.2-3711 for the purpose of considering 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.

**The motion was made and unanimously passed to appoint the following applicants to the specified local human rights committees.**

Arlington LHRC

Appoint:

Mr. Nikola "Nick" Lucas

Prince William LHRC

Appoint:

Ms. Susan Sander

Fairfax-Falls Church CSB LHRC

Appoint:

Mr. Ronald Lambert

Southeast Alliance LHRC

Appoint:

Mr. Joshua Cartwright

**Having no further business to discuss, the motion was made and unanimously passed to adjourn the meeting.**

Respectfully submitted,

Angela Brosnan, M.D.  
Vice-Chairperson