

**State Human Rights Committee
Meeting Minutes**

Friday, October 26, 2007
Sentara Obici Hospital
Classrooms C and D
2800 Godwin Blvd
Suffolk, Virginia 23434

ADMINISTRATIVE MEETING

8:30 a.m.

COMMITTEE MEMBERS PRESENT

Kirby Wright, Chair
Donald Lyons
Jannie Robinson
Carmen Thompson
Davey Zellmer

NOT PRESENT

Christina Delzingaro, Vice-Chair
Delores Archer
Angela Brosnan
Joseph Lynch

HUMAN RIGHTS STAFF PRESENT

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Reginald T. Daye, Regional Human Rights Advocate, Region V
Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center
Willie Barnes, Human Rights Advocate, Eastern State Hospital
Gianna Mitchell, Human Rights Advocate, Eastern State Hospital

OTHER STAFF PRESENT

Karen Walters, DMHMRSAS Special Counsel

OTHERS PRESENT

Doris Peterkon, Vice-Chair, Suffolk Regional Local Human Rights Committee
Jacqueline Blackett, Secretary, Suffolk Regional Local Human Rights Committee
Thelma G. Wright, Vice-Chair, Southern Virginia Mental Health Institute LHRC

Mr. Kirby Wright, Chair, opened the administrative session of the State Human Rights Committee meeting. All present introduced themselves.

The committee reviewed the goals worksheet and discussed deadlines and activities for upcoming meetings.

In the absence of the subcommittee, members present discussed the process of SHRC member selection. The committee decided that interview questions should be formalized and that applicants who are being considered for membership should be formally invited to a meeting to be interviewed.

The committee decided that the newsletter should include a column about upcoming vacancies with details to include area of Virginia and occupation, as well as expectations of committee members. The SHRC also decided to re-design the SHRC application to make it different from LHRC application.

The SHRC discussed a letter from Chairman Wright to the Southwest Virginia Training Center Local Human Rights Committee regarding the re-hiring of employees after they have been terminated on the basis of violating the human rights regulations.

The committee reviewed a letter from Virginia Beach Psychiatric Center regarding the use of accordion doors in place of bathroom doors. Reginald T. Daye, Regional Advocate for Region V, summarized the issues and reported that the policy seems to be working well.

Kirby Wright reported that the Office of Human Rights sent training materials throughout the state and is offering free training sessions in several locations. An upcoming training session will be video recorded and offered for purchase.

The committee reviewed two Level 3 Appeal Responses from Virginia Center for Behavioral Rehabilitation (VCBR). Margaret Walsh reported that VCBR is looking into using some standards from JHACO since there is no accreditation body for this type of facility. When VCBR moves to the Piedmont campus, there may be an opportunity to form an LHRC to cover both Piedmont Geriatric Hospital and VCBR.

The committee discussed a letter from Michelle Johnson, Chairman of the Southside Virginia Training Center, regarding Investigation Case 726-2007-012. Beverly Garnes, Patient Advocate for Southside Virginia Training Center, suggested the SHRC wait until after the LHRC meets again and has a chance to resolve their issues.

Margaret Walsh provided background on the appeal of L.H. and the reason the hearing has been postponed. Ms. Walsh polled the members present regarding holding a special meeting of the SHRC to hear the case before the regularly scheduled December meeting. The committee agreed to hear the appeal on Friday, November 16, in Fredericksburg.

The SHRC reviewed a letter from Rita J. Gliniecki, BRBH Board of Directors, regarding the outcome of the appeal of H.B.

Kirby Wright, Chairman, led a discussion on LHRC affiliations. The new human rights regulations give the SHRC the authority to decide whether an LHRC can deny affiliations. Reginald Daye, Regional Advocate for Region V, said that it is important to

stress that the ultimate decision rests with the SHRC, not with the programs currently affiliated with an LHRC. It is important to stress that the LHRCs are truly independent and they do not “belong” to the providers. Margaret Walsh suggested that she write a draft scenario of a conflict in affiliation decision to help guide LHRCs with this issue.

10:00 a.m. Break

REGULAR MEETING

10:15 a.m.

COMMITTEE MEMBERS PRESENT

Kirby Wright, Chair

Donald Lyons

Jannie Robinson

Carmen Thompson

Davey Zellmer

NOT PRESENT

Christina Delzingaro, Vice-Chair

Delores Archer

Angela Brosnan

Joseph Lynch

HUMAN RIGHTS STAFF PRESENT

Margaret Walsh, State Human Rights Director

Kli Kinzie, Executive Secretary

James O. Bowser, Jr., Regional Human Rights Advocate, Region IV

Reginald T. Daye, Regional Human Rights Advocate, Region V

Beverly W. Ganes, Patient Advocate, Southside Virginia Training Center

Willie Barnes, Human Rights Advocate, Eastern State Hospital

Gianna Mitchell, Human Rights Advocate, Eastern State Hospital

OTHER STAFF PRESENT

Karen Walters, DMHMRSAS Special Counsel

Frank Tetrick, Assistant Commissioner, Community Services

OTHERS PRESENT

Doris Peterkon, Vice-Chair, Suffolk Regional Local Human Rights Committee

Jacqueline Blackett, Secretary, Suffolk Regional Local Human Rights Committee

Thelma G. Wright, Vice-Chair, Southern Virginia Mental Health Institute LHRC

Elizabeth (Betsy) Coffelt-Hill, Southeastern Virginia Training Center LHRC

Tracy Johnson, Administrator, The Pines Residential Treatment Center, Brighton Campus

Frank Tetrick, Assistant Commissioner, DMHMRSAS Community Services

Bobby Tuck, Former SHRC Member

Margie Tuck, Vice-Chair, Southside Virginia Training Center LHRC

Welcome / Call to Order

The October 26, 2007 meeting of the State Human Rights Committee was called to order by Mr. Kirby Wright, Chairperson. Mr. Wright asked committee members and human rights staff to introduce themselves for those present.

Minutes

Upon a motion made by Davey Zellmer and seconded by Carman Anne Thompson, the minutes of the September 7, 2007 State Human Rights Committee meeting were unanimously approved as corrected.

Dr. Elizabeth Coffelt, Chairperson, Southeastern Virginia Training Center (SEVTC) LHRC came before the committee to discuss the trouble the LHRC is having in recruiting members. Dr. Coffelt asked if it is possible to substitute family members of consumers with cognitive disabilities for consumers when the LHRC cannot get actual consumers to serve. The LHRC believes that family members would be strong representatives of consumers with cognitive disabilities. Margaret Walsh said that the requirement to have consumers on the committee is in the Virginia Code and that a change in Code would require an act of the General Assembly. Chairman Wright thanked Dr. Coffelt for coming and making the LHRC's concerns known. Mr. Wright also thanked her for the important work done by the SEVTC LHRC on behalf of consumers.

Public Comment Period 10:30 TO 10:45

Kirby Wright announced the public comment period and invited individuals to come forward to address the committee. There being no individuals from the public who wished to speak, the SHRC continued with regular business.

The appeal of L.H. has been postponed until November 16, 2007.

Policy

The Pines Residential Treatment Center, Inc.

Reginald T. Daye, Regional Advocate for Region V, introduced Tracy Johnson, Administrator for The Pines Residential Treatment Center, Brighton Campus. Ms. Johnson presented a form that the program would like to use to inform incoming clients of the program's policy for the emergency use of medication for residents under the age of 18. Kirby Wright asked that the program make clear in writing in what situations the policy would be utilized.

Presentation

Frank Tetrick, Assistant Commissioner for Community Services, came before the

committee to talk about Community Services Delivery. Mr. Tetrick reported that the office of community services seeks to understand whether consumers feel they are receiving quality services from the community services boards, and to determine how the boards can do a better job of providing services. Mr. Tetrick provided copies of the ROSI (Recovery Oriented System Indicators) consumer survey, a key indicator for boards to use in developing programs designed for individuals who are experiencing crises but who can function in the community.

Kirby Wright thanked Mr. Tetrick for coming to the meeting to talk with the committee.

Bylaws

New Creation Local Human Rights Committee

James O. Bowser, Jr., presented the Bylaws for New Creation Local Human Rights Committee. New Creation is the most recent LHRC established in Region IV. Mr. Bowser reported that the Bylaws use the same basic language as previously approved by the State Human Rights Committee.

Upon a motion made by Carmen Anne Thompson and seconded by Davey Zellmer the Bylaws for New Creation Local Human Rights Committee were unanimously approved.

Variance

Youth Empowerment

James O. Bowser, Jr., Regional Advocate for Region IV, introduced Mr. Stephen A. Parson, Jr., Executive Director, and Mr. Vincent M. Walker, Sr., Quality Assurance Director, for Youth Empowerment located in Richmond, Virginia. Mr. Parson described the program as a short term facility that serves a population of males aged 12 to 17 years old who have had unsuccessful community re-integration. The Crisis Receiving facility provides short term placement for 45 to 60 days until alternative placement is identified. The program is located on a campus with an education center and a dorm facility which does not have windows in the bedrooms. The bedrooms are approximately eight by twelve feet and house a maximum of two people. Mr. Parson said the program is asking for a variance to 12 VAC 35-115-50 C 3d Dignity, of the human rights regulations.

Mr. Bowser reported that the Office of Licensing granted a license to the facility and subsequently cited them for not having windows or skylights in the bedrooms. The LHRC met on October 1, 2007 and considered but did not approve the variance request.

Kirby Wright asked for an estimate on the cost of installing windows in the bedrooms. The SHRC will hold the December 7, 2007 SHRC meeting at the facility and

will again consider the variance request at that time. Mr. Wright thanked Mr. Parson and Mr. Walker for coming before the committee.

LHRC Membership

Upon a motion made by Davey Zellmer and seconded by Carmen Anne Thompson the State Human Rights Committee convened in 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.

Upon a motion made by Davey Zellmer and seconded by Carmen Anne Thompson the State Human Rights Committee unanimously voted to appoint the following applicants to the specified local human rights committees.

University of Virginia LHRC

Reappoint:

Ms. Jenny Oliver

Northern Virginia Mental Health Hospitals LHRC

Appoint:

Mr. Bruce Fenchel

Ms. Judith Regner

Crater LHRC

Appoint:

Ms. Mable Jones

Southside Virginia Training Center

Appoint:

Ms. Rewel Jean Grim

Southeastern Alliance LHRC

Appoint:

Ms. Gail J. Russell

Ms. Lisa O. Hillman

Piedmont Community Services LHRC

Appoint:

Ms. Sharon Shepherd

Ms. Nancy Davis

Central Virginia Community Services LHRC

Appoint:

Ms. Jennifer Kerns

Southern Virginia Mental Health Institute

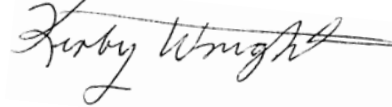
Appoint:

Ms. Esther F. Goins

The SHRC will send certificates to Heike Mothershed and Rogers Henry for their service on Local Human Rights Committees.

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

Respectfully submitted,

A handwritten signature in black ink that reads "Kirby Wright". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Kirby Wright, Chair