

**STATE HUMAN RIGHTS COMMITTEE
MEETING MINUTES**

Poplar Springs Hospital
350 Poplar Drive
Petersburg, Virginia 23805
Friday, March 7, 2003

ADMINISTRATIVE MEETING
8:00 a.m.

COMMITTEE MEMBERS PRESENT

Jim Briggs, Vice-Chair
Joyce Bozeman
Angela Brosnan
Carol Gittman
Michael Marsh
Carmen Anne Thompson
Davey Zellmer

STAFF PRESENT

Margaret S. Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center
Yolanda Smith, Executive Secretary, Southside Virginia Training Center

Issues:

James O. Bowser, Jr., Regional Human Rights Advocate, Region IV, and Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center, briefed the committee on the status of Southside Virginia Training Center's proposed System Code Alert in cottages for at-risk clients.

The SHRC Bylaws sub-committee will review the Bylaws and recommend changes to comply with the new human rights regulations. Margaret Walsh, Dr. M. Johnson and the remaining SHRC members are to provide comments to Dr. Bozeman by April 1, 2003. Dr. Bozeman will present a new draft document during the April 25, 2003 SHRC meeting.

Jim Briggs is polling members for the election of new officers. Election of officers will be placed on the June 6 agenda.

The SHRC regretfully accepted the resignation of Linda Martin.

The search for new members continues. Advocates and SHRC members are working to identify prospective members to be appointed in June.

Carol Gittman voiced concern about problems in group homes or ALFs (Adult Living Facilities). Jim Bowser described the process of surprise or unannounced visits. Such visits are conducted by OHR advocates several times per month. The SHRC asked that they be given a report that highlights problems and issues found during these visits. Margaret Walsh offered to extract information from advocate bi-monthly reports and to add this item to her SHRD Reports during SHRC meetings.

The committee viewed a 20 minute VHS tape on HIPAA, the privacy rules that regulate the release of medical and mental information on clients. HIPAA will become effective April 14, 2003. Ms. Walsh summarized the basic principles of HIPAA and stated that HIPAA overlays and works in conjunction with state and federal laws.

REGULAR MEETING
10:15 a.m.

COMMITTEE MEMBERS PRESENT:

Jim Briggs, Vice-Chair
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Margaret S. Walsh, State Human Rights Director
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James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center
Yolanda Smith, Executive Secretary, Southside Virginia Training Center

OTHERS PRESENT:

Steve Noel, Vice-President of Hospital-Based Operations, Poplar Springs Hospital
Linda Edwards, Director of Adult and Family Services, Central Virginia Community Services

Pam Seager, Program Manager of Housing and Residential Services, Central Virginia Community Services

Jane Pitts, Program Manager of Community Support Services, Central Virginia Community Services

Bobby Tuck, Member, Southside Virginia Training Center LHRC

Margie Tuck, Member, Southside Virginia Training Center LHRC

Dr. Holland, Facility Director, Southside Virginia Training Center

Margaret Miller, Director Residential Services, Southside Virginia Training Center

Ken McCurrick, Director of Program Services, Southside Virginia Training Center

CALL TO ORDER:

The March 7, 2003 meeting of the State Human Rights Committee was called to order by Vice-Chair Jim Briggs. Mr. Briggs lead the members in introducing themselves. Advocates and staff of the Office of Human Rights introduced themselves.

Steve Noel, Vice-President of Hospital-Based Operations welcomed the committee to Poplar Springs Hospital and provided an overview of the hospital and its services. Mr. Noel offered the committee and staff of the Office of Human Rights a tour of the facility after the meeting.

MINUTES:

The minutes of the January 24, 2003 State Human Rights Committee meeting were unanimously approved as corrected.

ISSUES:

Client Swaying

Sherry Miles, Regional Advocate, Region VI, introduced Linda Edwards, Director of Adult and Family Services, Pam Seager, Program Manager of Housing and Residential Services (mental retardation group homes), and Jane Pitts, Program Manager of Community Support Services (case management, respite, in home supports) from Central Virginia Community Services (CVCS).

The staff of Central Virginia Community Services described problems encountered by consumers who are being swayed to move to new providers without proper discharge planning. This has become problematic in the Central

Virginia area because new providers who have past relationships with clients have influenced clients to move by giving false promises such as swimming pools, puppies, etc. Furthermore, no discharge plans are used and the negative consequences of changing providers are not explained to the consumers. The targeted consumers are primarily those without legally authorized representative or legal guardians.

The CVCS staff submitted two documents, *Case Management Services Selecting and Changing Providers and MOU between Adult and Family Case Management Services and Private Providers*. CVCS plans to implement with providers the practices described in these documents to ensure client rights are protected.

James Briggs, Vice Chair, made it clear during the discussion that presenting these documents to the committee does not mean that the SHRC endorses the guidelines provided in them. Central Virginia Community Services acknowledged their understanding.

The SHRC asked that Margaret Walsh, State Human Rights Director, arrange for DMHMRSAS staff to attend the next meeting to provide another perspective on the issue of client swaying. Ms. Walsh responded that she would invite a representative from the Office of Licensing.

Southside Virginia Training Center - Code Alert Program

Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center, introduced Dr. Holland, Facility Director, Margaret Miller, Director of Residential Services, and Ken McCurrick, Director of Program Services, for Southside Virginia Training Center. This proposal came before the committee in the past and was tabled pending further consideration and Fire Marshall approval. Dr. Holland provided an overview of the four facility cottages and again presented the proposal for the Code Alert System. Dr. Holland stated that the Fire Marshall has approved the system and the LHRC has tentatively approved the proposal and awaits the SHRC's decision.

The proposed system would allow cottage clients to live in a less restrictive environment that is more pleasing and less confining than the current living arrangement. This proposal would affect clients who are serious elopement risk or pica clients. Each client in the code alert cottage would go through the same consent process as any other client. Dr. Holland stated that this system would not be used in place of staffing and that the staff to client ratio would not change. Clients' individual behavior modification plans would be closely scrutinized since with this code alert system in place, clients would wear bands, which could create a more restrictive environment if utilized improperly.

A motion was made and unanimously passed to endorse the LHRC's decision to approve the system code alert.

BYLAWS:

Hanover County Community Services Board

James O. Bowser, Jr., Regional Human Rights Advocate, Region IV, presented the proposed Bylaws modification for Hanover County Community Services Board (HCCSB). The HCCSB Local Human Rights Committee has modified their Bylaws to comply with the new human rights regulations. Mr. Bowser stated that the most significant proposed change is to include language relative to the composition of the LHRC.

A motion was made and unanimously passed to approve the proposed Bylaws modification for the Hanover County Community Services Board. The Committee further stated that, if the LHRC so chooses, they may modify their Bylaws to allow two (2) full terms in membership in addition to the initial filling of vacant terms. A copy of the final Bylaws is to be forwarded to the Central Office for the file.

St. Joseph's Villa

James O. Bowser, Jr., Regional Human Rights Advocate, Region IV, presented the Bylaws for St. Joseph's Villa. The St. Joseph's Villa Local Human Rights Committee has modified their Bylaws to comply with the new human rights regulations. The LHRC also proposes to modify the Bylaws to include language regarding covering the responsibilities of Chair and Vice-Chair during absences and vacancies of those positions.

A motion was made and unanimously passed to approve the Bylaws modification for St. Joseph's Villa with suggested changes. The Committee further stated that, if the LHRC so chooses, they may modify their Bylaws to allow two (2) full terms in membership in addition to the initial filling of vacant terms. A copy of the final Bylaws is to be forwarded to the Central Office for the file.

Piedmont Geriatric Hospital

Sherry C. Miles, Regional Human Rights Advocate, Region VI, presented the proposed Bylaws modification for Piedmont Geriatric Hospital on behalf of Anne Stiles, Facility Human Rights Advocate, Piedmont Geriatric Hospital. The Piedmont Geriatric Hospital Local Human Rights Committee has modified their Bylaws to

comply with the new human rights regulations.

A motion was made and unanimously passed to approve the proposed Bylaws modification for Piedmont Geriatric Hospital with clarification of Article IV, Membership, Section 1. The Committee further stated that, if the LHRC so chooses, they may modify their Bylaws to allow two (2) full terms in membership in addition to the initial filling of vacant terms. A copy of the final Bylaws is to be forwarded to the Central Office for the file.

Report of the LHRC Efficiency & Effectiveness Task Force (LHRC Study Group)

Michael Marsh, SHRC member and member of the LHRC Study Group, reported on the activities of the study group. Dr. Marsh reported that Charles T. Collins, Regional Human Rights Advocate for Region I and member of the study group, facilitated the March 4, 2003 meeting at the Region Ten Community Services Board in Charlottesville. Dr. Marsh stated that Charlotte McNulty, Executive Director of the Harrisonburg-Rockingham CSB and member of the study group, volunteered to write a report of the study group's recommendations. Ms. McNulty will present her report during the June 6, 2003 SHRC meeting in Roanoke.

LHRC MEMBERSHIP:

The motion was made and passed that the State Human Rights Committee go into closed session pursuant to Virginia Code §2.2-3711 A (1) for the purpose of reviewing Local Human Rights Committee nominations.

Upon reconvening in open session, the Committee unanimously passed a motion to appoint the following applicants to their respective Local Human Rights Committees.

Piedmont Community Services

Reappoint:

Paul D. Jones

Piedmont Geriatric Hospital

Appoint:

Helga M. Fallis

Poplar Springs Hospital

Appoint:

Sherri J. Bowles

Richmond Behavioral Health Authority

Appoint:

Londella Hamilton

St. Joseph's Villa

Appoint:

Sidney Mae Fleckenstein

Chesapeake Regional

Appoint:

Roger Ladd

Middle Peninsula-Northern Neck CSB

Resignation:

Betty W. Taylor

A motion was made and passed with one abstention to make the following appointment:

Poplar Springs Hospital

Appoint:

Vicky M. Fisher

State Human Rights Director's Report:

Margaret Walsh, State Human Rights Director, informed the SHRC that the Fairfax-Falls Church CSB LHRC cannot assume the responsibility of temporarily covering for the Northern Virginia Mental Health Institute (NVMHI) LHRC because they feel their membership is too low at present to take on added responsibility. The Northern Virginia Training Center (NVTC) LHRC has volunteered to cover for the NVMHI LHRC if the department will train them in mental health issues and provide them with lunch during meetings since the added responsibility would mean longer LHRC meetings. Four psychiatric hospitals in the Northern Virginia area will come together and form a common LHRC. Once this LHRC is formed, it will assume responsibility for the consumers of NVMHI.

The SHRC will send a thank you letter to the NVTC LHRC for accepting to take responsibility for the NVMHI.

Ms. Walsh met with Jonathan Martinis, Managing Attorney for the Virginia Office for Protection and Advocacy (VOPA) to discuss interdepartmental issues. A representative from VOPA or of the VOPA Board will be invited to the April 25, 2003 SHRC meeting in Manassas.

Ms. Walsh presented the draft 2002 Annual Report of the SHRC. She asked that SHRC members read the draft and e-mail, phone or fax edits, changes and recommendations to her office.

Jim Briggs suggested that Ms. Walsh ask for additional monitoring staff for the Office of Human Rights. He suggested the OHR request funds for additional

support in accordance with the human rights study and present this request to the State MHMRSAS Board at its April 10 meeting. Mr. Briggs reported there are many mental health consumers in corrections facilities who are not receiving needed services. He suggested recommending the Board try to change the Code of Virginia to put these consumers under the purview of the human rights regulations.

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

Respectfully submitted,

Jim Briggs, Vice Chair
State Human Rights Committee