

STATE HUMAN RIGHTS
COMMITTEE

Christina Delzingaro, Chair
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Randy Johnsey, V-Chair
Glade Spring

Thomas C. Bullock
South Hill

Penny Cameron
Reston

Carolyn DeVilbiss
Alexandria

Joseph Lynch
Harrisonburg

Donald Lyons
Hillsville

Jannie Robinson
Chesapeake

Frank Royal, Jr.
Richmond



COMMONWEALTH of VIRGINIA

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MINUTES
STATE HUMAN RIGHTS COMMITTEE

Friday, October 29, 2010
Eastern State Hospital
New Adult Treatment Center
4601 Ironbound Road
Williamsburg, Virginia
23188

Administrative Session

Members Present

Christina Delzingaro, **Chair**, Randy Johnsey, **Vice-Chair**, T.C. Bullock, Penny Cameron, Carolyn DeVilbiss, Donald Lyons, Joseph Lynch, Jannie Robinson,

Members Not Present

Frank Royal

Staff

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Karen DeSousa, DBHDS Special Counsel
Deb Lochart, Regional Human Rights Advocate, Region 2
Stewart J. Prost, Human Rights Advocate, Southeastern Virginia Training Center
Patricia Bradby, Human Rights Advocate, Eastern State Hospital
Michael Curseen, Human Rights Manager, Region 4 and Central State Hospital
Beverly W. Garnes, Human Rights Manager, Region 4 and Southside Virginia Training Center
Reginald T. Daye, Regional Human Rights Advocate

Others

Josephene Johnsey, Interested Person

Call to Order and Welcome	<i>At 8:35 Christina Delzingaro, called the meeting to order. A call for introductions took place prior to proceeding.</i>
Approval of October 29, 2010 Agenda	<i>At 8:35 upon a motion by Randy Johnsey and seconded by Janie Robinson the SHRC unanimously approved the agenda for the October 29, 2010 meeting.</i>
SHRC Goals Worksheet	Margaret Walsh reported on the status of the committee's goals. Christina Delzingaro asked about an update on Youth in Transition.
Health Care Providers	At 8:40 Christina Delzingaro asked the Health Care Provider Committee to provide a report before the LHRC System Reform analysis is given.
Correspondence Loudoun Co LHRC - Health Care Providers	At 8:42 Margaret Walsh reported that a letter was sent to Loudoun LHRC regarding the designation of a health care provider on the LHRC. The office of human rights has not heard back from the LHRC.
PGH Extension of Timeframe	At 8:43 Margaret Walsh noted that the Piedmont Geriatric Hospital LHRC officially notified the SHRC of the extension of timeframe for conducting a hearing. <i>Upon a motion by Randy Johnsey and seconded by Carolyn DeVilbiss the SHRC unanimously approved the 60 day extension.</i>
Facility Patient Fund Accounts	At 8:46 Margaret Walsh reported on the status of revising the Departmental Instruction (DI) on Facility Patient Funds Accounts. The office should have some feedback within 6 months.
SHRC Case 10-02	At 8:49 the SHRC noted the decision for SHRC Case 10-02.
Crater LHRC	At 8:50 the SHRC reviewed a letter regarding issues with Crater LHRC. Beverly Garnes provided some background on the LHRC. Some other LHRCs have similar issues. Margaret Walsh will draft a letter of response. Margaret Walsh reviewed the requirements of committee meetings of 3 or more persons.
<i>BREAK</i>	<i>At 9:18 Christina Delzingaro called for a break until 9:30.</i>
9:30	<u>Regular Session</u>

Members Present Christina Delzingaro, **Chair**, Randy Johnsey, **Vice-Chair**, Thomas Bullock, Penny Cameron, Carolyn DeVilbiss, Joseph Lynch, Donald Lyons, Jannie Robinson, Frank Royal

Staff Margaret Walsh, State Human Rights Director
 Kli Kinzie, Executive Secretary
 Karen DeSousa, DBHDS Special Counsel
 Deb Lochart, Regional Human Rights Advocate, Region 2
 Michael Curseen, Human Rights Manager, Region 4 and Central State Hospital
 Beverly W. Garnes, Human Rights Manager, Region 4 and Southside Virginia Training Center
 Reginald T. Daye, Regional Human Rights Advocate, Region 5
 Stewart J. Prost, Human Rights Advocate, Southeastern Virginia Training Center
 Patricia Bradby, Human Rights Advocate, Eastern State Hospital

Other DBHDS Staff Frank Tetrick, Assistant Commissioner, Quality Management and Development
 Dr. Maxcine Maxfield, Facility Director, Eastern State Hospital
 Vicki Montgomery, Facility Director, Central State Hospital
 Dick Roberts, Resident Relations Liaison and Resident Safety Coordinator, Eastern State Hospital
 Dr. Mike Kohn, Psychologist NGRI, Eastern State Hospital
 Jennifer Barker, Patients Rights Coordinator, Central State Hospital

Others Mark Stevens, Disability Rights Advocate, Virginia Office for Protection and Advocacy
 Josephene Johnsey, Interested Person

Call to Order and Introductions *At 9:35 Christina Delzingaro called the October 29, 2010, SHRC meeting to order. A call for introductions took place prior to proceeding.*

Frank Tetrick thanked the SHRC and staff of the Office of Human Rights for inviting him to the meeting and also thanked them for their work in protecting the rights of people receiving services. Mr. Tetrick acknowledged Margaret Walsh's efforts and her dedication to keeping pace with a with a dramatically changing system.

Welcome At 9:38 Dr. Maxcine Maxfield, Facility Director, Eastern State Hospital (ESH), welcomed the SHRC to the facility and briefly described the populations service by the facility and the many services provided by ESH in the facility and community.

Dr. Maxfield thanked staff and the committee for all they do.

Minutes

At 9:40 the SHRC reviewed the minutes of the September 10, 2010, SHRC meeting. Christina Delzingaro thanked Donald Lyons for acting as pro tem Chair for the September 10, 2010 meeting and for his follow up work after the meeting.

Upon a motion by Carolyn DeVilbiss and seconded by TC Bullock SHRC approved the minutes of the September 10, 2010, SHRC meeting. Christina Delzingaro and Randy Johnsey abstained.

Tour

At 9:45 the committee was given a tour of the New Adult Treatment Center.

Reconvene

At 10:24 Christina Delzingaro called the regular session to order.

Public Comment

At 10:25 Christina Delzingaro called for Public Comments. There were no public comments.

**Discussion of ESH
Issues (9/27/2010)**

At 10:25 Mr. Dick Roberts, Resident Relations Liaison and Resident Safety Coordinator, and Dr. Mike Kohn, Psychologist NGRI, Eastern State Hospital, addressed the SHRC about patient funds issues at ESH. Dick Roberts provided some history which led to the development of the current policy. Mr. Roberts reported that residents have not voiced any complaints to his office about access to funds accounts.

Christina Delzingaro thanked Dick Robert and Mike Kohn for discussing this issue with the committee.

**Central State
Hospital Response**

At 11:05 Margaret Walsh introduced Vicki Montgomery, newly appointed Director of Central State Hospital.

Vicki Montgomery discussed issues about maximum security transfers to Eastern State Hospital and described Central State Hospital's (CSH) unique role as a facility. CSH has the only maximum security forensics unit in the Commonwealth. Consequently, that part of the facility belongs to the entire state of Virginia. Community Services Boards and jails across the state admit patients to Central State Hospital's maximum security forensics unit. On the other hand, the civil side of CSH treats individuals within the catchment area for CSH. Populations served by that side of the facility are close to home and close to supports, in as much as possible, rather than being from other parts of the state. The system is set up so that beds on the civil side are "owned" by the network of local CSBs.

Because the system has been moving toward community based services, when the new CSH facility was built it was made with fewer beds. The Department is working on building into the community a capacity to take individuals from the facilities as census at facilities is decreased. However, massive budget cuts have resulted in loss of funds for the discharge to community project, which left the transition plan unfunded. Consequently, all facilities are struggling to meet the demand for discharges to the community.

Ms. Montgomery addressed questions regarding the status of the eleven ESH transfers referenced in a petition submitted by the Virginia Office of Protection and Advocacy. CSH is not able to house the eleven transfers on CSH's civil side because beds are not currently available for them. Administration and facility staff are aware that the arrangement of housing them on the forensic side is not considered ideal to anyone and they will continue to work to manage the situation.

Christina Delzingaro suggested asking central office to provide status reports on individuals ready to transfer to less restrictive environments. This reporting could be combined with the regular reporting on individuals ready for discharge provided annually by the Office of Behavioral Health Community Support Services.

Upon a motion by Randy Johnsey and seconded by Carolyn DeVilbiss the SHRC unanimously voted to send a letter to central office requesting updates on individuals ready for transfer to less restrictive environments.

Christina Delzingaro thanked Vicki Montgomery for discussing this important issue with the SHRC.

Central State Hospital - Variances

At 11:25 the SHRC considered Variance renewal requests from Central State Hospital. Michael Curseen, Human Rights Advocate, Jennifer Barker, Patients Rights Coordinator, and Major Marsha Parham, Security Director for CSH, came forward to present the requests. Michael Curseen reported that the CSH Local Human Rights Committee heard the renewal requests and recommends SHRC approval.

Jennifer Barker presented the variance policies and said the LHRC reviews variance reporting on a monthly basis. Major Marsha Parham discussed issues related to the need and justification for the variances.

Upon a motion by Randy Johnsey and seconded by Frank Royal the SHRC unanimously approved the following variance renewals for a

three (3) year period. The facility is to submit in writing an annual report on the use of the variances to the SHRC on the anniversary of the renewal date.

12 VAC 35-115-20 A.2 Dignity; and 12 VAC 35-115-50 C3(a)

Reasonable Privacy

Body cavity exams

Visual inspections of bodies

Visual or electronic external bodily exams

Physical pat-downs

Search of property

Search of living area and belongings

12 VAC 35-115-50 C6 and C6(a); Privacy/Mail

Open but not read mail

12 VAC 35-115-20 A2 Dignity; and 12 VAC 35-115-50 C3(a)

Reasonable Privacy

Pat-downs of non-forensics in secure programs

Routine searches of bedrooms

12 VAC 35-115-100 A1(c)

Spend personal money

VCBR

At 11:48 Margaret Walsh provided an update on identifying an LHRC for Virginia Center for Behavioral Rehabilitation. The Central State Hospital LHRC agreed to serve as LHRC for VCBR at the same time that Kim Runion, Facility Director for VCBR, submitted an outline of exemptions Commissioner Stewart has put in place for VCBR. The exemptions will allow for a complaint resolution process very much like the complaint system VCBR had in place when it first opened for operation. Under this complaint system complaints from VCBR will be reviewed by an Appeals Committee.

Christina Delzingaro asked for a response to go to CSH LHRC thanking them very much for their willingness to serve as LHRC for VCBR.

At 11:55 the Committee discussed SHRC Case 10-03 for G.R. Margaret Walsh reported that when the SHRC notified VCBR of

VCBR's procedural error concerning religion and nutrition, the facility got right on it and worked out a solution to G.R.'s issues.

Upon a motion by Randy Johnsey and seconded by Carolyn DeVilbiss the SHRC unanimously considers the complaints resolved and determines that no further action is necessary. The appeals file will be updated to reflect this determination.

BREAK FOR LUNCH

At 12:00 Christina Delzingaro called for a break for lunch.

Sub-Committee to Review LHRC Structure.

At 12:23 Christina Delzingaro discussed some proposals for reforming the human rights system. Among the proposed changes the Sub-Committee to Review LHRC Structure recommended revision of the model Bylaws documents.

Upon a motion by Randy Johnsey and seconded by Joseph Lynch the SHRC unanimously accepted the recommendation to modify the model bylaws with suggested changes.

The Sub-Committee will continue to work on other proposals for system reform.

Attendance at LHRC Meetings

At 1:45 Carolyn DeVilbiss reported that she and Penny Cameron attended an LHRC meeting. They will provide more information about the LHRC meeting at the next SHRC meeting. TC Bullock will also report on an LHRC meeting at that time.

LHRC Membership

At 1:45 the SHRC considered local human rights committees membership.

Appointments

Upon a motion by Joseph Lynch and seconded by TC Bullock 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.

Upon a motion by Randy Johnsey and seconded by Joseph Lynch the SHRC unanimously moved to accept the resignation of Ms. Gloria Newell-Perdue from Hampton Regional LHRC and made the following appointments.

- Region 2 Northern Virginia Hospitals LHRC
Appoint: Ms. Mladena Vucetic
Alexandria LHRC
Appoint: Ms. Shawna M. Green
- Region 3 Mt. Rogers LHRC
Appoint: Ms. Judy M. Burkett, Dr. Jerry Ray Willis
- Region 4 Metropolitan LHRC
Appoint: Ms. Jennifer Ann Huffman, Mr. Barry Vassar
- Region 5 Hampton Regional LHRC
Appoint: Ms. Lynne Finding
Newport News Regional LHRC
Appoint: Mr. Robert L. Thompson
Health Planning Region V LHRC
Appoint: Ms. Adrienne Benjamin-Scott
- Region 6 Central Virginia Training Center LHRC
Appoint: Ms. Kay Weschke
Piedmont Geriatric Hospital LHRC
Appoint: Ms. Margie L. Nevins

Adjournment

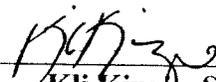
Upon a motion by Frank Royal and seconded by Penny Cameron the October 29, 2010 SHRC meeting adjourned at 1:50.

The next meeting will be held on December 10, 2010, at Piedmont Geriatric Hospital

Respectfully Submitted:



Christina Delzingaro, Chair



Kli Kinzie, Secretary