

STATE HUMAN RIGHTS
COMMITTEE

Donald H. Lyons, Chair
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Randy Johnsey, V-Chair
Glade Spring

Thomas C. Bullock
South Hill

Penny Cameron
Reston

Victoria Cash Graff
Staunton

Carolyn DeVilbiss
Alexandria

Jannie Robinson
Chesapeake

Frank Royal, Jr.
Richmond

Timothy Russell
Williamsburg



COMMONWEALTH of VIRGINIA

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STATE HUMAN RIGHTS COMMITTEE MINUTES

Friday, December 7, 2012
Southside Virginia Training Center
Building 1, Conference Room B
Petersburg, Virginia
23803

Administrative Session **8:30 a.m.**

Members Present Donald H. Lyons, **Chair**, Randy Johnsey, **Vice-Chair**, T.C. Bullock, Vicki Cash Graff, Carolyn DeVilbiss, Jannie Robinson, Frank Royal, Timothy Russell

Member Not Present Penny Cameron

DBHDS Staff Reginald T. Daye, Regional Human Rights Advocate, Region 5
Beverly Garnes, Regional Human Rights Advocate, Region 6
Kli Kinzie, Executive Secretary
Deb Lochart, Human Rights Manager
Karen Taylor, DBHDS Special Counsel
Margaret Walsh, State Human Rights Director
LaDonna Walters, Human Rights Manager
Carrie Flowers, Human Rights Advocate

Others Rebecca Currin, Disabilities Rights Advocate, VOPA
Josephene Johnsey, Interested Person

At 8:33 Don Lyons called the meeting to order. Introductions took place prior to proceeding. Chairman Lyons welcomed new members Vicki Cash Graff and Timothy Russell.

Approval of December 7, 2012 Agenda *At 8:33 upon a motion by Randy Johnsey and seconded by T.C. Bullock the SHRC approved the agenda for the December 7, 2012 meeting unanimously.*

Correspondence At 8:34 the SHRC reviewed correspondence and information.

LHRC Vacancies At 8:36 the SHRC reviewed the LHRC vacancy tracking sheet.

SHRC Goals At 9:01 the SHRC reviewed and discussed goals for next year.

Sub-Committees At 9:05 the SHRC discussed sub-committee history.

BREAK *At 9:20 Donald Lyons called for a break.*

Regular Session

9:30 a.m.

Members Present Donald H. Lyons, **Chair**, Randy Johnsey, **Vice-Chair**, T.C. Bullock, Penny Cameron, Vicki Cash Graff, Carolyn DeVilbiss, Jannie Robinson, Frank Royal, Timothy Russell

Member Not Present Penny Cameron

DBHDS Staff Reginald T. Daye, Regional Human Rights Advocate, Region 5
Carrie Flowers, Human Rights Advocate
Beverly Garnes, Regional Human Rights Advocate, Region 6
Bill Hawkins, Executive Director, Southside Virginia Training Center
Kli Kinzie, Executive Secretary
Deb Lochart, Human Rights Manager
Russell Payne, Community Support Specialist, Behavioral Health
John Pezzoli, Assistant Commissioner, Behavioral Health Services
Walter G. Small, Human Rights Advocate, Central State Hospital
Michael Schaefer, Director of Forensic Services
Deb Smith, Community Resource Consultant, Developmental Services -
Community Resources
Karen Taylor, DBHDS Special Counsel
Margaret Walsh, State Human Rights Director
LaDonna Walters, Human Rights Manager
Jason Wilson, Virginia Center for Behavioral Rehabilitation

Cheryl Young, Virginia Center for Behavioral Rehabilitation
Hillary Zaneveld, Human Rights Advocate, Eastern State Hospital

- Others** Marina Caro, Disability Rights Advocate, Virginia Office for Protection and Advocacy
Becky Currin, Disability Rights Advocate, Virginia Office for Protection and Advocacy
Josephene Johnsey, Interested Person
- Call to Order and Introductions** *At 9:30 Donald Lyons called the December 7, 2012, regular session to order.*
Introductions took place prior to proceeding.
- Welcome** Donald Lyons introduced Bill Hawkins, Executive Director of SVTC. Mr Hawkins gave a brief overview of services offered and populations served by the facility.
- Approval of Draft Minutes** At 9:37 the SHRC reviewed the draft minutes of the October 26, 2012 SHRC meeting.
Upon a motion by Randy Johnsey and seconded by Carolyn DeVilbiss the minutes of the October 26, 2012 SHRC Meeting were unanimously approved as revised.
- VCBR** At 9:37 the SHRC reviewed monthly reports from VCBR, and the updated corrective action plan for V.J. Mr. Tim Russell noted a typo in the report.
- VCBR** At 9:35 Jason Wilson and Cheryl Young reported on the corrective action plan for complaints 2012 0638 and 2012 0645. Tammy Long, Human Rights Advocate, provided background on the complaints.
- DOJ Monitoring Activities** At 9:40 Ms. Deb Smith, Deb Lochart and LaDonna Walters discussed mission and activities of the DOJ settlement agreement monitoring team.
- Update on Discharges** At 10:08 Russell Payne provided an update on extraordinary barriers to discharge.
- Waiting Lists / Least Restrictive Environment** At 10:25 John Pezzoli introduced Dr. Michael Schaefer. John Pezzoli and Michael Schaefer provided an update on waiting lists and transfers to least restrictive environments.

Donald Lyons asked Mr. Pezzoli and Dr. Schaefer to attend the June 2013 SHRC meeting with a contingency plan to be utilized if the department does not get needed funding for transfers to appropriate settings.
- 2013 SHRC Schedule** The SHRC reviewed proposed meeting dates for 2013.

Upon a motion by Randy Johnsey and seconded by T.C. Bullock the SHRC unanimously voted to hold the next SHRC meeting on January 25, 2013.

**Bylaws Universal
Family LHRC**

At 11:13 Mr. Reginald Daye, Regional Human Rights Advocate, Region 5, presented the Universal Family LHRC's request to reduce its membership from seven (7) to five (5) members. If approved the change would read as follows:

Upon a motion by Frank Royal and seconded by T.C. Bullock the SHRC unanimously voted to approve the Bylaws for Universal Family LHRC to allow the following change: Article III, Section 1, sentence 2: "The Universal Family LHRC shall consist of five (5) members appointed by the SHRC".

**LHRC
Membership**

At 11:15 the SHRC considered LHRC Membership.

Upon a motion by Randy Johnsey 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.

The SHRC acknowledged the resignation of Ms. Ms. Linda Smith from Piedmont Community Services LHRC.

Upon a motion by T.C. Bullock and seconded by Randy Johnsey the SHRC unanimously removed Mr. Donald Thompson from Commonwealth LHRC made the following appointments.

Region 1

Rappahannock-Rapidan LHRC
Appoint: Ms. Phoebe Muenger
Region Ten LHRC
Appoint: Mr. Tyler Leffler

Region 3

Catawba LHRC
Appoint: Ms. Cynthia Hall
Roanoke Valley LHRC
Appoint: Ms. Betty Crance

Region 4

Piedmont Geriatric Hospital LHRC

Appoint: Mr. William Daniel
Richmond Tri-Cities LHRC
Appoint: Ms. Melissa G. Mahan

Region 6 Danville Pittsylvania Regional LHRC
Reappoint: Ms. Kelly Matthews

Upon a motion by Frank Royal and seconded by Randy Johnsey the SHRC voted unanimously to make the following appointments.

Region 3 Virginia Highlands Local Human Rights Committee
Appoint: Mrs. Beverly B. Derian, Mr. Denton Staley
Dr. Elvera McLees - appt

Furthermore, the SHRC tabled consideration of the appointment of Elvera McLees to Virginia Highlands Local Human Rights Committee until the December 7, 2012 SHRC meeting.

**Appeal of S.S. v.
NVH LHRC**

At 11:30 the SHRC heard the appeal of S.S. v. Northern Virginia Hospital Local Human Rights Committee. Mr. Tim Simmons, Human Rights Advocate, assisted S.S. with the presentation of the case via telephone. Mr. James Newton represented Northern Virginia Mental Health Institute (NVMHI). At the request of S.S., the hearing was held in closed session.

Upon a motion by Randy Johnsey the SHRC convened in closed session for the purpose of discussion of medical and medical records excluded from the Freedom of Information Act.

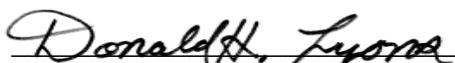
Upon reconvening in open session each member certified that to the best of each member's knowledge only those matters identified in the motion to convene in closed session were discussed in closed session.

Upon a motion by T.C. Bullock and seconded by Randy Johnsey the SHRC upholds the findings and recommendations of the NVH-LHRC.

The SHRC will send a letter to the facility requesting an update on changes made when the policy on contraband is updated.

Adjournment At 12:10 the SHRC meeting adjourned. The next meeting will be held on January 25, 2013 at the central office in Richmond.

Respectfully Submitted:


Donald H. Lyons, Chair


Kili Kirzie, Secretary

