

STATE HUMAN RIGHTS COMMITTEE

Julie C. Allen, Chairperson
Springfield
David Boehm, Vice-Chairperson
Marion
Wil Childers
Hardy
Betty Crance
Fincastle
David Crews
Chatham
Monica Lucas
Richmond
Timothy Russell
Williamsburg



COMMONWEALTH of VIRGINIA
Department of Behavioral Health and Developmental Services
Post Office Box 1797
Richmond, Virginia 23218-1797
NELSON SMITH, COMMISSIONER

Taneika Goldman
State Human Rights Director
Taneika.Goldman@dbhds.virginia.gov

Office of Human Rights
1220 Bank Street
Richmond, VA 23219

P.O. Box 1797
Richmond, VA 23218
www.dbhds.virginia.gov

State Human Rights Committee Meeting
VIRTUAL MEETING

Minutes

Thursday, November 3, 2022

DBHDS

Southern Virginia Mental Health Institute
382 Taylor Drive
Norman Auditorium
Danville, Virginia
24541

Zoom for Government

<https://dbhds.zoomgov.com/j/1617839100>

Meeting ID: 161 783 9100

Passcode: \$HRCMet1ng

Convene

9:00 a.m.

SHRC Members Present Physically Julie C. Allen, **Chair**; David Boehm, **Vice-Chair**; Betty Crance; David Crews, Monica Lucas, Timothy Russell

SHRC Members Present Virtually Will Childers attended the meeting virtually but was delayed getting in due to technical difficulties.

Staff Present Physically Taneika Goldman, State Human Rights Director
Karen A. Taylor, Senior Assistant Attorney General, Counsel to the SHRC
Mary Clair O'Hara, Associate Director for Facility Operations
Jennifer Kovack, Associate Director for Community Operations
Mandy Crowder, Regional Advocate Manager
Chelsea Robinette, Human Rights Advocate
Kli Kinzie, Executive Secretary

Staff Attending Virtually Brandon Charles, Facility Operations Manager
Cassie Purtlebaugh, Regional Advocate Manager
Cheryl Young, Human Rights Advocate
Angela Dodson, Human Rights Advocate
Tony Davis, Human Rights Advocate
Andrea Millhouse, Human Rights Advocate

Others	Brandi Justice, Facility Director, Central State Hospital
Attending	Jennifer Barker, Director Patient Relations and Recovery Initiatives, Central State Hospital
Virtually	Marica Parham, Director of Forensic Security, Central State Hospital
	Rebecca Herbig, Disability Rights Advocate, disAbility Law Center of Virginia, (dLCV)
	Nicole Durose, Disability Rights Advocate, dLCV
	Sheldon Ekirch, Fellow, dLCV
	Jennifer Spangler, Public Commenter
	Rashaad Riddick, Public Commenter
	Steven Gray, Public Commenter
	Jennifer Immekus, QI Supervisor, District 19 Community Services Board
	Melissa Devault, Director of Operations, District 19 Community Services Board
	Lauren Fisher White, Attorney at Law, Christian & Barton, LLP
	Jennifer Turnstall, Executive Director, District 19 Community Services Board
	Dr. Zipporah Levi-Shackleford, Psychiatrist, District 19 CSB
	EK, Petitioner, Central State Hospital
	Danielle Hunt, Chair, Tri-City LHRC
Call to Order	At 9:00, Julie Allen, SHRC Chair, called the November 3, 2022, SHRC meeting to order and welcomed everyone to the meeting. A call for introductions took place prior to proceeding.
Approval of Agenda	At 9:02, the committee considered the agenda. Taneika Goldman, State Human Rights Director, requested the agenda be amended to include an appeal of the Prince William County LHRC's capacity evaluation decision for an individual at Eastern State Hospital. <i>At 9:04, a motion was made by Timothy Russell and seconded by David Crews to approve the amended agenda. David Boehm, SHRC Vice-Chair, called for votes in roll call fashion. All members voted to pass the motion.</i>
Review of Draft Minutes	At 9:05, the SHRC reviewed the draft minutes of the September 29, 2022, meeting. Taneika Goldman recommended the correction of adding <i>Dawn Van Metre, Executive Director, Community Alternatives of Virginia</i> to the minutes. <i>At 9:05, a motion was made by Betty Crance and seconded by Monica Lucas to approve the September 29, 2022, minutes as corrected. David Boehm, SHRC Vice-Chair, called for votes in roll call fashion. All members voted to pass the motion.</i>
Information	At 9:06, Taneika Goldman, State Human Rights Director, addressed the Committee. Mrs. Goldman acknowledged OHR team members physically present and commended them for their dedication and commitment to the mission of OHR. Mrs. Goldman thanked SHRC member Betty Crance for her help to identify and refer a prospective LHRC member, and she also acknowledged SHRC members David Boehm and David Crews for their willingness to provide a welcome and represent the SHRC at the New LHRC Member Orientation.
Welcome and Overview	At 9:08, Robin Crews, Facility Director, Southern Virginia Mental Health Institute, welcomed the Committee and provided an overview of the facility and the populations served in the area.
BREAK	At 9:20, Julie Allen called for a break.

Public Comment At 9:29, Julie Allen called for public comments. A call for introductions took place prior to proceeding.

At 9:30, Jennifer Spangler, interested citizen, thanked the SHRC for the opportunity to come before the committee. Ms. Spangler presented her concerns about the proposed Central State Hospital (CSH) variances.

At 9:32, Steven Gray, Interested Citizen, gave public comments regarding the culture at CSH and his concerns about the proposed Central State Hospital variances.

At 9:34, Mr. Riddick, Patient, CSH, gave public comments and voiced his concerns about the proposed CSH variances. He spoke about human rights protections and issues relative to patients admitted on TDO and NGRI status.

Variances At 9:39, Taneika Goldman summarized the variance request process. The SHRC deferred a decision on the proposed variances at their September 29th meeting to have time to consider public comments provided, and now will hear additional information and ask questions before considering the request for approval, denial, or modification. Brandi Justice, Facility Director, CSH; and Jennifer Barker, Director of Patient Relations, CSH; presented information and answered questions. Tony Davis, Human Rights Advocate, was present to provide technical assistance.

Timothy Russell moved to approve the variance as proposed for 3 years, with quarterly reports to the LHRC. The SHRC is to receive the LHRC quarterly reports during its regularly scheduled meetings. Julie Allen called for votes in roll call fashion. All members voted in favor of the motion.

Appeal At 10:00, the SHRC considered the Appeal of Metropolitan LHRC Findings in the matter of EK v District 19 Community Services Board (D19 CSB). In consideration of the request of EK, Petitioner, the SHRC determined to hear the appeal in open session.

EK, Petitioner, was present virtually. At EK's request, Nicole Durose, Disability Rights Advocate, disAbility Law Center of Virginia (dLCV), spoke on his behalf.

Jennifer Turnstall, Executive Director, D19 CSB; Jennifer Immekus, QI Supervisor, D19 CSB; Melissa Devault, Director of Operations, D19 CSB; Dr. Zipporah Levi-Shackleford, Psychiatrist, D19 CSB; and Lauren Fisher White, Attorney at Law, D19 CSB Legal Counsel; were present virtually to represent the program.

Closed Session *At 10:43, upon a motion by David Boehm the SHRC convened in closed session pursuant to VA CODE § 2.2-3711 (A) (4) (8) and (16), for the protection of the privacy of individuals in personal matters not related to public business, discussion of their medical records, and for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.*

Upon a motion by David Boehm, the SHRC returned to open session. Upon reconvening in open session each member certified that, to the best of their knowledge, only matters lawfully exempted from open meeting requirements and only such matters related to the stated reason for going into closed session were heard, discussed, or considered.

The SHRC's written response will be issued to all parties within 20 working days.

VCBR Follow Up At 11:28, Taneika Goldman presented follow-up from VCBR on CHRIS Complaint #20220084, Departmental Instruction 205, and VCBR Facility Instruction 131. Tony Davis was present to provide further information and answer questions.

Facility Operations At 11:33, the committee received updates on facility operations.

S/R & Death At 11:34, Mary Clair O'Hara presented seclusion, restraint, and death data. *(See addendum 1).*

Violation Letters At 11:44, Brandon Charles presented a summary of violation letters. *(See addendum 2).*

VCBR At 11:46, the committee received an update on VCBR complaints, seclusion and restraint, and allegations of abuse. *(See addendum 3).*

Appeal of Review Decision At 11:53, Taneika Goldman presented the appeal of a capacity review decision of the Prince William County LHRC.

At 12:03, Timothy Russell moved to uphold the decision of the Prince William County LHRC. Julie Allen called for votes in roll call fashion. All members voted in support the motion.

BREAK At 12:03, Julie Allen called for a break.

Community Operations At 12:27, Jennifer Kovack presented a PowerPoint slideshow highlighting activities of the community operations team. *(See addendum 4).*

LHRC Business At 1:15, the SHRC considered LHRC business.

LHRC Membership Questionnaire At 1:16, Taneika Goldman presented proposed revisions to the LHRC membership application. Consideration of out of state applicants will be handled on a case-by-case basis.

LHRC Liaison Reports At 1:33, David Crews reported that he tried to attend an LHRC meeting in his catchment area, but the meeting was cancelled due to the lack of a quorum. Mary Clair O'Hara reminded everyone that LHRC meeting schedules are posted on the department's web site.

LHRC Membership At 1:37, Jennifer Kovack presented the candidates for LHRC appointment. There were no resignations received since the last SHRC meeting.

At 1:40, upon a motion by Monica Lucas and seconded by Betty Crance the SHRC made the following appointments:

Region 2

NVH LHRC: Appoint Susan Evers

NVR LHRC: Reappoint Edward O'Brien

Region 3

Virginia Highlands LHRC: Appoint Amelia Bland-Waller

Facilities

Staunton Area LHRC: Appoint Kim Nine Albritton

Williamsburg Regional LHRC: Appoint Melissa South

**2023 Meeting
Schedule**

At 1:49, the committee considered 2023 meeting dates and discussed meeting locations. Proposed meeting dates are January 19, March 2, April 13, May 18, June 22, August 17, September 28, November 2, and December 14. The committee also discussed prioritizing a meeting on site at CSH based on concerns noted in public comment, and considered arriving on some Wednesday evenings to allow for longer public comment sessions and/or tours of programs.

Sub-committees At 1:53, Julie Allen called for Sub-Committee reports.

Policy Subcommittee David Boehm; Betty Crance; Mary Clair O'Hara, Staff

Nothing to report at this time.

Workplan Subcommittee David Crews

Nothing to report at this time.

Bylaws Subcommittee Monica Lucas, Chair; Jennifer Kovack, Staff

Nothing to report at this time.

Membership Subcommittee Will Childers and David Crews

There was a brief discussion of recruiting to fill 2 vacancies.

Officer Subcommittee Officer Subcommittee: Timothy Russell.

Nothing to report at this time.

Other At 1:57, Monica Lucas asked for a guest speaker on housing and group homes in 2023, as well as an update on the DOJ Settlement Agreement.

Adjournment At 1:58, having no further business to discuss the November 3, 2022, SHRC meeting adjourned.

Respectfully Submitted,



Julie C. Allen, SHRC Chair



Kli Kinzie, Executive Secretary

Next Meeting

December 8, 2022

Piedmont Geriatric Hospital
Burkeville