

STATE HUMAN RIGHTS COMMITTEE

Vicki Cash Graff, Chairperson
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John Barrett, Vice-Chairperson
Richmond / Deltaville
Ann Bevan
Mechanicsville
Pete Daniel
Charlotte Court House
Salina Greene
Alexandria
Sandy Robbins
Valentines
Timothy Russell
Williamsburg



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COMMONWEALTH of VIRGINIA
Department of Behavioral Health and Developmental Services
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S. HUGHES MELTON, MD, MBA, FFAFP, FABAM, COMMISSIONER

State Human Rights Committee Meeting
MINUTES

Virginia Beach Psychiatric Center
1100 First Colonial Road
Virginia Beach, VA
23454

Friday, April 20, 2018

Administrative Session

8:30 a.m.

Members Present John Barrett, **Vice-Chairperson**; Pete Daniel; Salina Greene; Sandy Robbins; Timothy Russell

Members Excused Vicki Cash Graff, **Chairperson**; Ann Bevan

Staff Present Deb Lochart, State Human Rights Director
Taneika Goldman, Assistant State Human Rights Director
Karen Taylor, Senior Assistant Attorney General
Reginald T. Daye, Regional Human Rights Advocate, Region 5
Stewart Prost, Human Rights Advocate
Kli Kinzie, Executive Secretary

Others Present George F. Daniel, Charlotte Court House
King Goldman, North Chesterfield

Call to Order At 8:34, John Barrett, Vice-Chairperson, called the administrative session of the April 20, 2018, State Human Rights Committee meeting to order.

Approval of Agenda At 8:35, the SHRC reviewed the agenda.

Upon a motion by Sandy Robbins and seconded by Timothy Russell the agenda was approved unanimously.

Correspondence and Information At 8:35, Deb Lochart, State Human Rights Director, led the committee’s review of correspondence and information.

At 9:41, Karen Taylor, Senior Assistant Attorney General, reported on a Prince William Circuit Court Petition for Appeal.

Goals Workplan At 8:49, the SHRC reviewed the goals workplan. The Committee would like to have an update from Marion Greenfield, Director of Clinical Quality and Risk Management, at the June SHRC meeting.

The SHRC discussed holding the June meeting at Southeastern Virginia Training Center in Chesapeake.

Receipt of response to SHRC Appeal Case 18-01 was noted for the record.

At 8:57, Deb Lochart distributed a draft of the 2017 Executive Summary and asked for any comments.

Regular Session

9:00 a.m.

Members Present John Barrett, **Vice-Chairperson**; Pete Daniel; Salina Greene; Sandy Robbins; Timothy Russell

Member Excused Vicki Cash Graff, **Chairperson**; Ann Bevan

Staff Present Deb Lochart, State Human Rights Director
Taneika Goldman, Assistant State Human Rights Director
Karen Taylor, Senior Assistant Attorney General
Reginald T. Daye, Regional Human Rights Advocate, Region 5
Stewart Prost, Human Rights Advocate
Kli Kinzie, Executive Secretary, Office of Human Rights

Others Present George F. Daniel, Charlotte Court House
King Goldman, North Chesterfield
Jeremy Ross, LPC, Director of Residential Services, Newport News Behavioral Health Center
Dick Roberts, Facility Director, Central Virginia Training Center

Present via Teleconference Sanita C. Rhodes, Director of Health Information & Healthcare Compliance and Quality Assurance, VCBR
Will Childers, SHRC Applicant
David Bohem, SHRC Applicant
Gardner Umbarger, SHRC Applicant
Monica Lucas, SHRC Applicant

Call to Order At 9:03, John Barrett, Vice-Chairperson, called the regular session of the April 20, 2018 State Human Rights Committee meeting to order. A call for introductions took place prior to proceeding.

- Draft Minutes** At 9:04, the SHRC reviewed the draft minutes of the March 9, 2018 SHRC meeting.
- Upon a motion by Pete Daniel and seconded by Salina Greene the minutes of the March 9, 2018 State Human Rights Committee meeting were approved unanimously.*
- Update OHR** At 9:07, Taneika Goldman, Assistant State Human Rights Director, provided an update on activities of the office of human rights (OHR). Mrs. Goldman announced that OHR is completing the last round of Facility Reviews and should have a report of analysis from the year-long study by July 2018 for the SHRC.
- Mrs. Goldman provided the summary report of analysis from the 13 month study on Community Look-behind and acknowledged the work of all the Regional Advocates. She especially noted that Reginald T. Daye, Regional Advocate for Region 5, demonstrated amazing effort in completing his reviews because he was physically present.
- VCBR Monthly Reporting** At 9:30, the SHRC discussed VCBR monthly variance reporting. Timothy Russell stated that VCBR has changed somewhat the way they do their reporting. Mr. Russell commented on his communications with VCBR regarding questions about the report. Deb Lochart responded that she and Cheryl Young, VCBR Human Rights Advocate, will meet with VCBR leadership to talk about issues. Ms. Lochart will report back to the SHRC in June.
- VCBR Variance Request** At 9:41, Sanita C. Rhodes, Director of Health Information & Healthcare Compliance and Quality Assurance, VCBR, joined the meeting via teleconference. Ms. Rhodes presented a request for changes to the VCBR Complaint Policy. The proposed changes would bring the policy into alignment with the revised Human Rights Regulations (12VAC35-115-110 et seq).
- Deb Lochart reported that the proposed Complaint Policy would require a variance to the Human Rights Regulations. The requested variance applies to the following sections of the Regulations:
- 12VAC35-115-150 General Provisions;
 - 12VAC35-115-175 Human Rights Complaint Process;
 - 12VAC35-115-180 Local Human Rights Committee Hearing and Review Procedures;
 - 12VAC35-115-190 Special Procedures for Emergency Hearings by the LHRC;
 - 12VAC35-115-200 Special Procedures for LHRC Reviews Involving Consent and Authorization;
 - 12VAC35-115-210 State Human Rights Committee Appeals Procedures;
 - 12VAC35-115-50 C.3.d Dignity - Variance for rooms within medical

- unit with no windows; and
- 12VAC35-115-50 C.3.a&e Dignity - Variance for double bunking.

Deb Lochart reported that at the October 27, 2017 meeting the SHRC was notified of VCBR's request to pursue a variance to the Regulations. The Office of the Inspector General was notified of the request on December 6, 2017. The notice of public comment period was published in the Virginia Registry of Regulations. No comments were received.

Sandy Robbins asked Sanita Rhodes questions regarding double-bunking at VCBR.

Deb Lochart recommended that the SHRC approve the variance request for a three year period, until April 2021, with annual updates to the SHRC.

Upon a motion by Pete Daniel and seconded by Sandy Robbins the SHRC unanimously approved the request for a variance to the Human Rights Regulations for the VCBR Complaint Policy as presented for a three year period, until April 2021, with annual updates to the SHRC.

**Newport News
Variance Request**

At 9:47, Reginald T. Daye, Regional Human Rights Advocate, Region 5, introduced Mr. Jeremy Ross, Director of Residential Services at Newport News Behavioral Health Center (BHC). Jeremy Ross presented the request for a variance to the Human Rights Regulations. If approved, the variance would allow Newport News BHC to utilize a point level system (behavior management model) affecting movement of an individual within the service setting, grounds, and community. It would require an individual to earn points through a level system.

Deb Lochart reported that the program is requesting a variance to the Human Rights Regulations 12VAC35-115-100, A.1.a, Restrictions on Freedoms of Everyday Life. The variance request was approved by the Southside Regional Local Human Rights Committee (LHRC) on October 17, 2017. The Office of the Inspector General was notified of the request. The variance request and notice of public comment was published on February 26, 2018 in the Virginia Registry of Regulations. No comments were received.

Reginald Daye reported that although the variance request was presented to Southside Regional LHRC, the LHRC has since been consolidated into the Southeast Alliance LHRC.

Deb Lochart recommended that the SHRC approve the variance request for a three year period, until April 2021, with quarterly updates to the LHRC and annual updates to the SHRC.

Upon a motion by Salina Greene and seconded by Pete Daniel the variance

request for Newport News Behavioral Health Center was unanimously approved for a three year period, until April 2021, with quarterly updates to the LHRC and annual updates to the SHRC.

Tour At 9:55, Brooke Hemphill, Director of Business Development; Wendy VanLeuven, Patient Advocate; and Risha Kraal, Nurse Care Manager; Virginia Beach Psychiatric Center, conducted a tour of the program.

Public Comment At 10:29, John Barrett called for public comments.

No public comments were offered.

Appeal At 10:30, the SHRC reviewed the appeal of A.G. v. Central Virginia LHRC in the Matter of Central Virginia Training Center (CVTC). SHRC members present for the appeal were John Barrett, Vice-Chairperson; Pete Daniel; Salina Greene; Sandy Robbins; and Timothy Russell. Dick Roberts, Facility Director, Central Virginia Training Center, was present on behalf of the training center. The complainant, A.G., and Lequetta Hayes, Human Rights Advocate for CVTC, were present via teleconference. Present in the room were Deb Lochart, State Human Rights Director; Taneika Goldman, Assistant State Human Rights Director; Karen Taylor, Senior Assistant Attorney General; Reginald T. Daye, Regional Advocate for Region 5; Stewart Prost, Human Rights Advocate; King Goldman of North Chesterfield; and Kli Kinzie, Executive Secretary for the Office of Human Rights. At the request of A.G. the appeal was conducted in Open Session.

Parties to the appeal presented their statements.

At 10:55, upon a motion by Sandy Robbins and seconded by Timothy Russell, the SHRC convened in closed session pursuant to Virginia Code § 2.2-3711(A) (1) for the purpose of discussion of matters lawfully exempt from the Freedom of Information Act.

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 the closed session.

Upon a motion by Timothy Russell and seconded by Pete Daniel the SHRC unanimously upholds the LHRC's finding of no violation. The SHRC opined that it is not the SHRC's place to get involved in second guessing medical decisions as long as they appear to have been made in accordance with sound therapeutic practice.

Officer Elections At 11:05, Sandy Robbins reported that the Officers Committee recommends the election of John Barrett as Chairperson and Ann Bevan as Vice- Chairperson for

the upcoming term.

Upon a motion by Sandy Robbins and seconded by Pete Daniel the SHRC voted unanimously to elect John Barrett as Chairperson and Ann Bevan as Vice-Chairperson for the term of July 1, 2018 to June 30, 2019.

LHRC Business At 11:09, the SHRC considered local human rights committee business.

LHRC Membership *Upon a motion by Sandy Robbins and seconded by Salina Greene the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(A)(1) for the purpose of discussion and consideration of matters lawfully exempt from the Freedom of Information Act, namely to consider human rights committee membership.*

Taneika Goldman presented recommendations for dismissal and a recommendation for appointment in Region 2. Reginald Daye presented a recommendation for reappointment in Region 5.

Upon reconvening in open session all members of the SHRC 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 the closed session.

At 11:12, upon a motion by Timothy Russell and seconded by Salina Greene the SHRC unanimously approved the following:

Region 1 Shenandoah Area LHRC
Dismiss: Ms. Samantha Robinson, Mr. Al Davis

Region 2 Northern Virginia Hospitals LHRC
Appoint: Ms. Jessica Gaarde

Region 5 Southeast Alliance LHRC
Reappoint: Dr. Charles W. Ponquinette

Other: Meeting Date Change At 11:13, Deb Lochart asked for a motion to set the location of the June meeting and to change the meeting date from June 8 to June 15.

Upon a motion by Pete Daniel and seconded by Timothy Russell the SHRC unanimously voted to change the June meeting date from June 8 to June 15, and to request meeting accommodations at Southeastern Virginia Training Center in Chesapeake.

Notice of the date change will be issued from the human rights office to recurring recipients of SHRC meeting agendas. The Commonwealth Calendar for public meetings will reflect the new meeting date.

Liaison Reports John Barrett called for LHRC liaison reports. *No LHRC liaison reports were given.*

John Barrett asked Reginald Daye for Region 5 LHRC meeting dates and locations.

LUNCH At 11:38, John Barrett called for a break for lunch.

SHRC Membership At 12:05, Timothy Russell briefed the Committee on SHRC membership interviews.

Upon a motion by Sandy Robbins and seconded by Pete Daniel the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(A)(1) for the purpose of discussion and consideration of matters lawfully exempt from the Freedom of Information Act, namely to consider SHRC membership.

The SHRC conducted interviews via teleconference.

Interviews At 12:06, the SHRC interviewed Will Childers of Hardy Virginia in Region 3.

At 12:22, the SHRC interviewed David Bohem of Marion Virginia in Region 3.

At 12:41, the SHRC interviewed Gardner Umbarger of Marion Virginia in Region 3.

Upon reconvening in open session all members of the SHRC 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 the closed session.

Deb Lochart announced that SHRC candidate Latesha Graham was unable to participate in her scheduled interview due to personal reasons.

Upon a motion by Pete Daniel and seconded by Sandy Robbins the SHRC voted unanimously to recommend that the DBHDS State Board appoint Will Childers and David Bohem to the SHRC.

Interview Subcommittee At 12:58, John Barrett appointed Timothy Russell and Salina Greene to interview Latesha Graham via teleconference in 2 to 3 weeks. The Interview Subcommittee will report its recommendation to the full SHRC during the June 15 meeting.

Interview *Upon a motion by Sandy Robbins and seconded by Salina Greene the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(A)(1) for the purpose of discussion and consideration of matters lawfully exempt from the Freedom of Information Act, namely to consider SHRC membership.*

At 1:21, the SHRC interviewed Monica Lucas of Richmond Virginia in Region 4.

Upon reconvening in open session all members of the SHRC 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 the closed session.

Upon a motion by Timothy Russell and seconded by Salina Greene the SHRC voted unanimously to recommend that the DBHDS State Board appoint Monica Lucas to the SHRC.

Adjournment *At 1:45, the April 20, 2018 SHRC meeting adjourned.*

Respectfully Submitted,



John Barrett, Vice-Chair
State Human Rights Committee



Kli Kinzie,
Executive Secretary

Next Meeting

Friday, June 15, 2018
Southeastern Virginia Training Center
Chesapeake, Virginia
Region 5, Tidewater