STATE HUMAN RIGHTS COMMITTEE

Vicki Cash Graff, Chairperson Staunton Timothy Russell, Vice-Chairperson Williamsburg John Barrett Richmond/Deltaville Ann Bevan Mechanicsville TC Bullock South Hill Penny Cameron Great Falls Marietta Cottingham Hampton Pete Daniel Charlotte Court House Sam Dillon Big Stone Gap



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COMMONWEALTH of VIRGINIA

Department of Behavioral Health and Developmental Services
Post Office Box 1797
Richmond, Virginia 23218-1797
JACK BARBER., M.D., INTERIM COMMISSIONER

State Human Rights Committee Meeting MINUTES

Eastern State Hospital 4601 Ironbound Road Williamsburg, Virginia Thursday October 22 and Friday, October 23, 2015

Thursday, October 22
Director's Conference Room
Building 2, Room 1282

Appeals
3:00 p.m.

Members Vicki Cash Graff, Chairperson; John Barrett; T.C. Bullock, Jr.; Penny

Present Cameron; Marietta Cottingham; Pete Daniel; Sam Dillon

Members Timothy Russell, Vice-Chairperson; Ann Bevan Excused

Staff Present Kli Kinzie, Executive Secretary

Deb Lochart, Human Rights Director

Present via I.C., Client
Teleconference Anne Butz. Hum

Teleconference Anne Butz, Human Rights Advocate
Suzanne Chis, Executive Director, Alexandria CSB

Justin Wise, Quality Assurance Specialist, Alexandria CSB

Call to Order At 3:14, Vicki Cash Graff, Chairperson, called the special meeting of the State

Human Rights Committee to order.

Appeals At 3:29, the SHRC connected via video-conference with the parties to two appeals: 1)

I.C. versus Alexandria LHRC; and 2) Alexandria CSB versus Alexandria LHRC.

Appeal: IC vs At 3:29, the SHRC heard the Appeal of I.C. vs. Alexandria Community Services Board Local Human Rights Committee.

Alexandria Services Board Local Human Rights Committee. LHRC

Appeal: At 3:54, the SHRC heard the Appeal of Alexandria Community Services Board Local Human Rights

vs Alexandria Committee.

LHRC

Appeal: BF vs CSH LHRC

At the request of B.F., the Appeal of B.F. vs. Central State Hospital Local Human Rights Committee was postponed. Time of the Appeal is to be determined.

Appeal Postponed

B.F. vs. Central State Hospital LHRC (§ 50 C.2 & C.4 Dignity)

Appeal

At the request of B.F., the Appeal of B.F. vs. Central State Hospital Local Human Rights Committee was postponed. Time of the Appeal is to be determined.

Appeal Postponed

B.F. vs. Central State Hospital LHRC (§ 100 B.3 Freedoms)

Friday, October 23, 2015
Eastern State Hospital
Williamsburg, Virginia
Administrative Session
8:30 a.m.

Members Present Vicki Cash Graff, Chairperson; Timothy Russell, Vice-Chairperson; John

Barrett; T.C. Bullock, Jr.; Penny Cameron; Marietta Cottingham; Pete

Daniel; Sam Dillon

Members Excused Ann Bevan

Staff Present Michael Curseen, Regional Human Rights Advocate

Reginald T. Daye, Regional Human Rights Advocate

Carrie Flowers, Human Rights Advocate

Beverly Garnes, Regional Human Rights Advocate

Taneika Goldman, Human Rights Advocate Simona Haqq, Human Rights Advocate

Kli Kinzie, Executive Secretary Deb Lochart, Human Rights Director

Becky Sterling, Director of Recovery Services, DBHDS

Others Present George Daniel, Interested Person

Call to Order At 8:33, Vicki Cash Graff called the October 23, 2015, Administrative

Session of the State Human Rights Committee meeting to order. A call for

introductions took place prior to proceeding.

Approval of Agenda

At 8:35, the SHRC reviewed and discussed the October 23, 2015, meeting

agenda.

Upon a motion by Pete Daniel and seconded by John Barrett the SHRC unanimously approved the October 23, 2015 agenda with modifications.

Correspondence At 8:38, the SHRC reviewed DBHDS Agency Head Communications, the

and Information SHRC Goals Workplan, the LHRC Tracking Sheet, and a SHRC Appeal

Response.

BREAK At 8:50, Chairperson Cash Graff called for a break.

Friday, October 23, 2015

Eastern State Hospital Williamsburg, Virginia

Regular Session

9:00 a.m.

Members Present Vicki Cash Graff, Chairperson; Timothy Russell, Vice-Chairperson; John

Barrett; Marietta Cottingham; Pete Daniel; T.C. Bullock; Penny Cameron;

Sam Dillon

Members Excused Ann Bevan

Staff Present Michael Curseen, Regional Human Rights Advocate

Reginald T. Daye, Regional Human Rights Advocate

Carrie Flowers, Human Rights Advocate

Beverly Garnes, Regional Human Rights Advocate

Taneika Goldman, Human Rights Advocate Simona Haqq, Human Rights Advocate

Kli Kinzie, Executive Secretary Deb Lochart, Human Rights Director

Becky Sterling, Director of Recovery Services, DBHDS

W.G. Buddy Small, Director of Patient Relations/Patient Safety, Eastern

State Hospital

Others Present Jacqueline Abbott, Jacqueline Abbott, Director of Quality Assurance/Risk

Management, Harbor Point Behavioral Health Center

George Daniel, Interested Person

Dana Gillentine, Director QA/RM, Kempsville Center for Behavioral Health Paul Kirkham, CEO/ Managing Director, Newport News Behavioral Health

Center

Kerry Kruk, Human Rights Coordinator, Virginia Beach Department of

Human Services

Lawrence Lambert, Residential Services Director, The James Barry

Robinson Center

Call to Order and Welcome

At 9:01, the meeting was called to order. Walter G. Small, Director of

Patient Relations/Patient Safety, welcomed the State Human Rights

Committee to Eastern State Hospital.

Variance Process At 9:04, Deb Lochart gave a brief overview of the Variance approval

process.

Review of Draft Minutes:

September 11,

At 9:06, the SHRC reviewed the draft minutes of the July 10, 2015, SHRC meeting.

2015

Upon a motion by TC Bullock and seconded by John Barrett the SHRC unanimously approved the minutes of the September 11, 2015, SHRC meeting with modifications.

VCBR

At 9:08, the SHRC reviewed VCBR Appeal Responses and VCBR Variance Use Reports. The SHRC receive electronic Variance Use Reports which had been updated by VCBR.

Variance:

At 9:11, the SHRC heard a request from Kempsville Center for Behavioral Health regarding a variance to 12VAC35-115-110, C16, Structured Living.

Kempsville

Reginald T. Daye, Regional Human Rights Advocate, introduced Ms. Danielle Guillentine, Director of Quality Assurance/Risk Management of the Kempsville Center for Behavioral Health. Ms. Guillentine provided an overview of the program and individuals upon whom the variances and policies would impact.

Reginald T. Daye reported that Kempsville Center for Behavioral Health is requesting discontinuation of its variance to 12VAC35-115-110, C16. Seclusion, Restraint and Time Out, which allowed the use of the "Structured Living Policy". The facility has not utilized Structured Living during the 2014-2015 variance approval period and has determined therefore not to seek renewal of the variance.

Ms. Guillentine reported that Kempsville Center for Behavioral Health is requesting a variance to the following sections of the human rights regulations: 12VAC35-115-50, Items C7 and C8, Dignity; 12VAC35-115-100, Items A1a and A1g, Restrictions on freedoms of everyday life; and 12VAC35-115-110, Item C16, use of Seclusion, Restraint and Time Out.

Mr. Daye indicated that if all of the variances are approved, it will allow the program to implement it handbooks and level system which includes restrictions on the use of the telephone, visitation and access to the program store. The authorization of the variances would also allow the use of its Unit Restriction Policy, which exceeds the 30 minutes requirement for the use of timeout, as well as placing restrictions on the individual's movement within the service setting.

Deb Lochart, Human Rights Director, reported that no public comments were received on the requested variances.

Reginald T. Daye reported that on August 4, 2015, the Tidewater Regional

Local Human Rights Committee (TR-LHRC) reviewed and voted to recommend approval of the Kempsville Center for Behavioral Health's variance request with the following recommendations:

- 1. Approval of the variance for a two-year period with an annual update to the SHRC;
- 2. The program is to provide quarterly updates to the TR-LHRC at its regularly scheduled meetings on the use of the Unit Restriction Policy. These updates are to include statistical data on the number of times unit restriction is used during the quarter with a listing of all residents placed on unit restriction. The data is to include the actual amount of time the resident was on restriction. The data will identify residents involved in multiple unit restrictions;
- 3. Unit restriction is only to be used for a maximum time limit of 72 consecutive hours with a staffing ratio requirement of one staff member to three individuals;
- 4. Any violations of the approved variance are to be reported to the Regional Advocate within 24 hours.

Upon a motion by TC Bullock and seconded by Penny Cameron the SHRC unanimously approved Kempsville Center for Behavioral Health's request for

Variance to 12VAC35-115-50, Items C7 and C8, Dignity; 12VAC35-115-100, Items A1a and A1g, Restrictions on freedoms of everyday life; and 12VAC35-115-110, Item C16, use of Seclusion, Restraint and Time Out. The variance is approved for a two-year period with an annual update to the SHRC. The program is to provide quarterly updates to the Tidewater Regional Local Human Rights Committee at its regularly scheduled meetings on the use of the Unit Restriction Policy. These updates are to include statistical data on the number of times unit restriction is used during the quarter with a listing of all residents placed on unit restriction. The data is to include the actual amount of time each resident was on restriction. The data will identify residents involved in multiple unit restrictions. The program will adhere to the SHRC's maximum time limit of 72 consequetive hours on unit restriction and a staffing ratio requirement of one staff to no more than three individuals while on unit restriction. Any violations of the approved variance are to be reported to the Regional Advocate within 24 hours.

Variance: Harbor Point

The SHRC heard a request from Harbor Point Center for Behavioral Health regarding variances to 12VAC35-115-110, C16, Structured Living, and 12VAC35-115-100, A1a, A1g, Freedoms. Mr. Reginald T. Daye, Regional Advocate, introduced Jacqueline Abbott, Director of Quality Assurance/Risk Management of the Harbor Point Behavioral Health Center (HPBHC). Ms. Abbott provided an overview of the population of individuals for whom the variance and policies would impact.

Ms. Abbott reported that Harbor Point Behavioral Health Center is notifying the SHRC of the discontinuation of use of the variance to 12VAC35-115-110, C16, Seclusion, Restraint and Time Out, which allowed the use of the "Structured Living Policy". The program has not used the variance since the SHRC placed the stipulation of a 1:1 staff to client ratio.

Ms. Abbott reported that Harbor Point Behavioral Health Center is requesting approval for Variance to 12VAC35-115-100, A1a, A1g, Restrictions on Freedoms of Everyday Life. Mr. Daye indicated that the variance being requested will allow the program to utilize its point level system, referred to as the "The Matrix" (Behavior Management Model). Authorization of the variance will allow the Harbor Point BHC to tie an individual's movement within the service setting, grounds, community and access to the program's store, to its point level system.

Reginald T. Daye reported that on August 4, 2015, the Tidewater Regional Local Human Rights Committee reviewed and voted to recommend approval

of the Harbor Point Behaviotal Health Center's variance request, for a twoyear period with an annual update to the SHRC and quarterly updates to the LHRC.

Deb Lochart reported that no public comments were received on the Variance.

Upon a motion by Penny Cameron and seconded by Pete Daniel the SHRC unanimously approved Harbor Point Behavioral Health Center's request for Variance to 12VAC35-115-100, A1a, A1g, Freedoms, for use of the point level system referred to as "The Matrix" Behavior Management Model. The variance is approved for a two-year period with an annual update to the SHRC on the anniversary of the approval, and quarterly reports to the LHRC. Any violations of the approved variance are to be reported to the Regional Advocate within 24 hours.

Variance: Virginia

At 9:34, the SHRC heard a request from Virginia Beach Department of Health

Beach Department HS

Services for Variance to 12VAC35-115-50, C7 and C8, Telephone and Visitors. Mr. Reginald Daye, Regional Advocate for Region 5, introduced Ms. Kerry Kruk, Human Rights Coordinator of the Virginia Beach Department of Human Services. Ms. Kruk provided a brief overview of the Virginia Beach Department of Human Services Crisis Stabilization Program and the population for whom the variance and program rules would impact.

Mr. Daye indicated that the variance being requested will allow the VBDHS Residential Crisis Stabilization Program to implement its level system and program rules of conduct, which restricts the resident's use of the telephone

and visitation.

Deb Lochart reported that no public comments were received on the Variance.

Upon a motion by Penny Cameron and seconded by Marietta Cottingham the SHRC unanimously approved Virginia Beach Department of Health Services' request for Variance to 12VAC35-115-50, C7 and C8, Dignity, for a two-year period with an annual update to the SHRC on the anniversary of the approval, and quarterly updates to the LHRC. Any violations of the approved variance are to be reported to the Regional Advocate within 24 hours.

Variance: Newport News BH At 9:41, the SHRC heard a request from Newport News Behavioral Health Center for Variance to 12VAC35-115-50, C7 and C8, Dignity. Mr. Reginald Daye, Regional Advocate for Region 5, introduced Mr. Paul Kirkham, CEO and Managing Director of the Newport News Behavioral Health Center. Mr. Kirkham provided an overview of the population of individuals for whom the variance and policies would impact.

Mr. Kirkham indicated that the program is requesting the variance to allow Newport News Behavioral Health Center to implement policies which restrict the residents' use of the telephone and visitation.

Deb Lochart reported that no public comments were received on the Variance.

Upon a motion by Penny Cameron and seconded by TC Bullock the SHRC unanimously approves J Newport News Behavioral Health Center's request for Variance to 12VAC35-115-50, C7 and C8, Dignity, for a two-year period with an annual update to the SHRC on the anniversary of the approval, and quarterly updates to the LHRC. Any violations of the approved variance are to be reported to the Regional Advocate within 24 hours.

Variance: The James Barry Robinson Center

At 9:50, the SHRC heard a request from James Barry Robinson Center for Variance to 12VAC35-115-50, C7 and C8, Dignity. Mr. Stewart Prost, Human Rights Advocate, introduced Mr. Lawrence Lambert, Residential Services Director of The James Barry Robinson Center. Mr. Lambert provided an overview of the population of individuals for whom the variance and policies would impact.

Mr. Lambert indicated that The James Barry Robinson Center is requesting a variance to allow the program to implement policies which restrict the residents' use of telephone and visitation.

Deb Lochart reported that no public comments were received on the

Variance.

Upon a motion by Penny Cameron and seconded by Marietta Cottingham the SHRC unanimously approves The James Barry Robinson Center request for Variance to12VAC35-115-50, C7 and C8, Dignity, for a two-year period with an annual update to the SHRC on the anniversary of the approval, and quarterly updates to the LHRC. Any violations of the approved variance are to be reported to the Regional Advocate within 24 hours.

Recovery Services At 10:00, the SHRC heard an update from Becky Sterling, Director of

Recovery Services, DBHDS.

Annual Report At 10:38, Reginald T. Daye and Stewart Prost presented the 2014 Annual

Report for Region 5.

Public Comment At 11:10, the record notes that there were no public comments.

LHRC At 9:58, the SHRC considered membership on Local Human Rights Committees.

Liaison Reporting There were no reports from SHRC members on attending LHRC meetings.

LHRC Membership Upon a motion by Penny Cameron and seconded by TC Bullock the SHRC unanimously added to the agenda the review for appointment of Kathy Pringle to Piedmont Geriatric Hospital LHRC.

Upon a motion by Timothy Russell and a second by Marietta Cottingham, the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(1) for the purpose of discussion and consideration of appointments to 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.

LHRC Appointments

Michael Curseen, Region 4 Regional Human Rights Advocate, presented the recommendations for LHRC membership on behalf of Cassie Purtlebaugh, Regional Advocate for Region 1&2.

Region 1 & 2 Fairfax-Falls Church LHRC

Appoint: Ms. Mary Jane Billinger

Region 3 Reginald T. Daye, Regional 5 Regional Advocate, presented the recommendations for LHRC membership on behalf of Nan Neese, Regional

Advocate for Region 3.

Catawba LHRC

Appoint: Ms. Lisa Hoyt

Region 4

Carrie Flowers presented the recommendation for membership on Central Area LHRC.

Central Area LHRC

Appoint: Ms. Joanne K. Angelo

Michael Curseen presented the recommendation for membership on New Creation LHRC.

New Creation LHRC

Appoint: Ms. Londella Hamilton

Region 5

Reginald T. Daye presented the recommendations for membership on Colonial Regional LHRC.

Colonial Regional LHRC

Reappoint: Ms. Veronica Reid, Ms. Denese Gillis

Region 6

Reginald T. Daye presented the recommendation for membership on Piedmont Geriatric Hospital LHRC.

Piedmont Geriatric Hospital LHRC

Appoint: Ms. Kathy K. Pringle

At 11:18, upon a motion by Penny Cameron and seconded by John Barrett the SHRC unanimously voted to make the above appointments to LHRCs with the caveat that the Regional Advocate reach out to the appointee for Catawba LHRC regarding the reason for wishing to serve on the LHRC, and to ensure adequate training on the role and responsibilities of the LHRC.

Other

At 11:19, Vicki Cash Graff appointed John Barrett to serve on the RAC Group that attends quarterly RAC meetings at VCBR. This appointment is made to help ensure smooth transition as RAC Group Members TC Bullock and Penny Cameron rotate off the SHRC at the expiration of their terms ending on June 30, 2016.

At 11:21, John Barrett recommended that the SHRC pursue its decision to reach out to the far areas of Virginia and hold meetings in the far southwest and the eastern shore.

Adjournment

At 11:27, the meeting adjourned.

Next Meeting
Friday, December 11, 2015 DBHDS Central Office 1220 Bank Street **Board Room** Richmond, Virginia 23219