

## **CHARLOTTESVILLE AREA LHRC**

Approved Minutes

April 13, 2023

10:30 am

500 Old Lynchburg Road, Charlottesville, VA 22903

Join ZoomGov Meeting <https://dbhds.zoomgov.com/j/1601264863> Meeting ID: 160 126 4863

Passcode: LHRCmeet1!

### **MEMBERS PRESENT**

John Shepherd – Committee Chairperson (Via Zoom)

Jeffrey Jones- Committee Member

Mary Sue Kivlighan-Committee Member

Mittie Harvey-Committee Member

Larry Ragland-Committee Member

### **Members Absent**

Amy Hereford-Committee Member

Bruce Ellsworth- Committee Vice Chairperson

Sarah Anderson-Committee Member

### **OTHERS PRESENT**

Lequetta Hayes – Human Rights Advocate, DBHDS Region 1

Artea Ambrose – Human Rights Advocate, DBHDS Region 1

Rebecca Drinkard-enCircle

Royal Lee Drinkard-enCircle

Anita Drinkard-enCircle

Angela Newman-Wall

Eli Trantham-Wall

Zach Kaplan-Wall

Nancy Kaplan-Wall

Kelli Drumheller- Wall

Tricia Daley-Heritage House of VA

C.B.-Individual

G.B-Individual

### **CALL TO ORDER**

John Shepherd called meeting to order at 10:38AM.

### **ROLL CALL/ATTENDANCE**

Those in attendance made introductions. Chair welcomed attendees.

### **APPROVAL OF AGENDA**

Motion to approve agenda was made by Mary Sue Kivlighan and seconded by Larry Ragland. Motion carried.

### **APPROVAL OF MINUTES**

Motion to approve January 12, 2022, was made by Jeffry Jones and seconded by Larry Ragland with needed corrections. Motion carried.

### **PUBLIC COMMENTS**

None.

### **CHAIR ANNOUNCEMENTS**

John Shepherd discussed his 12 year experience with serving on multiple Local Human Rights Committees. He thanked the committee members for their service and support for of the individuals served in our region. This was John Shepherd's last meeting as his term ends in June, 2023.

### **Advocate Comments, Region 1, 1st Quarter**

#### **• Quarterly Complaint Statistics**

For the quarter ending 3/31/2022 in Region 1:

- **39** Complaints involving allegations of ANE (CSB)
- **218** Complaints involving allegations of ANE (Providers)
- **14** Complaints not involving ANE (CSB)
- **18** Complaints not involving ANE (Providers)

This is a decrease in total complaints from Q4 to Q1 and is most likely a reflection of the rescinded 2017 Peer-on-Peer Aggression Guidance. Of Q1's 289 total complaints, 42 allegations involving ANE were substantiated. This is a percentage of 14.5% substantiated cases.

#### **• Summary of current Variances for R1**

There are no current variances for community-based providers in Region 1.

#### **• Updates**

#### **We are currently recruiting LHRC members for the following LHRCs in Region 1:**

- Charlottesville Area Local Human Rights Committee (meets in person in Charlottesville, VA, quarterly)
  - 1 professional (lawyers and other persons with interest, knowledge, or training in the mental health, developmental, or substance abuse services field)
- Rappahannock Rapidan Area Local Human Rights Committee (meets in person in Culpeper, VA, quarterly)

- 2 individuals who have received services within the past 5 years of appointment date
- 1 healthcare provider
- 1 family member of an individual who has received services

Please contact Cassie Purtlebaugh via email at [cassie.purtlebaugh@dbhds.virginia.gov](mailto:cassie.purtlebaugh@dbhds.virginia.gov) if you are interested in becoming a member of one of these committees.

### **dLCV Survey**

disAbility Law Center of Virginia (dLCV) has initiated a survey to learn more about the experiences, knowledge, and comfort with the Human Rights Complaint Process from individuals who have received services from DBHDS. If you are interested in taking part in the survey, you can access it here:

[Human Rights Complaint Process Survey - disAbility Law Center of Virginia \(dlcv.org\)](https://www.dlcva.org/human-rights-complaint-process-survey)

### **• Upcoming Events**

Visit the OHR page on the DBHDS website for updated training opportunities. Please see below for upcoming statewide training opportunities between now and July 11, 2023. You may also access this information, as well as the registration links for all 2023 trainings, here: [2023-Community-Provider-Training-Schedule.pdf \(virginia.gov\)](https://www.dbhds.virginia.gov/2023-Community-Provider-Training-Schedule.pdf)

		Restrictions, Behavioral Treatment Plans, & Restraints (RBR)		
Tuesday April 4 <sup>th</sup>	10:00a – 12:30p	<i>This training is designed to educate the learner on regulatory requirements related to the use of restrictions, behavioral treatment plans, and restraints.</i>	2/27/23 – 3/30/23	<a href="#">RBR 4/4/23</a>
Thursday April 20 <sup>th</sup>	9:00a – 2:00p	Investigating Abuse & Neglect: The Basics (Invest)  <i>This training is designed as an overview of the investigative process, specific to the investigation of abuse and neglect.</i>	3/15/23 – 4/17/23	<a href="#">INVEST 4/20/23</a>
Thursday May 4 <sup>th</sup>	9:00a – 1:00p	Reporting in CHRIS  <i>This training is designed to educate the learner on the human rights complaint process and provider reporting requirements specific to abuse and neglect allegations. The learner will increase their understanding of CHRIS and the Human Rights Regulations regarding human rights complaints and reporting.</i>	4/3/23 – 5/1/23	<a href="#">CHRIS 5/4/23</a>
Tuesday May 23 <sup>rd</sup>	9:30a – 12:30p	Overview of the Human Rights Regulations (HRR)  <i>This training is designed to provide the learner an in-depth review of the Human Rights Regulations. Providers will increase their understanding of the Office of Human Rights processes and the responsibilities of the provider as mandated by the Human Rights Regulations.</i>	4/17/23 – 5/18/23	<a href="#">HRR 5/23/23</a>
Tuesday June 6 <sup>th</sup>	10:00a – 12:30p	Restrictions, Behavioral Treatment Plans, & Restraints (RBR)  <i>This training is designed to educate the learner on regulatory requirements related to the use of restrictions, behavioral treatment plans, and restraints.</i>	5/1/23 – 6/1/23	<a href="#">RBR 6/6/23</a>
Thursday June 15 <sup>th</sup>	9:00a – 2:00p	Investigating Abuse & Neglect: The Basics (Invest)  <i>This training is designed as an overview of the investigative process, specific to the investigation of abuse and neglect.</i>	5/10/23 – 6/12/23	<a href="#">INVEST 6/15/23</a>
Tuesday July 11 <sup>th</sup>	9:00a – 1:00p	Reporting in CHRIS  <i>This training is designed to educate the learner on the human rights complaint process and provider reporting requirements specific to abuse and neglect allegations. The learner will</i>	6/5/23 – 7/5/23	<a href="#">CHRIS 7/11/23</a>

### **Upcoming 2023 SHRC Meetings**

The full SHRC meeting schedule can be found here: [2023-SHRC-Meeting-Schedule.pdf \(virginia.gov\)](#)

April 13, 2023 – Catawba

May 18, 2023 – Western Tidewater CSB

June 22, 2023 – CRi – Northern Virginia Location

August 17, 2023 – Virginia Beach CSB

September 28, 2023 – NVMHI

November 2, 2023 – Blue Ridge Community Services Board

December 14, 2023 – DBHDS Central Office, Richmond, VA

The SHRC is required to meet at least 8 times a year. Unless special circumstances apply, administrative sessions normally convene at 8:30AM. Regular sessions normally convene at 9:00AM and run until all agenda items are addressed. Portions of meetings are held in closed session. Appeals are normally scheduled for late morning.

### **Upcoming LHRC Trainings**

The next new member LHRC Orientation training will be conducted on April 27, 2023. All new LHRC members (as of October 2022) are expected to attend LHRC Orientation.

New LHRC members will receive notice in their appointment letters regarding attending Orientation and viewing the other training materials (Overview HRR, LHRC Forms, Fact Finding Hearings, FOIA). Dr. Carlton Henderson, Training and Development Coordinator for the OHR, will conduct these orientation sessions.

If you are a new member, as of October 2022, and have not received Orientation, please notify the advocate who provides technical assistance to your committee for assistance.

### **OLD BUSINESS:**

None

### **NEW BUSINESS**

- enCircle-Next Friend
- Wall Residences-Next Friend and Restrictions
- Heritage House of VA-Restrictions

### **CLOSED SESSION**

Upon a motion made by Bruce Ellsworth and seconded by Mary Sue Kivlighan, the committee entered closed session pursuant to Virginia Code §2.2-3711, a.15 and §2.2-37.05.5 for the purpose to discuss Restrictions.

- Based on discussion of the need for a Next Friend, it was determined that the Next Friend presented by enCircle be approved with no recommendations. The committee wanted to further note that, when the individual was asked about the Next Friend, the individual smiled, which the committee accepted as the individual's approval.
- Based on discussion of the need for a Next Friend, it was determined that the Next Friend presented by Wall Residences is not approved based on requirements set forth in

12VAC35-115-146(B)(2)(b). The Next Friend had not had regular contact or communication with the individual.

- Based on the discussion of the need for a Restriction, it was determined that the Wall Residences Restriction be approved with no recommendations.
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- Based on the discussion of the need for a Restriction, it was determined that the Wall Residences Restriction be approved with the following recommendation:
  - Provider should ensure a plan is in place for emergency exit from the vehicle in case of a car crash.
- Based on the discussion of the need for a Restriction, it was determined that the Heritage House of VA Restriction be approved with no recommendations.

### **RETURN TO OPEN SESSION**

Upon reconvening in open session, each member certified that, to the best of each member's knowledge, only private business matters, lawfully exempted from statutory open session requirements and identified in the motion by which the closed session was convened, were considered in the closed session, namely Restrictions.

enCircle – Next Friend- John Shepherd motioned, and Mary Sue Kivlighan seconded the motion to implement the recommendations in the closed session.

Wall – Computer-John Shepherd motioned, and Jeffrey Jones seconded the motion to implement the recommendations in the closed session.

Wall – Next friend, not approved – John Shepherd motioned, and Jeffrey Jones seconded the motion to implement the recommendations in the closed session.

Wall-Mary Kivlighan motioned, and Mittie Harvey seconded the motion to implement the recommendations in the closed session.

Wall– Gloves and Video – John Shepherd motioned, and Larry Ragland seconded the motion to implement the recommendations in the closed session.

Wall – Locked Closet – John Shepherd motioned, and Larry Ragland seconded the motion to implement the recommendations in the closed session.

Wall ZH – Child Locks on Car – Mary Kivlighan motioned, and John Shepherd seconded the motion to implement the recommendations in the closed session.

Heritage House – Locked Food Sources – Mitte Harvey motioned, and Jeffrey Jones seconded the motion to implement the recommendations in the closed session.

The following committee members were nominated as officers for the CA LHRC

Mary nominated Jeffrey for Vice-Chair

Jeffrey nominated Mary for Chair

By a unanimous vote, Mary Sue Kivlighan was selected for Chairperson

By a unanimous vote, Jeffrey Jones was selected for Vice-Chairperson

### **MEETING ADJOURNED**

The next meeting will be held on July 13, 2023, at 10:30am. The meeting location will be Region Ten CSB with a virtual option for participants via Zoom for Healthcare. John Shepherd adjourned the meeting at 12:25 pm.