

STATE HUMAN RIGHTS COMMITTEE

Julie C. Allen, Chairperson
Springfield
Wil Childers, Vice-Chairperson
Hardy
David Boehm
Marion
Monica Lucas
Richmond
Timothy Russell
Williamsburg
Megan Sharkey
Richmond
Cora Swett
Nokesville



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State Human Rights Committee Meeting

Minutes

Thursday, November 4, 2021

DBHDS

1220 Bank Street

Jefferson Building

13th Floor Board Room

Richmond, Virginia

23219

Zoom for Government

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

Meeting ID: 161 783 9100

Passcode: \$HRCMet1ng

Administrative Session

9:18 a.m.

Members Present Julie C. Allen, **Chair**; Will Childers, **Vice-Chair**; Monica Lucas; Timothy Russell; Megan Sharkey

Members Virtually David Boehm; Cora Swett

Staff Present Taneika Goldman, State Human Rights Director
Mary Clair O'Hara, Associate Director, Facility Operations
Tony Davis, Human Rights Advocate
Amaya Henderson, Administrative Assistant Facility Operations
Kli Kinzie, Executive Secretary
Trevon Johnson, IT Help Desk Tech

Staff Present Virtually Karen A. Taylor, Senior Assistant Attorney General
Brandon Rotenberry, Facility Advocate Manager
Mandy Crowder, Human Rights Manager, Region 3
Karlyne Snead, Human Rights Advocate

Others Present Virtually Erin Haw, Community Resources Unit Manager, disAbility Law Center of Virginia
Madison McCrae, Office of the State Inspector General
Gail Burford, Director of Quality Management, Western State Hospital (WSH)
Jonathan Anderson, Facility Director, Western State Hospital

Call to Order	At 9:18, Julie C. Allen, SHRC Chair, called the administrative session of the November 4, 2021, SHRC meeting to order. Ms. Allen introduced herself and welcomed everyone to the meeting. A call for introductions took place prior to proceeding.
Approval of Agenda	At 9:20, the committee considered the agenda. A discussion of membership on the SHRC Max Appeals Subcommittee was added to the agenda. <i>A motion was made by Timothy Russell and seconded by Will Childers to approve the agenda as amended. Megan Sharkey, Timothy Russell, Julie Allen, Will Childers, Monica Lucas, Cora Swett and David Boehm voted yes to pass the motion to approve the November 4, 2021 agenda as amended.</i>
Information	At 9:22, Taneika Goldman, State Human Rights Director addressed the Committee.
Variance Notices	Mrs. Goldman briefly reviewed the variance approval process and notified the SHRC of upcoming variances requested by Commonwealth Center for Children and Adolescents, Western State Hospital and Youth for Tomorrow.
WSH Response to Appeal Decision	The WSH Response to findings of a violation in SHRC Case 21-03 has been received and a violation letter has been issued by OHR. The Commissioner's response to the findings and recommendations per regulation is forthcoming.
Draft 2022 Meeting Schedule	At 9:27, the SHRC reviewed the draft 2022 meeting schedule. <i>A motion was made by Timothy Russell and seconded by David Boehm to approve the following meeting dates for calendar year 2022: January 20, March 3, April 14, May 19, June 23, August 18, September 29, November 3 and December 8. Chair Julie Allen called for votes in roll call fashion. Megan Sharkey, Timothy Russell, Julie Allen, Will Childers, Monica Lucas, Cora Swett and David Boehm voted yes to adopt the 2022 meeting schedule as presented.</i>

Regular Session

9:40 a.m.

Members Present	Julie C. Allen, Chair ; Will Childers, Vice-Chair ; Monica Lucas; Timothy Russell; Megan Sharkey
Members Virtually	David Boehm; Cora Swett
Staff Present	Taneika Goldman, State Human Rights Director Mary Clair O'Hara, Associate Director, Facility Operations Tony Davis, Human Rights Advocate Amaya Henderson, Administrative Assistant Facility Operations Kli Kinzie, Executive Secretary Trevon Johnson, IT Help Desk Tech

Staff Present Virtually Karen A. Taylor, Senior Assistant Attorney General
Brandon Rotenberry, Facility Advocate Manager
Mandy Crowder, Human Rights Manager, Region 3
Karlyne Snead, Human Rights Advocate

Others Present Virtually Erin Haw, Community Resources Unit Manager, disAbility Law Center of Virginia
Madison McCrae, Office of the State Inspector General
Jonathan Anderson, Facility Director, Western State Hospital
Gail Burford, Director of Quality Management, Western State Hospital (WSH)
Dr. Catherine Leslie, Clinical Consultant, WSH
Dr. Jason Stout, PsyD, Director of Psychology, WSH
Dr. Tanyika Mobley, Diversity, Equity and Inclusion Officer

Call to Order At 9:41, Julie Allen, Chair, called the regular session of the November 4, 2021, SHRC Meeting to order.

Review of Draft Minutes At 9:41, the SHRC considered the draft minutes of the September 30, 2021, SHRC meeting.

A motion was made by Megan Sharkey and seconded by Monica Lucas to approve the draft minutes of the September 30, 2021, SHRC meeting. Chair Allen called for votes in roll call fashion. Megan Sharkey, Timothy Russell, Julie Allen, Will Childers, Monica Lucas and David Boehm voted yes to pass the motion to approve the draft minutes. Cora Swett abstained. The motion passed by a vote of 6:1.

Regulation Spotlight At 9:43, Mandy Crowder, Region 3 Human Rights Manager, presented the Regulation Spotlight on section 12VAC 35-115-175 of the human rights regulations. (See addendum I). Brandon Rotenberry, Facility Advocate Manager, shared his screen to provide a slideshow on section 12VAC 35-115-175, Complaint Resolution, while Ms. Crowder presented.

Public Comment Period At 9:48, Julie Allen called for public comments.

No public comments were offered.

Guest Presenters: WSH At 9:48, Jonathan Anderson, Facility Director; Gail Burford, Director of Quality Management; Dr. Catherine Leslie, Clinical Consultant; and Dr. Jason Stout, PsyD, Director of Psychology, Western State Hospital (WSH) gave a presentation on the use of seclusion and restraint at WSH. (See addendum II).

Dr. Jonathan Anderson, Facility Director, opened by providing some historical context on the use of seclusion and restraint (S/R), and then presented an overview of the plan to reduce S/R. The facility has appointed a Seclusion and Restraint Reduction Committee to develop staff education and training on de-escalation and debriefing following S/R. The S/R Reduction Committee is exploring alternatives to S/R and is working on policy revision in consultation with the Office of Human Rights.

Monica Lucas suggested getting feedback from individuals following de-briefing. Megan Sharkey asked if there is a certification program for security staff. David Boehm commended WSH for the presentation and asked for any notable reasons for the changing numbers in S/R. In response,

Jonathan Anderson attributed some of the changes to an increased census at the hospital coupled with dwindling staff in response to COVID.

Guest At 10:26, Dr. Tanyika Mobley, Diversity, Equity and Inclusion (DEI) Officer, gave a presentation on
Presenter: DEI initiatives of the statewide and DBHDS-specific DEI program. (See addendum III).

Dr. Mobley shared information on the One Virginia Plan, and discussed issues such as how to retain a diverse workforce and community engagement. She is partnering with Virginia Commonwealth University to develop a strategic plan for equity review. She hopes to have a new strategic plan by December that would be implemented by January 2022. She articulated a very strong mission, for what is currently an office of one, that promotes inclusive leadership and a continuum of inclusive and equitable organization development.

Dr. Mobley highlighted some of the DEI Office's current projects including being part of a pilot that the Human Rights Commission put together to evaluate whether offices are inclusive when developing policies and procedures. If policies and procedures are not inclusive, then the DEI Office works on how to make them inclusive.

Dr. Mobley invited the SHRC to partner with her. SHRC members commended Dr. Mobley for her presentation and for her work to increase diversity, equity and inclusion.

BREAK At 11:02, Julie Allen called for a brief break.

Facility Reports At 11:14, the Committee received updates on facility reporting.

**Seclusion/
Restraint &
Death Data** At 11:14, Mary Clair O'Hara, Associate Director, Facility Operations, presented seclusion/restraint and death data for state operated facilities. Ms. O'Hara shared her screen to show an Excel file and provided data for September 2021. (See addendum IV).

Central State Hospital has reduced the number of hours using seclusion and restraint drastically. Admissions at NVMHI are high because they did not close their admissions due to COVID. At Western State Hospital an individual that had been in S/R for over 300-400 hours a month is now down to 3 hours. This is due to the treatment team's efforts to balance his meds, which has improved his coping behavior.

Discussion followed regarding interventions and staff training. Taneika Goldman offered to schedule an overview of TOVA training and Emergency Response Teams at an upcoming meeting.

Monica Lucas commented that it is great to see such improvement in the data. She suggested developing a letter of commendation to be sent by the SHRC to facilities whenever numbers are reduced and improvements are made. Ms. Lucas will submit some ideas about language, who would sign the letter and other logistics regarding the writing and issuing of the letter. Taneika Goldman will put this item on the agenda for the December 9 meeting.

**Violation
Letters** At 11:37, Brandon Rotenberry, Facility Advocate Manager, provided statistics on Violation Letters for September 2021 (See addendum V). There were 7 violation letters issued across the 12 state facilities. Six of those were through the DI-201 process, which typically means that the director has identified a violation on their own and has followed the process for corrective action.

VCBR Reports At 11:40, Tony Davis, Human Rights Advocate, provided the VCBR report for the month of September 2021. Brandon Rotenberry shared his screen to provide the report. (See addendum VI). There were 4 emergency physical restraints for aggression and 11 mechanical restraints. No reports of seclusion or injuries were reported for September. There were a total of 20 human rights complaints received during the month, with 6 substantiated violations of Dignity. All complaints were handled below the Director's level.

Overall construction at VCBR is expected to be complete in January 2022. Taneika Goldman asked if the SHRC could expect to get a tour of the new facility sometime next year. Tony Davis will help coordinate the tour.

LHRC Business At 11:43, the SHRC considered LHRC business.

Liaison Reporting At 11:43, Will Childers reported that he participated virtually in the Charlottesville Area LHRC meeting. Discussion followed regarding attending LHRC meetings in person versus attending virtually.

Separately, Will Childers also commended Carlton Henderson for his work facilitating provider trainings. Will Childers audited a session.

Timothy Russell reported that he tried to attend an LHRC meeting in Region 5 but the LHRC did not meet. Monica Lucas reported she tried to attend an LHRC meeting in Region 5 but the meeting rescheduled due to a change in meeting location. Taneika Goldman reminded SHRC members to work with the OHR staff to confirm meeting logistics. Details change often due to in-person LHRC member meeting requirements.

LHRC Letter of Commendation At 11:46, the SHRC considered Julie Allen's draft letter of commendation to LHRC members.

A motion was made by Timothy Russell and seconded by Will Childers to approve the letter of commendation as written. Julie Allen called for votes in roll call fashion. Megan Sharkey, Timothy Russell, Julie Allen, Will Childers, Monica Lucas, Cora Swett and David Boehm voted yes to pass the motion.

Impact of COVID At 11:48, Taneika Goldman provided followup information requested by the committee based on a recent decision to expand the jurisdiction of LHRCs. Due to COVID, there continues to be a crisis in maintaining LHRC membership because many LHRC members do not want to risk meeting in person. It is a challenge to maintain appropriately sized committees and to create safe public space for members of the public attending meetings in person. Mrs. Goldman indicated it is working well having providers bring business forward electronically to any LHRC that has a quorum available to meet in person regardless of the geographic area.

LHRC Membership At 11:52, the SHRC considered recommendations for LHRC membership and a resignation.

A motion was made by Monica Lucas and seconded by Will Childers to acknowledge the resignation of Robert Gentil from Central State Hospital LHRC and to make the below listed appointments. Chair Julie Allen called for votes in roll call fashion. Megan Sharkey, Timothy Russell, Julie Allen, Will Childers, Monica Lucas, Cora Swett and David Boehm voted yes to pass the motion.

Region 4

Metropolitan LHRC: Appoint Chrystal Burgess, Nikivias Goode and Nikkea Hardy

Piedmont Geriatric Hospital LHRC: Appoint Charita Threatt and Bonnie Greene

Subcommittee Reports and Assignments At 11:53, Julie Allen called for subcommittee reports.

Policy Subcommittee

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

At 11:53, David Boehm spoke on behalf of the Policy Subcommittee. Mr. Boehm has reviewed a draft policy on conducting electronic meetings and adapted it for use by the SHRC and LHRCs. The policy was received by the committee.

A motion was made by David Boehm and seconded by Monica Lucas to approve the policy on electronic meeting participation as adapted by David Boehm. Julie Allen called for votes in roll call fashion. Megan Sharkey, Timothy Russell, Julie Allen, Will Childers, Monica Lucas, Cora Swett and David Boehm voted yes to pass the motion.

Workplan/ Membership Subcommittee Workplan / Membership Subcommittee: Timothy Russell; Megan Sharkey

At 11:56, Timothy Russell reported that there are no updates in the SHRC Workplan at this time. Julie Allen asked members to think about topics to add to the workplan for 2022 and suggested adding an update from the Office of Diversity, Equity and Inclusion.

Megan Sharkey asked about the status of new membership to fill 2 vacancies on the SHRC. Timothy Russell would like to have a conversation about interviews to ensure consistency of information provided before and during interviews. Mr. Russell will collect feedback from committee members before the next meeting.

Bylaws Subcommittee Bylaws Subcommittee: Monica Lucas, Chair; Cora Swett; Jennifer Kovack, Staff

At 12:04, Monica Lucas spoke on behalf of the Bylaws Subcommittee. The SHRC Bylaws document has been finalized after adding language from the SHRC electronic meeting policy. The subcommittee is now focused on creating an LHRC Bylaws template.

HR Access: Monica Lucas

Monica Lucas read aloud from a document she developed regarding gender pronouns. She shared information that provides insight regarding language used by diverse groups that promotes inclusion and equity. She will share this information with Dr. Mobley. Taneika Goldman will locate the One Virginia link and send it out.

Officer Subcommittee Officer Subcommittee: Will Childers

At 12:10, Will Childers reported that in April 2022 the Officer Subcommittee would accept nominations from the floor for Chair and Vice-Chair for the upcoming term.

**SHRC
Mentorship**

At 12:21, Julie Allen asked Will Childers to discuss SHRC member mentoring.

Member mentoring would involve seasoned members making themselves available to newer members for ongoing orientation to the role and responsibilities of the committee. SHRC members discussed and made recommendations regarding mentorship.

Mentorship guidance will be a function of the SHRC Officer Subcommittee. David Boehm joined the Officer Subcommittee at Julie Allen's request. Will Childers and David Boehm agreed to be mentors. Taneika Goldman offered to provide any documents or information that would be helpful. David Boehm recommended getting periodic feedback on how well mentorship is working.

Mr. Childers will submit information on SHRC member mentoring at the December meeting for discussion.

**Max Appeals
Committee**

At 12:28, Taneika Goldman led a discussion regarding the SHRC Max Appeals Subcommittee. The purpose of the conversation was to consider adding David Boehm to the Committee. Handouts were provided to provide context and information regarding the purpose of the Max Appeals committee.

The current Max Appeals Committee is a 4-members committee. Its current membership is the SHRC Chair, SHRC Vice-Chair, SHRC Consumer Member and the State Human Rights Director.

David Boehm talked about his unique understanding of the VCBP population and supported his appointment as a benefit to the Max Appeals Subcommittee. Julie Allen said that in order to add David to the committee a current member should be removed. Will Childers volunteered to roll off the committee.

Julie Allen confirmed David Boehm as a member of the Max Appeals Subcommittee.

Adjournment

At 12:40, having no further business to discuss the November 4, 2021, SHRC meeting adjourned.

Next Meeting

December 9, 2021
DBHDS
1220 Bank Street
Board Room
Richmond, Virginia
23219