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| STATE HUMAN RIGHTS COMMITTEE | |  |  | |
| John Barrett, Chairperson  Richmond / Deltaville  Ann Bevan, Vice-Chairperson  Mechanicsville  David Boehm  Marion  Will Childers  Hardy  Pete Daniel  Charlotte Court House  Julie Dwyer-Allen  Leesburg  Latesha Graham  Portsmouth  Monica Lucas  Richmond  Sandy Robbins  Valentines | COMMONWEALTH of VIRGINIA  *Department of Behavioral Health and Developmental Services*  *Post Office Box 1797* Richmond, Virginia 23218-1797 S. HUGHES MELTON, MD, MBA, FAAFP, FABAM, COMMISSIONER | | | Deb Lochart  State Human Rights Director  deb.lochart@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

***MINUTES***

Thursday, January 31, 2019

REACH Services Chester

Richmond Behavioral Health Authority

3700-D Festival Park Plaza

Floor 2 Meeting Room

Chester, Virginia

23831

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|  | | **Administrative Session**  8:30 a.m. | | |  | |
| **Members Present** | John Barrett, **Chairperson;** Ann Bevan, **Vice-Chairperson;** Julie Dwyer-Allen; David Boehm; Will Childers; Pete Daniel; Monica Lucas | | | | |  |
| **Members Excused** | Tesha Graham; Sandy Robbins | | | | |  |
| **Staff Present** | Deb Lochart, State Human Rights Director  Taneika Goldman, Deputy State Human Rights Director  Karen Taylor, Senior Assistant Attorney General  Heather Norton, Acting Deputy Commissioner for Developmental Services and Director of Community Support Services  Sharae Henderson, Human Rights Manager  Tammy Long, Human Rights Advocate  Kli Kinzie, Executive Secretary | | | | |  |
| **Others Present** | Pat Barrett, Richmond  George F. Daniel, Charlotte Court House  Virginia Pharis, disAbility Law Center of Virginia | | | | |  |
| **Call to Order** | At 8:34, John Barrett, Chairperson, called the administrative session of the January 31, 2019 State Human Rights Committee meeting to order. | | | | |  |
| **Approval of Agenda** | At 8:35, the SHRC considered the agenda.  *Upon a motion by Will Childers and seconded by Julie Allen the agenda was approved unanimously.* | | | | |  |
| **Correspondence and Information** | At 8:35, Deb Lochart, State Human Rights Director, and Karen Taylor, Senior Assistant Attorney General, talked about the appeal process and follow-up actions, as well as the Commissioner’s role in appeals and with exemptions. | | | | |  |
| **Goals Workplan** | At 8:37, Deb Lochart made recommendations for upcoming meetings and asked for input from the committee. The Committee would especially like to hear about community integration and about Waivers. | | | | |  |
| **Update** | At 8:41, Karen Taylor reported on a Northern Virginia case. | | | | |  |
| **Briefing** | At 8:46, John Barrett briefed the Committee on the interview process for later in the day. | | | | |  |
| *BREAK* | At 8:48, John Barrett called for a break until 9:00. | | | | |  |
|  | | | **Regular Session**  9:00 a.m. |  | | |
| **Members Present** | John Barrett, **Chairperson;** Ann Bevan, **Vice-Chairperson;** Julie Dwyer-Allen; David Boehm; Will Childers; Pete Daniel; Monica Lucas | | | | |  |
| **Members Excused** | Tesha Graham; Sandy Robbins | | | | |  |
| **Staff Present** | Deb Lochart, State Human Rights Director  Taneika Goldman, Deputy State Human Rights Director  Karen Taylor, Senior Assistant Attorney General  Heather Norton, Acting Deputy Commissioner for Developmental Services and Director of Community Support Services  Sharae Henderson, Human Rights Manager  Tammy Long, Human Rights Advocate  Kli Kinzie, Executive Secretary | | | | |  |
| **Present via Telecom for Variance** | Dr. Jeffery Phillips, Chief Psychologist, Western State Hospital  Dr. Anna Lacey, Treatment Team, Western State Hospital  Nauder Namaky, Student to Dr. Lacey  Dr. Jonathon Anderson, Medical Director, Western State Hospital  Gail Burford, Director Quality Management, Western State Hospital  Maynard Ritchie, Human Rights Advocate, Western State Hospital | | | | |  |
| **Others Present** | Pat Barrett, Richmond  George F. Daniel, Charlotte Court House  Virginia Pharis, disAbility Law Center of Virginia | | | | |  |
| **Present for Presentation** | Autumn Richardson, Director of REACH Services, Richmond Behavioral Health Authority | | | | |  |
| **Present for Interview** | Matthew D. Albright, Applicant | | | | |  |
| **Present via Telecom for Interview** | Cora L. Swett, Applicant | | | | |  |
| **Call to Order** | At 9:00, John Barrett called the January 31, 2019 State Human Rights Committee meeting to order. | | | | |  |
| **Draft Minutes Review** | At 9:00, the committee reviewed the draft minutes of the December 7, 2018 SHRC meeting. Taneika Goldman, Deputy State Human Rights Director, made a statement to the effect that, although the minutes reflect the actions taken at the December 7 meeting, erroneous language was used within the motion to appoint a member to the Virginia Highlands LHRC.  The December 7 motion, which was: “*The SHRC unanimously appoints Ms. Susanne Eller to the Virginia Highlands LHRC with the caveat and notation to the LHRC that a consumer is to be appointed within the next year, otherwise future recommended appointments will not be approved”;* should have been, “*The SHRC unanimously appoints Ms. Susanne Eller to the Virginia Highlands LHRC”.*  At the time of the December 7 meeting, the Virginia Highlands LHRC had two consumers on the committee. The LHRC is/was in compliance with membership.  *Upon a motion by Will Childers and seconded by Pete Daniel the minutes of the December 7, 2018 SHRC meeting were approved unanimously.* | | | | |  |
| **Welcome and Presentation:** REACH | At 9:02, Autumn Richardson, Director of REACH Services, RBHA, introduced herself and then introduced Heather Norton, Acting Deputy Commissioner for Developmental Services, and Director of Community Support Services at DBHDS. Heather Norton oversees all of the REACH programs throughout the Commonwealth. Autumn Richardson has piloted initiatives for various types of services provided by REACH. REACH is built upon existing services and infrastructure and is instrumental in supporting services for developmental disabilities to promote the best quality of life possible.  Autumn Richardson talked about services in the surrounding area as well as REACH program systemic issues. Most individuals who come into the program are in crisis. REACH strives for quality in transition and therapeutic home environments. | | | | |  |
| **Public Comment** | At 9:27, Chairman Barrett called for public comments. *No public comments were offered.* | | | | |  |
| **Variance:** Western State Hospital | At 9:28, Deb Lochart reported on public comments received in response to Western State Hospital’s (WSH) request for Variance to 12VAC35-115-105, Behavioral Treatment Plans (H); and 12VAC35-115-110, Use of Seclusion, Restraint and Time Out (C) (3).  Joining the meeting via teleconference were: Dr. Jeffery Phillips, Chief Psychologist, WSH; Dr. Anna Lacey, Treatment Team, WSH; Nauder Namaky, Student to Dr. Lacey; Dr. Jonathon Anderson, Medical Director, WSH; Gail Burford, Director Quality Management, WSH; and Maynard Ritchie, Human Rights Advocate, WSH.  *Upon a motion by Ann Bevan, Vice-Chairperson, and seconded by Monica Lucas 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 Monica Lucas and seconded by Pete Daniel the SHRC unanimously voted to approve Western State Hospital’s request for Variance to 12VAC35-115-105, Behavioral Treatment Plans (H); and 12VAC35-115-110, Use of Seclusion, Restraint and Time Out (C) (3), for a three (3) year period until February 2022, with quarterly updates to Western State Hospital Local Human Rights Committee, and updates to the SHRC twice a year.* | | | | |  |
| **Follow-up:** VCBR | At 9:57, Sharae Henderson, Human Rights Manager, provided follow-up on the SHRC’s questions on December 7 regarding the expansion of Virginia Center for Behavioral Rehabilitation (VCBR). The expansion construction is affecting VCBR transitional populations. These residents, who are in the final phase of treatment, are getting ready for discharge and therefore have more freedoms than the general population. | | | | |  |
| **Facility Overview:** Piedmont Geriatric Hospital | At 9:59, Tammy Long, Human Rights Advocate, provided an overview of Piedmont Geriatric Hospital (PGH), which became a geriatric facility in 1965. Current census at PGH is 120 geriatric patients. Ms. long talked about staffing at the hospital and services provided for the patients. She provided data on seclusion and restraint, as well as complaints.  Tammy Long spoke highly of the Patient Council at PGH. Meetings with the Patient Council provide patients the opportunity to bring forward their concerns about water temperature, construction and repair within the hospital, and other issues.  Tammy Long works with the PGH Behavioral Committee, Restrictions Review, and the Healthcare Compliance Officer.  John Barrett asked Ms. Long about the CHRIS system. It is a useful tool for accessing statistics and looking up past incidents. Deb Lochart commented that we are moving toward a greater use of the Data Warehouse, which extracts data from CHRIS to provide reports and follow-up for trending and analysis. Taneika Goldman added that the advocates do spend time working with CHRIS, and it has been a valuable tool.  Tammy Long discussed the technical support she gives to the PGH LHRC, including guidance and help with recruiting LHRC members. She provides assistance to the patients as well as facility staff when hearings are conducted. | | | | |  |
| **SHRC Subcommittee Reports** | At 10:18, John Barrett asked for subcommittee updates.  Bylaws Subcommittee: Monica Lucas, Chair; Tesha Graham.  Monica Lucas reported that the bylaws subcommittee continues to review the SHRC bylaws and would like to report its recommendations to the SHRC at the March meeting.  Policy Subcommittee: Sandy Robbins, Chair; David Boehm, Taneika Goldman, Staff.  Taneika Goldman reported that Sandy Robbins reviewed DI209 and submitted comments. Ms. Robbins called a meeting of the policy subcommittee in February. The subcommittee will bring forth its recommendations at the March SHRC meeting.  Officers Subcommittee: Pete Daniel, Chair; Sandy Robbins.  The officers subcommittee continues to poll SHRC members for their interest in serving for term July 1, 2019 to June 30, 2020.  Membership Subcommittee: Will Childers, Chair; Julie Allen.  The membership subcommittee will conduct SHRC interviews later in the day. | | | | |  |
| **LHRC Business** | At 10:21, the SHRC considered LHRC business. | | | | |  |
| LHRC Liaison Reports | Will Childers reported that he attended a meeting of the Roanoke Catawba LHRC on December 13, 2018. The LHRC is engaged and committed. Hollie Carlisle, Human Rights Advocate, provides good support. The LHRC was well represented, and Mr. Childers recognized the value and importance of their heartfelt efforts. | | | | |  |
| LHRC/SHRC Membership | At 10:22, the SHRC considered LHRC/SHRC membership. Taneika Goldman commented that the office appreciates members letting us know when they are not able to devote time to their LHRC Membership. Submitted resignations are an important part of the membership process. The human rights office has redesigned LHRC training. There have been round table discussions and the advocates are doing a good job at recruitment.  *Upon a motion by Ann Bevan 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 committees and membership.*  Taneika Goldman presented LHRC resignations and recommendations for appointment.  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 Ann Bevan and seconded by Will Childers the SHRC unanimously moved on the following actions:*   * *The SHRC accepts the resignation of Ms. Denise Bard from Northwestern Area LHRC and thanks her for her service;* * *The SHRC accepts the resignation of Mr. Bill Greaver from Prince William County LHRC and thanks him for his service;* * *The SHRC unanimously makes the following appointments:* * *Mr. Doug Cochran to Commonwealth Center for Children and Adolescents LHRC;* * *Ms. Nancy W. Munsey to the Virginia Highlands LHRC;* * *Ms. Cynthia Frazier to the HPR 5 LHRC;* * *The SHRC unanimously recommends that the DBHDS State Board reappoint Ms. Sandy Robbins to the State Human Rights Committee during its April meeting.* | | | | |  |
| **OHR Initiatives** | At 10:35, Taneika Goldman provided an update on initiatives of the office of human rights. The office recently offered the position of Human Rights Advocate for Northern Virginia Mental Health Institute to an individual who accepted the job. The new hire has a background in behavioral health and will start on February 11.  Two new advocates for Region 5 have come onboard. Latoya Wilborne, a former social worker, has taken the position at Southeastern Virginia Training Center. Carlton Henderson, will be based at Eastern State Hospital (ESH) and will share responsibility for ESH with Bernadette Lege, as well as provide advocacy in the community.  The office has been working on updating its vision for 2019. Vision development includes human rights program basics and how the office accomplishes its goals as we move toward standardizing operations and managing a consistent provision of services. A meeting is planned for March that will bring all of the advocates physically together to work on vision and to engage in team building for office staff. We are a diverse office that operates state-wide, and it is good to come together to meet in person  Deb Lochart and Taneika Goldman have been working with REACH providers and re-evaluating how REACH works into the human rights system. They met with DBHDS facility directors to discuss changes when the current human rights regulations went into effect in November.  Mrs. Goldman talked about a recent collaboration with the Department of Education regarding schools on the campuses of service providers. Discussion involved the provision of human rights protections in schools, which are outside the purview of the human rights regulations.  Mrs. Goldman discussed facility look-behinds, investigation of complaints, and Data Warehouse reports. The Data Warehouse repository allows advocates to run random samples to check incident reporting and follow-up. Advocates have a month to do 10 reviews. The office of human rights checks those reviews on a quarterly basis against information in CHRIS. Deb Lochart reported that from a department standpoint this is one of the initiatives that goes far with the Department of Justice. This process is approaching best practice nationwide. | | | | |  |
| **SHRC Interview** | At 10:47, the committee considered SHRC membership.  *Upon a motion by Ann Bevan and seconded by Will Childers 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.*  The SHRC conducted two interviews.  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 11:58, upon a vote of 6 to 1 the SHRC agreed to recommend that the DBHDS State Board appoint Cora L. Swett to the SHRC at the April, 2019 Board meeting.* | | | | |  |
| **Other** | At 11:59, John Barrett asked SHRC members to recommend locations for the March 7, 2019 meeting. | | | | |  |
| **Adjournment** of Regular Session | *At 12:03, upon a motion by Monica Lucas and seconded by Will Childers the January 31, 2019 SHRC meeting adjourned.* | | | | |  |

Respectfully Submitted,

John Barrett, Chair Kli Kinzie,

State Human Rights Committee Executive Secretary