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| STATE HUMAN RIGHTS COMMITTEE | |  |  | |
| John Barrett, Chairperson  Richmond / Deltaville  Wil Childers, Vice-Chairperson  Hardy  David Boehm  Marion  Pete Daniel  Charlotte Court House  Julie Dwyer-Allen  Leesburg  Monica Lucas  Richmond  Sandy Robbins  Valentines  Timothy Russell  Williamsburg  Cora Swett  Nokesville | COMMONWEALTH of VIRGINIA  *Department of Behavioral Health and Developmental Services*  *Post Office Box 1797* Richmond, Virginia 23218-1797 ALISON G. LAND, FACHE, 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 |
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|  | **State Human Rights Committee Meeting**  ***MINUTES***  **Thursday, January 30, 2020**  Central State Hospital  Building 113, Room 300  26317 West Washington Street Petersburg ,Virginia  23803  **Administrative Session**  **8:30 a.m.** |  | | |
| **Members Present** | John Barrett, **Chairperson;** Will Childers, **Vice-Chairperson;** David Boehm; Pete Daniel; Julie Dwyer-Allen; Monica Lucas; Sandy Robbins; and Timothy Russell | | |  |
| **Member Excused** | Cora Swett | | |  |
| **Staff Present** | Taneika Goldman, Deputy State Human Rights Director  Karen A. Taylor, Senior Assistant Attorney General  Carrie Flowers, Human Rights Advocate  Lequetta Hayes, Human Rights Advocate  Kli Kinzie, Executive Secretary | | |  |
| **Others Present** | George F. Daniel, Charlotte Court House  Rebecca Herbig, Institutional Rights Unit Manager, dLCV  Ren Faszewski, Disability Rights Advocate, dLCV | | |  |
| **Call to Order** | At 8:36, John Barrett, Chairperson, called the administrative session of the January 30, 2020, State Human Rights Committee meeting to order. | | |  |
| **Approval of Agenda** | At 8:37, the SHRC considered approval of the agenda.  *Upon a motion by David Boehm and seconded by Will Childers the amended agenda was approved unanimously.* | | |  |
| **Correspondence and Information** | At 8:38, the committee reviewed correspondence and information. An updated SHRC roster was provided.  Taneika Goldman, Deputy State Human Rights Director, informed the committee of Deb Lochart’s absence due to her involvement with a high priority DOJ project for DBHDS.  The committee received a copy of correspondence from former Acting Commissioner Mira Signer regarding the appointment of Alison G. Land, FACHE, as Commissioner for DBHDS.  The committee welcomed new SHRC member Timothy M. Russell. | | |  |
| **CSH Notice of Exemption** | At 8:39, Taneika Goldman informed the committee of an exemption for Central State Hospital. | | |  |
| **2020 Meeting Schedule Dates** | At 8:42, Taneika Goldman announced 2 proposed changes to the 2020 meeting dates: that August 27 be moved to August 13; and October 15 be moved to September 10.  *Upon a motion by Monica Lucas and seconded by Pete Daniel the SHRC approved the proposed meeting date changes.* | | |  |
| *BREAK* | At 8:46, Chairman Barrett called for a break. | | |  |
|  | **Regular Session**  **9:00 a.m.** | |  | |
| **Members Present** | John Barrett, **Chairperson;** Will Childers, **Vice-Chairperson;** David Boehm; Pete Daniel; Julie Dwyer-Allen; Monica Lucas; Sandy Robbins; and Timothy Russell | | |  |
| **Member Excused** | Cora Swett | | |  |
| **Staff Present** | Taneika Goldman, Deputy State Human Rights Director  Karen A. Taylor, Senior Assistant Attorney General  Carrie Flowers, Human Rights Advocate  Lequetta Hayes, Human Rights Advocate  Kli Kinzie, Executive Secretary | | |  |
| **Others Present** | George F. Daniel, Charlotte Court House  Rebecca Herbig, Institutional Rights Unit Manager, dLCV  Ren Faszewski, Disability Rights Advocate, dLCV | | |  |
| **Present for the Welcome** | Ann Bailey, ADA; Central State Hospital  Dr. Brandi Justice, Clinical Director, Central State Hospital | | |  |
| **Present via Telecom for the Appeal** | M.A., Complainant | | |  |
| **Present for the Appeal** | Ann Mays, Compliance Program Manager, Region Ten CSB  Xavia Jackson, Director of Compliance, Region Ten CSB | | |  |
| **Present via Telecom for the VCBR Update** | Cheryl Young, Human Rights Advocate | | |  |
| **Call to Order** | At 8:55, John Barrett, Chairperson, called the January 30, 2020, State Human Rights Committee meeting to order. | | |  |
| **Draft Minutes Review** | At 8:55, the SHRC reviewed the draft minutes of the November 21, 2019, SHRC meeting.  *Upon a motion by Pete Daniel and seconded by Will Childers the minutes of the November 21, 2019 SHRC meeting were unanimously approved.* | | |  |
| **Welcome** | At 9:03, Chairman Barrett introduced Ann Bailey, ADA, and Dr. Brandi Justice, Clinical Director, Central State Hospital. Dr. Brandi Justice welcomed the committee to Central State Hospital.  At 9:04, Ann Bailey welcomed the committee and gave a brief description and history of the Hospital. Central State Hospital will celebrate its 150-year anniversary this year with an open house in February and the main event commemoration on June 4. | | |  |
| **Advocate’s Facility Overview** | At 9:11, Carrie Flowers, Human Rights Advocate, presented a facility overview for Hiram W. Davis Medical Center. Ms. Flowers also talked about her scope of responsibility and duties as the assigned Human Rights Advocate.  Hiram Davis is a 94 long-term skilled nursing facility that provides medical and behavioral support services to individuals with DD and MH diagnosis. Services include physical therapy, speech therapy, occupational therapy, art therapy, dental care, and radiology, as well as outpatient services for individuals living in the community.  On behalf of the Office of Human Rights, Taneika Goldman expressed thanks for Ms. Flowers’ special skills and expertise as the assigned Human Rights Advocate at both Central State Hospital and Hiram W. Davis Medical Center for 13 years. | | |  |
| **Welcome and Tour** | At 9:30, Mr. Hilton McDaniel, Director Hiram Davis Medical Center, welcomed the SHRC to Petersburg and offered a tour of the facility. | | |  |
|  | At 10:27, the meeting reconvened at Central State Hospital. | | |  |
| **Public Comment Period** | At 10:27, John Barrett called for public comments. *No public comments were offered.* | | |  |
| **Appeal:** Petition 1 and 2 | At 10:30, the SHRC considered the Appeal of M.A. vs Charlottesville Area LHRC in the Matter of Region Ten Community Services Board (CSB).  SHRC Members present were John Barrett, Chairperson;Will Childers, Vice-Chairperson; David Boehm; Pete Daniel; Julie Dwyer-Allen; Monica Lucas; Sandy Robbins; and Timothy Russell.  M.A., Complainant, was present via telephone. Ann Mays, Compliance Program Manager, and Xavia Jackson, Director of Compliance, were present to represent Region Ten CSB. Lequetta Hayes, Human Rights Advocate, was present to provide technical support.  Also present for the appeal were Taneika Goldman, Deputy State Human Rights Director; Karen Taylor, Senior Assistant Attorney General; and Kli Kinzie, Executive Secretary.  At the request of M.A., appeal petitions 1 and 2 were heard in closed session.  *Upon a motion by Will Childers 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. | | |  |
|  | *For Petition 1, upon a motion by Monica Lucas and seconded by Pete Daniel the SHRC unanimously upholds LHRC Finding #1 and Finding #2 of no violation of 12VAC35-115-60(B)(8), Services, and no violation of 12VAC35-115(70(A)(1)(a), Participation in Decision Making and Consent.*  *The SHRC also recommends that RTCSB review discharge processes related to clearly documenting reasons for discharge and communicating those reasons directly to the individual.*  *For Petition 2, upon a motion my Monica Lucas and seconded by Pete Daniel the SHRC unanimously upholds LHRC Finding #1 and Finding #3 of no violation of 12VAC35-115-70(A)(1)(b), Participation in Decision Making and Consent, and no violation of 12VAC35-115(50)(B)(2), Dignity.*  *The SHRC also notes 12VAC35-115-175(E)(2), which requires providers have policies to “ensure that employees shall not take, threaten to take, permit, or condone any action (i) to punish or retaliate against anyone filing a complaint or (ii) to prevent anyone from filing or helping an individual file a complaint either under this chapter or with an outside entity ”* | | |  |
| **OHR Initiatives** | At 12:17, Taneika Goldman provided an update on OHR initiatives. Mrs. Goldman reported that Deb Lochart, State Human Rights Director is working on a high priority project for DOJ.  The Office of Human Rights has established a year-long statewide plan for each region to conduct training on the CHRIS system, an overview of the human rights regulations, and an overview of the use of restraint, time out and restrictions. LHRC Review forms were developed just over two years ago; however, the Office of Human Rights has identified the need for more prescriptive and intentional training resources about the forms and process. These are currently in development.  Jes Gaines, Virginia Management Fellow, will leave her post with the Office of Human Rights on February 8. Most recently, Ms. Gaines has been collecting annual data on seclusion and restraint from licensed community programs and recording it on a spreadsheet. The OHR looks forward to the possibility of another Virginia Management Fellow as assigned to DBHDS on February 10. | | |  |
| **CSH Follow-up** | At 12:29, Taneika Goldman discussed follow-up to the SHRC’s review of Central State Hospital’s Variance #4: Complaint Procedure (CSH Policy RTS-01d): 12VAC35-115 150, 170, 180, 190, 200, 210. The SHRC had suggested on November 21, 2019, that an SHRC consumer member be a participant on the committee that reviews CSH complaints pursuant to Variance #4.  This item was tabled for discussion at the March SHRC meeting. | | |  |
| **Facility Overview and S/R Reporting** | At 12:32, Cheryl Young, Human Rights Advocate, joined the meeting via telephone to provide the facility overview and seclusion and restraint reporting for Virginia Center for Behavioral Rehabilitation. Ms. Young reviewed the data gathered since the last SHRC report on November 21, 2019.  Taneika Goldman informed the SHRC that Cheryl Young is working on a tracking sheet to manage information about the timeliness of the facility’s assignment of investigations and closure of allegations/complaints in CHRIS, per the SHRC request. | | |  |
| **LHRC Business** | At 12:43, the SHRC considered LHRC business. | | |  |
| LHRC Liaison Reporting | The committee received a report from Will Childers, Vice-Chairman, who attended a meeting of the Roanoke-Catawba Local Human Rights Committee on December 11, 2019. | | |  |
| LHRC Tour | At 12:44, Taneika Goldman reported that the SHRC has been conducting the tour of LHRC visits for about a year and a half. The tour was established to observe how LHRC meetings are facilitated by LHRC members and OHR staff and determine strengths as well as what training may be needed. Mrs. Goldman asked that SHRC Members reach out to the OHR before attending LHRC meetings to ensure an effective use of resources.  Chairman Barrett asked SHRC members to provide feedback to Mrs. Goldman regarding which LHRC meetings they can attend. | | |  |
| LHRC Realignments | At 12:49, Taneika Goldman presented LHRC realignment requests. For Region 1, Cassie Purtlebaugh, Regional Human Rights Manager, requests the consolidation of the Central Virginia LHRC into the Charlottesville Area LHRC. For Region 4, Sharae Henderson, Regional Human Rights Manager, requests the discontinuation of Hanover LHRC and Chesterfield LHRC, and a name change of Goochland Powhatan LHRC to Metropolitan LHRC.  *The SHRC granted the requests for realignment, discontinuation and re-naming as stated above.* | | |  |
| LHRC Membership | *At 12:50, Upon a motion 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 LHRC membership.*  The SHRC considered LHRC membership. Taneika Goldman reported on 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 Monica Lucas and seconded by David Boehm the SHRC unanimously acknowledges the following resignations and makes the following appointment:* | | |  |
| Resignations | Resignations of Jackie Benson from Northern Virginia Regional LHRC; Cheryl Spencer from Piedmont Geriatric Hospital LHRC; and Kristina Stelling from Western State Hospital LHRC. | | |  |
| Appointment | Region 2  Northern Virginia Hospitals LHRC: Appointment of Edward O’Brien. | | |  |
| **Subcommittees** | Chairman Barrett appointed Timothy Russell and removed Vice-Chairperson Will Childers from the Workplan / Membership Subcommittee.  Workplan / Membership Subcommittee: Julie Dwyer-Allen, Chairperson; Timothy Russell.  Pete Daniel is rotating off the SHRC on June 30, 2020. Taneika Goldman is asking Cassie Purtlebaugh and Sharae Henderson to assist with recruiting a replacement.  Bylaws Subcommittee: Monica Lucas, Chairperson; Cora Swett; Taneika Goldman, Staff.  At 12:56, Monica Lucas reported that Karen Taylor is continuing to assist with language for the Bylaws. The revisions are underway to create more consistency in human rights committee Bylaws across the commonwealth.  For the HR Access initiative, human rights cards have been developed in Braille. Monica Lucas is working on the project of creating a voice-over of human rights for the web.  Policy Subcommittee: Sandy Robbins, Chairperson; David Boehm, Taneika Goldman, Staff.  At 1:02, Sandy Robbins reported on the sub-committee’s work to review VCBR Facility Instructions on Mail and Packages, and Complaint Resolution. She will bring something back to the committee for the March meeting  Officers Subcommittee: Pete Daniel, Chairperson; Sandy Robbins.  Nothing to report at this time. | | |  |
| **Adjournment** | *At 1:05, having no further business to discuss the January 30, 2020, SHRC meeting adjourned. The next meeting will be held on March 5 in Region 2.* | | |  |

Respectfully Submitted,

John Barrett, Chairperson Kli Kinzie,

State Human Rights Committee Executive Secretary