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| STATE HUMAN RIGHTS COMMITTEE | |  |  | |
| John Barrett, Chairperson  Richmond / Deltaville  Wil Childers, Vice-Chairperson  Hardy  David Boehm  Marion  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, September 10, 2020**  VIRTUAL MEETING  Google Meet  **Administrative Session**  **8:30 a.m.** |  | | |
| **Members Present** | John Barrett, **Chairperson;** Will Childers, **Vice-Chairperson;** David Boehm; Julie Dwyer-Allen; Timothy Russell; Cora Swett | | |  |
| **Members Excused** | Monica Lucas, Sandy Robbins | | |  |
| **Staff Present** | Deb Lochart, State Human Rights Director  Taneika Goldman, Deputy State Human Rights Director  Karen A. Taylor, Senior Assistant Attorney General  Jennifer Kovack, Senior Human Rights Manager Community Operations  Mary Clair O’Hara, Senior Human Rights Manager for Facility Operations  Reginald T. Daye, Regional Human Rights Manager, Region 5  Kli Kinzie, Executive Secretary | | |  |
| **Others Present** | Rebecca Herbig, Institutional Rights Unit Manager, disAbility Law Center of Virginia (dLCV) | | |  |
| **Call to Order** | At 8:33, John Barrett, SHRC Chair, called the SHRC meeting to order. John Barrett welcomed all to the meeting and called for introductions. | | |  |
| **Approval of Agenda** | The SHRC considered approval of the agenda.  *Upon a motion by Timothy Russell and seconded by Cora Swett the agenda was approved unanimously.* | | |  |
| **Information** | At 8:35m Deb Lochart, State Human Rights Director, announced that she is retiring. Ms. Lochart presented a PowerPoint slideshow on the SHRC Annual Report and briefly summarized the committee’s activities for 2019. | | |  |
|  | **Regular Session**  **9:00 a.m.** | |  | |
| **Members Present** | John Barrett, **Chairperson;** Will Childers, **Vice-Chairperson;** David Boehm; Julie Dwyer-Allen; Timothy Russell; Cora Swett | | |  |
| **Members Excused** | Monica Lucas, Sandy Robbins | | |  |
| **Staff Present** | Deb Lochart, State Human Rights Director  Taneika Goldman, Deputy State Human Rights Director  Dev Nair, Assistant Commissioner, Division of Quality Assurance and Government Relations, DBHDS  Karen A. Taylor, Senior Assistant Attorney General  Jennifer Kovack, Senior Human Rights Manager Community Operations  Mary Clair O’Hara, Senior Human Rights Manager for Facility Operations  Reginald T. Daye, Regional Human Rights Manager, Region 5  Latoya Wilborne, Human Rights Advocate  April DeLandro, Human Rights Advocate  Lakel Gurley-Upshaw, Human Rights Advocate  Kli Kinzie, Executive Secretary | | |  |
| **Others Present** | Darlene Rawls, Quality Assurance & Community Support Director, Western Tidewater CSB  Rebecca Herbig, Institutional Rights Unit Manager, disAbility Law Center of Virginia (dLCV)  Virginia Pharis, Senior Disability Rights Advocate, dLCV  Keith Davies, Office of the State Inspector General (OSIG)  Lynn Hamner, Health Care Compliance Specialist, OSIG  Brian Kates, Newport News Behavioral Health Center  Brandon Murrer, Risk Assistant, Harbor Point Behavioral Center  Dana Gillentine, Director of Risk Management, Kempsville Center for Behavioral Health  Kerry Kruk, Team Lead Human Rights Coordinator, Virginia Beach Department of Human Services  Theresa Newman, Pathways Program Supervisor, Virginia Beach Department of Human Services  Melanie Draughn, Social Worker, Holiday House of Portsmouth  Shantel Taylor, Human Rights Advocate, The Barry Robinson Center | | |  |
| **Call to Order** | At 9:00, John Barrett, Chairperson, called the September 10, 2020, State Human Rights Committee meeting to order. A call for introductions took place prior to proceeding. | | |  |
| **Draft Minutes Review** | The SHRC reviewed the draft minutes of the August 13, 2020, SHRC meeting.  *Upon a motion by Timothy Russell and seconded by David Boehm the minutes of the August 13, 2020, SHRC meeting were approved unanimously.* | | |  |
| **Update in OHR Initiatives** | 9:01, Taneika Goldman provided an update on the activities of the Office of Human Rights (OHR). Mary Clair O’Hara, Senior Human Rights Manager for Facility Operations, will be a standing voice on SHRC meeting agendas. Ms. O’Hara will provide regular updates related to the Office of Human Rights’ efforts in DBHDS facilities.  The DBHDS web site is undergoing redesign. More information will be posted on the human rights web page. An SHRC email address will be managed by the human rights office. The email can be used to receive comments and other information directed to the committee. Taneika Goldman asked that a committee member be designated to be involved in accessing the emails and responding to communications. | | |  |
| **Extraordinary Barriers to Discharge** | At 9:10, Virginia Pharis, disAbility Law Center of Virginia (dLCV), shared her screen and provided an update on the Extraordinary Barriers List (EBL). Ms. Pharis talked about the number of individuals on the list and expressed the importance of getting those individuals in appropriate settings. She asked the SHRC to support the dLCV this effort. | | |  |
| **Public Comment Period** | At 9:20, Chairperson Barrett called for public comments. *No Public Comments were offered.* | | |  |
| **Overview:** Western Tidewater CSB | At 9:20, Darlene Rawls, Quality Assurance & Community Support Director for  Western Tidewater Community Services Board (CSB), talked with the committee about services provided by the CSB. Western Tidewater CSB employs over 500 staff for the large number of programs it operates in Region 5. Services include Medicaid waiver supports, crises intervention, children and adult services, substance use disorders, community re-entry, and an extensive array of IDD programs. | | |  |
| **Subcommittees** | At 9:34, John Barrett called for subcommittee reports.  Bylaws Subcommittee: Monica Lucas, Chairperson; Cora Swett; Taneika Goldman, Staff  Taneika Goldman reported on membership changes for the Bylaws Subcommittee. Jennifer Kovack, Senior Human Rights Manager for Community Operations, will replace Taneika Goldman, as the staff support to the subcommittee. Cora Swett has joined the subcommittee.    Policy Subcommittee: Sandy Robbins, Chairperson; David Boehm, Taneika Goldman, Staff.  David Boehm spoke on behalf of the Policy Subcommittee. There is nothing to report at this time. He is looking forward to hearing from VCBR later in the meeting. Jennifer Kovack, Senior Human Rights Manager for Community Operations, will replace Taneika Goldman, as the staff support to the subcommittee.  Officer Subcommittee: Sandy Robbins.  The Officer subcommittee had nothing to report at this time.  Workplan / Membership Subcommittee: Julie Dwyer-Allen, Chairperson; Timothy Russell.  Timothy Russell shared his screen and presented a draft workplan for 2021. Recommendations were made by the committee. The subcommittee will give an update at the next meeting. | | |  |
| **LHRC Business** | At 9:45, the SHRC considered LHRC business. | | |  |
| **LHRC Tour** | At 9:45, Taneika Goldman reported that most LHRCs continue to be held virtually while some are trying to support a quorum of members to meet in a shared space while other participants including individuals and providers join virtually.  Some LHRC hearings were held in person. Taneika Goldman asked SHRC members to reach out to her if interested in attending virtual LHRC meetings. | | |  |
| **Liaison Reporting** | At 9:47, Will Childers reported that he attended a Catawba LHRC meeting by phone. | | |  |
| **LHRC Membership** | At 9:48, Taneika Goldman led the discussion and presented recommendations for LHRC membership. The discussion was held in open session. | | |  |
| Appointments | *Upon a motion by Timothy Russell and seconded by Julie Dwyer-Allen the SHRC unanimously made the following appointments.*  Region 1  Northwestern Area LHRC  Appoint: Carol Morgan, Emma Stasiak, Linda Stasiak, Stacey Umbenour, Vanessa Santiago. | | |  |
| **Variances** |  | | |  |
| Holiday House of Portsmouth | At 9:52, Reginald T. Daye, Regional Human Rights Manger for Region 5, introduced Melanie Draughn, Social Worker, Holiday House of Portsmouth. Melanie Draughn spoke briefly about services provided by the program and the populations served. Ms. Draughn described improvements made to serve individuals while maintaining safety and wellness during the COVID pandemic.  Holiday House of Portsmouth is seeking a variance to 12VAC35-115-50, Dignity (Visitation), of the *Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services*.  The requested variance will allow Holiday House of Portsmouth to continue the implementation of allowing the individual, legal guardian, and or authorized representative to provide a visitation list to govern who visits the individual while they are residing in the program. This list will be created upon admission to the program. The Holiday House of Portsmouth will not restrict telephone access to those individuals named under §12VAC35-115-50, B4.  *Upon a motion by Timothy Russell and seconded by David Boehm the SHRC unanimously approved Holiday House of Portsmouth’s request for a variance to 12VAC35-115-50, Dignity, of the Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services for use of its Visitation List. The variance is approved for a three year period with annual reports to the SHRC and quarterly reviews by the LHRC. Any violations are to be reported to the Human Rights Regional Manager within 24 hours.* | | |  |
| Harbor Point Behavioral Health Center | At 9:58, Reginald T. Daye introduced Brandon Murrer, Risk Assistant, Harbor Point Behavioral Health Center. The program provides inpatient, outpatient, and specialty behavioral health programs for children and adolescents.  Harbor Point Behavioral Health Center is requesting a variance to 12VAC35-115-100, A1a, Freedoms of Everyday Life (Movement within the service area), and 12VAC35-115-100, A1g, Freedoms of Everyday Life (Vending machines), of the *Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services*.  The requested variance will allow the Harbor Point Behavioral Health Center to continue the implementation of the Matrix Behavioral Management System. The Matrix provides a system of levels with different privileges that individuals can enjoy based on their ability to abide by the rules and expectations of the facility. The increasing levels and commensurate privileges and incentives are expected to foster positive and constructive behaviors from individuals.  *Upon a motion by Timothy Russell and seconded by David Boehm the SHRC unanimously approved Harbor Point Behavioral Health Center’s request for a variance to 12VAC35-115-100, A1a, Freedoms of Everyday Life (Movement within the service area), and 12VAC35-115-100, A1g, Freedoms of Everyday Life (Vending machines), of the Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services for use of its Matrix Behavioral Management System. The variance is approved for a three year period with annual reports to the SHRC and quarterly reviews by the LHRC. Any violations are to be reported to the Human Rights Regional Manager within 24 hours.* | | |  |
| Virginia Beach Department of Human Services | At 10:08, Reginald T. Daye introduced Kerry Kruk, Team Lead Human Rights Coordinator, and Theresa Newman, Pathways Program Supervisor, Virginia Beach Department of Human Services. Kerry Kruk described the program and gave a brief history of the use of the variance.  Virginia Beach Department of Human Services is requesting a variance to 12VAC35-115-50, C7, Dignity (Use of Telephone), and 12VAC35-115-50, C8, Dignity (Visitation), of the *Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services*.  The requested variance will allow the Virginia Beach Department of Human Services’ Residential Crisis Stabilization Program (The Pathways Center) to continue implementation of its Residential Crisis Stabilization Program Rules of Conduct, which restricts use of telephone and visitation during the first level of the program. Once the individual reaches the second level of the program, the telephone and visitation restriction will be removed. The total length of stay in the program is based on the individual’s needs. The program will not restrict telephone or visitation access to those individuals named under §12VAC35-115-50, B4.  *Upon a motion by Timothy Russell and seconded by Cora Swett the SHRC unanimously approved Virginia Beach Department of Human Services’ request for a variance to 12VAC35-115-50, C7, Dignity (Use of Telephone), and 12VAC35-115-50, C8, Dignity (Visitation), of the Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services, for use of the Residential Crisis Stabilization Program Rules of Conduct. The variance is approved for a three year period with annual reports to the SHRC and quarterly reviews by the LHRC. Any violations are to be reported to the Human Rights Regional Manager within 24 hours.* | | |  |
| Kempsville Center for Behavioral Health | At 10:17, Reginald T. Daye introduced Dana Gillentine, Director of Risk Management, Kempsville Center for Behavioral Health. Mr. Daye briefly described the variance, which will allow the Kempsville Center for Behavioral Health’s acute residential programs to place restrictions on the following sections of 12VAC35-115, et seq., *Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services*:   * 12VAC35-115-50 C7 and C8, Dignity (Telephone and Visitation). Approval of the variance will allow restriction on communication via telephone and visitation to only those placed on a list generated by the legal guardian, individual and clinical treatment team. As the individual moves to a higher level, one person may be added to the phone list with approval from the legal guardian/parent. The program will not restrict telephone or visitation access to those named under §12VAC35-115-50, Dignity, B4; * 12VAC35-115-100, A1a and A1g, Restrictions on Freedoms of Everyday Life. Approval of the variance will allow the program to require the individual earn enough points through the level system in order to access the store; and * 12VAC35-115-110, Item C16, Use of Seclusion, Restraint and Time Out. Approval of the variance will allow the program to restrict movement of the individual to a specific area for more than 30 minutes per episode while on unit restriction.   *Upon a motion by Timothy Russell and seconded by David Boehm the SHRC unanimously approved Kempsville Center for Behavioral Health’s request for a variance to 12VAC35-115-50 C7 and C8, Dignity (Telephone and Visitation); 12VAC35-115-100, A1a and A1g, Restrictions on Freedoms of Everyday Life; and 12VAC35-115-110, Item C16, Use of Seclusion, Restraint and Time Out of the Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services. The variance is approved for a three year period with annual reports to the SHRC and quarterly reviews by the LHRC. Any violations are to be reported to the Human Rights Regional Manager within 24 hours.* | | |  |
| Newport News Behavioral Health Center | At 10:32, Reginald T. Daye introduced Brian Kates, Director of Risk Management and Performance Improvement, Newport News Behavioral Health Center. Mr. Kates briefly described the program and the populations served.  Newport News Behavioral Health Center is requesting a variance to 12VAC35-115-50, C7 and C8, Dignity (Telephone and Visitation), and 12VAC35-115-100, A1a, Restrictions on Freedoms of Everyday Life (Movement within the service setting), of the *Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services*. If approved, the variance will allow for the following:   * Telephone: Restriction on communication via telephone to only those placed on a list generated by the legal guardian and resident: * Visitation: Restriction on communication via visitation to only those placed on a list generated at admission by the legal guardian and resident; and * Behavioral Management Program: Ties the individual’s movement within the service system, grounds and community to its point level system.   *Upon a motion by Timothy Russell and seconded by David Boehm the SHRC unanimously approved Newport News Behavioral Health Center’s request for a variance to 12VAC35-115-50, C7 and C8, Dignity (Telephone and Visitation), and 12VAC35-115-100, A1a, Restrictions on Freedoms of Everyday Life (Movement within the service setting) of the Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services. The variance is approved for a three year period with annual reports to the SHRC and quarterly reviews by the LHRC. Any violations are to be reported to the Human Rights Regional Manager within 24 hours.* | | |  |
| The James Barry Robinson Center | At 10:42, Reginald T. Daye introduced Shantel Taylor, Human Rights Advocate, The Barry Robinson Center. Shantel Taylor presented the variance request and briefly described the program and the populations served.  The James Barry Robinson Center is requesting a variance to 12VAC35-115-50, Dignity, C7 (Telephone) and C8, (Visitation), *of the Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services.*  The requested variance will allow The Barry Robinson Center to continue the implementation of allowing the individual, legal guardian, and or authorized representative to provide a visitation and contact list to govern who visits the individual while they reside in the program. The Barry Robinson Center will not restrict telephone access to those individuals named under §12VAC35-115-50, Dignity, B4.  *Upon a motion by Timothy Russell and seconded by Cora Swett the SHRC unanimously approved The James Barry Robinson Center’s request for a variance to 12VAC35-115-50, Dignity, C7 (Telephone) and C8, (Visitation).*  *of the Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services. The variance is approved for a three year period with annual reports to the SHRC and quarterly reviews by the LHRC. Any violations are to be reported to the Human Rights Regional Manager within 24 hours.* | | |  |
| Dialog with VCBR Leadership | At 11:00, John Barrett called for introductions. Jason Wilson, VCBR Facility Director, and Anita Schlank, VCBR Clinical Program Director, spoke with the committee about treatment phases and barriers to discharge for the residents of Virginia Center for Behavioral Rehabilitation. Items of discussion included also the expansion plan, investigations, and understanding the individual needs of the residents.  Chairman Barrett and SHRC members expressed gratitude for the presentation and thanked Jason Wilson and Anita Schlank for taking the time to speak with the committee. | | |  |
| **Other** | At 11:45, Deb Lochart said farewell and thank you to the committee. Ms. Lochart will be on leave beginning November 3, 2020, until her retirement date of January 1, 2021. | | |  |
| **Adjournment** | *At 11:45, having no further business to discuss the September 10, 2020, SHRC meeting adjourned. The next meeting is scheduled for November 19, 2020.* | | |  |

Respectfully Submitted,



John Barrett, Chairperson Kli Kinzie,

State Human Rights Committee Executive Secretary