

STATE HUMAN RIGHTS
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John Barrett, Vice-Chairperson
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Ann Bevan
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Marietta Cottingham
Hampton
Pete Daniel
Charlotte Court House
Sam Dillon
Big Stone Gap
Stephanie Heidelberg
Charlottesville
Sandy Robbins
Valentines
Timothy Russell
Williamsburg



COMMONWEALTH of VIRGINIA
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JACK BARBER., M.D., INTERIM COMMISSIONER

Deb Lochart
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State Human Rights Committee Meeting
MINUTES
Department of Behavioral Health and Developmental Services
Central Office
Commissioner's Board Room
1220 Bank Street
Richmond, Virginia
23219

Friday, December 9, 2016

Administrative Session

8:30 a.m.

Members Present Vicki Cash Graff, **Chairperson**; John Barrett, **Vice-Chairperson**; Marietta Cottingham, Pete Daniel, Sam Dillon; Stephanie Heidelberg; Sandy Robbins; Timothy Russell

Members Excused Ann Bevan

Staff Present Beverly Garnes, Regional Human Rights Advocate
Taneika Goldman, Assistant State Human Rights Director
Kli Kinzie, Executive Secretary
Deb Lochart, State Human Rights Director
Karen Taylor, Assistant Attorney General

Others Present George Daniels, Charlotte Court House
Rev. Frank Royster, Sr., Farmville

Call to Order At 8:42, Vicki Cash Graff, Chairperson, called the Administrative Session of the December 9, 2016, State Human Rights Committee meeting to order.

Approval of Agenda At 8:42 the SHRC reviewed the Agenda. Chairperson Cash Graff announced the cancellation of an appeal. The overview of Virginia Center for Behavioral Rehabilitation will be moved up the agenda from 1:00pm to 10:45am.

The amended Agenda was unanimously approved.

Correspondence and Information At 8:43, Deborah Lochart, State Human Rights Director, led the discussion on correspondence and information.

Goals Workplan Deb Lochart informed the Committee that Ms. Greenfield will provide an update on Seclusion and Restraint and to speak about VCBR transport restraints. Michael Schaefer, Assistant Commissioner of Forensic Services will report on the sexually violent predator program at VCBR.

Ms. Lochart reported that Gail M. Taylor, M.Ed., Director, Behavioral Health Wellness, will attend the January SHRC meeting to provide an update on the Substance Use Disorders (SUD) program.

Timothy Russell will collect suggestions for updating Committee goals.

2017 Meeting Dates The Committee considered proposed meeting dates for 2017. The Committee will be asked to approve 2017 meeting dates later in the day.

BREAK At 9:00, Vicki Cash Graff called for a break.

Regular Session

9:12 a.m.

Members Present Vicki Cash Graff, **Chairperson**; John Barrett, **Vice-Chairperson**; Ann Bevan; Marietta Cottingham, Pete Daniel, Sam Dillon; Stephanie Heidelberg; Sandy Robbins; Timothy Russell

Staff Present Carrie Flowers, Human Rights Advocate
Beverly Garnes, Regional Human Rights Advocate
Taneika Goldman, Assistant State Human Rights Director
Marion Greenfield, Director, Clinical Quality & Risk Management
Kli Kinzie, Executive Secretary
Deb Lochart, State Human Rights Director
Michael Schaefer, Ph.D., Assistant Commissioner, Forensic Services
Karen Taylor, Assistant Attorney General
Cheryl Young, Human Rights Advocate
Rebecca A. Vauter, Psy.D., Facility Director, Central State Hospital

Others Present Dr. Susan Baker, Executive Director, Crossroads Community Services Board
Rebecca Currin, Disability Rights Advocate, DisAbility Law Center of Virginia (dLCV)
George Daniel, Charlotte Court House
Vickie Hailey, MBA, RHIA, Custodian of Records, Crossroads Community Services Board
Kara McCauluf, Disability Rights Advocate, dLCV
Rev. Franklin Royster, Sr., Farmville

Present via Telecom Reginald T. Daye, Regional Human Rights Advocate
Melanie Joiner-Draughn, Director of Social Services, Holiday House of Portsmouth
Tammy Long, Human Rights Advocate
Stewart Prost, Human Rights Advocate
Ronnie Ratliff, Chief Administrative Officer, Holiday House of Portsmouth

Call to Order At 9:12, Vicki Cash Graff, Chairperson, called the Regular Session of the December 9, 2016, State Human Rights Committee meeting to order. A call for introductions took place prior to proceeding.

Draft Minutes At 9:13, the SHRC reviewed the draft Minutes of the October 21, 2016, SHRC meeting.

Upon a motion by Timothy Russell and seconded by Pete Daniel, the minutes

of the October 21, 2016, State Human Rights Committee meeting were approved unanimously.

Welcome

At 9:13, Jack Barber, Commissioner, DBHDS, welcomed the Committee to central office and spoke briefly about current initiatives of the Department.

At 9:27, Deb Lochart, State Human Rights Director, announced that the variances before the Committee today have been thru the Public Comment period and are ready for SHRC action. Ms. Lochart introduced Rebecca A. Vauter, Psy.D., Facility Director, Central State Hospital.

Variances: Central State Hospital

At 9:28, the SHRC reviewed Variance requests from Central State Hospital. Beverly Garnes, Regional Human Rights Advocate, was present to provide technical support. Rebecca A. Vauter, Psy.D., Facility Director, presented on behalf of the Facility.

Central State Hospital (CSH) is requesting the following Variances to 12 VAC35-115 *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services* (Human Rights Regulations):

Variance #1 allows for the use of CSH Policy RTS-12c Searches and Examinations of Patients and Property and CSH Policy RTS-26D Contraband Defined. These policies have hospital wide applicability to civil patients in both civil and secured forensic programs.

12 VAC35-115-20, Policy, (A)(2)

12 VAC35-115-50, Dignity, (C)(3)(a)

Variance #2 allows for CSH's forensic security practice of opening, but not reading, mail in front of civil patients in secure forensic programs.

12 VAC35 -115-50, Dignity, (C)(6)

12 VAC35-115-50, Dignity, (C)(6)(a)

Variance #3 allows for CSH's forensic security practice of prohibiting civil patients from retaining any form of money on their person in secure forensic programs.

12 VAC35-115-100, Restrictions on freedoms of everyday life, (A)(1)(C)

Variance #4 allows for CSH's forensic practice of conducting routine pat downs of fully clothed civil patients and searches of patients' bedroom areas in secure forensic programs.

12 VAC35-115-20, Policy, (A)(2)

12 VAC35-115-50, Dignity, (C)(3)(a)

Upon a motion by Pete Daniel and seconded by Timothy Russell the SHRC approved unanimously Central State Hospital's request for the following Variances thru December 2019 with annual written reports on the use of the Variances.

- *Variance #1: allowing for the use of CSH Policy RTS-12c Searches and Examinations of Patients and Property and CSH Policy RTS-26D*

Contraband Defined.

12 VAC35-115-20, Policy, (A)(2)

12 VAC35-115-50, Dignity, (C)(3)(a)

- *Variance #2 forensic security opening, but not reading, mail in front of civil patients in secure forensic programs.*

12 VAC35 -115-50, Dignity, (C)(6)

12 VAC35-115-50, Dignity, (C)(6)(a)

- *Variance #3 forensic security prohibiting civil patients from retaining any form of money on their person in secure forensic programs.*

12 VAC35-115-100, Restrictions on freedoms of everyday life, (A)(1)(C)

- *Variance #4 forensic conducting routine pat downs of fully clothed civil patients and searches of patients' bedroom areas in secure forensic programs.*

12 VAC35-115-20, Policy, (A)(2)

12 VAC35-115-50, Dignity, (C)(3)(a)

Variance: Holiday House of Portsmouth

At 9:40, Stewart Prost, Human Rights Advocate, joined the SHRC meeting via teleconference. Mr. Reginald T. Daye, greeted the Committee and introduced Mr. Ronnie Ratliff, Chief Administrative Officer, and Melodie Juar, of Holiday House of Portsmouth. Stewart Prost greeted the Committee and passed the floor to Mr. Ratliff.

Holiday House of Portsmouth is requesting a Variance to § 12 VAC35-115-50, Dignity, (C)(8), Visitation, of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services* (Human Rights Regulations). If approved, the Variance will allow Holiday House to use approved visitor lists for children and adolescents residing in the facility.

Upon a motion by Timothy Russell and seconded by Pete Daniel the SHRC unanimously approved Holiday House of Portsmouth's Variance to § 12 VAC35-115-50, Dignity, (C)(8) -Visitation, of Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services until October 31, 2020. Holiday House of Portsmouth is to submit an annual report on the use of the Variance in time for review by the SHRC at its October meetings.

Public Comments

At 9:49, Vicki Cash Graff called for Public Comments. Kara McCauluf, Disability Rights Advocate, dLCV, addressed the Committee on the topic of services provided to people with dual diagnosis. There has historically been some inconsistency of services provision to these individuals. The Disability Law Center of Virginia has been working with Jack Barber, Commissioner, to provide a mechanism for individuals to voice their concerns in a self-empowering way that assists the Department in identifying and providing needed services.

LHRC Quarterly Reporting

At 9:55, Deb Lochart reported that with the implementation of the new human rights regulations providers will no longer be required to report quarterly to LHRCs. Providers will continue to report annually. Taneika Goldman further explained the justification for discontinuance of quarterly reporting. Timothy Russell voiced his concerns about dropping the requirement. Deb Lochart

assured the Committee that this change will reduce administrative stressors while strengthening the system in a way that provides continuous support in real-time.

Upon a motion by Ann Bevan and seconded by Timothy Russell the SHRC approved the discontinuation of provider quarterly reporting and the implementation of provider annual reporting.

LHRC Consolidations

At 10:10, Taneika Goldman presented LHRC Consolidation requests for Region 3 on behalf of Jennifer Kovack, Regional Human Rights Advocate, for the Southwest Region. LHRC Consolidations will be worked into the interactive map of Virginia that Timothy Russell and Khalid Kheirallah, Office of Operations and Quality Improvement, are developing.

Upon a motion by Ann Bevan and seconded by Sandy Robbins the SHRC unanimously approved the recommended LHRC consolidations as follows:

Consolidations

Region 3: Southwest Virginia

- *Roanoke, Roanoke Valley, New River Valley, and Catawba LHRCs to become Catawba LHRC*
- *Southwest, and Virginia Highlands LHRCs to become Virginia Highlands LHRC*

BREAK

At 10:19, Vicki Cash Graff called for a brief break.

At 10:31, the meeting reconvened.

Appeal Hearing

At 10:33, the SHRC heard an Appeal of F.R. vs Piedmont Geriatric Hospital Local Human Rights Committee in the Matter of F.R. vs Crossroads Community Services Board.

John Barrett moved the meeting out of closed session.

Presentation

At 11:11, Michael Schaefer, Ph.D., Assistant Commissioner, Forensic Services, provided an overview of Virginia Center for Behavioral Rehabilitation. Dr. Schaefer gave a PowerPoint presentation on "Virginia's Sexually Violent Predator Commitment Program".

Michael Schaefer reported on the Exemptions Renewals for VCBR.

BREAK FOR LUNCH

OHR Initiatives

At 12:33, Taneika Goldman, Assistant State Human Rights Director, provided an update on initiatives of the Human Rights Program. Ms. Goldman provided an update on Facility Investigator Training thru Adobe Connect. There are 12 new Investigators and 3 experienced Investigators at Central Office. Training has been beneficial and progressive. The next scheduled training is to be held on December 16.

Ms. Goldman reported on the partnership with Virginia Department of Social Services regarding Normalcy and Child Sex Trafficking Legislation.

On Thursday, December 8, Ms. Goldman launched an internal periodical called Thursday Thoughts. This periodical celebrates the importance of the work performed by our human rights advocates.

Ms. Goldman reported on the Office of Human Rights' participation in SystemLEAD.

Presentation

At 12:45, Marion Greenfield, Director of Clinical Quality and Risk Management, provided an update on the use of seclusion and restraint. Ms. Greenfield discussed on the use of transport restraints of clients on forensic status.

VCBR

At 1:14, Vicki Cash Graff led a discussion of items relative to Virginia Center for Behavioral Rehabilitation (VCBR). John Barrett reported on the November 2016 VCBR RAC meeting. A summary of that meeting was provided. Mr. Barrett emphasized that these meetings are functions of the VCBR Resident Advisory Council, a group of VCBR residents who bring issues forward on behalf of the population of VCBR. The VCBR RAC has been very receptive to having SHRC members in attendance.

2017 Meeting Dates

The SHRC considered meeting dates for 2017.

Upon a motion by Stephanie Heidelberg and seconded by John Barrett the SHRC unanimously adopted the following meeting dates for 2017: January 27, March 10, April 21, June 9, July 14, September 15, October 27, and December 8.

LHRC Business

At 1:25, the SHRC considered local human rights committee business.

Upon a motion by John Barrett the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(1) for the purpose of discussion and consideration of matters lawfully exempt from the Freedom of Information Act, namely to consider local human rights committee membership.

Upon reconvening in open session all members of 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.

LHRC Appointments

At 1:26, Ms. Beverly Garnes, Regional Human Rights Advocate for the Central Region, presented LHRC appointment recommendations for Regions 1 & 2, Northwest and Capital Regions, on behalf of Cassie Purtlebaugh. Beverly Garnes presented the LHRC appointment recommendations for Region 3, Southwest Virginia, on behalf of Jennifer Kovack. Beverly Garnes presented the LHRC appointment recommendations for Region 5, Tidewater, on behalf of Reginald T. Daye.

At 1:41, John Barrett moved the committee out of executive session.

Upon a motion by Timothy Russell and seconded by Pete Daniel, the SHRC unanimously made the following appointments.

Appointments

Region 1&2: Northwest and Capital

Rappahannock LHRC

Appoint: Ms. Elizabeth "Beth" Murphy-Drapen

Rockbridge Area LHRC

Appoint: Ms. Jean Kelser
Region 3: Southwest
Southside Community LHRC
Appoint Ms. Serlena Walker, Ms. Pamela Wallace
Virginia Highlands LHRC
Appoint: Dr. Gardner Umbarger, III
Region 5: Tidewater
Tidewater Regional LHRC
Appoint: Ms. Robin Griffith

Adjournment At 1:43, the meeting adjourned.

Next Meeting
Friday, January 27, 2017
DBHDS Central Office
Commissioner's Board Room
1220 Bank Street
Downtown Richmond, Virginia
23219
Region 4

Respectfully Submitted,



Vicki Cash Graff, Chairperson
State Human Rights Committee



Kli Kinzie,
Executive Secretary