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| STATE HUMAN RIGHTS COMMITTEE | |  |  | |
| John Barrett, Chairperson  Richmond / Deltaville  Will Childers, Vice-Chairperson  Hardy  David Boehm  Marion  Pete Daniel  Charlotte Court House  Julie Dwyer-Allen  Leesburg  Monica Lucas  Richmond  Sandy Robbins  Valentines  Cora Swett  Nokesville | COMMONWEALTH of VIRGINIA  *Department of Behavioral Health and Developmental Services*  *Post Office Box 1797* Richmond, Virginia 23218-1797 Mira E. Signer, Acting 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  ***DRAFT MINUTES***  Thursday, October 17, 2019  Southwestern Virginia Mental Health Institute  340 Bagley Circle  Learning Center / B Building  Marion, Virginia 24354  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 Cora Swett |  |
| **Staff Present** | Deb Lochart, State Human Rights Director  Taneika Goldman, Deputy State Human Rights Director  Brandon Rotenberry, Human Rights Advocate  Heather Oakes, Human Rights Advocate  Kli Kinzie, Executive Secretary |  |
| **Others Present** | George F. Daniel, Charlotte Court House |  |
| **Present for the Welcome & Tour** | Cynthia L. McClaskey, Ph D, Facility Director, Southwestern Virginia Mental Health Institute (SWVMHI) |  |
| **Call to Order** | At 8:34, John Barrett, Chairperson, called the administrative session of the October 17, 2019 State Human Rights Committee meeting to order. |  |
| **Approval of Agenda** | At 8:34, Chairman Barrett called for a motion to approve the agenda. Taneika Goldman, Deputy State Human Rights Director, requested the addition of a name change for Southeastern Virginia Training Center LHRC.  *Upon a motion by Pete Daniel and seconded by David Boehm the amended agenda was approved unanimously.* |  |
| **2020 Meeting Schedule** | 8:34, Chairman Barrett asked members to consider meeting places for 2020, and to send recommendations to Cora Swett.  Sandy Robbins asked for an organizational chart of DBHDS offices.  The office of human rights will develop a proposed meeting schedule for 2020. The SHRC will vote on 2020 meeting dates at the November 21 meeting. |  |
| **Correspondence and Information** | At 8:41, Deb Lochart, State Human Rights Director, discussed correspondence and information provided in the meeting packet. The committee received a copy of the SHRC’s response to SHRC Appeal Case 19-03. The office of human rights anticipates receiving a response from Acting Commissioner Mira Signer. A copy of the response will be provided at the next meeting. |  |
| **Variance Report** | 8:43, Taneika Goldman, Deputy State Human Rights Director, presented the annual variance update from the City of Virginia Beach. The variance, to sections 12VAC35-115-50 C 7 c and 12VAC35-115-5- C 8 c, allows for restrictions to telephone calls and visitation at the Residential Crisis Stabilization Program-Pathways Center located at 409 Birdneck Circle, Virginia Beach.  The variance was first granted in October 2009, and was most recently approved for three years in October 2017. An annual update was provided to the LHRC in October 2018, and quarterly updates were provided in January, April, and July, 2019. |  |
| **OHR Initiatives** | 8:44, Taneika Goldman provided an update on OHR initiatives. Mrs. Goldman acknowledged Brandon Rotenberry, Human Rights Advocate, who served as a Social Worker and Investigator at SWVMHI before coming to the human rights office.    Mrs. Goldman spoke about growth and changes in the human rights office. Mary Clair O’Hara recently transferred to the office. She brings with her the responsibilities she has been performing for DBHDS including core measures, TOVA training and work with the facilities.  The OHR recently hired Mike Gause as a Human Rights Advocate in Region 5 (Tidewater). The office is in the process of offering a position to another applicant to fill the position formerly held by Bernadette Lege, who took a position with the Office of Licensing. Human Rights Advocate Carlton Henderson is transitioning from Region 5 to Region 4.  Taneika Goldman announced an all advocate meeting to be held in Charlottesville on October 29 and 30. Brandon Rotenberry has been a key developer for training to be provided at an upcoming facility advocate meeting. The OHR is planning a training for early 2020, probably to be held at Western State Hospital.  Jes Gaines, Virginia Management Fellow, continues to collect restraint data from facilities. The office plans to analyze the data at the end of October and then consider enhancements to the system, including revamping the seclusion/restraint form. Mary Clair O’Hara, who has experience with seclusion and restraint, will assist with the project. |  |
|  | At 8:50, David Boehm welcomed the SHRC to southwest Virginia. Mr. Boehm spent his first 32 years of work experience on the campus of SWVMHI. He spoke briefly of his background and professional history. Mr. Boehm thanked the SHRC and the office of human rights for the important work they do in providing rights protections for individuals in Virginia. Monica Lucas thanked David Boehm for his years of dedicated service. |  |
| *BREAK* | *At 8:53, Chairperson Barrett called for a brief 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 Cora Swett |  |
| **Staff Present** | Deb Lochart, State Human Rights Director  Taneika Goldman, Deputy State Human Rights Director  Brandon Rotenberry, Human Rights Advocate  Heather Oakes, Human Rights Advocate  Dustin Wilcox, Alternative Transportation Coordinator  Kli Kinzie, Executive Secretary |  |
| **Others Present** | George F. Daniel, Charlotte Court House  Michelle Debord, Virginia Highlands LHRC Member |  |
| **Present for the Welcome and Tour** | Cynthia L. McClaskey, Ph D, Facility Director, SWVMHI  Mike Jones, Unit Programs Director, Admissions and Geriatrics, SWVMHI  Bob Williams, Assistant Director, Administration, SWVMHI  Matt Woodlee, Clinical Director, SWVMHI |  |
| **Present via Telecom for VCBR Update** | Cheryl Young, Human Rights Advocate |  |
| **Present via Telecom for Interview** | Timothy Russell, SHRC Applicant |  |
| **Call to Order** | At 9:02, John Barrett, Chairperson, called the October 17, 2019 State Human Rights Committee meeting to order. |  |
| **Draft Minutes Review** | At 9:41, the committee reviewed the draft minutes of the September 12, 2019 SHRC meeting.  *Upon a motion by Pete Daniel and seconded by Sandy Robbins the minutes of the September 12, 2019 SHRC meeting were unanimously approved.* |  |
| **Welcome** | At 9:03, Chairman Barrett introduced Cynthia L. McClaskey, Ph D, Facility Director, SWVMHI. Dr. McClaskey welcomed the committee to SWVMHI and gave a brief description and history of the Institute. |  |
| **Tour** | At 9:04, Cynthia McClaskey offered a tour of SWVMHI. She was joined by Mike Jones, Unit Programs Director, Admissions and Geriatrics; Bob Williams, Assistant Director, Administration; and Matt Woodlee, Clinical Director, SWVMHI. |  |
| **Resumed** | At 10:02, the meeting resumed. |  |
| **Facility Director** | At 10:02, Cynthia L. McClaskey, spoke briefly about activities and challenges faced by SWVMHI. |  |
| **Alternative Transportation** | At 10:04, Dustin Wilcox, Alternative Transportation Coordinator, presented on Alternative Transportation. The program was developed in 2015, and a pilot was launched in 2016 and 2017. There were no complaints, assaults or escapes at that time.  The Alternative Transportation program started in Region 3 at Mount Rogers Community Services Board and currently transfers adults. Currently, alternative transportation can only be used with TDO transports. With this program, it is expected that transportation will be provided for TDOs, discharges, transfers for medical appointments and more. Training on safety in transportation is currently underway. They expect to add services to children in the future.  Transportation is provided by GS4 Secure Solutions, an international company that provides security services to specific government and corporate sectors including utilities, financial institutions, hospitals and healthcare facilities, and transit systems. The company has involved law enforcement in other states, where the program has been successful. It currently uses a Dodge Charango outfitted as a police car with partitions to transfer TDO individuals.    Cynthia McClaskey commented on her involvement with the pilot a few years ago, which got off to a somewhat slow start. As time goes on she expects people will be more receptive to alternative transport, and she is looking forward to the full implementation of the program. |  |
| **Public Comment Period** | At 10:37, John Barrett called for public comments. *No public comments were offered.* |  |
| **Facility Overview SWVMHI** | At 10:38, Brandon Rotenberry provided an update on seclusion and restraint at Southwestern Virginia Mental Health Institute for the second quarter (April – June) 2019. He reviewed the number of restraints, broken down into type of restraint and time in restraints. It is important to note that the facility accepts diversion admissions, which poses some unique concerns for the individuals and their families and support systems, since the individuals are placed far away from their homes and supports.  Mr. Rotenberry reported on allegations of abuse and neglect, and human rights complaints for April through June 2019.  Brandon Rotenberry joined the office of human rights in 2016. He came to OHR after serving as a social worker at SWVMHI and advancing to the position of investigator. His duties include reviewing complaints each morning, CHRIS reporting and providing technical assistance to Virginia Highlands LHRC. He reviews training for new facility staff, monitors complaints, conducts unit compliance reviews, reviews abuse investigations, and assists people in navigating the system.  Brandon Rotenberry participates on internal review committees and attends forensics and department head meetings when needed. He works with the Clinical Director on an ongoing basis. Deb Lochart stated that she appreciates Brandon Rotenberry and Cynthia McClaskey very much, they have a unique relationship that works beautifully. Cynthia McClaskey complemented Brandon for being a strong consultant. Facility staff feel they can go to Brandon with any of their issues. |  |
| **VCBR Facility S/R** | At 10:52, Cheryl Young, Human Rights Advocate joined the meeting via audioconference to present the update on VCBR . Ms. Young reported on seclusion and restraint, and allegations of abuse and neglect and human rights complaints for September. Incidents of peer to peer incidents seem to have reduced in number.  Cheryl Young noted that Policy 207 on VCBR mail was provided to OHR for submission to the Policy Subcommittee for review.  VCBR residents will be getting secure tablet PCs. Construction on the warehouse and pharmacy buildings continues. |  |
| **Subcommittees** | At 10:59, Chairman Barrett called for discussion of SHRC Subcommittees  Workplan / Membership Subcommittee: Julie Allen, Chairperson; Will Childers  Julie Dwyer Allen announced that the SHRC conduct an interview for membership later in the day. She reviewed the interview process with the committee.  Bylaws Subcommittee: Monica Lucas, Chairperson; Cora Swett; Taneika Goldman, Staff.  Monica Lucas will communication with Cora Swett about subcommittee initiatives. The subcommittee will have more information to report to the full committee in November.  Monica Lucas provided an update on the OHR access initiative. She is working with Jes Gaines, Virginia Management Fellow, on creating tools to aid people in understanding their rights and how to access help. Work continues on updating the human rights poster. The new poster will provide user-friendly information on abuse and neglect, and provide web tools. The poster will have graphics as well as words to help individuals understand the concepts.  A glossary is being developed to provide consistency on the use of terms. Taneika Goldman will have handouts to share at the next meeting. CSBs will be made aware of the subcommittees efforts. Tools are to be rolled out in phases. Monica Lucas asked that individuals and families be added to the think tank and she asked for input from the Regional Human Rights Managers.  Sandy Robbins asked for this project to be included in the next Executive Summary.  Policy Subcommittee: Sandy Robbins, Chairperson; David Boehm, Taneika Goldman, Staff.  At 11:08, Sandy Robbins reported that the Policy Subcommittee is slow in getting information out to the LHRCs. She drafted a policy for guidance on the Freedom of Information Act. Ms. Robbins asked if the subcommittee can create a cover memo to the Regional Managers informing of the documents that the department has already created.    Taneika Goldman provided a copy of policy 207 from the VCBR Appeals Committee to the Policy Subcommittee.  Officers Subcommittee: Pete Daniel, Chairperson; Sandy Robbins.  Nothing to report at this time. |  |
| **Closed Session** | *At 11:24, Upon a motion by Sandy Robbins and seconded by Pete Daniel 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 and SHRC membership, and a review of WSH LHRC’s decision regarding consent and authorization.* |  |
|  | Taneika Goldman presented a request for an LHRC name change. |  |
| **LHRC Membership** | The SHRC considered LHRC membership. Taneika Goldman presented LHRC 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 accepts the LHRC name change and makes the following appointments and reappointments:*  *Region 2:*  *Prince William LHRC*  *Appoint: Susan Evers*  *Region 3:*  Roanoke-Catawba LHRC  Appoint: Gloria Rena Ferguson  Virginia Highlands LHRC  Reappoint: Gardner Umbarger, Barbara Bartnik, and Michelle Debord |  |
| **AR Review** | At 11:28, Taneika Goldman presented a review of the WSH LHRC decision on Consent and Authorization for GW.  *Upon a motion by Sandy Robbins and seconded by Pete Daniel the SHRC unanimously :*   * *upholds the Western State Hospital LHRC finding that the individual’s capacity was not properly evaluated according to 12VAC35-115-145(4).* * *supports WSH LHRC’s recommendation that Western State Hospital ensure compliance to section 145(4) by updating the corresponding form(s) to read, “Capacity evaluations must include: address type of support that might be used to increase individual’s decision making capabilities.” ; and* * *supports WSH’s determination that GW lacks capacity and therefore should be appointed an Authorized Representative.* |  |
| **SHRC Membership Interview** | At 11:47, the SHRC conducted an audioconference interview of SHRC applicant Timothy Russell.  *Upon a motion by Julie Dwyer-Allen and seconded by Pete Daniel the SHRC unanimously voted to recommend that the DBHDS State Board appoint Timothy Russell to the SHRC.* |  |
| **Other** | David Boehm introduced Michelle Debord, Virginia Highlands LHRC member. The SHRC welcomed Ms. Debord ad spoke briefly about their role and responsibilities. |  |
| **Adjournment** | *At12:11, having no further business to discuss the October 17, 2019 SHRC meeting adjourned. The next meeting will be held on November 21 at Eastern State Hospital.* |  |

Respectfully Submitted,

John Barrett, Chairperson Kli Kinzie,

State Human Rights Committee Executive Secretary