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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  Tesha 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 |

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|  | | State Human Rights Committee Meeting  ***MINUTES***  Thursday, May 30, 2019  Tompkins Martin Medical Plaza  1101 Sam Perry Boulevard #101  Classrooms C & D  Fredericksburg, VA 22401 |  | |
|  | | **Administrative Session**  8:30 a.m. |  | |
| **Members Present** | John Barrett, **Chairperson;** Ann Bevan, **Vice-Chairperson;** Julie Dwyer-Allen; David Boehm; Pete Daniel; Tesha Graham; Monica Lucas and Sandy Robbins | | |  |
| **Excused** | Will Childers | | |  |
| **Staff Present** | Deb Lochart, State Human Rights Director  Taneika Goldman, Deputy State Human Rights Director  Karen Taylor, Senior Assistant Attorney General  Jen Anglin, Human Rights Advocate, Region 2  Kli Kinzie, Executive Secretary | | |  |
| **Others Present** | George F. Daniel, Charlotte Court House  Nancy Roper, BSN, RN, CPHRM, Clinical Risk Manager, Regulatory Affairs and Risk Management, Mary Washington Healthcare | | |  |
| **Call to Order** | At 8:30, John Barrett, Chairperson, called the administrative session of the May 30, 2019 State Human Rights Committee meeting to order. | | |  |
| **Approval of Agenda** | At 8:30, the SHRC considered the agenda.  *Upon a motion by David Boehm and seconded by Pete Daniel the agenda was approved unanimously.* | | |  |
| **Correspondence and Information** | At 8:31, Deb Lochart, State Human Rights Director, discussed correspondence and information provided in the meeting packet. The committee asked that correspondence be forwarded to them via email when possible. | | |  |
| **Variance Notification** | *At 8:34, Deb Lochart reported that the Central State Hospital Variance notification is tabled until a later date.* | | |  |
| **Appeals Committee Review** | At 8:35, upon a motion by Sandy Robbins and seconded by Pete Daniel the SHRC convened in closed session pursuant to VA CODE § 2.2-3711 (A) (4) and (15), for the protection of the privacy of individuals and their medical records in personal matters not related to public business, namely for discussion of a VCBR Appeals Committee Review.  Upon reconvening in open session each member certified that, to the best of each member’s knowledge, only matters lawfully exempted from open meeting requirements and only such matters related to the stated reason for going into closed session were heard, discussed or considered in the closed session. | | |  |
| *BREAK* | *At 8:44, Chairperson Barrett called for a brief break.* | | |  |
|  | | **Regular Session**  8:52 a.m. |  | |
| **Members Present** | John Barrett, **Chairperson;** Ann Bevan, **Vice-Chairperson;** Julie Dwyer-Allen; David Boehm; Pete Daniel; Tesha Graham; Monica Lucas and Sandy Robbins | | |  |
| **Excused** | Will Childers | | |  |
| **Staff Present** | Deb Lochart, State Human Rights Director  Taneika Goldman, Deputy State Human Rights Director  Karen Taylor, Senior Assistant Attorney General  Artea Ambrose, Human Rights Advocate, Region 1  Jen Anglin, Human Rights Advocate, Region 2  Kli Kinzie, Executive Secretary | | |  |
| **Others Present** | George F. Daniel, Charlotte Court House | | |  |
| **Present for Welcome / Overview** | Charles Scercy, Director, Snowden of Fredericksburg  Nancy Roper, BSN, RN, CPHRM, Clinical Risk Manager, Regulatory Affairs and Risk Management, Mary Washington Healthcare | | |  |
| **Present via Telecom** | Cheryl Young, Human Rights Advocate, Virginia Center for Behavioral Rehabilitation | | |  |
| **Call to Order** | At 8:52, John Barrett, Chairperson, called the May 30, 2019 State Human Rights Committee meeting to order. | | |  |
| **Draft Minutes Review** | At 8:52, the committee reviewed the draft minutes of the April 18, 2019 SHRC meeting.  *Upon a motion by Pete Daniel and seconded by Sandy Robbins the minutes of the April 18, 2019 SHRC meeting were unanimously approved.* | | |  |
| **Welcome** | At 8:53, Chairman Barrett introduced Nancy Roper, BSN, RN, CPHRM, Clinical Risk Manager, Regulatory Affairs and Risk Management, Mary Washington Healthcare. Nurse Roper welcomed the committee to the Hospital. | | |  |
| **Subcommittee Reports** | At 8:56, John Barrett asked for subcommittee updates.  Workplan / Membership Subcommittee: Will Childers, Chairperson; Julie Allen.  The workplan subcommittee has nothing to report at this time.  Deb Lochart reported that she communicated with Monica Lucas regarding the development of a brief document on rights understanding for distribution to individuals. Monica Lucas said she would also like to update the human rights poster to be aligned with the current regulations.  Bylaws Subcommittee: Monica Lucas, Chairperson; Tesha Graham, Taneika Goldman, Staff.  At 9:03, John Barrett reminded the SHRC that Monica Lucas reported in April with several recommendations for changes to the bylaws. The proposed modifications will be forwarded to the Attorney General’s office for review prior to submission for the SHRC’s consideration at the next meeting.  Policy Subcommittee: Sandy Robbins, Chairperson; David Boehm, Taneika Goldman, Staff.  At 9:04, Sandy Robbins reported that the policy subcommittee will provide updates at the next meeting.  Officers Subcommittee: Pete Daniel, Chairperson; Sandy Robbins.  At the April 18, 2019 SHRC meeting the subcommittee presented the following slate of officers for the upcoming term of July 1, 2019 to June 30, 2020: Chairperson: John Barrett; and Vice-Chairperson Pete Daniel or Will Childers. Also at the April 18 meeting the committee entertained a call for nominations from the floor.  At 9:05, Sandy Robbins distributed ballot sheets to the SHRC. Pete Daniel withdrew his nomination for Vice-Chairperson. Ballots were completed and passed to Karen A. Taylor, Senior Assistant Attorney General, who acted as Teller. | | |  |
| LHRC Liaison Reporting | At 9:07, John Barrett called for Liaison reports.  Sandy Robbins attended a meeting of the Central State Hospital LHRC on the evening of April 18. Julie Dwyer-Allen attended a meeting of the NOVA LHRC on May 16. | | |  |
| **Executive Summary** | At 9:13, Deb Lochart distributed copies of the Executive Summary, which will be presented to the DBHDS State Board in July. | | |  |
| **LHRC Tour** | At 9:14, Taneika Goldman, Deputy State Human Rights Director, presented an updated spreadsheet for the LHRC Tour. Mrs. Goldman talked about meetings attended by SHRC members thus far, and encouraged the committee to review the sheet and consider which LHRC meetings they will be able to attend.  Mrs. Goldman commended human rights staff for their work with the LHRCs. She commented that Will Childers plans to attend the next meeting of the CVTC LHRC. | | |  |
| **Public Comment** | At 9:18, Chairman Barrett announced the public comment period. *No public comments were offered.* | | |  |
| **Facility Overview and S/R:** VCBR | At 9:20, Cheryl Young, Human Rights Advocate, VCBR, joined the meeting via teleconference. Ms. Young presented the Facility Overview Report on the use of seclusion and allegations of abuse and neglect for VCBR for the period of January – March 2019. Deb Lochart thanked Ms. Young for the summary report, saying that it is informative and very helpful. | | |  |
| Discussion of Future Meetings | At 9:38, Sandy Robbins said she would like to hear from a peer recovery specialist at a future meeting. Deb Lochart will invite Mark Blackwell to speak.  Ms. Lochart suggested inviting someone to speak about alternative transportation. She also said the committee expressed interest in inviting Braden Curtis, Senior Assistant Attorney General, to a meeting to talk about the status of the DOJ Settlement Agreement. Ms. Lochart will contact the AG’s office.  Deb Lochart asked about interest in touring VCBR and PGH on Wednesday, July 10. A tour will be scheduled for the afternoon. | | |  |
| **Officers** | At 9:52, John Barrett asked Karen Taylor for the results of the ballot for officers. Chairperson: John Barrett received 7 votes; Monica Lucas received 1 vote. Vice-Chairperson: Will Childers received 7 votes; Pete Daniel received 1 vote.  *Upon a motion by Sandy Robbins and seconded by David Boehm the SHRC unanimously voted to elect John Barrett as Chairperson and Will Childers as Vice-Chairperson for the term July 1, 2019 to June 30, 2020.* | | |  |
| **Appeal** | At 10:00, the SHRC considered the appeal of MA and Region Ten CSB. SHRC Members present were John Barrett, Chairperson; Ann Bevan, Vice-Chairperson; Julie Dwyer-Allen; David Boehm; Pete Daniel; Tesha Graham; Monica Lucas; and Sandy Robbins.  MA was present on her own behalf via telecom. Karen Osterhaus, Director of Compliance, Region Ten CSB, was present in the room on behalf of the program. Also present were Deb Lochart, State Human Rights Director; Taneika Goldman, Deputy State Human Rights Director; Karen Taylor, Senior Assistant Attorney General; Jen Anglin, Human Rights Advocate; Artea Ambrose, Human Rights Advocate; and Kli Kinzie, Executive Secretary. At the request of the individual the hearing was conducted in closed session.  *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 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 Ann Bevan and seconded by Sandy Robbins the SHRC determined the following:*   * *Finding #1: By a vote of 7-1, the SHRC upholds the LHRC finding of a violation of 12VAC35-115-50(A), Dignity.* * *Finding #4: By a vote of 5-3, the SHRC upholds the LHRC finding of a violation of 12VAC35-115-60(A), Services.* * *Finding #5: Due to a vote of 4-4, the SHRC takes no action in regards to 12VAC35-115-70(A), Participation in Decision Making and Consent.* * *Finding #8: By a vote of 6-2, the SHRC overturns the violation of 12VAC35-115-70(B)(1), Participation in Decision Making and Consent. The SHRC opined that Region Ten CSB did attempt to reach MA by phone and there was an email that communicated the cancellation.* * *Finding #10: Due to a vote of 4-4, the SHRC takes no action in regards to 12VAC35-115-70(B)(3), Participation in Decision Making and Consent.*   *Though requested by MA, the SHRC does not have the authority to require Region Ten Community Services Board to provide MA with a written apology.* | | |  |
| **Overview** Snowden | At 11:03, the SHRC suspended the closed session to welcome Charles Scercy, Director, Snowden of Fredericksburg. Mr. Scercy welcomed the committee to the program and provided an overview of the services offered and the populations served. | | |  |
| Appeal resumed | At 11:14, the SHRC resumed the closed session | | |  |
|  | 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. | | |  |
| **LHRC Business** | At 11:58, the SHRC considered LHRC business. | | |  |
| LHRC Membership | At 10:45, the SHRC considered LHRC membership.  *Upon a motion by Sandy Robbins and properly seconded 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 local human rights committees 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 Julie Dwyer-Allen and seconded by Pete Daniel the SHRC unanimously acknowledges the resignation of Ms. Rebecca Johnson from the Northern Virginia Regional LHRC and thanks her for her service.*  *Furthermore, the SHRC unanimously makes the following appointments and reappointments*  *Region 1*  *Charlottesville Area LHRC*  *Appoint: Ms. Sarah Anderson; Ms. Mary Sue Kivlighan*  *Commonwealth Center for Children & Adolescents LHRC*  *Reappoint: Ms. Rene Hummell*  *Northwestern Area LHRC*  *Appoint: Ms. Renee Waymire; Ms. Christine Taylor*  *Rappahannock-Rapidan LHRC*  *Appoint: Ms. Phyllis Ryan*  *Western State Hospital LHRC*  *Reappoint: Ms. Kristina “Tina” Stelling*  *Region 4*  *Central State Hospital LHRC*  *Appoint: Sandra Eason; Sarah James*  *Reappoint: Lauren Auster-Gussman; Jennifer Sistrunk*  *Region 5*  *Health Planning Region 5 LHRC*  *Appoint: Kennisha Frazier; Norris Sherman*  *Reappoint: Patricia Albritton; Joyce Greenidge*  *Southeast Alliance LHRC*  *Reappoint: Candi Rhodes*  *Southeastern Virginia Training Center LHRC*  *Reappoint: Marilyn Nendza; Matthew Albright*  *Virginia Beach Area LHRC*  *Appoint: Johnna Jones*  *Reappoint: Carolyn Launce Scott; Andrea Lawson*  *Williamsburg Regional LHRC*  *Reappoint: Augustine Gatling-Lampley; Roberta Racioppi; Maria Fuentes-Sherman* | | |  |
| SHRC Membership | At 12:01, Chairperson John Barrett acknowledged Vice-Chairperson Ann Bevan’s service on the State Human Rights Committee. Ms. Bevan’s second term will expire on June 30, 2019. Members of the committee thanked Ms. Bevan and wished her well. Ms. Bevan was awarded a certificate of appreciation. | | |  |
| **Adjournment** | *At 12:03, having no further business to discuss the May 30, 2019 SHRC meeting adjourned.* | | |  |

Respectfully Submitted,

John Barrett, Chairperson Kli Kinzie,

State Human Rights Committee Executive Secretary