

STATE HUMAN RIGHTS COMMITTEE

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Wil Childers, Vice-Chairperson
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David Boehm
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Monica Lucas
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Sandy Robbins
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Timothy Russell
Williamsburg
Megan Sharkey
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Cora Swett
Nokesville



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State Human Rights Committee Meeting

DRAFT MINUTES

Thursday, March 4, 2021

VIRTUAL MEETING

Zoom for Government

Administrative Session

8:45 a.m.

Members Present	John Barrett, Chairperson ; Will Childers, Vice-Chairperson ; David Boehm; Julie Dwyer-Allen; Monica Lucas; Sandy Robbins; Megan Sharkey; Timothy Russell; and Cora Swett
Staff Present	Taneika Goldman, State Human Rights Director Karen A. Taylor, Senior Assistant Attorney General Jennifer Kovack, Associate Director, Community Operations Mary Clair O'Hara, Associate Director, Facility Operations Brandon Rotenberry, Facility Advocate Manager Cheryl Naetzker, Business Systems Analyst, Project Management Office Kli Kinzie, Executive Secretary
Others Present	Rebecca Herbig, Institutional Rights Unit Manager, disAbility Law Center of Virginia (dLCV)
Call to Order	At 8:45, John Barrett, SHRC Chair, called the administrative session of the March 4, 2021, SHRC meeting to order. A call for introductions took place prior to proceeding. SHRC Members introduced themselves. Taneika Goldman, State Human Rights Director, introduced herself, staff of the Office of Human Rights, and Rebecca Herbig, disAbility Law Center of Virginia.
Approval of Agenda	At 8:48, the SHRC considered approval of the agenda. <i>Upon a motion by Timothy Russell and seconded by Cora Swett the agenda</i>

was approved unanimously.

Information

At 8:48, Taneika Goldman, notified the SHRC of an upcoming variance request from Virginia Center for Behavioral Rehabilitation (VCBR). VCBR is in conversation with Commissioner Land regarding variances that will expire in April 2021. There is no formal information to share at this time.

Starting in April, the SHRC will begin to receive regulation reviews by OHR staff on sections of the human rights regulations (12VAC 35-115, et seq). Carlton Henderson, Training and Development Coordinator, will kick it off.

Sections of today's meeting will be recorded.

After adjournment of the SHRC meeting, committee members are invited to come together in a separate Zoom space for an informal gathering to talk about their backgrounds, experience and perspective. This is not a meeting and no SHRC business will be discussed.

Regular Session

8:54 a.m.

Members Present

John Barrett, **Chairperson**; Will Childers, **Vice-Chairperson**; David Boehm; Julie Dwyer-Allen; Monica Lucas; Sandy Robbins; Megan Sharkey; Timothy Russell; and Cora Swett

Staff Present

Taneika Goldman, State Human Rights Director
Karen A. Taylor, Senior Assistant Attorney General
Heidi Dix, Deputy Commissioner, Compliance, Legislative, and Regulatory Affairs
Jennifer Kovack, Associate Director, Community Operations
Mary Clair O'Hara, Associate Director, Facility Operations
Brandon Rotenberry, Facility Advocate Manager
Carrie Flowers, Human Rights Advocate
Michelle Lochart, Data Coordinator
Cheryl Naetzker, Business Systems Analyst, Project Management Office
Kli Kinzie, Executive Secretary

Others Present

Rebecca Herbig, Institutional Unit Manager, dLCV
Rhonda Thissen, Senior Advocate, dLCV
Erin Haw, Senior Disability Rights Advocate, dLCV

Call to Order

At 8:54, John Barrett, Chairperson, called the March 4, 2021, State Human Rights Committee meeting to order.

**Draft Minutes
Review**

At 8:54, the SHRC reviewed the draft minutes of the January 21, 2021, SHRC meeting.

Upon a motion by Timothy Russell and seconded by Sandy Robbins the minutes of the January 21, 2021, SHRC meeting were approved unanimously.

**Presentation:
Web Redesign**

At 8:55, Cheryl Naetzker, Business Systems Analyst, Project Management Office, DBHDS, presented a PowerPoint slideshow on the DBHDS web redesign project. The project's objective is a complete design and content refresh of DBHDS' current public website. The project launched in March 2020. The team is about to wrap up the test version of the new website and move the production site to VITA by the end of March 2021. Cheryl Naetzker took the committee through a review of the layout and main pages for the new website.

Timothy Russell, Monica Lucas and Megan Sharkey volunteered to be community testers for the new website.

There will be a simple, clean layout to present a lot of information in a very small space for mobile phones and tablets.

Carlton Henderson has worked closely with Cheryl Naetzker on the web redesign. He provided Ms. Naetzker with an outline of information to be available on the web. Taneika Goldman and Kli Kinzie will continue to participate in the project as well

Taneika Goldman thanked Cheryl Naetzker for her time and effort in bringing this information to the SHRC meeting. The SHRC is invested in the website working well and doing what it should. Mrs. Goldman thanked Timothy Russell, Megan Sharkey and Monica Lucas for volunteering to be part of the community test group.

**Public Comment
Period**

At 9:29, Chairman John Barrett called for public comments. *No public comments were offered.*

**VCBR Facility
Report**

At 9:30, John Barrett called for the VCBR Facility Report. Carrie Flowers, Human Rights Advocate, provided the VCBR Facility Overview and Seclusion and Restraint Report for reporting period January 2021. There were 4 physical emergency restraints for the month of January due to aggression and threatening behavior. The restraints lasted up to 4 minutes. There were no injuries to staff or residents.

There were 29 transportation restraints reported for January. The duration of the transportation restraints ranged between 25 minutes and 11 hours, 19

minutes. No resident injuries were reported for the month. There were no reports of seclusion for this period.

Sandy Robbins asked for a map of the grounds of VCBR and Piedmont Geriatric Hospital (PGH). Because of the new construction underway, a map of VCBR is not available at this time. Mary Clair O'Hara will provide a map of the PGH grounds. Taneika Goldman clarified the committee's request for a VCBR map, when available, is intended to provide greater context for members (especially those that have not received a tour of VCBR) regarding the expansion. Some of the layout is not currently being disclosed because of security concerns. Mary Clair will speak with Jason Wilson, VCBR Director about getting a campus map when available.

Presentation:
DSS/DARS MOU
and APS Reports

At 9:38, Taneika Goldman announced that Michelle Lochart, Data Coordinator, had joined. Taneika Goldman shared her screen to discuss the Adult Protective Services/Child Protective Services (APS/CPS) reporting process. Michelle Lochart introduced herself and said she has been receiving and reviewing APS/CPS reports and entering them in a tracker. Taneika Goldman reported that incidents submitted from offices of the Department of Social Services in the various localities throughout Virginia provide meaningful information that assists in OHR's obligation to protect against and mitigate abuse/neglect of individuals in the DBHDS service delivery system.

Taneika Goldman provided the background and perspective that led to the tracking process. She spoke about the authority and purpose of the OHR, APS/CPS and the development of a protocol on processing the respective reports to ensure safety and rights protections.

OHR has operationalized a system of triage for APS/CPS processing. Staff ensure appropriate corrective action is planned and taken by the provider, and check on whether the provider is reporting the information to DBHDS in the web based CHRIS application. There are on-going improvements to the data collection and analytics process with the help of the department's Data, Quality and Visualization Team.

Timothy Russell thanked Taneika Goldman and Michelle Lochart for providing this data in a meaningful way. David Boehm asked if OHR shares the information and data in a way that may motivate competition. Mrs. Goldman responded that the information has not been shared collectively, but as OHR moves forward, some data may be shared with community providers and agencies at the local level.

Presentation:
FOIA

At 10:15, Karen Taylor, Senior Assistant Attorney General, provided training on the Freedom of Information Act (FOIA). FOIA ensures Virginia's citizens ready access to records in the custody of public officials. FOIA includes the SHRC as well as any subcommittees of the SHRC. SHRC members are to receive a copy of the FOIA chapter (Va Code 2.2-3700). The chapter can be obtained from the Legislative Information System (LIS) website.

The SHRC must appoint someone as the FOIA Officer to receive questions from the public about what the SHRC does. The FOIA Officer must be trained once during each consecutive period of two calendar years commencing with the date on which he or she last completed a training session. The SHRC is to decide who is to be the FOIA Officer.

Karen Taylor reviewed the rules of electronic communications and electronic meetings.

When things get back to normal in the wake of the COVID pandemic, electronic participation by members of the SHRC must be in accordance with a policy adopted by the SHRC. Today's meeting is held electronically due to the pandemic.

Karen Taylor reviewed the reasons for Closed Meetings.

Sandy Robbins asked about physical absences from meetings for personal reasons.

Karen Taylor recommended that, to maintain its independence from DBHDS as an oversight body to DBHDS, the SHRC develop its own policy for attending meetings electronically for health or personal reasons. This information should also be include in the SHRC bylaws.

Karen Taylor reviewed the rules for public records.

At 11:05, Taneika Goldman acknowledged that Heidi Dix, Deputy Commissioner, Compliance, Legislative, and Regulatory Affairs, DBHDS, was present.

Presentation:
Overview of
Facility
Operations

At 11:05, Mary Clair O'Hara, Associate Director, Facility Operations, provided an overview on facility operations. The COVID pandemic has caused staffing issues resulting in some data entry delays, but we are hoping to have information together by the next meeting. Staff are still working on the January data because of the time needed to get all of the information entered. Ms. O'Hara can provide a copy of her presentation after the meeting.

Mary Clair O'Hara reviewed data for peer-to-peer altercations for Central State Hospital, Eastern State Hospital, Western State Hospital, Catawba Hospital, Commonwealth Center for Children and Adolescents, Hiram Davis Medical Center, Piedmont Geriatric Hospital, Northern Virginia Mental Health Institute, Southern Virginia Mental Health Institute, Southwestern Virginia Mental Health Institute, Southeast Virginia Training Center and Virginia Center for Behavioral Rehabilitation.

**Facility
Violations
Letters**

At 11:14, Brandon Rotenberry, Facility Advocate Manager, addressed the committee. At the last SHRC meeting, the committee asked Mr. Rotenberry for information on violation letters issued to state facilities by OHR. Mr. Rotenberry shared his screen and reviewed the violation letters issued from June 2020 thru January 2021. There is no one facility that has received remarkably more violation letters than the others.

David Boehm asked Mr. Rotenberry if facilities get feedback on this data. Brandon Rotenberry does give them feedback. Mary Clair O'Hara also gives them feedback via email. Taneika Goldman added that there is a standing meeting between OHR and Facility Operations where data and information is also shared.

**Presentation:
Overview of
Community
Operations**

At 11:19, Jennifer Kovack, Associate Director, Community Operations, provided an overview on the planning process and progress toward returning to onsite visits. NIOSH certified N95 masks have been shipped out to OHR field staff. All staff have been/will be fit-tested for the masks. Information is being distributed to staff regarding how to use masks and other PPE, the proper disposing of PPE, and other safety standards specific to procedures prior to, during and after onsite visits. OHR has also developed and implemented a provider prescreen tool.

OHR is also exploring protocols on supportive leave policies, and standards of conduct within the department. OHR is working with Human Resources on workforce development and progressive discipline training to identify areas needing improvement, as a means of investment in the OHR team.

The community team is looking forward to returning to the field for identified types of onsite activities starting on April 1st.

Subcommittees

At 11:29, John Barrett called for subcommittee reports.

Bylaws Subcommittee: Monica Lucas, Chairperson; Cora Swett; Jennifer Kovack, Staff

Monica Lucas reported this morning she received Karen Taylor's updates to the SHRC bylaws. Ms. Lucas thanked Karen Taylor for her hard work. Ms. Lucas reported that the subcommittee will meet and get the bylaws together to present formally to the SHRC in April. She also wants to add aspects from today's FOIA presentation into the Bylaws.

Policy Subcommittee: Sandy Robbins, Chairperson; David Boehm; Mary Clair O'Hara, Staff.

At 11:34, Sandy Robbins spoke on behalf of the Policy Subcommittee. The subcommittee is reviewing the DI on criminal charges/NGRIs, which references what is involved in secure transport.

The policy subcommittee is reviewing VCBR Facility Instruction 106. They may schedule a subcommittee conference call to review secure transport off-grounds and to make sure everything is up to date. The subcommittee is also looking at the transport restraint DI for VCBR and CSH.

Sandy Robbins asked Mary Clair O'Hara about TOVA training. Ms. O'Hara works with Security Officers and emergency response teams.

Officer Subcommittee: Sandy Robbins.

At 11:57, Sandy Robbins commented that at the last meeting she asked members to start considering whether they have interest in serving as officers for the upcoming term. Ms. Robbins asked Karen Taylor about elections at electronic meetings. Minutes must record votes by name of each member. Sandy Robbins will be prepared to present a slate of officers at the May meeting and to ask the committee to elect officers at the June meeting.

Workplan / Membership Subcommittee: Julie Dwyer-Allen, Chairperson; Timothy Russell.

At 12:00, Timothy Russell thanked committee members, and especially Megan Sharkey, for recommendations for the goals workplan. Mr. Russell shared his screen and presented the draft workplan, which includes a list of speakers for the year. The committee discussed inviting LHRC members to attend an SHRC meeting.

Tim asked members to continue sending him suggestions for speakers and topics. Monica Lucas suggested having a provider from each region come in to engage with the SHRC and present about their programs. This would allow for contact with smaller programs.

Taneika Goldman commented that the workplan can certainly be a living document, but the workplan was developed to ensure that the SHRC is

operating to meet its obligations and responsibilities based on the authority of section 12VAC 35-115-270 of the regulations.

LHRC Business At 12:08, the SHRC considered LHRC business. Will Childers thanked Jennifer Kovack for sending the information on LHRC meetings for calendar year 2021.

Jennifer Kovack commented that the information provided was prompted by a request made at the last SHRC meeting. The SHRC has now received a list of dates and Zoom links for LHRC meetings for the year, as well as a map of regions with the Regional Managers' contact information, and a copy of the LHRC meeting report form. The committee also received a document on the role of SHRC members when attending LHRC meetings, which has information on what to do prior, during and after LHRC meetings. When going to LHRC meetings, SHRC members should only attend the open portions of the meetings. SHRC members should let the Regional Manager know when they intend to attend an LHRC meeting.

Other Timothy Russell revisited the issue of appointing a FIOA Officer. He recommended the appointment be attached to a position and not a person, for example, the Chair of the SHRC or the Chair of the Bylaws subcommittee. Taneika Goldman said she was designated as the FOIA Officer for the SHRC some time ago. Mrs. Goldman and Mary Clair O'Hara can work with whomever the SHRC appoints to the position.

The FOIA Officer must be identified; his/her name must be posted on the web and submitted to the FOIA Advisory Council. John Barrett asked that this topic be placed on the agenda for a 20-30 minute discussion at the next meeting. Karen Taylor read the definition of the FIOA Officer from the statute.

Other April and May meetings will be virtual. *There was no other business.*

Adjournment *At 12:12, having no further business to discuss the March 4, 2021, SHRC meeting adjourned. The next meeting is scheduled for April 15, 2021.*

Respectfully Submitted,

John Barrett, Chairperson
State Human Rights Committee

Kli Kinzie,
Executive Secretary