

## STATE HUMAN RIGHTS COMMITTEE

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Wil Childers, Vice-Chairperson  
Hardy  
David Boehm  
Marion  
Julie Dwyer-Allen  
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Timothy Russell  
Williamsburg  
Megan Sharkey  
Richmond  
Cora Swett  
Nokesville



**COMMONWEALTH of VIRGINIA**  
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ALISON G. LAND, FACHE, COMMISSIONER

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**State Human Rights Committee Meeting**  
**MINUTES**  
**Thursday, January 21, 2021**  
**VIRTUAL MEETING**  
**Zoom for Government**

**Administrative Session**  
**8:45 a.m.**

<b>Members Present</b>	John Barrett, <b>Chairperson</b> ; Will Childers, <b>Vice-Chairperson</b> ; David Boehm; Julie Dwyer-Allen; Monica Lucas; Sandy Robbins; Megan Sharkey; Timothy Russell; and Cora Swett
<b>Staff Present</b>	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 Kli Kinzie, Executive Secretary
<b>Others Present</b>	Erin Haw, Senior Disability Rights Advocate, disAbility Law Center of Virginia (dLCV) Hannah Setzer, Disability Rights Advocate, dLCV Sandra Price-Stroble, DBHDS State Board Member
<b>Call to Order</b>	At 8:51, John Barrett, SHRC Chair, called the administrative session of the January 21, 2021, SHRC meeting to order. A call for introductions took place prior to proceeding. SHRC Members introduced themselves.
<b>Approval of Agenda</b>	At 8:54, the SHRC considered approval of the agenda.  <i>Upon a motion by David Boehm and seconded by Monica Lucas the agenda was approved unanimously.</i>

**Information**

Taneika Goldman, State Human Rights Director, introduced staff and others.

Taneika Goldman reported that Mary Clair O'Hara, Associate Director, Facility Operations, will present the VCBR Facility Report.

At 8:56, Taneika Goldman discussed the SHRC email address, SHRC@dbhds.virginia.gov, which has been established for the purpose of providing an access point for the public to send public comments and inquiries to the SHRC in writing.

Taneika Goldman asked committee members to consider their comfort level in receiving SHRC packets electronically via encrypted email. As there were no objections, the next meeting packet will be sent electronically. Members were encouraged to communicate with OHR if this method presents any issues. David Boehm would like to receive large packets in hardcopy.

Electronic copies are to be deleted after each meeting. Printed copies must be sent back to OHR for destruction.

Taneika Goldman welcomed Dr. Patricia Cafaro, who joined the meeting to give a presentation on Mortality Review Committees.

**Regular Session**

**9:00 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  
Kli Kinzie, Executive Secretary

**Others Present**

Erin Haw, Senior Disability Rights Advocate, disAbility Law Center of Virginia (dLCV)  
Hannah Setzer, Disability Rights Advocate, dLCV  
Ren Faszewski, Disability Rights Advocate, dLCV  
Sandra Price-Stroble, DBHDS State Board Member

<b>Call to Order</b>	At 9:00, John Barrett, Chairperson, called the January 21, 2021, State Human Rights Committee meeting to order.
<b>Draft Minutes Review</b>	<p>The SHRC reviewed the draft minutes of the December 17, 2020, SHRC meeting.</p> <p><i>Upon a motion by Sandy Robbins and seconded by Timothy Russell the minutes of the December 17, 2020, SHRC meeting were approved unanimously.</i></p>
<b>Presentation: Mortality Review Committees</b>	<p>At 9:02, Taneika Goldman officially introduced Dr. Patricia L. Cafaro, Clinical Manager, Division of the Chief Clinical Officer. Dr. Cafaro was present to talk about the DBHDS Mortality Review Committee and the Facility Mortality Review Committee.</p> <p>Patricia Cafaro shared her screen to present a PowerPoint slideshow covering Tier 1 and Tier 2 criteria and the goals for both committees. All deaths meeting Tier 1 criteria require detailed comprehensive review of multiple factors and areas of focus. Data is housed in a secured, members only access folder that is posted the day of the meeting and taken down immediately following the meeting.</p> <p>The Mortality Review Committees strive to reduce mortality rates to the fullest extent practicable. For each case review, the Mortality Review Committee determines the cause of death, whether it was expected and if it was potentially preventable; classifies risk factors that may have prevented the death; identifies gaps in services; and documents quality improvement suggestions by developing recommendations and actions related to potentially preventable and unexpected deaths.</p> <p>Each Mortality Review Committee member has an alternate. The MRC committees are facilitating the reporting process. New information in the Department Instruction includes access to risk mitigation.</p>
<b>Change in Presiding Officer</b>	At 9:33, Will Childers, Vice-Chairperson, announced that he received notice that John Barrett, Chairperson, withdrew from the meeting.
<b>Public Comment Period</b>	At 9:33, Will Childers called for public comments. <i>No public comments were offered.</i>
<b>VCBR Facility Report</b>	At 9:34, Will Childers called for the VCBR Facility Report. Mary Clair O'Hara, Associate Director, Facility Operations, presented the report. Relating to the question raised during the December 17, 2020, SHRC meeting regarding 8 and 9-hour timeframes for transport restraints, the long timeframe accounts for

time in restraint of an individual as they are transported to appointments, while they are receiving services at their appointments and time in transport back to the facility.

Mary Clair O'Hara provided the VCBR facility overview and seclusion and restraint report for December 2020. There were 4 physical emergency restraints due to aggression/threatening behavior. One restraint lasted one minute with no injuries. One restraint lasted 9 minutes resulting in wrist pain, which was addressed as an abuse allegation. The outcome of this allegation is still pending.

There were 17 complaints: 16 alleging violations relating to treatment with dignity, and 1 alleging a violation related to access to and amendment of services record. Two of the 16 alleged violations to treatment with dignity were substantiated.

Construction is finishing at the facility. There is art on the walls and the environment is less "prison-like". The cafeteria will be outfitted with eating cubicles. More information on the cubicles will be provided at the next meeting.

Taneika Goldman suggested providing SHRC members with a facility campus map with the buildings identified for Piedmont Geriatric Hospital and Virginia Center for Behavioral Rehabilitation. Mary Clair O'Hara will ask VCBR staff for a campus map.

At 9:50, Mary Clair O'Hara asked Brandon Rotenberry to share his screen and present information about the new OHR Facility Notice of Violation Letter Protocol, which is modeled after the process for citations for community violations. The process includes steps to verify that appropriate corrective actions are identified by the facility and that the corrective actions have been performed. There were 36 letters issued across facilities. At the request of the committee, Brandon Rotenberry will look at the distribution of letters to see if any facilities stand out as having an abundance of citations.

**Presentation:**  
Community  
Operations

At 9:57, Jennifer Kovack, Associate Director, Community Operations, presented an update on OHR initiatives implemented by the advocate team supporting licensed community providers and CSBs.

In March, the OHR put look behinds on hold because of restrictions on travel and contact due to COVID. In July, OHR instituted a remote look behind protocol and community OHR staff have implemented debriefing calls to follow-up the look behinds. These calls provide the opportunity to discuss

what was found in the reviews and to support the programs' efforts to get back on track.

Field staff are undergoing fit testing for N95 masks. This will help get the advocates safely back into the community. Fit testing is corresponding with COVID vaccination. Staff are encouraged to go through the health department, although DBHDS Central Office is working on a plan to provide field staff access to vaccinations.

Mary Clair O'Hara said that some of the facility advocates have already been vaccinated.

At 10:11, Taneika Goldman announced the change in titles for Jennifer Kovack and Mary Clair O'Hara to Associate Director for Community Operations and Facility Operations respectively.

**Presentation:**  
Facility  
Operations

At 10:12, Mary Clair O'Hara, Associate Director, Facility Operations, provided an overview of facility operations. She shared her screen to show the monthly incident data across facilities for November 2020.

Events are based on total of all events, not just the specific categories. Categories shown include physical altercations, aggressive acts by peers; and aggressive acts to peers with injuries. The peer to peer aggressions without injuries comes from CHRIS data.

Piedmont Geriatric Hospital had the highest number of falls and deaths, which is likely impacted by the recent COVID-19 outbreak at the facility.

Mary Clair O'Hara provides information to Dr. Cafaro for submission to the Facility Mortality Review Committee.

Timothy Russell thanked Ms. O'Hara for providing the data in this format.

***BREAK***

At 10:22, Vice-Chair Will Childers called for a brief break.

**Subcommittees**

At 10:34, Will Childers called for subcommittee reports.

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

Monica Lucas reported on behalf of the Bylaws Subcommittee. Ms. Lucas asked that reporting on the bylaws revision be deferred until the April meeting.

Monica Lucas provided an update on HR Access. The subcommittee continues to make progress on the HR Access project in collaboration with Carlton Henderson, OHR Training and Development Coordinator. The project enhances accessibility to rights protection information by utilizing an array of formats and platforms, including braille, podcasts and more.

Monica Lucas asked if the SHRC Workplan could incorporate the setting of benchmarks and thresholds for standards of rights protections. Julie Dwyer-Allen suggested that rather than the SHRC setting the thresholds, they could ask the programs if they are meeting their own goals. There may be some individuals, advocates or others who are willing to share their experiences. Timothy Russell may be able to look at some university papers and reports that may be helpful.

Policy Subcommittee: Sandy Robbins, Chairperson; David Boehm, Jennifer Kovack, Staff.

At 10:46, Sandy Robbins spoke on behalf of the Policy Subcommittee. She will reach out to Taneika Goldman and Mary Clair O'Hara to share information back and forth in February, and then share it with the SHRC at the March meeting.

Mary Clair O'Hara will send Sandy Robbins the policy on transport restraints for VCBR as well as the other facilities that utilize transport restraints.

Officer Subcommittee: Sandy Robbins.

At 10:48, Sandy Robbins asked members to start considering whether they have interest in serving as officers for the upcoming term.

At the March SHRC meeting, the SHRC should be prepared to discuss membership. Recommendations to the DBHDS State Board for the upcoming vacancy of John Barrett's position, as well as the reappointments of Monica Lucas, Timothy Russell and David Boehm should be ready for review by the Board in July.

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

At 10:50, Timothy Russell shared his screen to discuss recommendations for the Goals Workplan. Mr. Russell asked members to make notes on the document to share with the subcommittee.

Topics of interest include regulatory spotlights of sections of the human rights regulations at each meeting. The committee would like to hear from various OHR staff on topics they cover when training providers. The SHRC will hear

from Carlton Henderson, OHR Training and Development Coordinator, in April. Sandy Robins would like to hear case study examples as part of the regulation spotlight, with protected information removed.

Timothy Russell suggested recording and posting speaker presentations on the web site.

Timothy Russell suggested holding non-SHRC business meetings among members to talk about their backgrounds and the various gifts each member brings to the whole. This could be done via zoom during lunch hour, immediately following the meeting.

**LHRC Business** At 11:07, the SHRC considered LHRC business.

**LHRC Membership** Jennifer Kovack presented the recommendation of an LHRC appointment.

*Upon a motion by David Boehm and seconded by Megan Sharkey the SHRC unanimously voted to make the following appointment.*

Region 1

Staunton Area LHRC

Appoint: Eva Wilson

Will Childers asked Jennifer Kovack for a schedule of LHRC meetings for the year. Ms. Kovack is currently working on the statewide 2021 LHRC meeting schedule and will provide it to the SHRC when complete.

Timothy Russell asked that that schedule include Zoom links and passcodes. Agendas would also be helpful.

**Other** *There was no other business.*

**Adjournment** *At 11:11, having no further business to discuss the January 21, 2021, SHRC meeting adjourned. The next meeting is scheduled for March 4, 2021.*

Respectfully Submitted,

John Barrett, Chairperson  
State Human Rights Committee

Will Childers, Vice-Chairperson  
State Human Rights Committee

Kli Kinzie,  
Executive Secretary