

STATE HUMAN RIGHTS COMMITTEE

Julie C. Allen, Chairperson
Springfield
Wil Childers, Vice-Chairperson
Hardy
David Boehm
Marion
Monica Lucas
Richmond
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, September 30, 2021

DBHDS

1220 Bank Street

Jefferson Building

13th Floor Board Room

Richmond, Virginia

23219

Zoom for Government

<https://dbhds.zoomgov.com/j/1617839100>

Meeting ID: 161 783 9100

Passcode: \$HRCMet1ng

Administrative Session

9:00 a.m.

Members Present Julie C. Allen, **Chair**; Will Childers, **Vice-Chair**; David Boehm; Monica Lucas; Timothy Russell; Megan Sharkey

Members Virtually *None*

Members Excused Cora Swett

Staff Present Taneika Goldman, State Human Rights Director
Tony Davis, Human Rights Advocate
Kli Kinzie, Executive Secretary
Trevon Johnson, IT Help Desk Tech

Staff Virtually Mary Clair O'Hara, Associate Director, Facility Operations
Jennifer Kovack, Associate Director, Community Operations
Brandon Rotenberry, Facility Advocate Manager
Reginald T. Daye, Human Rights Manager, Region 5

Others Present Virtually Sarah Meehan, Social Work Intern, disAbility Law Center of Virginia (dLCV)
Marian Huber, Guardian, Interested Person

Call to Order At 9:05, Julie C. Allen, SHRC Chair, called the administrative session of the September 30, 2021, SHRC meeting to order. Ms. Allen introduced herself and welcomed everyone to the meeting. A call for introductions took place prior to proceeding.

Approval of Agenda At 9:08, the committee considered the agenda. No changes were recommended.

A motion was made by Will Childers and seconded by Megan Sharkey to approve the agenda as circulated. Megan Sharkey, Timothy Russell, Julie Allen, Will Childers, David Boehm and Monica Lucas voted yes to pass the motion to approve the September 30, 2021 agenda.

Information At 9:08, Taneika Goldman, State Human Rights Director addressed the Committee. Mrs. Goldman and Julie C. Allen, SHRC Chair presented the SHRC Annual Report to the DBHDS State Board at its meeting on Wednesday, September 29.

Mrs. Goldman acknowledged that the SHRC received a response from St. Mary's Home for Disabled Children. The program has updated its intake form.

A draft 2022 meeting schedule will be ready for review at the November 4, 2021, SHRC meeting. SHRC members were asked to look at their calendars for the upcoming year and be prepared to move on the dates for 2022 meetings. Mrs. Goldman suggested holding the next SHRC meeting in the Board Room of the Jefferson Building in downtown Richmond. Members can participate virtually or in person.

Regular Session

9:15a.m.

Members Present Julie C. Allen, **Chair**; Will Childers, **Vice-Chair**; David Boehm; Monica Lucas; Timothy Russell; Megan Sharkey

Members Virtually *None*

Members Excused Cora Swett

Staff Present Taneika Goldman, State Human Rights Director
Tony Davis, Human Rights Advocate
Kli Kinzie, Executive Secretary
Walton Mitchell, Assistant Commissioner, Facility Services

Staff Present Virtually Mary Clair O'Hara, Associate Director, Facility Operations
Brandon Rotenberry, Facility Advocate Manager
Jennifer Kovack, Associate Director, Community Operations
Reginald T. Daye, Human Rights Manager, Region 5

Others Present Virtually Rebecca Herbig, Disability Rights Advocate, disAbility Law Center of Virginia (dLCV)
Taylor Easley, Intern, dLCV
Sarah Meehan, Social Work Intern, disAbility Law Center of Virginia (dLCV)
Marian Huber, Guardian, Interested Person

Call to Order	At 9:15, Julie Allen, Chair, called the regular session of the September 30, 2021, SHRC Meeting to order.
Review of Draft Minutes	<p>The SHRC considered the draft minutes of the August 19, 2021, SHRC meeting.</p> <p><i>A motion was made by Monica Lucas and seconded by David Boehm to approve the draft minutes of the August 19, 2021, SHRC meeting. Megan Sharkey, Timothy Russell, Julie Allen, Will Childers, David Boehm and Monica Lucas voted yes to pass the motion to approve the draft minutes.</i></p>
Regulation Spotlight	At 9:17, Reginald T. Daye, Region 5 Human Rights Manager, presented the Regulation Spotlight on section 12VAC 35-115-110 of the human rights regulations. (See addendum I). Mr. Daye shared his screen and presented a slideshow on Seclusion, Restraint and Time Out.
Public Comment Period	<p>At 9:35, Julie Allen opened the floor to members of the public wanting to make public comments.</p> <p><i>No public comments were offered.</i></p>
Guest Presenter	At 9:36, Walton Mitchell, Assistant Commissioner, Facility Services, introduced himself and gave a PowerPoint presentation on the overall impact of COVID on state facilities. (See addendum II).
Facility Reports	At 10:10, the Committee received updates on facility reporting.
Seclusion/ Restraint & Death Data	At 10:10, Mary Clair O'Hara, Associate Director, Facility Operations, presented seclusion/restraint and death data. Ms. O'Hara shared her screen to show an Excel file and provided data for August 2021. (See addendum III). Julie Allen asked about seclusion numbers dropping at Western State Hospital. David Boehm asked about getting data on a base line of impact of COVID on staff and individuals. Mary Clair O'Hara will look into having some data to share at the November 4 meeting as well as taking a deeper look at interventions that were not considered before COVID. Taneika Goldman offered to work with the Human Rights Managers for similar information related to the community for the November Meeting.
Violation Letters	At 10:29, Brandon Rotenberry, Facility Advocate Manager, provided statistics on Violation Letters for July and August 2021 (See addendum IV). Mr. Rotenberry noted that the Facility Director at Western State Hospital has already shortened the timeframe for responses.
VCBR Reports	At 10:31, Tony Davis, Human Rights Advocate, provided VCBR reports for the months of July and August. (See addendum V). All complaints for the period were resolved below the level of the Facility Director.
Community Operations Reports	At 10:36, Jennifer Kovack, Associate Director, Community Operations, presented an update on community operations covering October 2020 – March 2021. Ms. Kovack also mentioned potential changes to CHRIS to capture subcategories of Neglect.
	<i>At 10:50, the SHRC took a brief break.</i>
Subcommittee Reports and Assignments	At 11:01, Julie Allen called for subcommittee reports.

Bylaws Subcommittee: Monica Lucas, Chair; Jennifer Kovack, Staff
At 11:01, Monica Lucas spoke on behalf of the Bylaws Subcommittee. Ms. Lucas sent out a blurb on electronic meetings for the committee to review and provide feedback. Information from Karen A. Taylor, Senior Assistant Attorney General, was shared with the committee.

A motion was made by Megan Sharkey and seconded by Will Childers to approve the draft Bylaw with the addition of information about electronic meetings as provided by the Office of the Attorneys General. Megan Sharkey, Timothy Russell, Julie Allen, Will Childers, David Boehm and Monica Lucas voted yes to pass the motion to approve the Bylaws.

HR Access Project: Monica Lucas

At 11:07, Monica Lucas provided an update on HR Access. Carlton Henderson, OHR Training & Development Coordinator is working on the recordings that Monica Lucas submitted. When finished, audio recordings will run along with accompanying video.

Ms. Lucas is soliciting testimonials from the community to include in the web-based HRAccess project. Efforts are underway to include some basic information that is missing from what has been issued in the past.

Policy Subcommittee: David Boehm; Mary Clair O'Hara, Staff
At 11:18, David Boehm spoke on behalf of the Policy Subcommittee. The subcommittee will develop a policy on electronic meetings. Karen Taylor has developed a department-wide policy with guidance on conducting electronic meetings. After it goes into effect, the subcommittee can look at adapting that policy to an SHRC policy.

Officer Subcommittee: Julie Allen
At 11:20, Timothy Russell suggested appointed a member to the Officer Subcommittee. Julie Allen appointed Will Childers to the subcommittee. Mr. Childers accepted the appointment.

Workplan/ Membership Subcommittee: Julie Allen, Chair; Timothy Russell
At 11:21, Timothy Russell reported that there are no updates in the SHRC Workplan.
Timothy Russell briefed the committee on conducting interviews for SHRC Membership.

LHRC Business: At 11:38, the SHRC considered LHRC business.

LHRC Liaison Reporting: Julie Allen asked that any members attending LHRC meetings be prepared to speak about it during the November 4 SHRC meeting. Jennifer Kovack will send out an updated LHRC meeting schedule. Taneika Goldman asked that SHRC members be sure to reach out to the advocates before attending LHRC meetings.

Dissolution: At 11:40, Taneika Goldman announced the dissolution of Southside Regional LHRC in Region 3. Jennifer Kovack reviewed the applications for LHRCs.

A motion was made by David Boehm and seconded by Megan Sharkey to acknowledge the dissolution of Southside Regional LHRC and to make the below listed appointments and reappointments. Chair Julie Allen called for votes in roll call fashion. Megan Sharkey, Timothy Russell, Julie Allen, Will Childers, David Boehm and Monica Lucas voted yes to pass the motion.

Region 1

Rappahannock-Rapidan LHRC: Reappoint Jackie Dare; Appoint David Henry and Dana Rexrode

Region 3

Virginia Highlands LHRC: Reappoint Nancy Munsey

At 11:45, Taneika Goldman talked with the committee about the impact of COVID on local human rights committees. OHR would like to loosen the way geographical boundaries are defined so that there is greater flexibility in LHRC coverage for individuals. Mrs. Goldman asked that the SHRC support her recommendation that providers and individuals can call into any LHRC that has a quorum present in person.

Taneika Goldman asked that the SHRC issue a letter of commendation to LHRC members acknowledging their service in spite of the challenges associated with the worldwide COVID pandemic.

A motion was made by David Boehm and seconded by Will Childers to approve a three-month trial period to allow individuals to access LHRC services by calling into any LHRC that has a quorum present in person. Megan Sharkey, Timothy Russell, Julie Allen, Will Childers, David Boehm and Monica Lucas voted yes to pass the motion.

**SHRC
Interviews**

At 12:15, the SHRC conducted interviews for 2 vacancies on the committee.

Upon a motion by Will Childers the SHRC went into closed session pursuant to VA 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 SHRC membership.

At 2:46, 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.

Additional interviews may be conducted at the November meeting.

Other

At 1:48, Julie Allen noted that she would work with Taneika Goldman to draft the letter of commendation to LHRC members.

The SHRC will meet in the Board Room of the Jefferson Building in downtown Richmond on November 4.

Adjournment At 1:48, having no further business to discuss the September 30, 2021, SHRC meeting adjourned.

Next Meeting

November 4, 2021
DBHDS
1220 Bank Street
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