

STATE HUMAN RIGHTS COMMITTEE

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Monica Lucas, Vice-Chairperson
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Timothy
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Renee F. Valdez
Alexandria
John Shepherd
Charlottesville



COMMONWEALTH of VIRGINIA
Department of Behavioral Health and Developmental Services
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NELSON SMITH, COMMISSIONER

Taneika Goldman
State Human Rights Director
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State Human Rights Committee Meeting

Minutes

Thursday, August 17, 2023

DBHDS

Region 5

The Barry Robinson Center

443 Kempsville Rd

Cafeteria

Norfolk, VA 23502

Zoom for Government

<https://dbhds-virginia-gov.zoomgov.com/j/1617467467?pwd=TTZ5N0lscjNUZnVkeXo5Szd4am5oUT09>

Meeting ID: 160 936 8778

Passcode: \$HRCMet1ng

Convene

8:30 a.m.

SHRC Members Present Physically	David Boehm, Chair; Monica Lucas, Vice Chair, David Crews, Betty Crance, John Shepherd, Timothy Russell
SHRC Members Present Virtually	Renee Valdez, Julie C. Allen, Will Childers
Staff Present Physically	Taneika Goldman, State Human Rights Director Mary Clair O'Hara, Associate Director for Facility Operations Delisa Turner, Executive Administrative Assistant Latoya Wilborne, Region 5 Advocate Manager Karen A. Taylor, Senior Assistant Attorney General, Counsel to the SHRC Corie Reed, Human Rights Advocate, Region 5 Jennifer Anglin, Human Rights Advocate, Region 5
Staff Attending Virtually	Brandon Charles, Facility Operations Manager Bridgette Bland, Human Rights Advocate, Region 4 Miracle Reed-Thompson, Human Rights Advocate, Region 5

Nadya Said, Human Rights Region 2
Bridgette Bland, Human Rights Advocate, Region 4

Andrea Milhouse, Region 4 Advocate Manage,
Mkk1697 – Cheryl Young, Human Rights Advocate, Region 4
Jennifer Kovack, Associate Director, Community Operations

**Others
Attending in
Person**

Jennifer Fidura, JgF Consulting, LLC
Dr. Margie Balfour, Chief of Quality & Clinical Innovation, Connections Health Solution
Robert E. McCartney, MSW, The Barry Robinson Center
Julie Delk, Director of Residential Services, The Barry Robinson Center
Melanie J. Draughn, Social Worker, QDDP, Holiday House of Portsmouth, Inc
Dana Gillentine, Senior Director of Risk Management, Kempsville Behavioral Health Center

**Others
Attending
Virtually**

Ren Faszewski, Disability Rights Advocate, dLCV
Darius Robinson, Director of Risk Management & Performance Improvement, Newport News
Behavioral Health Center
Brandon Murrer, Assistant Director of Risk Management, Harbor Point Behavioral Health
Elisabeth Henderson, AR for Individual – EH vs. VCUHSA
Nora T Cianci, Esq
Jaime Lovelace, Director of Nursing
Katerina Stepanova, MD

Call to Order At 8:51, David Boehm, SHRC Chair, called the August 17, 2023, SHRC meeting to order and welcomed all to the meeting. David Boehm gave a special welcome to new SHRC members John Shepard and Renee Valdez.

Approval of Agenda At 8:56, the committee considered the agenda. Timothy Russell motioned for approval. David Crews 2nd. The agenda was approved unanimously.

Review of Draft Minutes At 8:56, the SHRC reviewed the draft minutes of the June 22, 2023, meeting. Betty motioned and Monica 2nd for approval. The draft minutes were approved as final, unanimously.

LHRC Business At 8:57, the SHRC considered LHRC business.
David Boehm shared his recent experience attending the Virginia Highlands LHRC on 8/8/23.
LHRC Liaison Reporting Taneika Goldman explained the requirement for SHRC members to attend at least one LHRC meeting in their representative region quarterly and to submit a liaison report.

At 8:58, Tim Russell asked about members being able to be on the LHRC committee if they're from another state. Taneika Goldman reminded the committee about their decision to consider out of state residents for membership on the LHRC committee, on a case-by-case basis. Monica

LHRC
Membership made motion to approve the requested appointment to the Staunton area LHRC, John 2nd. The motion passed unanimously. Monica motioned for approval of the appointments to LHRCs, and acceptance of the resignation in Region 2. Betty 2nd. The motion passed 8:1, Tim opposed stating this committee needed more individuals receiving services to be represented on the LHRC. Monica motioned for approval of the LHRC appointment in Region 3. John 2nd. The motion passed 8:1, Tim opposed.

Facilities

Staunton Area LHRC -
Abby Shirkey

Region 2

Northern Virginia Hospital LHRC
Sara Zeinert – Appointment
Prince William County LHRC
Sally Starr - Resignation

Region 3

Virginia Highlands LHRC -
Laurie Anne Ferguson

Overview At 9:10, Robert E. McCartney, MSW, Chief Executive Officer with The Barry Robinson Center provided a brief history of The Barry Robinson Center, along with an overview of the admissions criteria and services offered.

Public Comment At 9:28, David Boehm announced the public comment period.

No public comments were offered.

BREAK At 9:31, David Boehm called for a brief break.

Closed Session: At 9:44, upon a motion by Monica Lucas, and 2nd by David Crews, the SHRC convened in closed session pursuant to VA CODE § 2.2-3711 (A) (4) (8) and (16), for the protection of the privacy of individuals in personal matters not related to public business, discussion of their medical records, and for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

At 10:20, upon a motion by Monica Lucas and 2nd by Tim Russell, the SHRC returned to open session. Upon reconvening in open session each member certified that, to the best of their 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.

At 10:22, David Boehm, Chair call for a reintroduction of attendees.

At 10:38, upon a motion by Monica Lucas and 2nd by David Crews, the SHRC convened in closed session pursuant to VA CODE § 2.2-3711 (A) (4) and (16), for the protection of the privacy of individuals in personal matters not related to public business.

Upon a motion by Monica Lucas, 2nd by Timothy Russell, the SHRC returned to open session at 11:08. Upon reconvening in open session each member certified that, to the best of their 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.

Appeal: Central
Region LHRC –
EH vs. VCUHSA

At 11:10, agreement made with all parties to postpone appeal to September 6, 2023, due to audio issues. Parties are invited to participate virtually or in person, at Central Office in Richmond,

Appeal: Staunton
LHRC – AS vs.
WSH

At 11:13, the SHRC members agreed to postpone appeal to September 6, 2023, due to audio issues. Parties are invited to participate virtually or in person, at Central Office in Richmond,

Variance
Update:

At 11:15, Tanieka Goldman highlighted the annual updates on variances provided by Central State and Western State Hospitals. The committee was reminded of the original requests and that the CSH variances are due to expire in November 2025, while the Western State Hospital variance is due to expire in April 2024. The committee discussed requirements for data in the quarterly update, which is intended to demonstrate the need for the variance and will inform future decisions about this variance request.

At 11:20, the committee received updates on OHR Facility Operations.

Facility
Operations

At 11:21, Brandon Charles, Facility Operations Manager, presented the summary of violation letters.

Violation Letters

At 11:25, Brandon Charles presented the advocate's report on human rights complaints and seclusion and restraint for Virginia Center for Behavioral Rehabilitation.

VBCR Reports

At 11:39, Mary Clair O'Hara, Associate Director for Facility Operations, presented seclusion, restraint, and death data for state operated facilities.

S/R & Death

At 11:55, David Boehm called for a brief break.

BREAK

At 12:15, Taneika Goldman gave clarity on the variance request process per the Human Rights Regulations 12VAC35-115-220.

At 12:52, David Boehm called for re-introductions of SHRC members to include their professional background and the membership role they represent on the committee.

Presentation: At 1:00, Dr. Margie Balfour, Chief of Quality and Clinical Innovation with Connections Health Solution provided an overview presentation about the crisis services system in Arizona and specifically speaking of the use of seclusion and restraints in their crisis facilities.

BREAK

At 2:03, David Boehm called for a brief break.

Variance Request Reviews: At 2:18, David Boehm called for variance request. Taneika Goldman explained how the variances request review process will commence. Mrs. Goldman acknowledged that Virginia Beach CSB rescinded their variance request based on their decision to surrender the program license in early 2023.

At 2:19, Julie Delk, Director of Residential Services presented requests for a variance to 12VAC 35-115-50(C)(8) Dignity (Visitation) and 12VAC35-115-50(C)(7) Dignity (Telephone) on behalf of The Barry Robinson Center 12 VAC 35-115-50 © (8) Dignity (Visitation) 12 VAC 35-115-50 © (7) Dignity (Communication by Telephone) David Crews asked could individuals be removed from the list. Julie stated the process of removal would be between the parent/legal guardian, child and therapist. The Barry Robinson Center has nothing to do with the list. Timothy Russell made the motion to approve the variance as requested, with the condition that the provider submit quarterly updates to the LHRC and annual updates to the SHRC about any concerns or complaints and that any human rights complaints/violations associated with the variance are reported to the Regional Advocate within 24 hours of discovery. Monica Lucas 2nd the motion. The committee approved the variances with the stated conditions unanimously.

At 2:30, Dana Gillentine, Senior Director of Risk Management, Kempsville Behavioral Health Center presented requests for variances to 12VAC35-115-50(C)(7) Dignity (Telephone); 12VAC35-115-50(C)(8) Dignity (Visitation); 12VAC35-115-100 (A)(1)(g) Freedoms of Everyday Life (Vending Machines); 12VAC35-115-100 (A)(1)(a) Freedoms of Everyday Life (Movement w/in the service area); and 12VAC35-115-110(C)(16) Use of Seclusion, Restraint and Time Out on behalf of Kempsville Center for Behavioral Health. Variance Ms. Gillentine reported that the variances have been in place for 10yrs. Ratio 1:3. Taneika Goldman asked if the ratio referenced by the LHRC was their own policy or upon the recommendation of OHR. Dana started it was a recommendation by previous Regional Advocate and has been written into their policy. David Crews motioned to approve all variances as requested, with the condition that the provider submit quarterly updates to the LHRC and annual updates to the SHRC about any concerns or complaints, that any human rights complaints/violations associated with the variance are reported to the Regional Advocate within 24 hours of discovery, and that the provider continue the staffing ration requirement of one staff member to a maximum of three individuals while unit restrictions are being implemented. The committee approved the variances with the stated conditions unanimously.

At 2:41, Brandon Murrer, Assistant Director of Risk Management, Harbor Point Behavioral Health presented requests for variances to 12VAC35-115-100 (A)(1)(g) Freedoms of Everyday Life (Vending Machines) and 12VAC35-115-100 (A)(1)(a) Freedoms of Everyday Life (Movement w/in the service area) on behalf of Harbor Point Behavioral Health Center.

Matrix level system, behavioral model.

Movement – individuals need to be eligible for outing. Level 3 and above

Vending Machines - Point store for snacks. It does not interfere with getting their basic essential, it is an addition to.

John Shepherd asked about the benefit of continuing with these variances, what the average level was and if there were any concerns from other individuals about maintenance for restrictions?

Mr. Murrer stated there are 5 levels and individuals average at a level 3 of incentives. The matrix proves to be beneficial as an incentive and the provider does not consider being on a level 3 versus level 5 a restriction.

Betty Crance motioned and Monica Lucas 2nd to approve the variances as requested, with the condition that the provider submit quarterly updates to the LHRC and annual updates to the SHRC about any concerns or complaints, and that any human rights complaints/violations associated with the variance are reported to the Regional Advocate within 24 hours of discovery. The committee approved the variances with the stated conditions unanimously.

At 2:50, Melanie J. Draughn, Social Worker, QDDP, Holiday House of Portsmouth presented a request for variance to 12VAC35-115-50(C)(8) Dignity (Visitation) on behalf of Holiday House of Portsmouth Variance

Ms. Draughn clarified that at the time of admission, the parent/legal guardian authorizes who/whom will be able to visit the child. Staff checks ID and verifies if he/she is on the list. Betty Crance asked if the individuals on the list can be changed.

Ms. Draughn replied that the parent/legal guardian can change the list at any time during services and the old list will be omitted.

Monica Lucas made a motion to approve the variance as requested, with the condition that the provider submit quarterly updates to the LHRC and annual updates to the SHRC about any concerns or complaints, and that any human rights complaints/violations associated with the variance are reported to the Regional Advocate within 24 hours of discovery. Betty 2nd. The committee approved the variance with the stated conditions unanimously.

At 2:54, Darius Robinson, Director of Risk Management & Performance Improvement, Newport News Behavioral Health Center presented a request for variances to 12VAC35-115-50(C)(8) Dignity (Visitation) and 12VAC35-115-50(C)(7) Dignity (Telephone) on behalf of Newport News Behavioral Health Center

Mr. Robinson reiterated the request is for the safety of the patient. If there is a need to add/remove someone, this will be done with the treatment team. They have a level 4 system and average at a level 2 where they can indulge in incentives.

Monica Lucas made motion to approve the variances as requested, with the condition that the provider submit quarterly updates to the LHRC and annual updates to the SHRC about any concerns or complaints, and that any human rights complaints/violations associated with the

variance are reported to the Regional Advocate within 24 hours of discovery. David Crews 2nd. The committee approved the variance with the stated conditions unanimously.

Other At 2:59, David Boehm stated the SHRC members will meet again Sept 6th for appeal review. Taneika Goldman confirmed that committee members wanted to receive a tour of NVMHI the evening prior to their scheduled meeting at the facility, on September 28th. Mrs. Goldman also acknowledged that the committee's Annual Report to the DBHDS State Board is scheduled for presentation on September 27th.

Adjournment At 3:00, the August 17, 2023, SHRC Meeting was adjourned.

Next Meeting
September 28, 2023
Northern VA Mental Health Institute