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| STATE HUMAN RIGHTS COMMITTEE | |  |  | |
| John Barrett, Chairperson  Richmond / Deltaville  Will Childers, Vice-Chairperson  Hardy  David Boehm  Marion  Pete Daniel  Charlotte Court House  Julie Dwyer-Allen  Leesburg  Monica Lucas  Richmond  Sandy Robbins  Valentines  Cora Swett  Nokesville | COMMONWEALTH of VIRGINIA  *Department of Behavioral Health and Developmental Services*  *Post Office Box 1797* Richmond, Virginia 23218-1797 Mira E. Signer, Acting 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, September 12, 2019  Southeastern Virginia Training Center  2100 Steppingstone Square  Building 29  Large Conference Room  Chesapeake, Virginia  23320-2591  Administrative Session  8:30 a.m. |  | |
| **Members Present** | John Barrett, **Chairperson;** Will Childers, **Vice-Chairperson;** Pete Daniel; Julie Dwyer-Allen; Monica Lucas; and Sandy Robbins | | |  |
| **Members Excused** | David Boehm; Tesha Graham; and Cora Swett | | |  |
| **Staff Present** | Deb Lochart, State Human Rights Director  Taneika Goldman, Deputy State Human Rights Director  Karen Taylor, Senior Assistant Attorney General  Reginald T. Daye, Regional Human Rights Manager, Region 5  Latoya Wilborne, Human Rights Advocate  Carlton Henderson, Human Rights Advocate  Kli Kinzie, Executive Secretary | | |  |
| **Others Present** | George F. Daniel, Charlotte Court House  Keith Davies, Office of the State Inspector General (OSIG)  Lynn Hamner, OSIG  Colleen Miller, Director, disAbility Law Center of Virginia (dLCV)  Ren Faszewski, Advocate, dLCV  Virginia Pharis, Advocate, dLCV  Rebecca Currin, Advocate, dLCV, Retired | | |  |
| **Present for the Welcome and Tour** | Brian Whitesell, Acting Facility Director, Southeastern Virginia Training Center (SEVTC)  Margaret Mack-Yarach, Director of Person-Centered Supports, SEVTC | | |  |
| **Call to Order** | At 8:39, John Barrett, Chairperson, called the administrative session of the September 12, 2019 State Human Rights Committee meeting to order. | | |  |
| **Approval of Agenda** | At 8:39, Chairman Barrett called for a motion to approve the revised agenda.  *Upon a motion by Pete Daniel and seconded by Monica Lucas the revised agenda was approved unanimously.* | | |  |
| **Correspondence and Information** | At 8:40, Deb Lochart, State Human Rights Director, discussed correspondence and information provided in the meeting packet. The committee received a copy of the SHRC’s response to SHRC Appeal Case 19-02.  Ms. Lochart provided an update of VCBR appeal reviews. | | |  |
|  | The SHRC received informational copies of the following VCBR exemption requests that have been approved by the Commissioner:  12VAC35-115-50, Dignity  12VAC35-115-90, Services Records  12VAC35-100, Freedoms  12VAC35-115-110, Seclusion, Restraint and Time Out | | |  |
| **Subcommittees** | At 8:41, Chairman Barrett called for discussion of SHRC Subcommittees. SHRC Member Tesha Graham has resigned from the committee. The SHRC will appoint a new member and make adjustments to subcommittee membership.  Workplan / Membership Subcommittee: Will Childers, Chairperson; Julie Allen.  Chairman Barrett directed the subcommittee to begin recruitment to fill the vacancy left by Tesha Graham.  Bylaws Subcommittee: Monica Lucas, Chairperson; Tesha Graham, Taneika Goldman, Staff.  Proposed SHRC Bylaws modifications are under review. Copies will be provided when ready. The subcommittee continues to work on LHRC Bylaws and intends to incorporate relevant modifications to the SHRC Bylaws for consistency.  The committee continues to work on draft FOIA Policy and will provide updates at the next meeting.  Policy Subcommittee: Sandy Robbins, Chairperson; David Boehm, Taneika Goldman, Staff.  The policy subcommittee will provide updates at the next meeting.  Officers Subcommittee: Pete Daniel, Chairperson; Sandy Robbins.  Nothing to report at this time. | | |  |
| **SHRC/DBHDS Fellow – Training Initiative** | At 8:46, MonicaLucas informed the SHRC of the SHRC/DBHDS Fellowship Training Initiative. Jessica Gaines, Virginia Management Fellow, joined DBHDS in June and has been working with the human rights office. Ms. Lucas and Ms. Gaines are working together to create resources that empower individuals to be better self-advocates. Resources include the revision of the human rights poster, certification of trainers and guides to help individuals recognize signs and symptoms of abuse. | | |  |
| *BREAK* | *At 8:48, Chairperson Barrett called for a brief break.* | | |  |
|  | | **Regular Session**  9:00 a.m. |  | |
| **Members Present** | John Barrett, **Chairperson;** Will Childers, **Vice-Chairperson;** Pete Daniel; Julie Dwyer-Allen; Monica Lucas; and Sandy Robbins | | |  |
| **Members Excused** | David Boehm; Tesha Graham; and Cora Swett | | |  |
| **Staff Present** | Deb Lochart, State Human Rights Director  Taneika Goldman, Deputy State Human Rights Director  Karen Taylor, Senior Assistant Attorney General  Reginald T. Daye, Regional Human Rights Manager, Region 5  Latoya Wilborne, Human Rights Advocate  Carlton Henderson, Human Rights Advocate  James Rogen, SEVTC IT  Kli Kinzie, Executive Secretary | | |  |
| **Others Present** | George F. Daniel, Charlotte Court House  Keith Davies, OSIG  Lynn Hamner, OSIG  Colleen Miller, Director, dLCV  Ren Faszewski, Advocate, dLCV  Virginia Pharis, Advocate, dLCV  Rebecca Currin, Advocate, dLCV, Retired | | |  |
| **Present for the Welcome and Tour** | Brian Whitesell, Acting Facility Director, SEVTC  Margaret Mack-Yarach, Director of Person-Centered Supports, SEVTC | | |  |
| **Present for the Appeal** | Walter G Small, Director Patient Relations, Eastern State Hospital (ESH)  Ashraful Huq, Medical Director, ESH  Dewey Jennings, Ph.D., Assistant Director of Administration, ESH  Tayler Redding, Mother of AW | | |  |
| **Present via Telecom** | Cheryl Young, Human Rights Advocate | | |  |
| **Call to Order** | At 9:00, John Barrett, Chairperson, called the September 12, 2019 State Human Rights Committee meeting to order. Chairman Barrett introduced Latoya Wilborne, Human Rights Advocate, Southeastern Virginia Training Center. Ms. Wilborne introduced Brian Whitesell, Acting Facility Director, and Margaret Mack-Yarach, Director of Person-Centered Supports. | | |  |
| **Welcome** | Brian Whitesell welcomed the committee to SEVTC and gave a brief description and history of the training center. | | |  |
| **Tour** | Margaret Mack-Yarach, Director of Person-Centered Supports, conducted a tour of a neighborhood and one of the homes at SEVTC. | | |  |
| **Draft Minutes Review** | At 9:41, the committee reviewed the draft minutes of the July 11, 2019 SHRC meeting.  *Upon a motion by Julie Dwyer-Allen and seconded by Monica Lucas the minutes of the July 11, 2019 SHRC meeting were unanimously approved.* | | |  |
| **Facility Overview SEVTC** | At 9:41, Latoya Wilborne provided an overview of SEVTC. SEVTC is an intermediate care facility which provides highly structured habilitation services including life in a residential neighborhood. The facility provides training in care support, communication, self-care, independent living, socialization, recreation, music, academic skills and motor development for individuals with intellectual and developmental disabilities.  Ms. Wilborne provided an update on seclusion and restraint as well as allegations of abuse and neglect, and human rights complaints for the second quarter (April – June 2019). Her duties at the training center include providing technical assistance with LHRC reviews and CHRIS reporting, training of new facility staff, conducting unit compliance reviews, reviews of abuse investigations, and providing advocacy services to residents of the training center. | | |  |
| **Public Comment Period** | At 9:28, John Barrett called for public comments. *No public comments were offered.* | | |  |
| **Presentation on EBL Trends** | At 9:48, Virginia Pharis, Disability Rights Advocate, disAbility Law Center of Virginia (dLCV), presented dLCV’s concerns about the Extraordinary Barriers List. The dLCV is appealing for the support of the SHRC in requesting the department take firm action to move individuals to less restrictive settings. Virginia Pharis gave a power point presentation on barriers to discharge. Recognizing that DBHDS is funding programs and community services, dLCV requested that DBHDS research and use best practices from well-performing hospitals and CSBs, as well as outside organizations, to finance a better discharge planning system. | | |  |
| **Appeal** | At 10:15, the SHRC considered the appeal of disAbility Law Center of Virginia and Williamsburg Regional LHRC in the matter of AW and Eastern State Hospital. At the request of Ms. Tayler Redding, mother of AW, the appeal was heard in open session.  SHRC Members present were John Barrett, Chairperson; Will Childers, Vice-Chairperson; Julie Dwyer-Allen; Pete Daniel; Monica Lucas; and Sandy Robbins.  Tayler Redding, mother of AW, was present for the appeal, represented by Ren Faszewski, Advocate, dLCV. Reginald T. Daye Regional Human Rights Manager for Region 5; and Carlton Henderson, Human Rights Advocate, were present to provide technical support.  Walter G Small, Director Patient Relations; Ashraful Huq, Medical Director; and  Dewey Jennings, Ph.D., Assistant Director of Administration, were present on behalf of Eastern State Hospital.  Also present for the appeal were Deb Lochart, State Human Rights Director; Taneika Goldman, Deputy State Human Rights Director; Karen Taylor, Senior Assistant Attorney General; and Kli Kinzie, Executive Secretary.  Others present in the room were Keith Davies, Office of the State Inspector General (OSIG); Lynn Hamner, OSIG; Colleen Miller, Director, dLCV; Ren Faszewski, Advocate, dLCV; Virginia Pharis, Advocate, dLCV; Rebecca Currin;  Latoya Wilborne, Human Rights Advocate; and James Rogen, SEVTC IT.    Parties to the case presented their summary statements and responded to questions from the committee.  Chairman Barrett announced that the SHRC will issue a decision to be transmitted to the parties within 20 working days. | | |  |
|  | *At 10:52, 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 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 Sandy Robbins and seconded by Pete Daniel the SHRC unanimously overturns the LHRC’s finding of no violation of 12VAC35-115-50, Dignity. The SHRC finds that ESH failed to protect AW from harm as evidenced by:*   * *Inadequate positioning of 1:1 staff;* * *Not having enough staff nearby; and* * *Not responding in a timely manner to the calls for help.*   *The SHRC questioned if the staffing pattern overall was adjusted to accommodate the 1:1 and whether appropriate measures were taken when, based on testimony, AW indicated that he was afraid of the peer that assaulted him the day before.*  *The SHRC upholds the LHRC’s finding of no violation of 12VAC35-115-60, Services.* | | |  |
| **VCBR Facility S/R** | At 12:30, Cheryl Young, Human Rights Advocate joined the meeting via audioconference to present the update on VCBR. Ms. Young reported on seclusion and restraint, and allegations of abuse and neglect and human rights complaints for July and August 2019. | | |  |
| **LHRC Business** |  | | |  |
| LHRC Tour | At 12:35, Taneika Goldman, Deputy State Human Rights Director (DSHRD), reported on LHRC tours. Visits to the LHRCs are appreciated by LHRC members and OHR staff. As an office when we attend LHRC meetings we continue to express appreciation on behalf of DBHDS and the SHRC and are looking at the use of review forms and how to operationalize them in a way that promotes consistency. Will Childers attended two LHRC meetings, including one in Henrico. LHRC members are responsive to SHRC members and the DSHRD coming to their meetings. Taneika Goldman and John Barrett attended a meeting of the Suffolk Regional LHRC. Julie Dwyer-Allen and Taneika Goldman attended a meeting of the Northern Virginia Hospitals LHRC. SHRC members asked for additional copies of the LHRC Liaison Reporting forms. Taneika Goldman distributed the updated Tour Guide spreadsheet. | | |  |
| LHRC Realignment | At 12:44, Reginald T. Daye reported on the disbandment of Suffolk Regional LHRC and Virginia Beach Area LHRCs. Staff are continuing to reduce the number of LHRCs in Region 5. | | |  |
| Resignations | At 12:48, Taneika Goldman recognized the resignations of Sharon George and Nancy Sprinkle from Southside Regional LHRC. This LHRC is struggling to recruit new members. | | |  |
| LHRC Membership | The SHRC considered LHRC membership.  *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 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 Sandy Robbins and seconded by Pete Daniel the SHRC unanimously made the following reappointments in Region 4:*  *Central State Hospital LHRC*  *Appoint: Mr. Robert Gentil and Juanita Coleman* | | |  |
| **Adjournment** | *At 12:51, having no further business to discuss the September 12, 2019 SHRC meeting adjourned. The next meeting will be held on October 17 at Southwestern Virginia Mental Health Institute.* | | |  |

Respectfully Submitted,

John Barrett, Chairperson Kli Kinzie,

State Human Rights Committee Executive Secretary