

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

Department of Behavioral Health and Developmental Services
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NELSON SMITH, COMMISSIONER

Taneika Goldman
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State Human Rights Committee Meeting

VIRTUAL MEETING

Minutes

Thursday, March 3, 2022

DBHDS

P.O. Box 1797

Richmond, Virginia

23218

Zoom for Government

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

Meeting ID: 161 783 9100

Passcode: \$HRCMet1ng

Administrative Session

9:00 a.m.

SHRC Members Present	Julie C. Allen, Chair ; Will Childers, Vice-Chair ; Monica Lucas; Timothy Russell
SHRC Members Present Virtually	Megan Sharkey; Cora Swett
Staff	Taneika Goldman, State Human Rights Director Mary Clair O'Hara, Associate Director, Facility Operations Arnetta Spikes, Policy Planning and Transformation Amaya Henderson, Administrative Assistant Facility Operations Kli Kinzie, Executive Secretary
Staff Attending Virtually	Karen A. Taylor, Senior Assistant Attorney General, Counsel to the SHRC Carlton Henderson, Office of Human Rights Training and Development Coordinator Brandon Rotenberry, Facility Advocate Manager Reginald T. Daye, Region 5 Human Rights Manager Tony Davis, Human Rights Advocate
Others	Madison McRae, Office of the State Inspector General (OSIG) Rebecca Herbig, Attorney and Disability Rights Advocate, disAbility Law Center of Virginia (dLCV) Carol Driscoll, Advocate, dLCV
Call to Order	At 9:02, Julie C. Allen, SHRC Chair, called the administrative session of the March 3, 2022, SHRC meeting to order. Chair Allen welcomed everyone to the meeting.

**Approval of
Agenda**

At 9:02, the committee considered the agenda.

At 9:03, a motion was made by Timothy Russell and seconded by Will Childers to approve the March 3, 2022, agenda. All members voted to pass the motion.

Regular Session

9:03 a.m.

**SHRC
Members
Present**

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

**SHRC
Members
Present
Virtually**

Megan Sharkey; Cora Swett

Staff

Taneika Goldman, State Human Rights Director
Mary Clair O'Hara, Associate Director, Facility Operations
Arnetta Spikes, Policy Planning and Transformation
Amaya Henderson, Administrative Assistant for Facility Operations
Kli Kinzie, Executive Secretary

**Staff Attending
Virtually**

Karen A. Taylor, Senior Assistant Attorney General, Counsel to the SHRC
Carlton Henderson, Office of Human Rights Training and Development Coordinator
Brandon Rotenberry, Facility Advocate Manager
Reginald T. Daye, Region 5 Human Rights Manager
Tony Davis, Human Rights Advocate

Others

Braden Curtis, Senior Assistant Attorney General, Office of the Attorney General

**Others
Attending
Virtually**

Madison McRae, Office of the State Inspector General (OSIG)
Rebecca Herbig, Attorney and Disability Rights Advocate, disAbility Law Center of Virginia (dLCV)
Carol Driscoll, Advocate, dLCV
Michael R. Gray, Advocate, dLCV

Information

At 9:03, Taneika Goldman, State Human Rights Director, addressed the committee. The office of human rights (OHR) received information regarding an exemption for Central State Hospital.

The event of meeting Commissioner Nelson Smith was postponed until 10:15.

Introductions

At 9:06, Chair Julie Allen called for introductions.

**Variance
Updates**

At 9:08, Taneika Goldman reported that documents for the SHRC's annual update and review of variances were provided in the meeting packet. Information was provided on variances for Harbor Point Behavioral Health, Holiday House of Portsmouth, Kempsville Center for Behavioral Health, Newport News Behavioral Health Center, The Barry Robinson Center, and City of Virginia Beach Department of Human Services. Taneika Goldman reported that the office of human rights did not identify any problems with the implementation of the variances, as approved.

Timothy Russell recollected that the timing for variance reviews has been scheduled so that all Region 5 variance reviews are presented at the same time each year. Reginald T. Daye, Region 5 Human Rights Manager, reported that each of the providers have indicated a desire to continue the use of their variance. The expiration date for these variances is September 2023. The

providers will start the process of seeking new variances toward the end of this year so that approval of new variances can be sought before the expiration of current variances. Julie Allen asked that the providers be informed of the timelines.

Overview of Revisions to the OHR Web Page At 9:11, Carlton Henderson, Training and Development Coordinator, Office of Human Rights, shared his screen and provided an update on the DBHDS web site and, in particular, the OHR web page.

DBHDS has initiated the use of WordPress, which means that staff have more control over what is posted as well as when information is posted and updated. Mr. Henderson reported that the web page has been enhanced with additional resources and training for providers. Forms, reference documents, minutes and training schedules are posted. A section on data and statistics has been added.

Timothy Russell is interested in getting together with Mr. Henderson to discuss some ideas for the OHR page. Taneika Goldman praised Carlton Henderson for his work on this labor intensive project.

Public Comment Period At 9:41, Julie Allen called for public comments.

No public comments were offered.

Presentation: DOJ Settlement Agreement At 9:42, Braden Curtis, Senior Assistant Attorney General, Office of the Attorney General, presented a general overview of what DOJ requires in the Settlement Agreement. The Settlement Agreement is a court order for what DBHDS has to do in response to findings and an investigation into DBHDS training centers. Braden Curtis noted that some of the DOJ Settlement activities and data are on the DBHDS web page.

Welcome and Meet Commissioner Nelson Smith At 10:21, Taneika Goldman introduced Commissioner Nelson Smith. Members of the SHRC introduced themselves and spoke briefly about their backgrounds. Others attending in person introduced themselves.

Commissioner Smith commented on the importance of the work of the SHRC and he thanked them for volunteering and being a part of the DBHDS system. Commissioner Smith talked about his background, experience and philosophy on the need for supports throughout our communities for all people.

BREAK At 10:43, Julie Allen called for a brief break.

Reconvene At 10:59, the meeting reconvened. Chair Julie Allen called for introductions.

Draft Minutes At 11:00, the SHRC reviewed the draft minutes of the January 20, 2022, SHRC meeting.

A motion was made by Monica Lucas and seconded by Timothy Russell to approve the January 20, 2022, minutes. All members voted in favor to pass the motion.

Facility Reports At 11:01, the Committee received updates on state facility incident reporting. Mary Clair O'Hara, Associate Director, Facility Operations, shared her screen to present seclusion, restraint, injury and death data. (See addendum I).

Ms. O'Hara noted that Central State Hospital (CSH) was doing very well with maintaining low instances of seclusion and restraint when last the SHRC met on January 20. The statistics for CSH include maximum security individuals.

Violation Letters At 11:26, Brandon Rotenberry, Facility Advocate Manager, provided statistics on Violation Letters issued to state operated facilities. (See addendum II).

VCBR Report At 11:27, Taneika Goldman acknowledged that there were no pictures of the new construction at VCBR in the packet for this meeting and future updates on the construction can be requested from and provided by the facility director. The Administrative building is occupied but the technology for meetings is not yet installed. The SHRC may be able to meet at VCBR in July 2022 or later.

At 11:28, Tony Davis, Human Rights Advocate, provided the VCBR report on allegations of abuse, human rights complaints and instances of restraint for the month of December 2021 and January 2022. (See addendum III). There were no regular physical restraints this period. All substantiated complaints were handled at the Director's level.

Tony Davis reminded the committee of a failure by the records department staff person at VCBR to provide records within the required timeline. Mr. Davis issued a Notice of Violation to the facility. The facility has now hired two additional staff for the records department. Efforts are underway to train them.

BREAK At 11:45, Julie Allen called for a break.

Reconvene At 11:53, the meeting reconvened.

LHRC Business At 11:53, the SHRC considered LHRC business.

Liaison Reporting At 11:53, David Boehm reported that he attended an LHRC Meeting via Zoom in southwest Virginia. Mr. Boehm asked about making SHRC agendas available to LHRCs. Taneika Goldman responded that there is an opportunity at LHRC meetings to talk about SHRC activities.

At 11:56, Julie Allen reported that she attended an LHRC meeting in Northern Virginia as a provider. She was excited to see the human rights regulations in action.

LHRC Recruitment At 11:58, Taneika Goldman invited Amaya Henderson, Administrative Assistant for Operations, to speak about efforts to recruit LHRC members. Ms. Henderson created a warm, welcoming cover letter to distribute along with a DBHDS map of the healthcare regions. People are invited to apply and submit their applications. Mrs. Goldman praised Amaya Henderson for her work on the background research and development of the recruitment package.

SHRC / LHRC Meet and Greet Scheduling At 12:02, Taneika Goldman talked with the SHRC about gathering with LHRC members for a meet and greet for about an hour. The gathering should have some structure but still be somewhat informal. The SHRC could schedule more than one gathering to allow all who are interested to participate virtually and in person.

The SHRC / LHRC Meet and Greets are not meetings and no SHRC or LHRC business will be discussed during the Meet and Greets. The OHR will work on coordinating a Meet and Greet for

	May or June, 2022 from 8:30 – 9:30AM in the morning before the convening of a regular SHRC meeting.
LHRC Name Change	At 12:10, Taneika Goldman announced the name change of Central State Hospital LHRC to Tri-City LHRC.
LHRC Membership	At 12:10, the SHRC considered recommendations for LHRC membership and a resignation. <i>At 12:11, upon a motion by David Boehm and seconded by Timothy Russell the SHRC unanimously acknowledged the resignation of Renee Hall from Staunton Area LHRC and made the following appointments:</i> <u>Region 1</u> Charlottesville Area LHRC Reappoint: Jeffrey Jones <u>Region 2</u> Prince William County LHRC Appoint: Kathy Drago
Subcommittee Reports and Assignments	At 12:11, Julie Allen called for subcommittee reports.
Policy Subcommittee	Policy Subcommittee: David Boehm; Mary Clair O'Hara, Staff At 12:11, Mary Clair spoke on behalf of the Policy Subcommittee. There was nothing to report at this time.
Workplan / Membership Subcommittee	Workplan / Membership Subcommittee: Timothy Russell, Chair; Megan Sharkey At 12:12, Timothy Russell spoke on behalf of the Workplan / Membership Subcommittee. Mr. Russell thanked everyone for their participation in the interview and selection process for SHRC membership. He has contacted the candidates to provide feedback. At 12:14, Timothy Russell reported that he is working on updating the Workplan with additions of guest speakers and topics for SHRC meetings. At 12:21, Timothy Russell reported on SHRC reappointments. Mr. Russell reached out to Julie Allen and Cora Swett, whose terms will expire on June 30 of this year. Both members are eligible for reappointment. Cora Swett has decided not to apply for reappointment. Julie Allen will send her reappointment application to OHR. Julie Allen commented that Cora Swett has taught her so much and influenced many people in the community. She thanked Ms. Swett for her time and expertise participating on the many committees and organizations she has worked with in addition to the SHRC. Cora Swett thanked Julie Allen and others for their support. She will continue to participate in the services system in Prince William County when she can.
Bylaws Subcommittee	Bylaws Subcommittee: Monica Lucas, Chair; Cora Swett; Jennifer Kovack, Staff At 12:26, Monica Lucas spoke on behalf of the Bylaws Subcommittee. The subcommittee met on February 2 to discuss the plan for updating the LHRC bylaws. The Subcommittee will meet again the week of March 6-12 to include those LHRC members that volunteered to work with the subcommittee, and it plans to have the bylaws completed by March 31.

Officer Subcommittee: Will Childers

Officer Subcommittee At 12:30, Will Childers reported on behalf of the Officer Subcommittee. The Subcommittee will take nominations and entertain motions at the April and/or May SHRC meetings. Elections will be held in June. Officer terms run from July 1 to June 30 of the following year.

Other At 12:31, Will Childers asked about meeting locations. The SHRC approved the meetings dates for 2022 by motion in December 2021. Meeting locations are flexible.

Members agreed to make plans to hold the April 14 SHRC meeting in southwest Virginia.

Adjournment At 12:40, having no further business to discuss the March 3, 2022, SHRC meeting adjourned.

Next Meeting

April 14, 2022
Location TBD