

## 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, December 9, 2021**

DBHDS

1220 Bank Street

Jefferson Building

13<sup>th</sup> Floor Board Room

Richmond, Virginia

23219

Zoom for Government

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

Meeting ID: 161 783 9100

Passcode: \$HRCMet1ng

#### Administrative Session

**9:04 a.m.**

<b>Members Present</b>	Julie C. Allen, <b>Chair</b> ; Will Childers, <b>Vice-Chair</b> ; Monica Lucas; Megan Sharkey
<b>Members Virtually</b>	David Boehm
<b>Members Excused</b>	Timothy Russell; Cora Swett
<b>Staff Present</b>	Taneika Goldman, State Human Rights Director Karen A. Taylor, Senior Assistant Attorney General Mary Clair O'Hara, Associate Director, Facility Operations Amaya Henderson, Administrative Assistant Facility Operations Kli Kinzie, Executive Secretary Trevon Johnson, IT Help Desk Technician
<b>Staff Present Virtually</b>	Jennifer Kovack, Associate Director, Community Operations Brandon Rotenberry, Facility Advocate Manager Artea Ambrose, Human Rights Advocate Tony Davis, Human Rights Advocate Corie Reed, Human Rights Advocate
<b>Others Present Virtually</b>	Mary O., Public Commenter John Cimino, Attorney, disAbility Law Center of Virginia (dLCV) Sue Klaas, MH Senior Policy Specialist, Department of Medical Assistance Services (DMAS)

Rebecca Herbig, Disability Rights Advocate, dLCV

- Call to Order** At 9:04, Julie C. Allen, SHRC Chair, called the administrative session of the December 9, 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 9:06, the committee considered the agenda.
- A motion was made by Monica Lucas and seconded by Will Childers to approve the December 9, 2021, agenda as circulated. Megan Sharkey, Julie Allen, Will Childers, Monica Lucas and David Boehm voted yes to pass the motion.*
- Information** At 9:08, Taneika Goldman, State Human Rights Director addressed the Committee.
- WSH Response to Appeal Decision** The Office of Human Rights has not received Commissioner Land's response to the findings of a violation in SHRC Case 21-03. Western State Hospital has implemented the recommendations of the Staunton Area LHRC and the SHRC.
- Training Calendar** The Office of Human Rights' 2022 statewide provider training calendar was provided in the packet and the committee was encouraged to audit training sessions. Will Childers, SHRC Vice-Chair, attended 2 of the trainings in 2021.
- BREAK** At 9:10, Julie Allen called for a brief break.

### Regular Session

9:13 a.m.

- Members Present** Julie C. Allen, **Chair**; Will Childers, **Vice-Chair**; Monica Lucas; Megan Sharkey
- Members Virtually** David Boehm
- Members Excused** Timothy Russell; Cora Swett
- Staff Present** Taneika Goldman, State Human Rights Director  
Karen A. Taylor, Senior Assistant Attorney General  
Mary Clair O'Hara, Associate Director, Facility Operations  
Amaya Henderson, Administrative Assistant Facility Operations  
Kli Kinzie, Executive Secretary
- Staff Present Virtually** Jennifer Kovack, Associate Director, Community Operations  
Brandon Rotenberry, Facility Advocate Manager  
Artea Ambrose, Human Rights Advocate  
Tony Davis, Human Rights Advocate  
Corie Reed, Human Rights Advocate

<b>Others Present</b>	Mary O., Public Commenter
<b>Virtually</b>	Sue Klaas, MH Senior Policy Specialist, Department of Medical Assistance Services (DMAS) Rebecca Herbig, Disability Rights Advocate, disAbility Law Center of Virginia (dLCV) John Cimino, Attorney, disAbility Law Center of Virginia (dLCV)
<b>Present</b>	Crystal Ton, Legal Guardian
<b>Virtually for</b>	George Mitzner, Legal Guardian
<b>Appeal</b>	Christine Parker, Director of Social Services, St. Mary's Home for Disabled Children Liz McCuean, Chief of Nursing and Clinical Services, St. Mary's Home for Disabled Children
<b>Staff Present</b>	Michael Gause, Human Rights Advocate
<b>Virtually for</b>	Latoya Wilborne, Human Rights Advocate
<b>Appeal</b>	
<b>Call to Order</b>	At 9:13, Julie Allen, Chair, called the regular session of the December 9, 2021, SHRC Meeting to order.
<b>Review of Draft Minutes</b>	At 9:13, the SHRC considered the draft minutes of the November 4, 2021, SHRC meeting.  <i>A motion was made by Will Childers and seconded by Megan Sharkey to approve the draft minutes of the November 4, 2021, SHRC meeting. Chair Allen called for votes in roll call fashion. Megan Sharkey, Julie Allen, Will Childers, Monica Lucas and David Boehm voted yes to pass the motion to approve the draft minutes.</i>
<b>Regulation Spotlight</b>	At 9:14, Artea Ambrose, Human Rights Advocate, presented the Regulation Spotlight on section 12VAC 35-115-150, General Provisions, and section 12VAC 35-115-180, LHRC Hearing and Review Procedures, of the human rights regulations. (See addendum I).
<b>Facility Reports</b>	At 9:15, the Committee received updates on facility reporting.
<b>Seclusion/ Restraint &amp; Death Data</b>	Mary Clair O'Hara, Associate Director, Facility Operations, presented seclusion/restraint and death data for state operated facilities. Ms. O'Hara shared her screen to show an Excel file and provided seclusion and restraint data for September 2021 and death data for October 2021. (See addendum II).
<b>VCBR Report</b>	At 9:18, Tony Davis, Human Rights Advocate, provided the VCBR report on allegations of abuse, human rights complaints and instances of restraint for the month of October 2021. He also provided an update on the construction. (See addendum III).
<b>Violation Letters</b>	At 9:30, Brandon Rotenberry, Facility Advocate Manager, provided statistics on Violation Letters issued to state operated facilities in October 2021 (See addendum IV). David Boehm asked how the letters are being received by the facilities. When facilities receive the letters they complete a form and institute corrective actions.

<b>Public Comment Period</b>	<p>At 9:32, Julie Allen called for public comments.</p> <p>Mary O. addressed the Committee. Ms. O. is concerned about complaint procedures, especially consent forms. She is interested to know what the SHRC and the Department are doing to ensure that all people with disabilities are getting needed help. She asked what is being done to ensure that people who speak different languages and who are from various cultures are being accommodated.</p> <p>At 9:37, Julie Allen called for any other comments from the public. <i>No other public comments were offered.</i></p>
<b>LHRC Business</b>	At 9:38, the SHRC considered LHRC business.
<b>Liaison Reporting</b>	At 9:38, Julie Allen asked for Liaison Reports. Will Childers reported that a member of an LHRC he formerly served on in Southwest Virginia has passed away. A statement of condolence will be sent to the LHRC members in addition to a card and a certificate will be sent to the family.
<b>Impact of COVID</b>	At 9:39, Taneika Goldman, State Human Rights Director, reported on the impact of COVID on LHRCs. The number of LHRC members has decreased and several current members continue to be uncomfortable meeting in person. A significant amount of business cannot be conducted because of the requirement to have a quorum together in person. Mrs. Goldman suggested making LHRCs smaller so that fewer members are needed to satisfy the requirement. Will Childers recommended the designation of members who are able to serve on multiple committees as needed. A brief discussion followed. This topic will be revisited at the January 20, 2022, meeting.
<b>LHRC Membership</b>	<p>At 9:47, the SHRC considered recommendations for LHRC membership and a resignation.</p> <p><i>At 9:48, a motion was made by David Boehm and seconded by Monica Lucas to acknowledge the resignation of Carlton Starke from Central Region LHRC and to make the below listed appointment. Chair Julie Allen called for votes in roll call fashion. Megan Sharkey, Julie Allen, Will Childers, Monica Lucas and David Boehm voted yes to pass the motion.</i></p> <p>Region 4 Central Region LHRC: Appoint Deborah Greene</p>
<b>Subcommittee Reports and Assignments</b>	At 9:49, Julie Allen called for subcommittee reports.
<b>Policy Subcommittee</b>	<p>Policy Subcommittee: David Boehm; Mary Clair O'Hara, Staff</p> <p>At 9:49, Mary Clair O'Hara and David Boehm spoke on behalf of the Policy Subcommittee. The SHRC received the draft VCBR Facility Instruction FI-137, Medication Administration. Taneika Goldman provided context regarding the Policy Subcommittee's involvement in the review and revision of the FI. Handouts were provided to the SHRC.</p>

Workplan / Membership Subcommittee: Timothy Russell, Chair; Megan Sharkey

At 9:54, Workplan Discussion: 2022 Presenters

Julie Allen asked the SHRC for recommendations of whom they would like to hear from in calendar year 2022. Taneika Goldman spoke briefly about the 2021 meeting schedule and possible topics and speakers for 2022. Monica Lucas suggested scheduling follow-ups on presentations received in 2021. Megan Sharkey asked for updates on BRAVO and the MARCUS Alert. David Boehm suggested hearing about family and children's services. Julie Allen supported the recommendations.

**Guest Presenters:** At 10:00, Heather Norton, Assistant Commissioner, Division of Developmental Services; Alexandria Robinson, BH Program and Training Coordinator, Division of Developmental Services; and Suzanne Klaas, Mental Health Senior Policy Specialist, Department of Medical Assistance Services gave a presentation on Project BRAVO and the Marcus Alert.

Heather Norton opened the presentation with a PowerPoint slideshow (see addendum V). The Marcus Alert is a mental health awareness response and community understanding services system that is a set of protocols to initiate a response to a behavioral health crisis. The Marcus Alert came from the Marcus-David Peters Act, which is legislation named in honor of Marcus-David Peters, who was killed by Richmond Police while having a behavioral health emergency. This response system is designed to ensure greater involvement of behavioral health professionals in BH crises while limiting the role of law enforcement. The Commonwealth of Virginia has launched a crisis call center with mobile crisis response teams in 5 regional offices that operate 24/7. Alexandria Robinson provided a history of the development and framework of the MARCUS Alert.

At 10:25, Heather Norton provided an update on Project BRAVO (Behavioral Health Redesign for Access, Value and Outcomes). Project BRAVO is a system of integrated behavioral health services that provides a full continuum of care to Medicaid members. The system focuses on high quality, cost effective services that have been shown to work. The goal is to support intensive collaboration between public and private providers in order to get the individual connected to a variety of supports and services.

**Appeal:** Abuse Report 20200062 At 10:45, the SHRC considered the appeal of the LHRC Finding regarding Abuse Report 20200062. St. Mary's Home for Disabled Children petitioned for an appeal of the outcome to the findings of facts by the Health Planning Region 5 LHRC.

Michael Gause, Human Rights Advocate, was present virtually to provide technical support. Crystal Ton and George Mitzner, Legal Guardians, were present virtually to speak on behalf of JM. Christine Parker, Director of Social Services; and Liz McCuean, Chief of Nursing and Clinical Services; were present virtually to represent St. Mary's Home for Disabled Children. Committee members present in the room were Julie Allen, Chair; Will Childers, Vice-Chair; Monica Lucas and Megan Sharkey. David Boehm, SHRC member, was present virtually. DBHDS staff present in the room were Taneika Goldman, State Human Rights Director; Karen Taylor, Assistant Attorney General Senior; Mary Clair O'Hara, Associate Director, Facility Operations; Amaya Henderson, Administrative Assistant; and Kli Kinzie, Executive Secretary. DBHDS Staff present virtually were Jennifer Kovack, Associate Director, Community Operations; Brandon Rotenberry, Facility Operations Manager; Corie Reed, Human Rights Advocate; Latoya Wilborne, Human Rights Advocate; and Tony Davis, Human Rights Advocate. Also present were Rebecca Herbig, Disability Rights Advocate; and John Cimino, Attorney, disAbility Law Center of Virginia (dLCV).

The SHRC's written response will be issued within 20 working days.

**Appeal:** Abuse Report 20210020 At 11:20, the SHRC considered the appeal of LHRC Finding regarding Abuse Report 20210020. St. Mary's Home for Disabled Children petitioned for an appeal of the outcome to the findings of facts by the Health Planning Region 5 LHRC.

Michael Gause, Human Rights Advocate, was present virtually to provide technical support. Crystal Ton and George Mitzner, Legal Guardians, were present virtually to speak on behalf of JM. Christine Parker, Director of Social Services; and Liz McCuean, Chief of Nursing and Clinical Services; were present virtually to represent St. Mary's Home for Disabled Children. Committee members present in the room were Julie Allen, Chair; Will Childers, Vice-Chair; Monica Lucas and Megan Sharkey. David Boehm, SHRC member, was present virtually. DBHDS staff present in the room were Taneika Goldman, State Human Rights Director; Karen Taylor, Assistant Attorney General Senior; Mary Clair O'Hara, Associate Director, Facility Operations; Amaya Henderson, Administrative Assistant; and Kli Kinzie, Executive Secretary. DBHDS Staff present virtually were Jennifer Kovack, Associate Director, Community Operations; Brandon Rotenberry, Facility Operations Manager; Corie Reed, Human Rights Advocate; Latoya Wilborne, Human Rights Advocate; and Tony Davis, Human Rights Advocate. Also present were Rebecca Herbig, Disability Rights Advocate; and John Cimino, Attorney, disAbility Law Center of Virginia (dLCV).

The SHRC's written response will be issued within 20 working days.

**Closed Session** *At 11:50, Upon a motion by Will Childers and seconded by Megan Sharkey the SHRC convened in closed session pursuant to VA CODE § 2.2-3711 (A)(4)(8) and (16), for the protection of privacy of individuals and for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.*

#### **Subcommittees** (continued)

**Workplan/  
Membership  
Subcommittee** Workplan / Membership Subcommittee: Timothy Russell; Megan Sharkey  
At 12:44, Taneika Goldman initiated a discussion of applicants for SHRC membership.  
*A motion was made by Will Childers and seconded by Monica Lucas to recommend the DBHDS State Board appoint David Crews and Betty Crance to the SHRC. Julie Allen called for votes in roll call fashion. Megan Skarkey, Julie Allen, Wil Childers, Monica Lucas and David Boehm voted yes to pass the motion.*

**Bylaws  
Subcommittee** Bylaws Subcommittee: Monica Lucas, Chair; Cora Swett; Jennifer Kovack, Staff  
At 12:45, Monica Lucas spoke on behalf of the Bylaws Subcommittee. The Bylaws subcommittee will convene to discuss development of a template for LHRC bylaws based on the SHRC bylaws.

#### **HR Access:**

Monica Lucas plans to follow-up with Dr. Mobley, DEI Officer, regarding appropriate language to use for human rights postings at facilities and community providers.

Officer Subcommittee: Will Childers

**Officer Subcommittee** At 12:49, Will Childers reported on behalf of the Officer Subcommittee. As stated in November, the Officer Subcommittee will accept nominations from the floor for Chair and Vice-Chair during the April 2022 meeting.

At 12:50, Will Childers spoke about SHRC member mentoring and provided his notes regarding facilitating the transition of new committee members to the form and function of the SHRC. He recommends continuing relying on OHR leadership to provide official orientation and training to new members. He also suggested the SHRC Annual Report should be among the documents provided to new members as they come onboard. Mr. Childers thanked Taneika Goldman for her efforts in making sure SHRC members are a part of that process in developing and presenting the Annual Report to the DBHDS State Board.

**LHRC Letter of Commendation** At 12:53, the SHRC considered a letter of commendation to facilities for the reduction of seclusion and restraint. The committee discussed how to decide when to send the letter to the providers and the threshold for commendation. A brief discussion followed regarding how and when to initiate the commendation letters.

**Other: Meeting Location** Taneika Goldman and Mary Clair O'Hara discussed options for the January 20, 2022 meeting location.

**Other** At 1:03, Taneika Goldman, expressed her thanks to the SHRC members for the work they do.

At 1:05, David Boehm thanked the committee for their support.

**Adjournment** At 1:06, having no further business to discuss the December 9, 2021, SHRC meeting adjourned.

**Next Meeting**  
January 20, 2022  
TBD