

STATE HUMAN RIGHTS COMMITTEE

David Boehm, Chairperson
Marion
Monica Lucas, Vice-Chairperson
Richmond
Will Childers
Hardy
Betty Crance
Fincastle
David Crews
Chatham
Timothy Russell
Williamsburg
Renee F. Valdez
Alexandria
John Shepherd
Charlottesville



COMMONWEALTH of VIRGINIA

Department of Behavioral Health and Developmental

Services

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NELSON SMITH, COMMISSIONER

State Human Rights Committee Meeting

Minutes

Thursday, December 14, 2023

DBHDS

Region 4

Central Office

1220 Bank St.

13fl Conference Rm

Richmond, VA 23219

TEAMS for Government

<https://events.gcc.teams.microsoft.com/event/6ca55c59-9ccf-45d5-9d50-8b31d16c109e@620ae5a9-4ec1-4fa0-8641-5d9f386c7309>

Meeting ID: 242 616 405 961

Passcode: paq3WS

Convene

9:00 a.m.

SHRC Members Present Physically David Boehm, **Chair**; Monica Lucas, **Vice Chair**, Betty Crance, John Shepherd, Will Childers

SHRC Members Attending Virtually David Crews, Renee Valdez

SHRC Members Absent Timothy Russell

Staff Present Physically Taneika Goldman, State Human Rights Director
Delisa Turner, Executive Administrative Assistant, Office of Human Rights
Franclynn Smith, Administrative Assistant
Andrea Milhouse, Human Rights Advocate Manager, Region 4
Lee Mahanes, DBHDS, IT Representative

Staff Attending Virtually	<p>Cassie Purtlebaugh, Human Rights Advocate Manager, Region 1</p> <p>Heather Hilleary, Human Rights Advocate, Region 1</p> <p>Mary Clair O'Hara, Associate Director for Facility Operations, OHR</p> <p>Artea Ambrose, Human Rights Advocate, Region 1</p> <p>Brandon Charles, Facility Operations Manager, OHR</p> <p>Riley Curran, Human Rights Advocate, Facility, OHR</p>
Others Attending in Person	<p>Karen A. Taylor, Senior Assistant Attorney General, Counsel to the SHRC</p>
Others Attending Virtually	<p>Rebecca S. Herbig, Director of Litigation, disAbility Law Center of Virginia (dLCV)</p> <p>Nicole Durose, disAbility Rights Advocate, dLCV</p> <p>Virginia Pharis, Sr., disAbility Rights Advocate, dLCV</p> <p>Taylor Easley, disAbility Rights Advocate, dLCV</p> <p>Hannah Setzer, disAbility Rights Advocate, dLCV</p> <p>Renee Faszewski, disAbility Rights Advocate, dLCV</p> <p>Danielle Murphy, MS, RN, CJCP, Regulatory Affairs Manager, VCU Health Systems</p> <p>Shante Bland, Quality Assurance, VCU Health Systems</p> <p>David Leonard, Individual</p> <p>Christopher Burch, LPC, LMFT, Compliance/CQI Coordinator, Horizon Behavioral Health</p> <p>Patrick Robertson, Risk Manager, Western State Hospital</p> <p>Dr. Jonathan Anderson, Director/CEO, Western State Hospital</p>
Call to Order	<p>At 9:25, David Boehm, SHRC Chair, called the December 14, 2023, SHRC meeting to order and welcomed all to the meeting. A call for introductions were made.</p>
Approval of Agenda	<p>At 9:30, the committee considered the agenda. Monica Lucas motioned for approval. Betty Crance 2nd. The agenda was approved, unanimously.</p>
Review of Draft Minutes	<p>At 9:30, the SHRC reviewed the draft minutes of the November 2, 2023, meeting. Will Childers motioned. Betty Crance 2nd for approval. The draft minutes were approved as final, unanimously.</p>
Public Comment	<p>At 9:31, David Boehm announced the public comment period. There was no public comment.</p>

Provider Update to Corrective Action Plan: Matter of E.H vs. VCUHSA - VTCC	<p>At 9:32, Danielle Murphy, Regulatory Affairs Manager, VCU Health Systems provided a presentation update about the corrective action plan implemented by VTCC following the SHRC findings dated 10/6/2023. She spoke about the identified violations and the corresponding trainings and monthly audits at Virginia Treatment Center for Children (VTCC) to ensure 100% compliance. Shante Bland chimed in regarding the reasons for some compliance rates being less than 100% and the actions being taken to improve this.</p>
Appeal: Northwestern Area LHRC Findings: Matter of D.L vs. Horizon Behavioral Health	<p>At 10:13, the SHRC facilitated the appeal of the Northwestern Area LHRC. A call for introductions took place by David Boehm prior to proceeding. At the request of the Individual, the appeal was heard in open session.</p> <p>Christopher Burch presented virtually on behalf of Horizon Behavioral Health, who initiated the appeal of a violation by the LHRC. David Leonard, Individual, presented virtually on his own behalf. Statements were heard from both parties and the SHRC asked clarifying questions.</p> <p>At 10:40, Monica motioned for closed session and John Shepherd 2nd. Upon a motion by Monica convened in closed session pursuant to VA CODE § 2.2-3711 (A) (4) (8) and (16), for the protection 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.</p> <p>At 11:35, upon a motion by Monica Lucas and 2nd by Betty Crance, 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.</p> <p>John Shepherd made a motion to overturn the LHRC findings but to fully endorse the action plan agreed to by the individual and provider Monica Lucas 2nd. The vote was unanimous.</p> <p>The SHRC's written response in the matter of D.L vs. Horizon Behavioral Health will be issued to all within 20 working days.</p>
Tour Debrief:	<p>At 11:40, the SHRC discussed how the tour of Serenity Counseling's three Residential Crisis Stabilization Programs went on December 13, 2023. The SHRC showed great appreciation to Monica Lucas, SHRC Vice Chair and co-owner of Serenity Counseling for all accommodations made.</p>
Variance Update: Western State Hospital	<p>At 11:53, A call for introductions were made. The SHRC heard an update on the types of contraband discovered via the mail variance, and in general at Western State Hospital given by Dr. Johnathan Anderson and Patrick Roberston.</p>

BREAK At 12:10, David Boehm called for a brief break.

OHR Follow-up re: Matter of E.H vs. VCUHSA - VTCC At 12:14, Andrea Milhouse provided the SHRC with information pertaining to the oversight and monitoring of OHR in response to the corrective action plan being implemented by VTCC.

Facility Operations At 12:30, the committee received updates on OHR Facility Operations.

Violation Letters At 12:30, Mary Clair O'Hara, Associate Director for Facility Operations, presented the summary of violation letters issued to DBHDS-operated hospitals for the month of October 2023.

VBCR Reports At 12:35, Mary Clair O'Hara, presented the advocate's report on human rights complaints and seclusion and restraint for Virginia Center for Behavioral Rehabilitation for the month of October 2023.

S/R & Death At 12:45, Mary Clair O'Hara, presented seclusion, restraint, and death data for DBHDS-operated hospitals and centers for the month of October 2023.

LHRC Business: At 12:50, Betty Crance shared her recent experience attending the Roanoke-Catawba LHRC meeting in R3.

LHRC Membership: Betty Crance made a motion to approve the appointment for membership. Will Childers 2nd. Motion passed.

Region 1
Northwestern Area LHRC
James Rankin - Appt

Subcommittees: At 1:06, the SHRC considered reports from the subcommittees.

Rights – Resources Subcommittees The Rights-Resources Subcommittees has nothing to report currently. Taneika Goldman indicated she will connect this subcommittee via email to the newly hired OHR Training & Development Coordinator, who will be the OHR staff assigned to the subcommittee.

Workplan Subcommittees	The Workplan Subcommittee has nothing to report currently. Taneika Goldman referenced the work OHR is doing to arrange guest presenters and private provider meeting hosts based on the approved 2024 meeting calendar.
Policy Subcommittees	The Policy Subcommittee acknowledged that work continues aligning updates to FOIA in the SHRC Bylaws.
Officer Subcommittee	The Officer Subcommittee has nothing to report currently.
Membership Subcommittee	Will Childers provided the committee with updated research on the potential SHRC candidate. The committee previously requested additional information from the candidate. The SHRC determined to recommend the candidate consider building on their experience and understanding of the human rights system by volunteering at the LHRC level first.
Other	<p>At 1:10, Monica motioned closed session and Betty Crance 2nd. Upon a motion by Monica Lucas, 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.</p> <p>At 1:18, upon a motion by Monica Lucas and 2nd by Betty Crance, 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.</p> <p>Monica made a motion pursuant to the SHRC Bylaws 4.4 "Removal of Members: a. Members shall attend all regular and special meetings of the SHRC. A member who misses three or more regularly scheduled meetings within a 12-month period shall be subject to a recommendation for removal by a majority vote of the SHRC. On any motion to remove a member, that member shall not have a vote. Such recommendation shall be forwarded to the board for action." The motion was that Member Timothy Russell not be removed as a member of the SHRC and no such recommendation be put forward to the State Board. Betty 2nd. The vote was unanimous.</p>
Adjournment	At 1:19, the December 14, 2023, SHRC Meeting was adjourned.

Next Meeting
January 18, 2023
Virginia Treatment Center for Children (VTCC)