

# SOUTHEAST ALLIANCE

## LOCAL HUMAN RIGHTS COMMITTEE MEETING

5:30 p.m., Tuesday, September 11, 2007

2nd Floor Board Room, CSB Central

Members Present: Nathaniel Parker  
Richard Flournoy  
Timothy Dorsey  
Joshua Cartwright

Members Absent: Shirley Atkins

Affiliates Present: Linda Major  
Michelle Iwaniw  
Fred Mitchell  
Leigh Dudding  
Katie Gott  
Willie Barnes – Advocate  
Stewart Prost- Advocate  
Eloise Epps-Foster  
Julie Palmer  
Barbara Wadford  
Susan Geary  
Rachel Gholston  
Linda Kerns

**CALL TO ORDER** Nathaniel Parker called the meeting to order at 5:42 p.m.

**INTRODUCTIONS** Brief introductions were made. Nathaniel Parker called for a moment of silence for recently departed Maude Robinson, LHRC Member, as well of the victims of 9-11.

**ACTION:** A motion was made as follows: “Motion to approve the minutes of the meeting on March 13, 2007.” The motion was seconded and approved unanimously without further discussion. After a discussion with Serenity House, a motion was made as follows: “Motion to reinstate Serenity House as a full member of the Southeast Alliance LHRC.” The motion was seconded and approved unanimously without further discussion.

A discussion was made regarding the need for new members of the LHRC. The H-NNCSB stated it had a few applications on hand. Ms. Barnes stated she would need to have the recommendations of the LHRC by October 1<sup>st</sup> if the new member(s) were to be considered at the next SHRC meeting. Mr. Parker indicated that a special called meeting in the next few weeks was likely.

**AGENCY REPORTS:** Mr. Parker asked for agency reports.

Colonial Services Board- Fred Mitchell stated that there were two minor injuries, consumer dislocated her arm giving a high five to another consumer and another consumer had a laceration to the ear. There was one death-consumer died with pneumonia. Fred Mitchell announces that the Crisis Stabilization Program has received a temporary licensing and David Coe is the new Executive Director of Colonial CSB.

**ACTION:** A motion was made as follows: “Motion to approve Colonial CSB’s request that the Crisis Stabilization Program be added to its menu of programs covered by the Southeast Alliance LHRC. The program shall be subject to Colonial CSB’s previously approved human rights policy. This is a temporary affiliation until the next regularly scheduled meeting of the LHRC.” The motion was seconded and approved unanimously without further discussion.

Lutheran Family Services - Lutheran Family Service- Eloise Epps-Foster asks the LHRC for approval of Lutheran Family Service Human Rights Policy. Timothy Dorsey states that the clients’ right in reference to Therapeutic Supports on page #7 needs to be reworded. A motion was made as follows: “Motion to approve the Human Rights Policy for Lutheran Family Service.” The motion was seconded and approved unanimously without further discussion.

Lutheran Family Services-Eloise Epps Foster states that there we no incidents of abuse or neglect.

ARC - ARC-Julie Palmer stated that there were two medication errors, three allegations of neglect- two were founded, and the other one was not founded. Julie stated that if you look on page four, it states that a community member called to say she witnessed a concern about staff member on the side of the road, and noted that the consumer was on the van. Someone from the community called our agency with a complaint that she saw a staff member arguing with somebody else in an apartment complex outside the van. What we found out was that, there were two staff in the van and they were driving and when they made a left turn, the consumer wheelchair tipped and she hit her head on the van lift. This is the second time that this has happened but several months ago. What we had found in this case was that the employee had been through the training but there was a strap that was not being used but should have been used. Tim Dorsey asked what kind of security strap is being used. Julie stated that there are tie down straps that goes from the back of the van and around the bases of the wheelchair and then on the sides. The person is then secured in the wheelchair with other straps. For the medication errors, the staff did not give medication to the consumers that should have received it.

Mr. Hall states that he has an observation: It occurred to him as he was listening to the report of the ARC that there are other providers around the table who employ people in similar capacities and if there is a person employed at one agency that is terminated for cause, there is almost no way the CSB, Colonial, or Lutheran would know about not employing someone in the exact capacity that is terminated for cause. Perhaps we can ask our Human Resource power to get together and see if there is anyway that we could make progress instead of reemploying people who has already been terminated for cause.

H-NNCSB- Linda Major stated that we have had six alleged violations of human rights this quarter, one was founded. The violation was right to dignity/ failure to protect from harm. In that case the staff was terminated. We had nine deaths during this quarter. One was a suicide, four were medical complications and three were unknown. She stated that she can now confirm that the H-NNCSB will be out the building by next meeting and on the new campus so our next LHRC meeting will be on the campus. Directions to the new building will be distributed via mail before the December LHRC meeting.

Serenity House- Joe Jacobs stated that there were six incident reports for this quarter; one client fell in the bathroom and went to the emergency room with no significant injuries. Mr. Jacobs states that their clients are not mentally, physically or debilitated or retarded in any way. They are primarily prisoners from the department of corrections in a transitional program or primary treatment substance abuse adults so it is not quite the same as restraining them to chairs. All of them are walking, talking folks like you and me so some of these injuries are things that could occur at home. We had a staff member that pricked their finger with a needle used to test clients blood sugar and went to see a physician, one client sprained his ankle at work and went to patient first clinic, one client got his earring caught in the volleyball net while playing volleyball with minor injuries and sent him to patient first clinic, a client fell while getting out of the bed and fainted and went to the hospital. It was determined later that her blood pressure was low. Joe stated that there were no complaints for the second quarter. He stated that there were three complaints for third quarter. None were determined to be founded. One complaint was that the client was not allowed to use the telephone in the facility. That was incorrect. As stated

in the handbook, there are pay phones in the hallways that the clients can use, except when they are in group sessions. There was a formal complaint where the client was not allowed to work on the weekends but this was not founded. The clients are encouraged and required to seek and maintain employment while they are at the facility. This is all part of the transition back into the community, however unless a client has his work schedule approved to work on weekends in advance, they are not allowed to work those weekends. They are basically intended to work Monday thru Friday because we have activities on the weekend that they should participate in and also we need to know the staff requirements to take them to and from work. The client had not obtained approval before hand to work on Saturdays. In addition we had a Human Rights complaint stating that the client's right to privacy and the treatment of dignity was violated. This instance was unfounded.

#### **ADVOCATE REPORT:**

#### **NEW BUSINESS:**

Mr. Dorsey led a discussion of the use of restraints and seclusion. It was his impression that the affiliates were seeking prior approval from the LHRC for the use of all restraints. Mr. Dorsey stated that according to the regulations, restraints can be used for "behavioral, medical or protective purposes." Mr. Dorsey read applicable provisions of the regulations and advised that 12 VAC 35-115-110(C) provides exceptions to a provider's duties, including an exception that allows the use of seclusion and restraints in an emergency under specified conditions. Further, 12 VAC 35-115-110(C)(3) provides that "[a]ll plans involving the use of restraints for *behavioral* purposes and all plans involving the use of seclusion shall be reviewed in advance by the LHRC" (emphasis added). Therefore, the regulations do not specify that plans involving the use of restraints for medical or protective purposes require advance approval. Therefore, so long as the other requirements in the regulations are met, the use of restraints for medical or protective purposes can be implemented without the potential delay inherent in seeking advance approval of the LHRC. Ms. Barnes commented that while the regulations do not require advance approval, some affiliates may have a policy that nonetheless requires advance approval. Mr. Dorsey invited each affiliate to review their policies accordingly.

#### **CLOSED SESSION:**

A motion was duly made and seconded at 7:05 p.m. to enter into Closed Session pursuant to Va. Code § 2.2-3711(A), for discussion or consideration of information excluded from the Freedom of Information Act, namely to receive medical and/or mental records on clients of the Arc of the Virginia Peninsula and the H-NNCSB.

**RECONVENED IN OPEN SESSION:** Upon reconvening in open session at 8:05 p.m., members of the LHRC unanimously and individually 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 had been discussed in the Closed Session in accordance with Va. Code § 2.2-3711(A).

**ACTION:** A motion was made as follows: "Motion to re-approve the behavioral support plan for ARC of the Virginia Peninsula client number 16 dated 10/27/06." The motion was seconded and approved unanimously without further discussion.

**ACTION:** A motion was made as follows: "Motion for continued approval of the ARC of the Virginia Peninsula's policy for Hilton House on Management of Inappropriate Consumer Behavior which includes the use of CPI-NVI techniques." The motion was seconded and approved unanimously without further discussion.

**ACTION:** A motion was made as follows: “Motion to approve the protective device proffered for ARC of the Virginia Peninsula client number 17.” The motion was seconded and approved unanimously without further discussion.

**ACTION:** A motion was made as follows: “Motion to approve the psychotropic medication plan for ARC of the Virginia Peninsula client number 18.” The motion was seconded and approved unanimously without further discussion.

**ACTION:** A motion was made as follows: “Motion to approve the protective device proffered for ARC of the Virginia Peninsula client number 19.” The motion was seconded and approved unanimously without further discussion.

**ACTION:** A motion was made as follows: “Motion to approve the services plan for ARC of the Virginia Peninsula client number 20.” The motion was seconded and approved unanimously without further discussion.

**ADJOURNMENT**      There being no further business, the meeting was adjourned at 8:08p.m.