

# SOUTHEAST ALLIANCE

## LOCAL HUMAN RIGHTS COMMITTEE MEETING

5:30 p.m., Tuesday, March 11, 2008

Rm. 1357 Staff Development & Training Room, CSB Bldg. 300

Members Present: Nathaniel Parker  
Richard Flournoy  
Timothy Dorsey  
Shirley Atkins  
Lisa Hillman  
Gail Russell

Members Absent: Joshua Cartwright

Affiliates Present: Linda Major  
Fred Mitchell  
Willie Barnes – Advocate  
Eloise Epps-Foster  
Julie Palmer  
Linda Kerns  
Ryan Dudley  
Birgit Higginbotham  
Michelle Iwaniw

**CALL TO ORDER** Nathaniel Parker called the meeting to order at 5:41 p.m.

**INTRODUCTIONS** Brief introductions were made. Nathaniel Parker called for new LHRC Committee Member Gail Russell to introduce herself.

**OLD BUSINESS:** The circulated minutes from the meeting of December 11, 2007 were discussed. Fred Mitchell made revisions concerning his Agency Report.

**ACTION:** A motion was made as follows: “Motion to approve the minutes of the meeting on December 11, 2007 as amended.” The motion was seconded and unanimously approved as amended without further discussion.

A discussion ensued concerning affiliate Serenity House. Serenity House has missed at least three quarterly meetings, has not provided the LHRC or the Regional Office any update on its status and has provided no correspondence concerning same.

**ACTION:** A motion was made as follows: “Motion to terminate the affiliation of Serenity House from the Southeast Alliance LHRC.” The motion was seconded and unanimously approved without further discussion.

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

H-NNCSB- Michelle Iwaniw stated that HNNCSB had (4) neglect, (2-founded/training provided to staff; policy addendum was written; disciplinary action was taken), 2-unfounded; 1- Right to Dignity- Right to meet in private/ unfounded; (2) Abuse- founded/ Employee resigned, (1) unfounded; (1) Exploitation-founded/ Employee no longer w/ the agency; (2) Verbal Abuse/ founded- Recently completed-response pending; (1) Informal complaints; (1) Right to Services/ Resolved; (14) Deaths- (7) Natural Causes, (7) Unknown

Colonial CSB- Fred Mitchell stated that there were (1) injury, (3) deaths- all in the community- all natural causes, (4) Informal Complaints: MR Day Support, peer to peer, no violation, resolved; MH Case Management, services, no violation, resolved; MH Day Support, peer to peer, no violation, resolved; MH Day Support , treatment with dignity, founded, employee disciplined, resolved, (2) Formal Complaints: Outpatient, confidentiality, founded, employee disciplined, resolved and MH Residential, peer to peer, no violation, resolved.

Lutheran Family Services - Eloise Epps Foster states that there is nothing significant to report.

ARC – Julie Palmer stated that there were 4- medication error, 3- Restraints incidents used for safety/protection reasons, 3- Significant medical incidents- and 1- Allegation of verbal abuse.

**ACTION:** A motion was made as follows: “Motion to approve the addition of a 24-hour program for Hampton-Newport News CSB’s Regional Crisis Stabilization Center.” The motion was seconded and unanimously approved without further discussion.

**ACTION:** A motion was made as follows: “Motion to approve the affiliation of Hampton-Newport News CSB’s Therapeutic Day Treatment Program, subject to the H-NNCSB’s standing program rules and human rights policy.” The motion was seconded and unanimously approved without further discussion.

**ADVOCATE REPORT:** Willie Barnes states that Lutheran Family Services and the ARC of the Virginia Peninsula failed to file with the Regional Office by a March 1, 2008 deadline revised human rights policies. The revisions were necessary in light of the recent amendments to the DMHMRSAS regulations. Ms. Barnes passed on Mr. Daye’s recommendation that the LHRC downgrade these agencies to “temporary affiliation” with the LHRC until they get into compliance. Mr. Dorsey commented that LHRC affiliation should not be used as an enforcement tool for the Regional Office. Mr. Dorsey further commented that the LHRC’s obligations respecting human rights policies is to review same and “make recommendations to the director concerning changes in these plans, policies, procedures and practices.” Mr. Dorsey then recommended to these two agencies that they promptly submit the requested changes to the regional Office. Lutheran Family Services advised that they had already mailed in their changes; The ARC advised that their changes would be mailed within the week and that an extension request had been submitted to Mr. Daye on March 11. Mr. Parker commented that temporary affiliation was harsh in light of long-standing excellent status of these two agencies, particularly in light of their assertions of timely completion. The LHRC took no further action on the matter.

**ACTION:** A motion was made as follows: “Motion to approve the minutes of the meeting on October 4, 2007.” The motion was seconded and unanimously approved as amended without further discussion.

## **NEW BUSINESS:**

Linda Major proffered two questions from H-NNCSB’s Director, Mr. Hall: (1) What is the optimal size of a LHRC group and what is that based on? (2) Are there indications the members should be alert to when determining whether the [LHRC] Committee is functioning properly? Ms. Major then stated that these questions were directed to the Regional Office. Mr. Dorsey commented that he was not sure there was a single answer -- the LHRC’s capacity hinged not so much on the number of affiliates so much as the number of programs, the complexity of the programs and the number of consumers they represent; one indicator of the fact that the LHRC is overburdened is when the LHRC cannot achieve a quorum for meetings. Ms. Major stated she would present the questions to Mr. Daye.

## **CLOSED SESSION:**

A motion was duly made and seconded at 6:55 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 7:42 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 that the LHRC find that Birgit Higginbotham has met the requirements set forth in 12 VAC 35-115-146(B)(2) to serve as next friend Authorized Representative for H-NNCSB Consumer 1005683." The motion was seconded and approved unanimously without further discussion.

**ACTION:** A motion was made as follows: "Motion to approve the medication plan and the protective devices plan for ARC of the Virginia Peninsula, Fairmont House ICF/MR consumer number 54." The motion was seconded and approved unanimously without further discussion.

**ACTION:** A motion was made as follows: "Motion to approve the medication plans dated 11/30/07, 12/17/07 and 01/08/08 for ARC of the Virginia Peninsula, Hilton House ICF/MR consumer number 16." The motion was seconded and approved unanimously without further discussion.

**ACTION:** A motion was made as follows: "Motion to approve the medication plan and protective device plan for ARC of the Virginia Peninsula, Hilton House ICF/MR consumer number 16. The ARC shall present the plans to the LHRC for a re-review at the LHRC's regularly scheduled meeting in September 2008" The motion was seconded and approved unanimously without further discussion.

**ACTION:** A motion was made as follows: "Motion to approve the protective device plan for ARC of the Virginia Peninsula, Saunders House ICF/MR consumer number 43." The motion was seconded and approved unanimously without further discussion.

**ACTION:** A motion was made as follows: "Motion to approve the protective device plan for ARC of the Virginia Peninsula, Linbrook House ICF/MR consumer number 30." The motion was seconded and approved unanimously without further discussion.

The next meeting is scheduled for **June 10, 2008** at H-NNCSB, Bldg. 300.

**ADJOURNMENT** There being no further business, the meeting was adjourned at 7:49p.m.