

**SOUTHWESTERN VIRGINIA TRAINING CENTER
LOCAL HUMAN RIGHTS COMMITTEE**

MINUTES

February 23, 2011, Conference Room 2, SWVTC Building 1

The Southwestern Virginia Training Center Local Human Rights Committee (SWVTC LHRC) met on Wednesday, February 23, 2011.

MEMBERS PRESENT:

Loretta Evans, Chairperson
Charlotte Barkley, Vice Chairperson
Dona Blair, RN
Nancy Thurman
Judy Padgett
Betty Meredith

OTHERS PRESENT:

Dr. Janice Wilmoth, Clinical Supervisor
B. J. McKnight, Human Rights Advocate
Deborah Lowe, Secretary
Nan Neese, Office of Human Rights
Karen Poe, Facility Liaison

CALL TO ORDER

Loretta Evans called the meeting to order at 2:00 p.m. and welcomed those in attendance.

APPROVAL OF December 1, 2010 MINUTES and February 15, 2011 SUBCOMMITTEE MINUTES

- MOTION
 - Betty Meredith made a motion that the minutes of the December 1, 2010 and February 15, 2011 meetings of the SWVTC LHRC be approved as presented.
 - Nancy Thurman seconded the motion, which passed unanimously.

PUBLIC COMMENT

- Nan Neese, Regional Advocate with the Office of Human Rights, expressed appreciation from our Office of Human Rights for the exceptional service the SWVTC LHRC provides.

RISK MANAGEMENT REPORT

- Eddie Alford, Risk Manager Assistant, presented the Risk Management Report for October to December 31, 2010.
- MOTION
 - Betty Meredith moved that the SWVTC LHRC accept the Risk Management Report as presented.
 - Nancy Thurman seconded the motion which carried unanimously.

ABUSE/NEGLECT REPORT

- Larry Smith, Chief of Program Support Services, presented the Abuse/Neglect Report for September to December 2010. Larry also presented the end-of-year report.

The SWVTC LHRC discussed Case # 4 at length. Nan Neese recommended on behalf of the family that the Committee do what they can about the use of and consent to polygraph testing in abuse investigations. Nan learned from Denise Dunn, Investigations Manager & Chief Privacy Officer with DBHDS Facility Investigations Management, that polygraphs are inadmissible as evidence, although they have been used a tool to "ferret out the truth". No one can be compelled legally to submit to the test. The VA Attorney General's office does not support the use of polygraphs.

Larry reported that the case went to Central Office (DBHDS) where they overrode SWVTC's finding of unsubstantiated, based on circumstantial evidence. Nan arranged a meeting with Denise Dunn for the family, and B. J. McKnight argued/advocated on behalf of this resident. Family will continue to be concerned. Individuals involved in the investigation have been separated and the family seems satisfied with the outcome at this time. Administrative issues were identified and followed up on by the SWVTC psychology department.

UPDATE ELECTRONIC VIDEO MONITORING OF 7B

- Larry Smith, Chief of Program Support Services, presented an Update of the electronic video monitoring of 7B.

Larry stated in his report that the video monitoring of 7B was stopped on February 4, 2011 at midnight. No time limit is stated in the policy and there is no expectation of real-time viewing. The Advocate reviewed the minutes from the December 1, 2010, meeting of the SWVTC LHRC which documented that a motion was made, seconded, and carried unanimously and the SWVTC Acting Director agreed that the facility would contact the Authorized Representative (AR) before the video camera was removed. Turning off the video monitor on February 4 was a violation/failure to carry out the corrective action plan. The LHRC recommended that SWVTC Liaison speak to Dennis Shrewsbury, Acting Director, and he came into the meeting at 2:48 p.m. The question was asked, why was the monitor turned off? Leaving the monitor on for 30 days has been the precedent for the use of video monitoring, although as expressed by the LHRC, this is not stated in the policy. Staff was notified that the video was turned off as of February 4. Notice is required to be given to staff before the use of video monitoring. Nan Neese suggested a universal notice be posted across campus so that video monitor can be used at any time.

- MOTION
 - The Committee recommends by motion made by Charlotte Barkley that the camera be turned back on immediately on 7B and that the AR be notified before it is turned off.
 - Dona Blair seconded the motion, which carried unanimously.
- MOTION
 - Dona Blair moved that the SWVTC LHRC accept the Abuse/Neglect report and the Update on Electronic Video Monitoring of 7B as presented with the above discussions and recommendations.
 - Charlotte Barkley seconded the motion which carried unanimously.

LHRC MEMBERSHIP APPLICATION REVIEW – Postponed until the arrival of the applicant, Sandra Yates.

REVIEW OF SWVTC MONTHLY RESTRAINT REPORT AND BEHAVIOR PLANS

- MOTION
 - Nancy Thurman moved for the SWVTC LHRC to go into Closed Session pursuant to VA Code 2.2-3711.A (4) and (15) for the purposes of reviewing the SWVTC Monthly Restraint Report, and individual behavior plans. Such review involves discussion and consideration of mental and medical records which are confidential and exempted from the Freedom of Information Act.
Betty Meredith seconded the motion which carried unanimously.
- Dr. Janice Wilmoth presented the restraint report. The SWVTC LHRC reviewed the behavior plans presented by Dr. Janice Wilmoth, Clinical Supervisor; and Thomas Allen, Greg Huff, and Sharon Albertson, Psychology Associates.
- MOTION
 - Charlotte Barkley made a motion to return to Open Session.
Betty Meredith seconded the motion which carried unanimously.

- Upon reconvening in Open Session, the SWVTC LHRC unanimously certified that, to the best of each member's knowledge, only public business matters lawfully exempted from statutory open meeting requirements, and only public business matters identified in the motion to convene the Closed Session, were discussed in the Closed Session.
- MOTION
 - Charlotte Barkley made a motion for the SWVTC LHRC to approve the restraint report presented by Dr. Wilmoth, and the behavior plans presented by Dr. Janice Wilmoth, Clinical Supervisor, and Thomas Allen, Greg Huff, and Sharon Albertson, Psychology Associates, with no recommendations or updates requested. Nancy Thurman seconded the motion which carried unanimously.

EMPLOYEE PERSON CENTERED THINKING TRAINING, 3:55 p.m.

- Karen Poe, Staff Development Director/Facility Liaison presented a report regarding requirements for person centered thinking training for SWVTC staff, especially administrative staff. Karen reported that person centered thinking is a mandated module for all employees of SWVTC.

ADVOCATE'S REPORT

- B. J. McKnight, Human Rights Advocate, initiated discussion of the recent SHRC Decisions regarding LHRC Structure, including the Bylaws and Cooperative Agreement. SWVTC LHRC Chair, Loretta Evans, and Co-Chair, Charlotte Barkley, presented a draft of a cover memorandum expressing concerns/views of the SWVTC LHRC in response to the changes.

LHRC MEMBERSHIP APPLICATION REVIEW – A break from the above discussion occurred at 4:15 upon the arrival of LHRC Applicant, Sandra Yates. The SWVTC LHRC members, having reviewed the application prior to the meeting, interviewed Sandra and completed interview forms regarding her application. The LHRC recommended Ms. Yates' appointment by the SHRC to the SWVTC LHRC as a professional interest member. Sandra left the meeting.

ADVOCATE'S REPORT and discussion of SHRC Decisions resumed. A decision was made based on a motion by Nancy Thurman and a second by Betty Meredith that the Committee appoint a subcommittee of Chair, Loretta Evans, Co-Chair, Charlotte Barkley, and Dona Blair to draft SWVTC LHRC Bylaws which would include the cover memorandum reviewed at this meeting, to present to the SHRC. The bylaws and memo will be approved by the SWVTC LHRC at its March 23 meeting and the subcommittee agreed to have a draft ready for approval to B. J. and Deborah by March 8 or 9 in the March meeting packet to send out to all SWVTC LHRC Members for their review prior to the March 23 meeting. The motion carried unanimously.

OTHER BUSINESS

- None

ADJOURN

- Betty Meredith moved that the meeting be adjourned at 5:00 p.m.
- Nancy Thurman seconded the motion which carried unanimously.

Respectfully submitted: _____(sign)
Deborah A. Lowe, Secretary

Approved:

_____(sign)
Loretta Evans, LHRC Chairperson

Date