

Harrisonburg-Rockingham Local Human Rights Committee

MEETING MINUTES July 18, 2016

Members Present: Sarah Albrecht, William Quarles, Cindy Ring

Members Absent: Virginia Luong

Others Present: Cassie Purtlebaugh and Lana Hurt (HR Advocates); John Humphreys (Fair Haven Residential Services); Kathy Nelson and Dana Dewing (HRCSB); Crystal Kwolek and Nicole Wesman (C.J. Designs); Natalie Rinaca and Tena Bibb (RMH); Terri Gibbs and Heather Denman (The Arc); Emily Bowman (PVI); Tiffany Fulton (Harrisonburg Treatment Center); Latasha Brown (New Hope Support and Services); Bobbi Jo Brown (H&W Enterprises); Sandra Price Stroble (DBHDS Board Member)

CALL TO ORDER

The meeting was called to order at 2:05 pm.

Those in attendance made introductions.

MINUTES

Approval of the April 2016 HR LHRC Minutes was tabled due to not enough Committee Members to constitute a quorum.

AFFILIATION REQUEST:

New Hope Support Services: Latasha Brown presented an Affiliation Request for the agency, reporting their agency will be providing Mental Health Skills Building. Their office will be located in the city of Harrisonburg.

H&W Enterprises of N. Carolina: Bobbi Jo Brown presented an Affiliation Request for the agency reporting their agency will providing Mental Health Skills Building Services, initially focusing on servicing the Waynesboro, Staunton and Augusta County. She reported the agency may look at expanding services to psychosocial rehabilitation services in the future.

Cassie Purtlebaugh will inform the assigned licensing specialists of the providers' affiliation notifications to the HRLHRC Committee.

ANNUAL PROGRAM REPORTS

Harrisonburg-Rockingham Community Services Board (HRCSB): Kathy Nelson presented the Annual Report. HRCSB provides an array of MH, ID/DD and SA services to adults and children, servicing approximately 3700 individuals during the 2015 calendar year. The services include case management, medication management, psychotherapy, mental health skill building, emergency services, MH residential and residential supports, Infant and Toddler services, peer support services, psychosocial rehabilitation services and residential crisis stabilization. Human Rights Training is provided to new employees, interns, students and volunteers within the first two weeks of employment and annually thereafter through a power point presentation and competency test. There were a total of 5 Human Rights complaints and allegations during 2015 that were resolved below the director or unfounded. Programmatic changes included Ellen Harrison assuming the position of Executive Director on Dec. 1, 2015.

The Arc: Terri Gibbs presented the Annual Report. Ms. Gibbs presented a description of the expanded services The Arc now provides that includes both center-based and non-center based services that includes Community Engagement services, Day Support services and In-Home and Respite services. All services provided are intended to provide an array of activity choices to their consumers with a focus on skill building and outcome as individuals work towards increased independent living skills. Ms. Gibbs reported all new staff , volunteers and Interns receive Human Rights Training at time of hire and annually thereafter. Consumers are also provided training on their rights as a consumer of services. Ms. Gibbs reported on Human Rights issues that occurred in the past year that resulted in policy changes to better ensure consumer safety. Ms Gibbs also reported the following management and programmatic changes :Heather Denman assumed the role of Executive Director November 1, 2016 ; In Home and Respite Support Services started in Oct 2016 and a pilot program for Community Engagement began this spring with the focus to develop How to Guide for transitioning from center based to community based services.

OTHER BUSINESS / COMMENTS FROM AFFILIATES

John Humphrey's of Fairhaven Residential Services asked the Regional Advocate to send his licensing specialist an e-mail informing her of his previous affiliation notification to the HRLHRC for a sponsored residential service and to reduce his current group home to a census of five.

Cassie Purtlebaugh will inform licensing specialist of the provider's affiliation notification to the HRLHRC Committee.

ADVOCATE REPORT

- The Northwest Capital Region of the Office of Human Rights has developed a guidance document on points related to informed consent decisions that can be shared with anyone who requests this. To make the request, email ana.hurt@dbhds.virginia.gov
- Our population is aging & many providers are finding themselves dealing with more medical complexity than in the past. Resources are available. As medical complexities increase, so too does the threshold for capacity to manage these decisions. Increase the circle of professional supports (including decision-making supports) as need be:
 - o Provider roundtable meetings
 - o CRC specialists (<http://www.dbhds.virginia.gov/professionals-and-service-providers/developmental-disability-services-for-providers/provider-development>)
 - o RST
 - o REACH
 - o Increase in the number of BCBA's
 - o Home Health agencies
 - o DBHDS Safety alerts & Nurse consultant
 - o Hospice agencies
- Providers are reminded to be proactive in seeking crisis stabilization supports. Please be aware of the challenges for people with ID/DD once they enter correctional systems.
<http://aaidd.org/news-policy/policy/position-statements/criminal-justice#.VIC6FP4UVUF>
 - o If/when you must call the police, be advised that you can request a CRT trained officer.
- Providers must complete CHRIS investigations of abuse/neglect allegations per the regulations: **12VAC35-115-230. Provider Requirements for Reporting to the Department.**
A. 2. The director ...shall report each allegation of abuse or neglect to the assigned human rights advocate **within 24 hours** from the receipt of the allegation (see [12VAC35-115-50](http://www.dhhs.virginia.gov/policies/12VAC35-115-50)).

3. The investigating authority shall **provide a written report of the results of the investigation within 10 working days** from the date the investigation began unless an exemption has been granted by the department (see [12VAC35-115-50](#)).

- Provider requirements for reporting restraints (sections 100 & 110):
- *Be reminded, any/all use of restraints – for whatever reason (medical, behavioral, protective) must be reviewed by the LHRC.*
 - o Overarching Guide (**12VAC35-115-110.C.19.b**) Documentation should reflect that the risks associated with NOT treating (or limiting) are greater than the risk associated with the use of the restraint or restriction.
 - o Most restrictions (Section 50/Dignity) must be reviewed by a licensed professional, as well as a Human Rights Advocate. When in doubt, call.
 - o Consider use of pg 9 of Part V, PCP forms (on the DBHDS website) for team review of safety restrictions.
- Because of the changes that are coming to the regulations, at this time, OHR does not see the necessity for providers to sign new affiliate agreements with the LHRC. However, if the committee feels it works best for them, and since the regulations have not yet changed, this is at the discretion of each committee. Please feel free to move forward as you see fit.
- On June 17, 2016, the Centers for Medicare and Medicaid services notified the Commonwealth that they require some additional time to review the Commonwealth’s amendments to the three DD waivers. **Therefore, the anticipated date for the implementation of the DD Systems Redesign has changed to August 1, 2016.** The delay will have the following implications:
 - o The implementation of all new services and the tiered reimbursement structure for new and existing services will be delayed.
 - o Prevocational services will continue in July, until new waiver services are approved.
 - o CSB slot selection committee will continue to operate to assign ID waiver turnover slots. DBHDS will continue to assign turnover DD waiver slots according to the existing process.
 - o IDOLS will remain active for service authorization for the ID and DS waivers. **For DD Waiver service authorizations, KEPRO will still transition services authorization functions to DBHDS effective 7/1/16. Please reference 5/17/16 and 5/18/16 Medicaid Memos on this topic.**
 - o Work on WaMS will continue and the delay will permit time for additional training. WaMS will not be used for service authorization until the amendments are approved.
 - o WaMS trainings for train the trainer will be held as scheduled this week.
 - o FEi Systems will still open their help desk on July 1 for users who will be enrolling in the system or who have accessed the online training materials and have questions.
 - o Weekly stakeholder calls will continue as scheduled. More information will be provided during this time.
 - o The following changes will occur on July 1, 2016 and **will not be affected by the delay:** CSBs will assume the responsibility for being the single point of entry for all individuals with DD. This means individuals who need to be screened for the DD Waiver also need to go through the CSBs to request a screening.
- OHR has hired Maynard Ritchie as a new advocate to cover WSH and CCA. “Ritchie” has many years of experience and will be a great asset to the Human Rights office.
- Mock Hearing Opportunity – OHR Advocates in Region 1/2 are providing hearing trainings to any interested LHRCs in anticipation of increase in hearings with new HR regulations – We are happy to do

this for this LHRC if the committee members so request it. Send email to Cassie/Artea/Lana if you would like to request a training for your LHRC

- CHRIS Training at Region 10 CSB on Thursday, July 21, at 10am. All are welcome!
- The Human Rights Regulatory Package (aka, the new regs!) have been approved by the SHRC with no changes. The next step is Stage 3 – Executive Branch Review
- Annual training for human rights is the responsibility of the director (and/or his/her designee), as well as new hire training in human rights

NEXT MEETING

The next meeting is scheduled for **Monday October, 17 at 2:00 pm**. The meeting will be held at the Harrisonburg Rockingham CSB's Arbor House Second Floor Conference room, located at 1241 North Main St., Harrisonburg, VA 22802

There being no other business, the meeting was adjourned at 3:30 pm.

Respectfully submitted,

Virginia Luong
HRLHRC Secretary

Kathy Nelson
HRCSB Liaison/Recording Secretary