

VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY (VOPA)

**PROTECTION AND ADVOCACY FOR INDIVIDUALS
WITH MENTAL ILLNESS (PAIMI)**

ADVISORY COUNCIL MEETING

CATAWBA HOSPITAL

FINAL MINUTES

August 14, 2008

Members Present	Elaine Caudill, Kathy Harkey, Mike Newcomb (Vice-Chair), Ali Parker, CW Tillman (Chair)
Members Absent	Edwina Shore
Guests Present	Tom Spurlock III
Staff Present	Paul Buckley (Managing Attorney), Sherry Confer (Deputy Director), Michael Gray (Staff Attorney), Kim Mendella (Executive Assistant) <i>For portions</i> Clyde Mathews (by phone)
Call to Order / Welcome / Introductions	CW Tillman called the meeting to order at 10:10 a.m. Mr. Tillman asked the meeting attendees to introduce themselves briefly. Mr. Tillman then notified the Council that the agenda will be changed slightly by adding "Officer Nominations" to the end of the agenda with "Other Business" section.
Public Comment	No public comment was offered.
Review of May 2008 Meeting Minutes	Elaine Caudill indicated that her last name was spelled incorrectly on the first page. Mr. Tillman noted two additional changes: replacing "for" to "from" and "about" to "on." Michael Newcomb used this opportunity to continue the discussion from the last meeting concerning the shortage of psychiatric beds and what has happened since. Paul Buckley stated that the money has been redirected but not producing the results that VOPA wanted. Mr. Newcomb then wanted to know more about Psychiatric Advanced Directives and Michael Gray talked about his research in other jurisdictions and his time on the Mental Health Law Commission. Kathy Harkey

inquired about the “Five Wishes” document and its use in Virginia. Mr. Gray talked about the confusion in the mental health community between WRAP and Advanced Directives and the legal bearing of each. Ms. Caudill spoke briefly with her experience with the [Federal Department of] Veterans Affairs and having electronic access to Advance Directives when people are admitted. Mr. Gray spoke about research at Duke University and how when people are given an opportunity to participate in his/her own treatment plan, whether being a part of a WRAP plan or Advance Directive, that prognosis improved. Ms. Harkey inquired about some bills from in the last legislative session and Mr. Gray stated that the bills have been referred to committee.

Mr. Tillman redirected the Council to the task at hand: to accept the minutes as amended. Ali Parker made a MOTION to accept the minutes as amended. Ms. Caudill SECONDED the MOTION. The MOTION carried unanimously.

Staff Presentation

Mr. Gray provided a review of the facility and talked about his disability rights work at Catawba Hospital.

Executive Director’s Update

Paul Buckley, filling in for the VOPA Executive Director, discussed the 3rd Quarter Progress on Objectives Report. Mr. Buckley started by stating that people in local jails are often staying in jail for 5-6 months due to a lack of beds in the communities. People in jail are awaiting trial and are often remaining in jail far longer than the sentence when convicted. The conversation moved to the lack of psychiatric beds in the community. Bill Fuller stated that the crux of the problem is how the system is organized in Virginia. There can never be accountability as there is a disconnect between community government and state government; there is no linear relationship. Mr. Fuller stated that the greatest disincentive to accept somebody into the community is that the community becomes financially responsible for the person.

Mr. Buckley moved on to discuss the Litigation Report in which he announced VOPA filed suit to gain access to peer-reviewed materials from DMHMRSAS-operated facilities. The courts will come back to the motion in

early fall.

Working Lunch

VOPA Governing Board of Directors' Report

Due to time constraints, the PAIMI Advisory Council decided to have Bill Fuller give his VOPA Governing Board of Directors' Report during lunch. Mr. Fuller stated that he is the Chair of the Finance Committee. Mr. Fuller talked about the issue of recruitment of new Advisory Council members brought forward by Mr. Tillman at the last Board meeting. Mr. Fuller agreed that there is an anomaly with regards to reimbursement. People attend Advisory Council meetings as guests then are voted by the Advisory Council members to be eligible for appointment and then the Governing Board Chair appoints the applicant on a later date. All the while, the guest pays for travel to and from the meeting which may place financial hardship on the guest. The Board is inclined to rectify issue by changing the policy at a future Governing Board meeting to allow for reimbursement at an earlier stage of the application process. Mr. Fuller announced that this is an opportunity for the Board to raise private funds to reimburse guests even in the event if the guest chooses not to become a member of an Advisory Council.

Mr. Fuller announced that the Governing Board passed VOPA budget for fiscal year 2009. Mr. Fuller explained to the PAIMI Advisory Council that VOPA received most of its funding from the Federal Government based on several funding streams. The Federal Government had not passed the Federal budget yet and it looks likely that the budget will not be passed prior to the beginning of the fiscal year which begins October 1, 2008 for fiscal year 2009. The Federal Government has passed several continuing resolutions; this allows VOPA to continue working on the behalf of people with disabilities.

Mr. Fuller then described the budget for FY09 and various projected expenditures for the Office.

Work Session – Objectives for FY09

Clyde Mathews joined the PAIMI Advisory Council meeting by telephone to facilitate the discussion for objectives for FY09. Mr. Mathews asked the Council to think about what kind of work they believe VOPA should and should not be doing.

Goal: People with disabilities are free from abuse and neglect

- Look at incident reporting policy/procedures currently in place at state-operated facilities, make recommendations to the State and follow-up to correct/address the concerns
- Use of photographs, autopsy reports, and interview staff and family members in investigations
- Seclusion and restraints should be banned in every state-operated facility
- Look at the effectiveness of Local Human Right Committees
- People with known psychiatric conditions are in jail should be reported to VOPA
Mr. Buckley indicated to the council that VOPA does not have the authority to create a reporting requirement for jails to report to VOPA. This requires an act of legislation. The council members requested that VOPA research on how to obtain the authority to request such information from jails.
- All state-operated facilities should have a “comfort room” and increase the use of individualized de-escalation plans

Goal: People with disabilities live in the most appropriate integrated environment

- VOPA should educate the public more about the alternatives to guardianship by use of public service announcements
- Virginia needs to have Psychiatric Advance Directives
- VOPA will defend people whose Advance Directives have not been honored

Goal: People with disabilities have equal access to government services

- Continued representation on Social Security (SS) benefits and assisting people navigating the Social Security Administration (SSA) system
- Continued work with cross-unit work between Community Unit and Institutions Unit to assist people with discharge plans
- Assist people in rural communities with transportation issues
- Work with community groups (i.e. church groups,

retirees) to create partnerships to assist people with disabilities with travel needs

- Increase recognition of psychiatric service animals

Goal: People with disabilities are employed to their maximum potential

- VOPA should promote PABSS, promote education about continued benefits eligibility
- VOPA should address all the incorrect information out in the community about PABSS and Ticket to Work

Goal: Children with disabilities receive an appropriate education

- Seclusion and restraint should be removed in all schools
- VOPA should look into created state regulations to remove seclusion and restraint practices in all schools

Governing Board Committee Reports

Finance Committee

Ali Parker stated the Mr. Fuller pretty much covered the finance report. Ms. Parker did add that the committee recommended to the Board that VOPA shift funds to budget areas to where there was over spending. This required the Board to approve an adjustment to the FY08 budget.

Internal Policy Committee

CW Tillman stated that this committee works on VOPA's day-to-day operating policies and procedures. The last committee meeting discussed the policy on confidentiality which was referred back to VOPA staff to amend. Mr. Tillman mentioned that the committee created a new schedule to review current policies.

Other Business

- Membership

Mr. Tillman introduced the new members to the PAIMI Advisory Council: Kathy Harkey and Elaine Caudill. Edwina Shore was also appointed but could not attend this meeting.

- Board Committee Assignments

Mr. Tillman talked about the VOPA Governing Board structure and the committees. Members of the Advisory Councils are welcomed to join a committee and have a vote on committee decisions. He asked the council if they wanted to be on a particular committee.

Finance Committee: Ali Parker
Internal Policy Committee: Elaine Caudill
Council Relations and Public Policy: CW Tillman
Goals and Public Awareness: to be determined

- Meeting Schedule for 2009

Mr. Tillman stated that attending Council meetings, Board and Committee meetings take a lot of time off work. The Council suggested Saturday meetings, or even the possibility of combining meetings. The Disabilities and PAIMI Advisory Councils could meet on the same day for portions as there is a lot of overlap in the materials covered. Ms. Harkey reiterated that she like to have the meetings move around the State and at different mental health hospitals to gain insight on the people the PAIMI Advisory Council serves. Ms. Confer suggested the possibility of meeting at different community groups' locations to see the community side.

Ms. Parker made a MOTION to extend the meeting length by an hour from 10 am to 3 pm. Ms. Caudill SECONDED the MOTION. The MOTION carried unanimously.

- Officer Nominations

Mr. Tillman read from the current PAIMI Advisory Council by-laws that states that nominations of officers shall take place at the August meeting, be voted at the November meeting and officers' terms begin in January. Mr. Tillman briefly explained the responsibilities of each position.

Nominations are:

Chair: CW Tillman
Vice-Chair: Mike Newcomb
Secretary: Kathy Harkey

The PAIMI Advisory Council will vote at the November meeting.

- Travel Voucher

Mr. Tillman reminded Council members to turn in their travel reimbursement forms to Kim Mendella. Mr. Tillman stated that the last Board meeting, the Board approved an increase in the mileage rate to 58.5¢/mile.

Ms. Caudill made a MOTION to adjourn the meeting at 3:10pm. Ms. Parker SECONDED the MOTION. The MOTION carried unanimously.

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11/12/2009

Date

**Virginia Office for Protection and Advocacy
Mission Statement**

Through zealous and effective advocacy and legal representation, to: protect and advance legal, human, and civil rights of persons with disabilities; combat and prevent abuse, neglect, and discrimination; and promote independence, choice, and self determination by persons with disabilities.