



Western State chided about care State human-rights committee cites gaps in patient treatment

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A statewide committee that oversees human-rights protections has chided the state's chief mental-health official for not strictly and promptly implementing its recommendations about a mental-health patient.

The patient, Cesar Chumil, a native of Guatemala, has been held in some form of seclusion or restraints for almost 20 years at Western State Hospital in Staunton.

Though the bulk of plans improvised by state Mental Health Commissioner James S. Reinhard for the care of Chumil were lauded by Chumil's legal team and the committee, Reinhard's actions in some cases fell short, according to the State Human Rights Committee.

The nine-member committee said in a memorandum made public late last week that it was "particularly distressed to learn" that Chumil, who speaks little English, was not given a copy of his human rights in Spanish until Sept. 10.

"Copies of rights in Spanish are available on the [mental health department's] website," the committee noted.

In addition, the committee said it wants to see a proposed timeline for making improvements in Chumil's care and "specific details" for in-house training of staff at Western State where Chumil, 58, is a patient.

Involved in hundreds of assaults on staff and patients, he has been housed alone for about 15 years in a so-called limited containment suite that allows him limited access to staff and patients.

Chumil's legal team, Alex Gulotta and Nathan Veldhuis in Charlottesville, has likened the holding cell to a kennel.

Both the federal departments of Justice and Health and Human Services have active investigations into Chumil's care, a state mental health department spokesman has confirmed.

Last month, the State Human Rights Committee concluded that Chumil has been held in a form of seclusion for months without proper oversight, timely justification or record-keeping.

The treatment regimen, which the hospital says is necessary to protect staff and patients, is followed despite a years-long history of allowing Chumil to leave the hospital with his family unattended.

The state committee agreed to allow Chumil to be confined but said the hospital must comply with laws requiring documentation of the continuing need for the treatment.

And in a major victory for Chumil's family, it recommended that the state move Chumil to a state facility closer to relatives in Northern Virginia.

In his response, Reinhard agreed with the committee findings and set out a broad compliance plan, although he specifically said only that Chumil would be transferred.

In its response late last week, the state committee reiterated that it wants to see progress toward a transfer closer to Chumil's family; it set out more specific requirements to document care and Chumil's conduct; and it ordered a timeline and plans to train staff to better communicate with Chumil.

Chumil's lawyers say they expect to see a plan to move Chumil by December.

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