

Opinion/Editorial: In COVID, in Va., protect real people

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Wondering if the assisted living facility next door to you is a hotspot for COVID-19?

Too bad. Virginia won't let you find out.

Last week, State Health Commissioner Norman Oliver balked at revealing exactly where virus cases are occurring in Virginia nursing homes and similar facilities.

Why?

Such facilities are “people,” he said.

People are protected under federal health privacy legislation.

Mr. Oliver said the “people” phrasing occurs in state law. Some legislators found that surprising.

“I certainly don't recall it being in the code,” state Sen. George Barker, D-Fairfax, told the Richmond Times-Dispatch. “That's kind of bizarre.”

Kind of bizarre? You bet.

Rep. Abigail Spanberger, who represents a portion of Central Virginia from the 7th District, said: “Whatever the legal explanation for it, this needs to be changed.”

She’s absolutely right. Keeping people in the dark about health dangers — real people, that is; human individuals — is intolerable.

Ironic, isn’t it? By protecting facilities as “people,” state officials might be endangering actual people.

Let’s step back for a moment and look at the bigger picture. If a nearby nursing home or assisted living facility harbors patients with COVID-19, that doesn’t automatically put neighbors at risk. People (the real ones) who observe state and federal guidelines on social distancing and other recommendations mitigate their risks, no matter whence those risks arise.

The intent here is not to paint such facilities as inherently or inevitably dangerous, but rather to advocate for transparency so that Virginians can get the facts and make up their own minds about any possible concerns.

Meanwhile, the federal government has issued new rules that might address at least part of this problem.

Skilled nursing facilities in all states now are required to report COVID-19 infections and deaths — among both residents and staff — to the U.S. Centers for Disease Control and Prevention. When such information had been received previously, the CDC had been releasing that information to the public, and it is anticipated that this pattern will continue.

Nursing facilities also must promptly tell residents and their families or legal representatives if a COVID case arises or if three or more residents or staff members experience respiratory symptoms in a 72-hour period.

The order doesn't apply to non-skilled facilities such as assisted living homes.

To make things more complicated, in Virginia nursing homes are regulated by the Health Department but assisted living facilities are regulated by the Department of Social Services. Many assisted living facilities already have been reporting COVID cases to the residents and families — and to the public. But some shy away from publicly reporting deaths.

This spotty and inconsistent approach makes it difficult for the public to discover just what's going on.

Add to that Virginia's slow record of COVID testing and reporting, and you get a distorted view of the severity of the coronavirus, not only next door but around the commonwealth.

Distortion can be dangerous, as it prevents people from making decisions in their best interests and on the best possible information.

State legislators need to take Ms. Spanberger's advice and ensure that, in future, nursing facilities are not bizarrely identified as people.

Opinion/Editorial: Courthouse area is a public space

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The Albemarle County Board of Supervisors delayed, but did not reject, a proposal to declare the county courthouse and its grounds a “nonpublic forum.”

The courthouse was established for public business, and the building and its grounds are owned by the public. If that isn’t a public forum, then what is?

The answer is all bound up in legalese.

County Attorney Greg Kamptner said at a recent board meeting that courts have consistently ruled that “courthouse grounds are not ... referred to as traditional public forums” for First Amendment purposes.

And apparently, if a public area hasn’t been used as a public forum in the past, it can be restricted as a public forum in the future.

Courts may be able to parse that conclusion from legal minutiae, but to most of us the public courthouse is the *public* courthouse. And from that fundamental fact comes the corollary that the public has a right to

gather on the grounds, as long as that's in a safe, respectful manner. After all, as the public we *own* the property.

A proposed county policy, however, would assume that we have ill intent and pre-emptively prevent us from freely accessing the grounds.

What's more, the policy further moves us into an Orwellian future in which freedom of speech isn't actually free — it's declared off limits in some places and corralled into tiny “free-speech zones” in other places so that officials can control what we say and where we say it.

This is not the vision of liberty that our Founders bequeathed us.

Under the proposed rules, the property would be allowed to be used only by people who are conducting court business; by people who are actively traveling from one public sidewalk abutting the grounds to another; and for specified activities such as candidacy announcements, administering of oaths for public office, and participation in history tours or a class operated or sponsored by the state, Albemarle, Charlottesville, any school or any county or city historical society or organization. Other activities would need prior consent of the court.

Note that our elected officials say that candidacy announcements and oaths of office are fine on courthouse grounds; those activities benefit them.

Note, too, that only official history tours or classes would be permitted. So you'd be breaking the law if you simply wanted to bring your child onto the property to see the historic courthouse frequented by Thomas Jefferson, James Madison and James Monroe (the rear wing was the courthouse as of 1803, before additions were made).

Jefferson, Madison and Monroe, by the way, would be appalled at these proposed restrictions — which follow similar limits placed on the grounds of the Albemarle County Office Building.

Keeping the building and grounds safe and secure is of course a legitimate concern.

But banning the public from the public's own property is a dangerous precedent, and inimical to the very values our nation claims to revere.

It's especially abhorrent at a site connected with three presidents who argued and fought for liberty.

The restrictions should be rejected.

Opinion/Editorial: Professionalism needed all around

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What a mess.

With all Charlottesville's many problems, it's counterproductive (to put it mildly) for a disagreement over public policy to deteriorate into a personal quarrel.

Last week, City Manager Tarron Richardson fired back at a firefighters representative who had called him “willfully ignorant” of firefighters’ needs. The words appeared in an email sent by the head of the firefighters union, Greg Wright, to the general inbox for City Council, which is where the city manager saw it.

Mr. Richardson then emailed Mr. Wright, calling him “ignorant and overwhelmingly shallow” in his understanding of management and public administration.

Firefighters and the city manager’s office had been at odds over appropriations in the upcoming budget — a matter of public policy deserving of debate. Until the exchange of emails, as far as anyone knew, the disagreement over resources was no more and no less than the kind of jockeying that often goes on during budget preparations.

Firefighters had been begging for enough money to fund 12 additional positions to help staff ambulances. Their forces are stretched too thin already, they said; the only solution was to add personnel.

Mr. Richardson had said that the solution was not to add more positions, but rather for the fire department to shift existing staff to better provide coverage. He said that the fire department’s staffing problem was “an issue I inherited.”

Mr. Wright then emailed councilors asking for a meeting among the city manager, fire chief and no more than two councilors in order to discuss the issue. (The attendance of only two councilors would mean that such a meeting need not be open to the public or press.)

Mr. Wright used some pretty sharp language.

He said the department had made “MULTIPLE” attempts to ensure that Mr. Richardson understood their staffing problems. He said the city manager had “complete lack of a basic understanding” of firefighters’ problems that “cannot be tolerated” as budget preparation moves forward.

And then there was the “willfully ignorant” charge.

Those were trigger words for Mr. Richardson.

“I’m not going to stand for someone calling me ignorant,” he said later to *The Daily Progress*. “As a black man, I feel like if I don’t say anything, I don’t correct him, that he will say it to another person of color.”

Mr. Richardson’s personal reaction is not something subject to dispute; what he feels is what he feels — and he’s entitled to that.

Many Virginians of a certain age can remember when African Americans were called “ignorant” by whites in a deliberately contemptuous manner. There’s good reason for this word to trigger an angry reaction.

But Mr. Richardson’s behavior as a city manager — a public employee — is open to criticism. He should not have descended to the same level as his critic, leveling personal attacks against Mr. Wright.

“Your educational achievements and certifications, as well as your limited work experience as a supervisor will never be a match to any of my qualifications or credentials,” wrote Mr. Richardson — who holds a doctorate. “So, let’s be clear about who is ignorant and overwhelmingly shallow as a professional in the field of public administration.”

Yes, there's a hierarchy: As the city manager, Mr. Richardson is "the boss." He reports, however, to the City Council and, through it, to the people of Charlottesville.

But even though he's in charge, department heads, other members of the city's workforce and, indeed, members of the public should be able to bring their concerns to him, either directly or indirectly. They're unlikely to feel free to do so if they fear being ridiculed because Mr. Richardson might disagree with them.

Again, we want to separate Mr. Richardson's personal reaction and legitimate anger from the expectations demanded of him in his professional capacity.

For the city manager to be exchanging personal barbs with a member of his workforce is detrimental to the city's progress.

Charlottesville has many problems to face — including, as it turns out, those raised by another set of public safety employees: police officers, who also say they need additional support.

This kind of dissension is counterproductive to finding solutions for such problems.