



LOCAL HUMAN RIGHTS COMMITTEE (LHRC) TRAINING

Virginia Department of Behavioral Health
and Developmental Services
Office of Human Rights - LHRC Training



Welcome

- Introduction of presenters
- Goal for the day:
 - To provide an overview of the human rights regulations as it relates to authorized representatives.



12VAC35-115-146

Authorized Representatives

- **Next Friend (12 VAC35-115-146,B.2)**

- A person designated by a provider or his designee to serve as the authorized representative of an individual who has been determined to lack capacity to consent or authorize disclosure of identifying information.

- **Requirements:**

- No other person available and willing to serve.
- Provider may designate a next friend of the individual after review by the LHRC.
- Within the two years prior to designation, the next friend has shared a residence or had regular contact or communication with the individual and provided significant emotional, personal, financial, spiritual, psychological, or other support for a period of six months
- Had regular contact or communication and provided significant support.
- Individual has no objection to the proposed next friend being designated.
- Next friend agrees to accept responsibilities and acts in the individual's best interest.



12VAC35-115-146.B.2

Authorized Representatives – Next Friend

- Role of LHRC
 - Designate a next friend of the individual after review and finding
 - Has the discretion to waive personal appearance by the proposed next friend
 - Has the discretion to allow proposed next friend to appear by telephone, video, or other electronic means



12VAC35-115-146

Authorized Representative – Next Friend

- Sample Questions:
 - Ask the provider:
 - Are there any appropriate family members available that are willing to serve as authorized representative?
 - What have you done to find out if there are any family members to serve?
 - Did you have a capacity evaluation preformed?
 - Does the individual have any objections to this person helping with their decision making?
 - Ask the next friend designee:
 - How do you know the individual?
 - How long have you known or shared a residence with the individual?
 - How often do you speak with the individual?
 - Are you aware of and accept the responsibilities explained to you?
 - Are you willing to act in the individual's best interest?



Questions?
