



# **LOCAL HUMAN RIGHTS COMMITTEE (LHRC) TRAINING**

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



# Welcome

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



# 12VAC35-115-105

## Behavioral Treatment Plans

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- A behavioral treatment plan is used to assist an individual to improve participation in normal activities and conditions of everyday living, reduce challenging behaviors, alleviate symptoms of psychopathology, and maintain a safe and orderly environment.
- Providers may use individualized restrictions such as restraint or time out in a behavioral treatment plan to address challenging behaviors that present an immediate danger to the individual or others, only if:
  - A licensed professional has conducted a detailed and systematic assessment of the behavior and the situations in which the behavior occurs.
  - Individual's services record documents a lack of success or probable success of less restrictive procedures attempted or considered, and the risks associated with not treating the behavior, are greater than any risks associated with the use of the proposed restrictions.



# 12VAC35-115-105

## Behavioral Treatment Plans

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### ■ Provider Duties:

- Plans should be initiated, developed, carried out, and monitored by professionals who are qualified by expertise, training, education, or credentials to do so
- Plans should include nonrestrictive procedures and environmental modifications that address the targeted behavior
- Plans should be submitted to an independent review committee, prior to implementation, for review and approval of the technical adequacy of the plan and data collection procedures
- Seclusion should not be included in a behavioral treatment plan



# 12VAC35-115-105

## Behavioral Treatment Plans

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- Provider Duties Continued:
  - Intermediate care facilities for individuals with intellectual disabilities shall submit any behavioral treatment plan that involves the use of restraint or time out, and its independent review committee approval, to the specially constituted committee (SCC) under 42 CFR 483.440(f)(3) for the SCC's approval prior to implementation
  - Providers other than intermediate care facilities for individuals with intellectual disabilities shall submit any behavioral treatment plan that involves the use of restraint or time out, and its independent review committee approval, to the LHRC prior to implementation



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- LHRC Responsibilities:
  - If either the LHRC or SCC finds that the behavioral treatment plan violates the rights of the individual or is not being implemented in accordance with this chapter, the LHRC or SCC shall notify the director and provide recommendations.
  - Behavioral treatment plans involving the use of restraint or time out shall be reviewed quarterly by the independent review committee and the LHRC or SCC to determine if the use of restraint has resulted in improvements in functioning of the individual.



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## Behavioral Treatment Plans

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### ■ Sample Questions

- Has the plan been presented and approved by an independent review committee or specially constituted committee?
- What are the credentials of person completing assessment of behaviors?
- Have less restrictive interventions been attempted? If yes, what were they and what was the outcome of the intervention?
- Is the risk of the behavior greater than the risk associated with the use of the proposed restriction?
- Who will implement and how often will the restriction be implemented?
- Are there non-restrictive procedures and environmental modifications that address the targeted behavior?