



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 the composition and responsibilities of the LHRC.



LHRC Composition:

12VAC35-115-270.A.6

- Consists of five or more members
- Also consist of five alternate members who shall fill in for any absent members.
- Appointed by the State Human Rights Committee
- Membership should be broadly representative of consumer and professional



LHRC Composition- continued

- At least one-third of the members shall be consumers or family members of consumers.
 - At least two members shall be individuals who are receiving or have received public or private mental health, developmental, substance abuse treatment or habilitation services within five years of their initial appointment.
 - At least one member shall be a health care provider.
 - No current employee of the department or a provider shall serve as a member of any LHRC that serves an oversight function for the employing facility or provider.
 - Staggered Terms
 - A member can serve two consecutive three-year terms. A person appointed to fill a vacancy may fill the current term and then be eligible for two additional consecutive terms.



Meeting Requirement of the LHRC

- **12VAC35-115-270.A.8**

LHRC is required to meet at least quarterly. The committee may choose more frequent meetings in order to adhere to timelines as set forth in the regulations



Bylaws of the LHRC

- **12VAC35-115-270.A.9**

LHRC should adopt written bylaws that address procedures for conducting business, electing officers, designating standing committees, and setting the frequency of meetings



Responsibilities of the LHRC

- **12VAC35-115-270.A**

A. Local human rights committees shall:

1. Review any restriction on the rights of any individual imposed pursuant to **12VAC35-115-50** or **12VAC35-115-100** that lasts longer than seven days or is imposed three or more times during a 30-day period

The LHRC should conduct reviews of the following items as they relate to Human Rights:

- Any restriction, over the regulatory time frames, of an individual's rights involving freedoms of everyday life
- Policies and procedures, program handbooks, or program rules for residential substance abuse service providers if freedoms are limited or restricted
- Individual behavioral treatment plans that utilize restrictive techniques (A.4)



Responsibilities of the LHRC- continued

- LHRC should also review the following items as they relate to human rights:
 - Review Next Friend/ Capacity Determination (A.2)
 - Conduct Fact finding hearings (A.3)
 - Variances to the regulations (A.5)
 - Research (12VAC35-115-130)
 - Consent/Authorized Representatives (AR) (12VAC35-115-146)



Attachments

- Sample (Meeting) Agenda
- Sample (LHRC Meeting) Minutes
- Model LHRC Bylaws
- Freedom of Information Act- Overview



Sample Agenda

Name of LHRC

AGENDA

Date

Time

Address

- 1. Welcome and Call to Order by Chair**
- 2. Introductions**
- 3. Approval of the Minutes**
- 4. Public Comments**
- 5. Advocate Update/Training**
- 6. Old Business**
- 7. New Business**
 - a. Program Requests**
 - A. Review of Next Friend Appointments**
 - B. Review of Restrictions (Provider Name) (Closed Session if necessary)**
 - b. Scheduled Hearings**
- 8. Adjournment**

Next Meeting Date:



Sample Minutes

NAME OF HUMAN RIGHTS COMMITTEE
STREET ADDRESS (INCLUDE ROOM # if one)
CITY, STATE, ZIP CODE
DATE (1/1/17) & TIME (5:00 PM)
APPROVED MINUTES OR DRAFTED MINUTES

LIST MEMBERS PRESENT:

LIST MEMBERS ABSENT:

CALL TO ORDER

Enter who (Chair) called meeting to order and time. Those in attendance make introductions. Welcome new committee members.

MINUTES

Enter date of minutes was motioned to be approved by (member's name), seconded by (member's name) and unanimously approved by committee members in attendance.

PUBLIC COMMENTS – Summary of the discussion on matters proposed, deliberated, or decided. Recording of any votes taken.

(Example)

- Committee Member Needs – Enter comments made. (Example – LHRC needs a member to fill health care provider role, consumer role, or addt/l members).
- Committee Elections – Vote to approve.
New Chair or Vice-Chair or Secretary
- Upcoming members terms expiring – 1st term invite to serve 2nd term. (Give them Reappointment Application). 2nd term thank them for their service.
- 2017 Proposed Meeting Schedule – Vote to approve.
Enter Dates, Times, and Location.



Sample Minutes continued

AGENDA ITEMS

Enter information presented or Enter none provided.

(Example)

- Restriction/s from freedoms of everyday life – Review and approve or make modification recommendations.

(Example)

- Variances – Provider's name
The LHRC reviewed this request and approved or made the following modification recommendations.

(Example)

- Provider has LHRC Business – Provider's name, reason for attending meeting, and the details of the information discussed.

(Example)

- LHRC New Applicant Interview – Interview, vote, if approved (submit to SHRC)
Enter applicant's name and role to be filled.
- Committee Reappts. – Enter name, vote, if approved (submit to SHRC)



Sample Minutes continued

CLOSED (EXECUTIVE) SESSION - Upon a motion made by (member's name), the committee entered closed session pursuant to Virginia Code §2.2-3711, a.15 and §2.2-37.05.5 for the purpose of discussion of medical record / treatment plans.

(Example)

- Consent & Authorization/Next Friend Appointments – Review and make decision. The LHRC reviewed this request and made the following decision.

(Example)

- Complaint Appeals to the LHRC – Review and make finding. Enter information discussed and finding.

(Example)

- LHRC Hearings – Review and make finding. Enter information discussed and finding.

(Example) – LHRC final review after the independent team approves before implementation determine if plan is in accordance with the chapter (new revisions in the regs).

- Restrictive behavior treatment plans – Provider's name
The LHRC reviewed this request and accepted or made the following modification recommendations.
- Restraints – Provider's Name
The LHRC reviewed this request and accepted or made the following modification recommendations.



Sample Minutes continued

RETURN TO OPEN SESSION - Upon reconvening in open session, all members of the Local Human Rights Committee certified that to the best of each ones' knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in closed session.

ADVOCATE ANNOUNCEMENTS – Announce Newly Assigned Providers and Summarize Di LHRC Assignments are given to providers by Regional Advocate.

- Provider's name who have added new location/new service.
- Provider name who has received assignment to this LHRC.

NEXT MEETING – Enter date, time, and location.

MEETING ADJOURNED – Motion made to ADJOURN.
Enter meeting adjourned and time.

These Minutes were transcribed by (name of assigned advocate/intern).

Please note: No confidential information shall be included in the minutes, and all steps should be taken to maintain individuals' privacy.

This template has been updated to the new regulations effective 2/9/17.