



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 dignity.



12VAC35-115-50

Dignity

- C.4(a-b), C.6(a-c), C.7(a-b), & C.8(a-b)
 - **Services provided in residential and inpatient settings**, each individual has the rights to practice and participate in religious services; communicate privately with any person by mail, telephone, and visitation
 - Restrictions may be placed on these rights for the following reasons:
 - Presents a danger to self and others
 - Infringe on the freedom of others
 - Mail contains illegal material or anything dangerous
 - Intervening to prevent any criminal act
 - Communication with another person will result in demonstrable harm to the individual's mental health



12VAC35-115-50, Dignity

C.4(a-c), C.6(a-c), C.7(a-b) & C.8(a-b) continued

- Provider Duties
 - Discuss issue with the individual prior to implementation
 - Inform the human rights advocate of the reason for any restriction prior to implementation
 - Limits on mail, telephone and access to visitors maybe limited or supervised only when, in the judgement of a licensed professional*, the restriction is necessary to:
 - Prevent demonstrable harm to the individual's mental health or significantly affect the individual's treatment
 - Review and document monthly in the service record, the need for the restriction
 - Any restriction the last longer then seven (7) days or is imposed three (3) or more times during a thirty (30) day period, must be review and approved by the local human rights committee (see:12VAC35-115-100,B.5).



12VAC35-115-50

Dignity

■ **C.7(c) and C.8(c)**

Residential substance abuse services providers that are not inpatient hospital settings or crisis stabilization programs, may develop policies and procedures that limit the use of the telephone and visitors during the initial phase of treatment and when sound therapeutic practice requires such restrictions, subject to the following conditions:

- Develop policies and procedures that limit the use of the telephone or access to visitors during initial phase of treatment:
 - (1) Prior to implementation and when it proposes any changes or revisions, the provider shall submit policies and procedures, program handbooks, or program rules to the LHRC and the human rights advocate for review and approval
 - (2) When and individual applies for admission, the provider shall notify him of these restrictions.



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Dignity

- Role of the LHRC:

- Review documentation of any individual restriction that last longer than (7) days or is imposed (3) or more times within a (30) day time period.
 - Determine if the restriction is being implemented in accordance 12VAC35-115-100 and 12VAC35-115-50
- Review and approve any existing or proposed policies or procedures prior to implementation
- Review and approve program handbooks prior to implementation
- Review and approve program rules prior to implementation
- Make recommendations as needed



12VAC35-115-50

Dignity

■ Sample Questions:

- Does the proposed telephone or visitors limitation outweigh the individuals' rights involved?
- Are the individuals' rights adequately protected?
- Will the outcome be beneficial to the individual?
- Is there adequate documentation to support the need for limitation?
- Will the telephone or visitors limitation affect the individual's treatment?
- Is the restriction more than needed to achieve the therapeutic benefit?
- How do you handle alleged criminal activities that resulted in the restriction?



12VAC35-115-50

Dignity

- Important Note:

Applicable rights listed under 12VAC35-115-50 requires a “licensed professional” determination of the need for the restriction, whereas the rights listed under 12VAC35-115-110 requires a “qualified professional” determination of the need for the restriction.

*A licensed professional is a licensed physician, licensed clinical psychologist, licensed professional counselor, licensed clinical social worker, licensed or certified substance abuse treatment practitioner or licensed psychiatric nurse practitioner.

***Source: 12VAC35-115-30. Definitions**



Questions?
