



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 restrictions of freedoms of everyday life.



12 VAC 35-115-100

Restrictions of Freedoms of Everyday Life

From admission until discharge from service, each individual is entitled to:

- Enjoy all the freedoms of everyday life that are consistent with his need for services, and the protection of others, that do not interfere with his services or the services of others.
- These freedoms include the following:
 - Freedom to move within the service setting, it's grounds and the community.
 - Freedom to communicate, associate, and meet privately with anyone the individual chooses.



12 VAC 35-115-100

Restrictions of Freedoms of Everyday Life

- Freedom to have and spend money.
- Freedom to see, hear or receive television, radio, books, newspapers...
- Freedom to keep and use personal clothing and other personal items.
- Freedom to use recreational facilities and enjoy the outdoors.
- Freedom to make purchases in canteens, vending machines or stores selling a basic selection of food and clothing.
- Receive services in that setting and under those conditions that are least restrictive of his freedom.



12 VAC 35-115-100

Restrictions of Freedoms of Everyday Life

Provider Duties:

- Encourage participation in normal activities, and support the individual's freedoms.
- Providers shall not limit or restrict an individual's freedom more than is needed to achieve a therapeutic benefit, maintain a safe and orderly environment or intervene in an emergency.



12 VAC 35-115-100

Restrictions of Freedoms of Everyday Life

- Providers shall not impose any restriction on an individual unless the restriction is justified and carried out according to this chapter or otherwise required by law.
- Providers shall obtain approval of the LHRC of any restriction imposed on an individual's rights under this subsection or 12VAC35-115-50 that last longer than seven days or is imposed three or more times during a 30-day time period. If the LHRC finds that the restriction is not being implemented in accordance with this chapter,
- The director shall be notified and the LHRC shall provide recommendations.



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Restrictions of Freedoms of Everyday Life

Sample Questions

- What is the purpose, goal, objective of the restriction?
- What was the barrier in obtaining the goals/objectives of the restriction?
- Prior to this restriction what other less restrictive/alternative method were used?
- What is the criteria for removal?
- What is in place to ensure immediate removal of the restriction once criteria is met?



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Restrictions of Freedoms of Everyday Life

- Providers shall in the development of program rules:
 - Get suggestions from all individuals who are expected to obey the rules;
 - Apply these rules in the same way to each individual;
 - Give the rules to and review them with each individual and his authorized representative in a way the individual can understand them,



12VAC35-115-100

Restriction on Freedom of Everyday Life

- Including explaining possible consequences for violating them;
- Post the rules in summary form in all areas to which individuals and their families have regular access;
- Submit the rules to the LHRC for review and approval upon the request of the human rights advocate or LHRC.



12VAC35-115-100

Restrictions on Freedom of Everyday Life

- Prohibit individuals from disciplining other individuals, except as part of an organized self government program conducted according to a written policy approved in advance by the LHRC



12VAC35-115-100

Restriction on Freedom of Everyday Life

Sample Questions

- What suggestions were made by individuals concerning the rules/changes?
- How were these suggestions incorporated into the rules?
- Did the AR, guardian or court appointed decision maker have an opportunity to review and comment on these rules/changes?



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Restrictions on Freedom of Everyday Life

Questions Continued

- Were consequences for violations of these rules explained in a manner understood by the individuals, AR's, guardians?
- Please described location of rules posting?
(This will allow the LHRC to determine if rules are posted in an area accessible for anyone to see and review).



Questions?
