

_____ **LOCAL HUMAN RIGHTS COMMITTEE**

BYLAWS

Article I

The name of this committee shall be _____ Local Human Rights Committee, hereafter referred to as the LHRC.

Article II

The purpose and duties of the Local Human Rights Committee (LHRC)

A. The LHRC 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 for providers within the LHRC's jurisdiction in accordance with 12VAC35-115-100 B 5;
2. Review next friend designations in accordance with 12VAC35-115-146 B 2;
3. Hold hearings according to the procedures set forth in Part V (12VAC35-115-150 et seq.) of this chapter for any individual served by a provider under the LHRC's jurisdiction;
4. Review behavioral treatment plans in accordance with 12VAC35-115-105;
5. Receive, review, and make recommendations to the SHRC concerning applications for variances to the Human Rights Regulations in accordance with 12VAC35-115-220;
6. Review individuals' consent and authorization objections, contested authorized representative appointments, and contested capacity evaluations at the request of an individual, his/her authorized representative, or anyone authorized by the individual to act on his/her behalf, in accordance with section 12VAC35-115-200 of the Human Rights Regulations;
7. Review and approve provider policies which could jeopardize the communication and Visitation rights of individuals receiving inpatient and residential services, in accordance with section 12VAC35-115-50 C7 and 8 of the Human Rights Regulations.
8. Receive a copy of the assigned provider human research project approval by the institutional review board or research review committee prior to the individual participation in any human research project and receive updates periodically in accordance with section 12VAC35-130B4 of the Human Rights Regulations.
9. Meet every quarter or more frequently as necessary to adhere to all timelines as set forth in the Human Rights Regulations; and
10. Adopt written bylaws in accordance with section 12VAC35-115-270A9 of the Human Rights Regulations that address procedures for conducting business; electing the chairperson, secretary, and other officers; designating standing committees; and setting the frequency of meetings.
11. Maintain the strict confidentiality of all individuals' personal health information that the LHRC is made aware of as it carries out its responsibilities as defined in Part IX of the Human Rights Regulations (12VAC35-115-270A) and these Bylaws.

12. Enter into cooperative agreement with a provider, utilizing the services of an LHRC in order to further the shared goal of promoting the rights of individuals receiving services.

B. The LHRC may:

1. Delegate authority to a subcommittee when expedited decisions are required before the next scheduled LHRC meeting to avoid seriously compromising an individual's quality of care, habilitation, or quality of life. The decision of the subcommittee shall be reviewed by the full LHRC at its next meeting.

2. Review, upon request of the human rights advocate, individuals receiving services, the executive director of a provider, or upon its own initiative, any existing or proposed policies, procedures or practices which could jeopardize the human rights of individuals, in accordance with section 12VAC35-115-250 D 5 of the Human Rights Regulations.3. Conduct investigations to ensure assigned provider compliance with the Human Rights Regulations, in accordance with section 12VAC35-115-260

Article III – Membership

Section I: The LHRC shall consist of five or more members appointed by the SHRC.

A. Membership should be broadly representative of professional and consumer interests that are served by the programs licensed by the Department of Behavioral Health and Developmental Services (DBHDS).

1. As required by the Virginia Code 37.2-204, at least one-third of the LHRC members shall be individuals receiving services (referred to as “consumers” in the Human Rights Regulations) or family members of consumers.

2. At least two members shall be individuals who are receiving, or who have within five (5) years of initial appointment received, mental health, developmental disability or substance abuse treatment services.

3. At least one member shall be a health care provider.

4. No current employee or board member of DBHDS or a provider may serve as a member of the LHRC which serves an over slight function for the employing facility or assigned provider.

5. Members shall recues themselves from all cases in which they have a financial or other conflict of interest.

B. The designated advocate shall notify the SHRC in the event that the LHRC has operated for six (6) months without a Virginia Code § 37.2-204 mandated member

C. Initial appointments to an LHRC shall be staggered, with approximately one-third of the members appointed for terms of three years, approximately one-third for terms of two years, and the remainder for a term or terms of one year. After that, all appointments shall be for terms of three years. Terms of members start July 1st and continue until June 30th, three (3) years later.

D. A person may be appointed for no more than two consecutive three-year terms. A person appointed to fill a vacancy may serve out that term and then be eligible for two additional consecutive terms.

E. The LHRC and the designated advocate are responsible for recruiting potential members.

F. Nominations for membership to LHRCs shall be submitted directly to the SHRC through the state human rights director at the department's Office of Human Rights;

G. Orientations of new members will be the joint responsibility of the LHRC and the DBHDS Office of Human Rights.

Section II: The LHRC may also consist of up to five (5) alternate members appointed by the SHRC.

A. Alternate members shall not serve more than two (2) consecutive three (3) year terms. Terms of alternate members start July 1st and continue until June 30th, three (3) years later.

B. In the event of a member being unable to complete their appointed term, an appropriate (based upon Code of Virginia requirements) alternate shall be moved into the vacancy by the chair of the LHRC. The alternate member will then become a member of the LHRC. The alternate member will serve out the remainder of their appointed term and then be eligible for two (2) additional consecutive terms.

C. In the event of a code mandated vacancy on the LHRC and there is no appropriate appointed alternate to be moved into that opening; then, a newly appointed member filling the code mandated vacancy may serve out the term of the former member and then be eligible for two (2) additional consecutive terms.

D. An appointed alternative member serving one or more terms on an LHRC may apply to the SHRC for regular membership on the LHRC when there is a vacancy.

Section III: The criteria and process for recommending removal of a member from the LHRC

A. Members shall attend all regular and special meetings of the LHRC. A member who misses more than 33% of regularly scheduled meetings within a 12-month period may be subject to a recommendation for removal by a majority vote of the other LHRC members. On any motion to remove a member, that member shall not have a vote. Such recommendation shall then be forwarded to the SHRC for action.

B. The LHRC may also recommend to the SHRC that a member be removed for violation of the LHRC bylaws, the Human Rights Regulations, or state laws.

Article IV – Officers

Section I: Election of Officers

A. Officers are members of the LHRC. The LHRC shall elect officers from the committee annually at the last meeting of each fiscal year. Election shall be by simple majority vote of the members. Newly elected officers shall take office July 1st of each year.

B. The elected Officers shall be a Chairperson, a Vice-Chairperson, and a Committee Secretary.

Section II: Duties of Officers

A. The Chairperson shall:

1. Preside at and plan all meetings of the LHRC and conduct any hearings.
2. Develop subcommittees as determined to be needed to carry out the LHRC's objectives consistent with the Human Rights Regulations; appoint subcommittee members with approval of the LHRC members; and appoint a chairperson to supervise directly or indirectly work of each subcommittee. Subcommittees shall consist of at least three (3) LHRC members.
3. Inform the SHRC, the designated advocate, and, as applicable, assigned providers of the activities of the LHRC.
4. The Chairperson may call special meetings, as needed.

B. The Vice-Chairperson shall:

1. Assume the duties of the Chairperson if that office becomes vacant during its one (1) year term
2. Perform the duties of the Chairperson in his/her temporary absence or disability.

C. The Committee Secretary shall:

1. Ensure that notices of LHRC meetings are posted within required timelines.
2. Review draft and final minutes of LHRC meetings and ensure that minutes are posted within required timelines.
3. Coordinate the LHRC support functions with the designated advocate, including meeting space, clerical support and equipment.
4. Ensure that the human rights advocate designated to be the custodian of meeting minutes and all other records of the LHRC is informed and maintaining records appropriately.

Article V – Meetings

Section I: The LHRC shall hold at least (4) regular meetings per year.

A. The LHRC shall establish an annual calendar of meetings. The Chairperson may call special meetings, as needed. The designated advocate will ensure meetings are publicly posted.

B. All meetings shall be open to the public except as provided in the Human Rights Regulations and applicable sections of the Virginia Freedom of Information Act. Any protected health information, employment records or other confidential documents disseminated at meetings shall be afforded all confidentiality and privacy protections required by Virginia and Federal laws.

C. The LHRC may convene closed meetings in accordance with the provisions of section 2.2-3711 of the Virginia Freedom of Information Act.

Section II: The LHRC shall conduct business according to a set agenda and record meeting minutes.

A. An agenda of business to be conducted will be posted by the designated advocate in advance of the LHRC meeting.

B. Minutes of all open meetings shall include the following information:

1. Date, time and location of the meetings
2. LHRC members present
3. LHRC members absent
4. A summary of the discussion on matters proposed, deliberated or decided
5. A record of any votes taken

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

Article VI – Amendments

Any proposed amendments to these bylaws shall be presented in writing to the entire LHRC at least two (2) weeks prior to the meeting, at which time it is to be voted upon. A simple majority of the membership is needed for ratification of any proposed amendments. Amendments shall be official when approved by the SHRC.

Article VII – Quorum

A quorum will consist of a simple majority of appointed members of the LHRC, not including alternates. At no time, however, shall a quorum be less than five members, regardless of the number of members on the committee. An affirmative vote of a simple majority of the LHRC membership shall be required in order to take any action or render a decision on any complaint.

Article VIII – Organizational Structure

Section 1: Parliamentary procedure shall be generally in accordance with “Robert’s Rules of Order.”

Section 2: Relationship of the LHRC to associate providers:

- A. The LHRC shall function independently of all assigned providers.

- B. The LHRC shall operate in a consultative and supportive manner with assigned providers.

- C. The line of communication between the LHRC and assigned providers shall be directly between the Chairperson of the LHRC or his/her designee and the Director of the assigned provider or their designee.

- D. The LHRC shall notify assigned providers in writing and in accordance with the Human Rights Regulations of any LHRC activities, recommendations, and decisions on complaints and appeals that pertain to the provider.

Section 3: The designated human rights advocate is responsible for providing orientation, training and technical assistance to the LHRC.

Section 4: Complaints and appeals will be handled in accordance with the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Behavioral Health and Developmental Services Abuse Services, Part V, 12 VAC 35-115-150 et seq.

LHRC Chairperson

Date