

LAKE COUNTY BOARD OF DD/DEEPWOOD

BOARD POLICY

Reviewed and Adopted by the Board:

Date: September 19, 2022

(Effective date 10/1/2022)

Signature on File

Elfriede Roman, Superintendent

I. SUBJECT: HUMAN RIGHTS COMMITTEE

II. PURPOSE:

The Lake County Board of DD/Deepwood is committed to support and assist individuals in achieving their desired outcomes. The Board acknowledges that the purpose of Behavioral Support Strategies and therapeutic support is to promote the growth, development and independence of those persons served and promote individual choice in daily decision making, by supporting self-determination and self-management. The purpose of the Committee is to safeguard individuals' rights, and protect individuals from physical, emotional, and psychological harm.

III. REFERENCES:

42 CFR 483.450 Condition of Participation: Client Behavior and Facility Practices
O.A.C. 5123-4-01 Administration and Operation of County Boards of Developmental Disabilities
O.A.C. 5123-2-06 Development and Implementation of Behavioral Support Strategies
LCBDD/Deepwood Policy A-21 Behavioral Support Strategies
LCBDD/Deepwood Policy A-19 Use of Medications To Manage Behavior
LCBDD/Deepwood Policy A-30 The Use Of Therapeutic Intervention Techniques
LCBDD/Deepwood Policy A-35 Rules Of Conduct For Board Programs

IV. POLICY:

The Lake County Board of Developmental Disabilities/Deepwood fully recognizes the dignity and worth of each individual receiving services from the Board and hereby establishes a Human Rights Committee (HRC) whose composition shall be as follows:

A. Committee's Composition

The Board hereby designates a specially constituted committee known as the Human Rights Committee, chaired by the Superintendent or management designee. The Committee shall be comprised of at least four persons and shall consist of:

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- 1) At least one individual who receives or is eligible to receive specialized services;
 - 2) Qualified persons who have either experience or training in contemporary practices for behavior support; and
 - 3) Reflect a balance of representatives from each of the following two groups:
 - Individuals who receive or are eligible to receive specialized services or Family members or guardians of individuals who receive or are eligible to receive specialized services; and
 - County Boards, Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IIDs) or other Providers, or other professionals.
- B. The Committee shall meet at regular intervals but at least quarterly to ensure adequate review of restrictive measures and general rights issues.
- C. The Committee shall provide written notification at least seventy-two (72) hours in advance of the date, time, and location of the HRC meeting at which the individual's behavioral support strategy will be reviewed. The individual or guardian has the right to attend to present related information in advance of the human rights committee commencing its review.
- D. The Committee shall review, approve or reject, monitor, and reauthorize routine requests for strategies that include restrictive measures. In this role, the Human Rights Committee shall:
- 1) Determine the period of time for which a restrictive measure is appropriate and for no more than one year in length;
 - 2) Ensure the planning process has been followed and that the individual or the individual's guardian has provided informed consent and been afforded due process;
 - 3) Ensure that the proposed restrictive measures are necessary to reduce risk of harm or likelihood of legal sanction;
 - 4) Ensure that the overall outcome of the behavioral support strategy promotes the physical, emotional, and psychological well-being of the individual while reducing risk of harm or likelihood of legal sanction;
 - 5) When indicated, ensure that input was sought from persons with specialized expertise to address an individual's specific support needs;
 - 6) Ensure that the restrictive measure is temporary in nature and occurs only in specifically defined situations based on :

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- a. risk of harm for manual restraint, mechanical restraint, or time-out;
 - b. risk of harm or an individual's engagement in a precisely-defined pattern of behavior that is very likely to result in risk of harm for chemical restraint; or
 - c. risk of harm or likelihood of legal sanction for a rights restriction.
- 7) Verify that any behavioral support strategy that includes restrictive measures also includes positive measures designed to enable the individual feel safe, respected and valued while emphasizing choice, self-determination, and improved quality of life;
 - 8) Approve in whole or in part, reject in whole or in part, monitor, and when indicated, reauthorize behavioral support strategies that include restrictive measures; and
 - 9) Communicate the Committee's determination for approval, including an explanation of its rejection of a strategy, in writing to the qualified intellectual disability professional (QIDP) or Service and Support Administrator (SSA) or Team Leader, who submitted the request for approval, per Administrative Procedure A-20.
- E. Policy A-6 Informal Concern/Complaint Resolution will be followed for individuals and/or Guardians who are dissatisfied with the strategy or the process used for the development of the strategy.
 - F. Emergency Requests involve situations that can occur where implementation of behavior support strategies with restrictive measures will need to begin before the next scheduled HRC meeting. In the case of an emergency situation in which there exists an imminent threat of harm or legal sanction, the Author of the Individual Plan with restrictive measures must seek temporary approval from the Human Rights Committee, which will be valid until the next scheduled Committee meeting. Temporary approval will be in accordance with Administrative Procedure A-20 Human Rights Committee.
 - G. The Human Rights Committee Chair, or designee, shall notify the Department of Developmental Disabilities of the required information after securing approval from the Human Rights Committee and before implementation of a behavioral support strategy that includes restrictive measures in the Restrictive Measure Notification (RMN) section of the Individual Data System Platform within the DODD portal.
 - H. Private ICF/IID's are responsible for ensuring approval of Behavior Support Strategies with restrictive measures through their own Human Rights Committees. Further, the private ICF/IID's are responsible to report Behavior Support Strategies that include restrictive measures to Department of Developmental Disabilities in the Restrictive Measure Notification (RMN) section of the Individual Data System

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Platform within the DODD portal.

- I. Matters presented to this Committee must be the result of an IP team decision.
- J. Matters presented to this Committee, and the deliberations and actions of this Committee are confidential and shall not be shared or discussed with anyone other than the individual and his or her guardian and the individual's team.
- K. The Committee shall receive the following training:
 - 1) Department-approved training within three months of appointment to the committee in: rights of individuals as enumerated in Section 5123.62 of the Revised Code, person centered planning, informed consent, confidentiality and the requirements of 5123-2-2-06.
 - 2) Annual department-approved training in relative topics which may include but are not limited to: self-advocacy and self-determination; role of guardians and Section 5126.043 of the Revised Code; effect of traumatic experiences on behavior; and court-ordered community controls and the role of the court, the county board or ICF/IID, and the Human Rights Committee.
- L. Analysis of Behavioral Support Strategies that Include Restrictive Measures

Annually, the HRC Chair (or designee) will compile and analyze aggregate data extracted from the DODD Restrictive Measure Notification (RMN) application regarding behavioral support strategies that include restrictive measures and review the data and analyses with the HRC members by March 15th of each year for the preceding calendar year. The data will be compiled and analyzed as outlined in Administrative Procedure 20.

V. DISTRIBUTION:

Board Members
All Management Staff
All Staff (via Department Managers)
Human Rights Committee Members
LEADD

VI. REVIEW DATES:

9/22, 3/21, 2/20, 2/18, 3/17, 3/16, 3/15, 8/14, 8/13, 8/12, 8/10, 9/08, 9/06, 7/04, 2/03, 2/01, 1/00, 12/97, 4/93, 1/90