

LAKE COUNTY BOARD OF DD/DEEPWOOD

BOARD POLICY

Reviewed and Adopted by the Board:
Date: March 20, 2017

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 receiving its services to manage their own goals and services. The Board acknowledges that the purpose of Positive Intervention Strategies and therapeutic support is to promote the growth, development and independence of those persons and promote individual choice in daily decision making, by emphasizing 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 CMS Regulation for ICFs/DD
O.A.C. 5123:2-1-02 J (2) k Co. Bd. Administration
O.A.C. 3301-51-07 Individualized Education Program (IEP)
O.A.C. 5123:2-3-25 Discipline, Restraint, Behavior Modification, and Abuse of Residents
5123:2-2-06 Behavioral Support Strategies that Include Restrictive Measures
LCBDD/Deepwood Policy A-21 Behavior Support
LCBDD/Deepwood Policy A-19 Use of Drugs 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 whose composition, role and purpose 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:

- 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.
- 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 and providers.

B. The committee shall meet at regular intervals but at least quarterly to ensure adequate review of Behavior support and general rights issues.

C. The committee shall review, approve or reject, monitor, and reauthorize strategies that include restrictive measures. In this role, the human rights committee shall:

- 1) Human Rights approval shall not exceed one year in length from the date of approval of the plan.
- 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) Ensure that the restrictive measure is temporary in nature and occurs only in specifically defined situations based on risk of harm or likelihood of legal sanction.
- 6) Verify that any behavioral support strategy that includes restrictive measures also includes actions designed to make the individual feel safe, respected and valued while emphasizing choice, self-determination, and improved quality of life.
- 7) Communicate the committee's decision for approval in writing to the qualified intellectual disability professional or service and support administrator submitting the request for approval.

- 8) The Human Rights Committee shall notify the Department of Developmental Disabilities the required information within five working days of approving the behavioral support strategies in the Individual Plan, including restrictive measures, utilizing the Restrictive Measures Form.
 - 9) Annually review monitor, and make recommendations to the Board regarding policies/procedures, practices and programs as they relate to behavior support strategies and restrictive measures including; chemical restraint, physical restraint, time-out, and protection of the individual's rights and funds.
- D. Matters presented to this Committee must be the result of an IP team decision and reviewed by the Behavior Support Advisory Committee before being submitted for Human Rights review, except in emergency situations.
- E. In the case of an emergency situation in which there exists an immediate danger to or violation of an individual's health, safety, or rights, the Author of the Individual Plan with aversive strategies must seek short term approval from both the Behavior Support Advisory Committee and Human Rights Committee, which will be valid until the next scheduled Committee meetings. The Behavior Support Advisory Committee Chairperson may sign approval, ensuring that the intervention strategies are in compliance with Rule, and the Superintendent may sign approval for the Human Rights Committee, approving the necessity for the aversive strategies, to ensure health and welfare of the individual served.
- F. Matters presented to this committee, and the deliberations and actions of this committee are by law, confidential, and shall not be disclosed other than to authorized persons or other committee members. Persons appearing before the committee or attending a committee session must agree not to divulge any information obtained or discussion heard at the session, prior to commencement of a session. Persons failing to agree to this restriction should be excluded from such session.
- G. For individuals living in an ICF/DD not operated by the Board, the committee which reviews the program may be either those formed by the county board or those formed by the ICF/DD. The Human Rights committee may serve more than one county board or provider. The Human Rights committee can be either that formed by the county board or that formed by the provider. If formed by the provider, then representatives of both agencies shall be involved. The county board and/or providers may jointly establish and share the operation of a human rights committee.
- H. 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.

LCBDD/Deepwood **Policy A-20**
HUMAN RIGHTS COMMITTEE

Page 4

- 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, and the human rights committee.

V. DISTRIBUTION:

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

VI. REVIEW DATES:

3/17, 3/15, 8/14, 8/12, 8/10, 9/08, 9/06, 7/04, 2/03, 2/01, 1/00, 12/97, 4/93, 1/90

APRC REVIEWED:

3/16, 8/13