



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: HUMAN RIGHTS COMMITTEE (HRC) POLICY 5.10

Authority: 42 CFR 483.10
42 CFR 483.440
Chapter 71A RCW

Reference: DSHS Administrative Policy 5.01, *Privacy Policy-Safeguarding Confidential Information*
DSHS Administrative Policy 12.01, *Human Research Review Process*
DSHS Administrative Policy 12.06, *Research Misconduct*
DDD Policy 5.13, *Protection from Abuse*
DDD Policy 5.14, *Positive Behavior Support*
DDD Policy 5.15, *Use of Restrictive Procedures*

BACKGROUND

People who live at the Residential Habilitation Centers (RHCs) operated by the Division of Developmental Disabilities (DDD) are guaranteed the identical rights of all citizens. Each RHC must have an ongoing oversight group to guard the rights of people living there. The RHC Human Rights Committees (HRC) are designed to fulfill this responsibility. HRCs are composed and operating according to federal regulations and DDD policy.

PURPOSE

This policy specifies a process to assure protection of the rights of residents at the RHCs.

SCOPE

This policy applies to all RHC Human Rights Committees.

POLICY

- A. Each RHC Superintendent must appoint and maintain an active Human Rights Committee (HRC) to review, approve as appropriate, and monitor issues pertaining to client rights.
- B. HRC Membership
1. The Superintendent shall appoint members to the HRC for one three-year term, with the option of one three-year renewal. An additional term may be approved by the Division Director. Vacancies will be filled for the remainder of the term of the position.
 2. DDD and the RHC Superintendent must solicit applications from clients, family members, advocacy groups, DSHS staff not assigned to the RHCs, and community members at large.
 3. The committee membership will represent the following groups; clients, parents or legal representatives of clients, RHC staff or former RHC staff, other DSHS staff, advocates, and citizens at large who are not connected with the RHC.
 4. Every effort will be made to balance membership by having the following representation:
 - a. One-third (1/3) clients and family members;
 - b. One-third (1/3) community members or other DSHS staff; and
 - c. One-third (1/3) RHC staff or former RHC staff.

Each RHC will maintain documentation that demonstrates efforts to recruit membership from each representative group.
 5. Appointments shall be made in writing with a copy to the committee chair.
 6. Upon appointment, all committee members must sign a confidentiality statement, which will be kept on file. Members are responsible to follow confidentiality rules regarding client information. Failure to maintain client confidentiality will be grounds for rescinding committee appointments.
 7. The HRC members will select the chairperson (or co-chairs if desired); from the non-DSHS staff who will serve for a one-year term and may be re-elected, depending on the vote of the committee.

8. A quorum which includes at least one member of the three identified representative groups must be available for the committee to conduct business.
 9. The chairperson shall submit written minutes to the Superintendent on all matters acted upon by the committee within two (2) weeks of the meeting or sooner if there is an urgent issue. Committee meeting records will include written documentation of the committee's review and decisions.
 10. Sustained absences, without notice, is potential grounds for termination of membership.
- C. The HRC members must:
1. Be registered as volunteers and successfully pass a criminal history background check per DSHS/ADSA policy;
 2. Receive orientation regarding HRC committee responsibilities and specific member responsibilities prior to their first HRC meeting;
 3. Attend regularly scheduled meetings at a time and place designated by the RHC. The chairperson, in consultation with the Superintendent, may schedule special meetings as necessary. Such meetings may be conducted by telephone if appropriate;
 4. Consult as requested with the RHC Superintendent, any client, parent or legal representative or other individual on issues pertaining to client's rights; and
 5. Be trained on DSHS and DDD policies related to client rights, human research review activities, positive behavior support, and restrictive procedures.
- D. The following responsibilities reside with the HRC:
1. To review and advise the RHC Superintendent of program interventions that may place clients at risk, including all positive behavior support plans (PBSP) with restrictive procedures, and all prescribed chemical restraints/psychoactive medications to assure interventions are in accordance with division policies and requirements;
 2. To review and advise the RHC Superintendent of all facility wide policies, procedures, and/or individual intervention plans that have the potential to interfere with human and civil rights.
 3. To review and advise the RHC Superintendent regarding any complaints or grievances filed by clients, their parents or legal representatives, and authorized

representatives regarding rights issues (refer to DDD Policy 5.03, *Client Complaints*);

4. To review client rights issues related to proposed research activities or studies (refer to DSHS Administrative Policy 12.01, *Human Research Review Process*);
5. To advise the RHC Superintendent regarding facility procedures that deal with consent, conditions of treatment, and client rights; and
6. To respond to other issues as requested by the RHC Superintendent.

EXCEPTIONS

Any exception to this policy must have the prior written approval of the Division Director.

SUPERSESION

DDD Policy 5.10

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Approved: /s/ Linda Rolfe
Director, Division of Developmental Disabilities

Date: May 1, 2009