

LAKE COUNTY BOARD OF DD/DEEPWOOD

BOARD POLICY

Reviewed and Adopted by the Board:
Date: March 22, 2021

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 Behavior 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 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. 5123-4-01 Administration and Operation of County Boards of Developmental Disabilities

O.A.C. 3301-51-07 Individualized Education Program (IEP)

5123-2-06 Development and Implementation of Behavioral Support Strategies

LCBDD/Deepwood Policy A-21 Behavior Support

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 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; 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 or Providers.
- 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 review, approve or reject, monitor, and reauthorize strategies that include restrictive measures. In this role, the Human Rights Committee shall:
- 1) Not approve a restrictive measure for 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) 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 determination for approval in writing to the qualified intellectual disability professional or Service and Support Administrator submitting the request for approval.
- D. The Human Rights Committee Chair, or designee, shall notify the Department of

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HUMAN RIGHTS COMMITTEE

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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.

- E. 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 Platform within the DODD portal.
- F. Matters presented to this Committee must be the result of an IP team decision. 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 requires agreement from at least three members of the Committee.
- G. 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.
- 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.
 - 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:

3/21, 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