



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 with developmental disabilities who live at the Residential Habilitation Centers (RHCs) have the same constitutionally guaranteed rights as other citizens. All persons with developmental disabilities are presumed competent to exercise their individual rights unless a determination of incompetence has been made by a court of law.

PURPOSE

This policy specifies a process to assure protection of the human rights of people with developmental disabilities residing at the RHCs.

SCOPE

This policy applies to all RHCs operated by the Division of Developmental Disabilities (DDD).

POLICY

- A. Each RHC Superintendent shall appoint and maintain in active status a Human Rights Committee (HRC) to review and monitor issues pertaining to client rights.

B. HRC Membership

1. The Superintendent shall appoint members to the HRC for two year terms. Vacancies shall be filled for the remainder of the term of the position.
2. In appointing non-RHC members, the Superintendent shall request nominations from parents and other advocates.
3. The committee membership will represent clients, parents or legal representatives of clients, RHC staff, and advocates.
4. Appointments shall be made in writing with a copy to the committee chair.
5. All committee members must, upon appointment, sign the RHC's confidentiality statement, which shall be kept on file. Members are responsible to follow federal and state laws and the RHC's procedures relating to confidentiality of client information.
6. The Committee members shall select the chairperson.
7. For the committee to conduct business, at least one representative from each of the following groups, including the chair or designee, should be present: clients, parents or legal representatives, advocates, and RHC staff.
8. The chairperson shall submit timely records to the Superintendent or designee on all matters acted upon by the committee.

C. The HRC shall:

1. Designate standing issues of the committee or its members.
2. Hold regularly scheduled meetings at least once every two (2) months at a time and place designated by the chair. The chair may call special meetings as necessary. Such meetings may be conducted by telephone conference calls;
3. Consult as requested with the Superintendent, any client, parent or legal representative, or other individual on issues pertaining to client rights; and
4. Be knowledgeable of DSHS and DDD policies related to client rights, human research review activities, positive behavior support, and restrictive procedures at a minimum.

D. HRC responsibilities shall include:

1. Review and approval of program interventions that may place clients at risk, including all restrictive procedures and behavior support plans, and all prescribed chemical restraints/psychoactive medications in accordance with division policies;
2. Review and approval of all facility wide policies, procedures, and/or individual intervention plans that have the potential to interfere with human and civil rights including, but not limited to, the following issues: privacy, personal possessions, choices, movement, association, participation, sexual expression, alarms, finances, calorie diets, medication or treatments.
3. Investigation and review of complaints or appeals by clients, their parents or legal representatives, and authorized representatives regarding rights issues;
4. Review of client rights issues related to proposed research activities or studies;
5. Advising the Superintendent regarding facility procedures that deal with consent, conditions of treatment, and client rights; and
6. Responding to other issues as requested by the Superintendent.

EXCEPTIONS

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

SUPERSESSSION

Division Policy 5.10
Issued April 1, 2003

Division Policy 5.10
Issued December 3, 1993

Division Policy Directive: 330
Issued November 1986

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

Date: 6/25/2004