



The **Office of Human Rights** is located within the **Department of Behavioral Health & Developmental Services (DBHDS)** and is supervised by the State Human Rights Director. The State Human Rights Director oversees statewide human rights activities and provides guidance and direction to human rights staff. The **Office of Human Rights** assists DBHDS in fulfilling its legislative mandate under VA Code 37.1-84.1. The regulations to assure the rights of individuals receiving services from providers licensed, funded, or operated by the department of behavioral health and developmental services outline DBHDS's responsibility for assuring the protection of the rights of consumers in facilities and programs operated, funded, and licensed by DBHDS.

The **Local Human Rights Committee (LHRC)** are committees of community volunteers who are broadly representative of various professional and consumer interests. These committees play a vital role in the DBHDS's Human Rights Program, serving as an external component of the human rights system. General duties and requirements include:

- Willingness to work within the parameters of the DBHDS's human rights process in order to resolve complaints and to facilitate improvements and/or system changes
- Annual participation in human rights training that is provided by the DBHDS
- Regular meeting attendance. All LHRCs meet at least quarterly – some meet monthly; It is essential that a quorum be present
- Strict observance of client confidentiality

The **Composition of Local Human Rights Committee** as identified in the Human Rights Regulations, requires that membership broadly represent professional and consumer interests in order for the membership to be balanced and objective. For this reason, members who are qualified may not be appointed, simply because of the existing makeup of the LHRC. In addition, each LHRC shall have at least one health care provider as a member. No current employee of DBHDS or a Community Services Boards (CSB) shall serve as a member. Employees of providers may serve but are required to recuse themselves when conducting LHRC business that provides oversight to the employer. Members are appointed by the State Human Rights Committee.

**Functions of the Local Human Rights Committee:**

- Review any dignity or freedom restriction on the rights of an individual that lasts longer than seven days or is imposed three or more times in a 30-day period
- Conduct interviews for Next Friends as part of the authorized representative process
- Conduct fact finding hearings and make recommendations for resolution of complaints not resolved at the provider level
- Review behavioral treatment plans that incorporate the use of seclusion, restraint and time out
- Receive, review and act on applications for variances to the human rights regulations
- Focus on providing due process for individuals
- Review and approve provider program rules if requested by the LHRC or Advocate
- Identify violations of applicable rights or regulations during complaint resolution along with any policies, practices or conditions that contributed to those violations

The **State Human Rights Committee (SHRC)** consists of nine volunteers, who are broadly representative of various professional and consumer groups as well as geographic areas of Virginia. SHRC members are appointed by the State Board. The SHRC acts as an independent body to oversee the implementation of the human rights program. The role of the SHRC is to:

- Receive, coordinate and make recommendations for revisions to regulations
- Review the scope and content of training programs, monitor and evaluate the implementation and enforcement of the regulations
- Hear and render decisions on appeals from complaints heard but not resolved at the LHRC level
- Review and approve requests for variances to the regulations, review and approve LHRC bylaws and appoint LHRC members

Human Rights Advocates represent consumers whose rights are alleged to have been violated and perform other duties for the purpose of preventing rights violations. Each state facility has at least one advocate assigned, as well as advocates who oversee community programs, with regional advocates located throughout the State who oversee the work of the advocates. Their duties include investigating complaints, examining conditions that impact consumer rights and monitoring compliance with human rights regulations. Advocates also provide technical support and training to the LHRC's and report back to the SHRC.