

# FOOTHILLS GATEWAY, INC.

## Human Rights Committee (HRC)

### **POLICY:**

Foothills Gateway, Inc. shall establish and maintain a Human Rights Committee as an impartial third party to safeguard the rights of persons receiving services. The committee is an advisory and review body to the administration of Foothills Gateway, Inc.

### **PROCEDURE:**

In order to safeguard the rights of persons receiving services, the Human Rights Committee (HRC), in an advisory and review capacity, shall establish and implement operating and review procedures in accordance with 10 CCR 2505-10, section 8.608.5(l) to determine whether implementation of policies and procedures of Foothills Gateway, Inc., Program Approved Service Agencies (PASAs) and Independent Contractors (ICs) result in practices that insure:

- Informed Consent or Notice is obtained from persons receiving services, parent of a minor, guardian, and/or their authorized representative when required.
- Suspension of rights of persons receiving services occurs only within procedural safeguards as stipulated in the Rules and Regulations of the Health Care Policy and Financing (HCPF) and that continued suspension of such rights is reviewed at a frequency decided by the Interdisciplinary Team (IDT) but not less than every six months.
- Emergency Control Procedures, Safety Control Procedures (SCP), and Individual Service and Support Plans (ISSPs) with restrictive procedures are implemented in accordance with requirements of the Rules and Regulations of HCPF and are monitored on a regular basis by the HRC.
- The use of psychotropic medications and other medications used for the purpose of modifying the behavior of a person receiving comprehensive services and supports is implemented in accordance with the Rules and Regulations of HCPF and monitored by the HRC on a regular basis.
- Allegations of Mistreatment (Abuse, Neglect and Exploitation) are investigated and investigation reports are reviewed. Mistreatment review files are compiled by the HRC Coordinator and will be taken to HRC when all required documents are received.

The Human Rights Committee shall be comprised (to the extent possible) but not limited to a minimum of two (2) professional persons trained in the application of behavior development techniques, and three (3) representatives of persons receiving services, their parents, legal guardians or authorized representatives. No employee or board member of a PASA or Foothills Gateway, Inc. shall serve as a member of the Human Rights Committee. Foothills Gateway, Inc. provides a consultant and liaison to the HRC and they are only present in order to provide clarification on waiver rules, follow-up with PASAs for additional information requested by the HRC, and provide or gather clarification to the HRC, as needed. The liaison and consultant do not provide any feedback on any items reviewed by the HRC and do not

indicate agreement or disagreement with HRC recommendations or information provided to the HRC. Foothills Gateway, Inc. shall ensure that all members of the Human Rights Committee are trained on the duties and responsibilities of the HRC. Foothills Gateway, Inc. shall ensure that all members of the Human Rights Committee have a signed Confidentiality Agreement on file.

The recommendations of the Human Rights Committee will be recorded on a standard form, shall be signed by committee members, and shall be given to the PASA/IC liaison, guardian as requested, and filed in the master record. This form shall include provisions for inclusion of dissenting opinions of committee members in the record of the committee's recommendations.

The Human Rights Committee shall meet monthly to review referred cases and make recommendations as noted above. Facilitation of the Human Rights Committee agenda, minutes and tracking will be the responsibility of the HRC Coordinator for the Division of Case Management at Foothills Gateway, Inc. Human Rights Committee meetings are scheduled for the third Wednesday of each month, unless otherwise noted on the monthly agenda, at Foothills Gateway, Inc.

#### **AGENDA:**

- The agenda is compiled from a computerized tracking system. Tracked reviews include Psychotropic Medications, Rights Suspensions, ISSP/Restrictive Procedures, Safety and Emergency Control Procedures, including the use of mechanical restraints. Mistreatment issues and Emergency Control Procedures will be added to the agenda as they occur. Mistreatment issues will be presented at the time specified on the HRC agenda.
- The PASA/IC must notify the Case Manager (CM) in order to add the individual who is not already part of the tracking system to the agenda. The CM will inform the HRC Coordinator of the type of review, specific type of rights suspension and/or ISSP/RP. Emergency Control Procedures will be identified through the ECP database tracking system, and packets will be compiled by the HRC Coordinator.
- Each individual has their own HRC tracking sheet which indicates the date of review, type of review, presenter, the date of next review for specific presentations, and cross reference dates for other active HRC reviews.
- All PASA/IC will have a designated HRC liaison and a back-up liaison to receive HRC information.
- The HRC agenda is sent to HRC members, Case Managers and PASA liaison or IC involved.
- Case Managers will provide the HRC Coordinator with contact information for Independent Contractors as necessary.
- The HRC agenda for the next month will be completed following the HRC review meeting and distributed within three (3) working days to the appropriate parties.
- Any presentation which involves a rights suspension must include an invitation for the individual, and their legal guardian if applicable, to attend the HRC meeting. The HRC Coordinator will complete the invitation letters and provide these to the appropriate CM.

A list of the rights suspension letters is maintained by the HRC Coordinator. All invitation letters will be retained in the master file. The HRC Coordinator must be notified of individuals wishing to attend their rights suspension review. If an individual indicates they wish to attend the meeting to review their rights suspension, it is the responsibility of the PASA to attend and bring them to the meeting. Right Suspensions will not be reviewed if an individual requested to attend but is not present.

- Completed HRC Packets must be turned in to the Foothills Gateway front desk by the third working day of each month to allow the HRC Facilitator and HRC Coordinator to review packets and request additional information prior to the meeting.
- If an HRC packet was not completed or submitted by a PASA for review by the committee, the PASA will be notified by the HRC coordinator that the packet was not received and that it will be moved to the following month. If the packet has not been received for review the second month, the HRC will review any items that were received and make recommendations based on the paperwork that was received. If no paperwork was received, the HRC will comment on a blank review sheet and the PASA director will be notified of the missed deadline. The next HRC review period will then be the next regularly schedule review (6 months to 1 year – depending on the packet being reviewed).
- HRC Packet shall include, but are not limited to:
  - Documentation for HRC Review indicating type of review and supporting documents required.
  - FGI HRC standardized form (the HRC coversheet)
  - Copy of Notice or Informed Consent (as appropriate)
  - Documentation of IDT review for rights suspensions
  - ISSP's, SCP, Incident Reports or other documentation to support the progress and/or need for review.
  - A narrative page documenting how the individual is doing in relation to signs and symptoms of diagnosis, progress on ISSP's related to the restrictive procedure and the need for continuing a SCP or a rights suspension.
- If an individual transfers to another PASA and an HRC review item is being removed from the Service Plan, the HRC Coordinator will complete the HRC paperwork to discontinue the review.
- The HRC Coordinator must be informed of all individuals who transfer to another PASA / IC as soon as this occurs in order to maintain an accurate tracking system. This is achieved by review of the monthly "Program Change Report" by the HRC Coordinator.
- It is recommended that PASA/IC liaisons attend the HRC training offered by the FGI Coordinator and Liaison in order to understand the HRC process and correctly assemble HRC packets for submission.

#### **HRC MEETING:**

- A separate HRC form and packet will be completed by the PASA/IC for each type of review. The HRC Coordinator will complete other packets as noted above.
- The HRC Coordinator will bring packets to the HRC meeting.
- At the HRC meeting, packets will be distributed to committee members and sufficient

time given to review, discuss and make recommendations.

- Each committee member will sign review forms after the case is presented or reviewed.
- The case manager or PASA that has completed an investigation or investigative summary is expected to arrive 5 minutes before their scheduled presentation time in order to present the Mistreatment incident.
- Case Managers, PASA /IC liaisons may attend HRC reviews to answer questions and provide additional information for individuals to whom they provide support.
- Mistreatment presentations must include the following documentation with the HRC review form:
  - ⇒ Incident Report – including follow-up information
  - ⇒ Adult Protection Report (if applicable)
  - ⇒ CCB/PASA Investigation (if applicable) or a Supervisor Summary stating the outcome of the incident.

The CCB investigator or trained PASA investigator will be responsible for presenting the case. If the Mistreatment incident was not investigated by a CCB investigator or PASA investigator, the incident will be presented by the Case Manager. The PASA will attend all CCB MANE reviews to provide follow-up information to HRC members.

HRC will evaluate the thoroughness of the investigation, findings and conclusions. All recommendations will then be submitted to the Investigation Committee. A second review by the HRC will be done if applicable.

- The HRC Coordinator will update individual tracking records.
- Copies of all reviews are given to PASA/IC. The original is given to Case Manager for the master file after the minutes are compiled by the HRC Coordinator.
- Entire HRC review packets for Mistreatment will be kept in administrative files at Foothills Gateway.

#### **MINUTES:**

- A copy of the minutes will be given to the Comprehensive Case Management Director. The original minutes will be kept on file in the office of the HRC Coordinator.
- Minutes will indicate the issue(s) presented, recommendations, individuals who attended their rights suspension review, and any training provided to HRC members during the meeting.
- Minutes will reflect dissenting opinions for committee members if necessary.
- PASA/IC will be notified of packets that were scheduled but not reviewed, the reason for postponement, and deficient packets that were returned.

#### **TRACKING:**

- Individual tracking records are updated for each individual reviewed based on the HRC outcome.
- Any individual scheduled for review but not presented will automatically be

carried over to the next month's review schedule. The individual will receive another notice to attend their rights suspension review if applicable.

- A master list of all active HRC individuals will be maintained and updated at this time. This list will be provided to Case Managers on a monthly basis.

3/99. . . .2/18; 12/18, 4/19