

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:

Human Rights Committee (HRC) is a third-party mechanism to adequately safeguard the legal rights of persons receiving services by participating in the granting of informed consent, monitoring the rights modifications of persons receiving services, monitoring behavioral development programs in which persons with intellectual and developmental disabilities are involved, monitoring the use of psychotropic medication by persons with intellectual and developmental disabilities, and reviewing investigations of allegations of mistreatment of persons with intellectual and developmental disabilities who are receiving services or supports.

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

- Informed Consent is obtained when required from persons receiving services, parent of a minor, or the guardian as appropriate.
- Rights modifications of persons receiving services occurs only within procedural safeguards as stipulated in the Rules and Regulations of 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.
- For items purchased using State or Medicaid funds that create a rights modification but are not used as part of paid services by PASA staff, an HRC review prior to the purchase of the item is required. Subsequent HRC reviews are not required.
- Emergency Control Procedures (ECP), 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 are

used 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 by HRC. Mistreatment review files are compiled by the HRC Liaison and will be reviewed by HRC when all required documents are received.

The Human Rights Committee will be comprised as required by section 25.5-10-209(2)(h), C.R.S. , to the extent possible, 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. Foothills Gateway, Inc. updates the HRC Member listing with HCPF whenever there is a change of members, in addition to providing HCPF with an annual update of HRC members. The HRC Member listing is available upon request. No employee or board member of a PASA within the designated service area or Foothills Gateway, Inc. will serve as a member of the Human Rights Committee. Foothills Gateway, Inc. provides staff (Quality Assurance Specialist and HRC 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 Quality Assurance Specialist and FGI HRC Liaison 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. will ensure that all members of the Human Rights Committee are trained on the duties and responsibilities of the HRC. Foothills Gateway, Inc. will 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, will be signed by committee members, and will be given to the PASA's liaison, guardian as requested, and filed in the master record. This form will include provisions for inclusion of dissenting opinions of committee members in the record of the committee's recommendations.

The Human Rights Committee will 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 Quality Assurance Specialist with support from the FGI HRC Liaison. Human Rights Committee meetings are scheduled for the third Wednesday of each month, unless otherwise noted on the monthly agenda, and are held in a virtual format.

AGENDA:

- The agenda is compiled from a computerized tracking system. Tracked reviews include Psychotropic Medications, Rights Modifications, ISSP/Restrictive Procedures (RP), 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 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 Liaison of the type of review, specific type of rights suspension and/or ISSP/Restrictive Procedure. Emergency Control Procedures (ECP) will be identified through the ECP database tracking system, and packets will be compiled by FGI's HRC Liaison.
- For items purchased using State or Medicaid funds that result in a rights modification but are not used during services, the CM will initiate the HRC review with the HRC Liaison.
- 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 PASAs will have a designated HRC liaison and a back-up HRC liaison to receive HRC information from Foothills Gateway, Inc.
- The HRC agenda is sent to HRC members, Case Managers and the designated PASA liaison.
- The PASA's liaison will provide the FGI HRC Liaison with contact information for the PASA's staff and/or 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 modification must include an invitation for the individual, and their legal guardian, if applicable, to attend the HRC meeting. The FGI HRC Liaison will complete the invitation letters and provide these to the appropriate CM. A list of the rights modifications letters is maintained by the FGI HRC Liaison. All invitation letters will be retained in the master file. The FGI HRC Liaison must be notified of individuals wishing to attend their rights modification review. If an individual indicates they wish to attend the meeting to review their rights modification, it is the responsibility of the implementing PASA to attend and bring them to the meeting. Right modifications 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 Quality Assurance Specialist and FGI HRC Liaison 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 FGI HRC Liaison 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's 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 Packets will 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 modifications;
 - ISSP's, SCP, Incident Reports or other documentation to support the progress and/or need for review; and,
 - 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 modification.
- If an individual transfers to another PASA and an HRC review item is being removed from the Service Plan, the FGI HRC Liaison will complete the HRC paperwork to discontinue the review.
 - The FGI HRC Liaison must be informed of all individuals who transfer to another PASA 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 FGI HRC Liaison.
 - It is recommended that PASA liaisons attend the HRC training offered by the Quality Assurance Specialist and FGI HRC Liaison in order to understand the HRC process and correctly assemble HRC packets for submission.
 - For items purchased using state or Medicaid funds and result in rights modification but are not used while services are being provided, the CM will complete the "HRC for Purchases" form.

HRC MEETING:

- A separate HRC form and packet will be completed by the PASA for each type of review. The FGI HRC Liaison will complete other packets as noted above.
- The FGI HRC Liaison will submit packets to the QAS for review at the HRC meeting.
- At the HRC meeting, packets will be reviewed with committee members for discussion, to ask questions and to 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 and PASA liaisons may attend HRC reviews to answer questions and provide additional information for individuals to whom they provide support.
- For items purchased with State or Medicaid funds that result in a rights modification but are not used during services, the HRC committee will review the HRC Purchase Form without the need for a presentation by the CM. Questions about the purchase and the need for the rights modification will be answered by the family member or case manager prior to the next HRC meeting.
- Mistreatment presentations must include the following documentation with the HRC review form:
 - Incident Report – including follow-up information;
 - Adult Protection Report (if applicable);

- Community Centered Board (CCB)/PASA Investigation (if applicable) or a Supervisor Summary stating the outcome of the incident;
- A CCB/PASA Investigation is to be completed when a staff member, independent contractor, or volunteer is the alleged perpetrator of a mistreatment incident;
- A Supervisor Summary is to be completed when a community member or another individual in services is the alleged perpetrator of a mistreatment incident.

The CCB investigator, trained PASA investigator, or person completing the Supervisor Summary will be responsible for presenting the mistreatment incident and 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 CCB's 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. The original is given to Case Manager for the master file after the minutes are compiled by the FGI HRC Liaison.
- Entire HRC review packets for Mistreatment will be kept in administrative files at Foothills Gateway.

MINUTES:

- A copy of the HRC minutes will be given to the Comprehensive Case Management Director. The original minutes will be kept on file in the office of the FGI HRC Liaison.
- The Quality Assurance Specialist will be responsible for compiling the HRC meeting list of all reviewed agenda items to submit to HCPF for reimbursement. This list is due to HCPF by the 15th of the following month.
- Minutes will indicate the issue(s) presented, recommendations, individuals who attended their rights modification reviews, and any training provided to HRC members during the meeting.
- Minutes will reflect dissenting opinions for committee members if necessary.
- The PASA liaison 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 to attend a rights modification 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 modification 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.