

Human Rights Committee Operations Manual

Volunteering is the ultimate exercise in democracy. You vote in elections once a year, but when you volunteer, you vote every day about the kind of community you want to live in. ~Author Unknown

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Overview

Human Rights Committees (HRC), also known as Committee, are required by A.R.S. 41-3801 and A.R.S. 41-3804 to act as an independent advisory and oversight for the Division of Developmental Disabilities (DDD) and the people they serve. The Human Rights Committee ensures the rights of clients are protected by reviewing incidents of possible abuse, neglect, and denial of rights. Each Committee shall meet at least quarterly each calendar year. However, Committees generally meet more frequently. The Committee is comprised of at least seven and not more than fifteen members. Members will have expertise in at least one of the following areas: psychology, law, medicine, education, special education, social work, criminal justice, and shall include at least two parents of children who receive services from the Division of Developmental Disabilities. Each District Committee shall have a Chairperson attend the statewide HRC quarterly meetings.

New Committees

The Director of the Department of Economic Security (DES) may establish additional Committees for each District office established pursuant to section 41-1961 or to oversee the activities of any service provider. Candidates for initial membership on a newly developed Committee shall be recruited by the Statewide HRC Coordinator with input and advice from the Developmental Disabilities Advisory Council and any other appropriate local advocacy organizations. The Director of the DES shall appoint Committee members from the list of candidates recruited locally. No employee of the DES or of a service provider, which is associated with an existing Human Rights Committee, may be a voting member of a Committee.

Volunteering as a Committee Member

When there is a vacancy in an existing Committee's membership, nominees may be presented to the Committee by advocacy groups, Committee members or the Statewide HRC Coordinator. Upon recommendation by the Committee by majority vote, the DES Director shall appoint a person to fill the vacancy. Any new or existing member of an HRC shall be considered a volunteer of DES. Before being confirmed as a volunteer, a potential member of an HRC must complete a background check and complete all required training through Volunteer Services. Volunteers of the DES are expected to adhere to all volunteer requirements on their Volunteer Agreement. Volunteers are also required to submit timesheets each month.

Code of Conduct

Members of the HRC are required to follow standards of conduct at all times to ensure that volunteers of a Committee uphold the highest standards when working with Division staff and the public.

Committee Responsibilities

The significant function of the HRC is to review incidents of possible abuse, neglect, and denial of rights. Monthly, the HRC will review all incident reports in their District from the previous month. The HRC will evaluate the incident to determine if there is any human rights violations. The HRC can ask the Division to obtain further information for clarification. That information may result in recommendation for the Division and/or provider agency. HRC members may request un-redacted information, when necessary, to perform the functions of the Committee. (Refer to page ten for the process.) HRCs will receive incident reports from their District's quality management department. Based on a review of an Incident Report, the HRC may request that Quality

Assurance perform an unannounced visit to a Division funded setting.

The Committees review Behavior Plans for individuals with developmental disabilities and make recommendations to Division staff when the Behavior Plan violates the individual's rights when residing in State funded residential programs. Upon review of a Behavior Plan, the Committee may make recommendations to the Program Review Committee (PRC) about any possible human rights violations. HRCs will receive Behavior Plans from their District's Program Review Committee.

The Committees have a responsibility to review research conducted in the field of developmental disabilities for clients served by the Division. The Division will report the findings to the Human Rights Committees when they become available to the public.

Division Representation

The Division shall have all requested staff present at a Committee's meeting to address questions or concerns related to Incident Reports, Behavior Plans, and Policy. Division staff present at a meeting may include the District's Quality Management Liaison and the HRC Liaison. Division staff will be responsible for providing follow up to questions and or concerns that arise. Feedback will be provided at the next meeting if not sooner.

The District's Quality Assurance Liaison may be present to answer questions related to Incident Reports and provide additional follow-up regarding Committee inquiries related to specific incidents at the Committee's subsequent meetings. PRC administrative staff may be present at a Committee's meeting to disseminate information about Behavior Plans to the HRC.

At each meeting the HRC Liaison may be present to provide administrative support to the Committee. The HRC Liaison's responsibilities at meetings include taking meeting minutes, tracking data, answering questions about policy, and following up on appropriate requests made by the Committee. Division staff are not consider members of an HRC. Therefore they do not vote and only provide administrative support to the HRC.

Committee Process for Questions Related to DDD Policy or Programs

When the Committee has questions about DDD policy or programs they contact their liaison to get the answers they need. It is the responsibility of the liaison to research DDD policy and programs as requested by the Committee. The liaison has five days to research and answer any members questions related to DDD policy or programs. If the Committee would like to invite a Division employee to present information about a program they oversee, the request should be made by the Chairperson to the liaison. In these instances, the liaison will make the formal request for that Division employee to attend the next meeting.

All Committee members are given the opportunity to participate in the DDD Policy Opt In Listserv. Changes in policy are communicated via electronic policy notifications which are sent to all Division employees, Providers, Administrative Services Subcontractors, and individuals who have opted in to receive notifications.

Committee Process for Training Request

The Division shall coordinate education and training programs for Committee members to facilitate their role as Human Rights Committee members. The Division shall coordinate statewide

meetings of Committees at least every two years. Committee members will be surveyed as to what training is needed and best times to conduct the training.

Committee Process for Making Formal Recommendations to the Division

In its work, the Committee is tasked by statute to promote the rights of members who are receiving services from the Division. Tracking and trending of reviewed materials will be reflected in the annual report and may be submitted to the Assistant Director more frequently as needed.

Recommendations may be made regarding laws, rules, policies, procedures and practices to ensure the protection of the rights of members with developmental disabilities receiving services including behavioral health services. The Committee drafts a letter with their recommendations and provides it to the liaison. The liaison within three working days, will submit the letter to the appropriate Department manager. If a response is requested from that manager, the liaison will follow-up as necessary.

Recommendations may also be made to the DDD Assistant Director, DES Director, and the legislature as well. However, in these instances each Chairperson directly contacts these individuals or includes their recommendations in their annual report so they may be reviewed.

Committee Process for Objections

Each Committee submits written objections to specific problems or violations of client rights by Department employees or service providers to the Assistant Director for review. These objections to specific problems or violations of client rights may come from review of Incident Reports, review of Behavior Plans or other

issues that come to the attention of the HRC. The Assistant Director shall respond, in writing, to written objections within twenty-one days after receiving the objections. Written correspondence should contain detailed information for the Assistant Director to review.

Committee Process for Issuing an Annual Report

The Committee issues an annual report as noted in the statute. Each Committee shall issue an annual report of its activities and recommendations for changes. The liaison to their Committee shall assist the Committee to meet these expectations. HRC Committees pay particular attention to incidents they review to determine if there are any trends that need to be brought to the attention of the Assistant Director. The annual report goes to the DDD Assistant Director, the DES Director, the president of the senate, the speaker of the house of representatives and the Chairpersons of the senate health and human services Committee and the House of Representatives Health Committee, or their successor Committees.

Committee Process for Following Open Meeting Law

Open meeting law is a requirement under the Arizona Revised Statutes to create transparency in the government process. This allows for members of the public to attend a Committees meeting before they vote to go into executive session to review confidential information. Committee Chairpersons are expected to ensure the flow of the meeting follows open meeting law. Many of the other responsibilities of open meeting law requires the liaison to fulfill those obligations. Listed below are those responsibilities:

- Liaisons will request agenda topics for the public portion of a meeting from the Chairperson with at least five working days advance notice before a meeting takes place.
- Once agenda topics are obtained from the Chairperson, the liaison will post a notice containing the agenda at least 24 hours before a meeting starts. Best practice is to complete these tasks as earlier as possible.
- Liaisons will record minutes at all meetings of the Committee. The general session meeting minutes must be posted within three days. Executive session minutes are recorded and retained but not posted. All meeting minutes follow the records retention schedule of the Department. Liaisons will coordinate with each Chairperson regarding the posting of minutes and the subsequent approval at the next Committee meeting.

Advocacy Outside of HRC Meetings

HRC members may become personal advocates for DDD members living in the community. This role is separate from their role as an HRC member, as HRC members do not manage issues on behalf of a particular member. When an HRC member will be acting as a personal advocate, a HIPAA release will be required. In the event that a member's record is needed, a Public Records request will need to be submitted to the Office of Administrative Review at 3443 N. Central Ave., 9th floor, Phoenix, AZ 85013.

HRC Role in the Program Review Committee

One HRC member from each HRC may attend the PRC meeting held in their District where Behavior Plans are reviewed. It is the responsibility of the PRC members to approve or reject Behavior Plans. HRC members are charged with the responsibility of reviewing the Behavior Plans to ensure that there are no

violations of human rights. In the event that an HRC member feels a BTP violates human rights, they will notate their recommendations on the DDD approved form and provide it to the PRC Chairperson.

Committee Process for Records Request

When reviewing Incident Reports Committees may find it necessary to request additional information from other agencies or the Division itself to determine if there is any Human Rights violations. When additional information is needed, the HRC Chairperson will complete the necessary records request form and submit it to their District HRC Liaison. The liaison will make the official request and provide a response to the Chairperson that the request has been made within three business days. Once the requested response is received, the liaison will track and return the response to the Chairperson. If a records request form is currently not available to a Chairperson for a particular agency; the Chairperson can request the liaison to obtain the records request process for the agency. Records request may include, but are not limited to, the following requests:

- For DCS records request, complete the attached form **CSO-1036A** with as much information as possible. Send the form to the HRC Liaison for your District. The liaison will send it to the appropriate contact. The liaison will provide a statement within three days that the records request has been submitted and tracked until a response is received.
- For APS records request, complete the attached **APS Custodian of Records** form with as much information as possible. Send the form to the HRC Liaison for your District. The liaison will send it to the appropriate contact. The liaison will provide a statement within three days that the records request has been submitted and track it until a response is received.

- For DDD un-redacted incident reports request, complete the attached form, **Request for Un-Redacted Reports**. The Chairperson will include the reasons for the need of unredacted information in the provision of their official duties. Send the form to the HRC Liaison for your District. The liaison will send it to the administrator of the H.E.R.O. Unit, who has three days to review the request. If the request is denied by the administrator, the request will be sent to the DDD Assistant Director for review within three days.

Committee Process for Denied Records Request

When a records request is submitted by a Chairperson it is possible that not all records request will be approved. If a Committee's requests for information or records from a Department is denied, the Committee may request in writing that the Director review this decision. The Department Director or designee shall conduct the review within five business days after receiving the request for review. The agency shall bear the costs of conducting the review. A final agency decision made pursuant to this subsection is subject to judicial review pursuant to title 12, chapter 7, article 6. The agency shall not release any information or records during the period an appeal may be filed or is pending.