

Bylaws
Local Human Rights Committee
Revised and Adopted by the SHRC, effective January 19, 2023

1. NAME

The name of this organization shall be the *insert LHRC name* Local Human Rights Committee (hereinafter “LHRC”).

2. POLICY

The policy of the LHRC is to help ensure the protection of the rights of all individuals receiving services from public or private providers of services in programs operated, licensed, or funded by the Department of Behavioral Health and Developmental Services (hereinafter “department”) and to help ensure that the services are provided in a manner compatible with basic human dignity, sound therapeutic practice, and under the least restrictive conditions consistent with the person’s needs and available services. Its work shall be conducted in accordance with 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*, 12VAC35-115-10 et. seq (hereinafter “Human Rights Regulations”).

3. DUTIES AND RESPONSIBILITIES

The LHRC shall have the following duties and responsibilities:

- 3.1 Review any restriction on the rights of any individual imposed pursuant to [12VAC35-115-50](#) or [12VAC35-115-100](#) that lasts longer than seven days or is imposed three or more times during a 30-day period for providers within the LHRC's jurisdiction in accordance with [12VAC35-115-100](#) B 5;
- 3.2. Review next friend designations in accordance with [12VAC35-115-146](#) B 2;
- 3.3. Hold hearings according to the procedures set forth in Part V ([12VAC35-115-150](#) et seq.) of this chapter for any individual served by a provider under the LHRC's jurisdiction;
- 3.4. Review behavioral treatment plans in accordance with [12VAC35-115-105](#);
- 3.5. Receive, review, and act on applications for variances to this chapter in accordance with [12VAC35-115-220](#);
- 3.6. Consist of five or more members appointed by the SHRC.
 - a. Membership shall be broadly representative of professional and consumer interests as required in § [37.2-204](#) of the Code of Virginia.

- b. At least one member shall be a health care provider.
- c. No current employee of the department or a provider shall serve as a member of any LHRC that serves an oversight function for the employing facility or provider.
- d. Members shall recuse themselves from all cases in which they have a financial or other conflict of interest.
- e. Initial appointments to an LHRC shall be staggered, with approximately one-third of the members appointed for terms of three years, approximately one-third for terms of two years, and the remainder for a term or terms of one year. After that, all appointments shall be for terms of three years.
- f. A person may be appointed for no more than two consecutive three-year terms. A person appointed to fill a vacancy may serve out that term and then be eligible for two additional consecutive terms.
- g. Nominations for membership to LHRCs shall be submitted directly to the SHRC through the state human rights director at the department's Office of Human Rights;

- 3.7. Elect a chairperson from its own members who shall:
 - a. Coordinate the activities of the LHRC; and
 - b. Preside at regular meetings and hearings held pursuant to this chapter;
- 3.8. Meet every quarter or more frequently as necessary to adhere to all timelines as set forth in this chapter; and.
- 3.9. Adopt written bylaws that address procedures for conducting business; electing the chairperson, secretary, and other officers; designating standing committees; and setting the frequency of meetings.
- 3.10. Local human rights committees may delegate authority to a subcommittee when expedited decisions are required before the next scheduled LHRC meeting to avoid seriously compromising an individual's quality of care, habilitation, or quality of life. The decision of the subcommittee shall be reviewed by the full LHRC at its next meeting.
- 3.11. Perform any other duties required under the Regulations.

4. MEMBERSHIP

- 4.1 Applicants for membership to the LHRC shall attend an interview in person as a demonstration of the applicant's ability to travel and attend LHRC meetings.

The LHRC and the designated advocate are responsible for recruiting potential members.

Nominations for membership to LHRCs shall be submitted directly to the SHRC through the state human rights director at the department's Office of Human Rights.

Orientations of new members will be the joint responsibility of the LHRC and the DBHDS Office of Human Rights.

4.2 Composition:

- a. The LHRC shall consist of five or more members appointed by the SHRC, who are broadly representative of professional and consumer groups as required in the Code of Virginia. No current employee of the department, a community services board, or a behavioral health authority shall serve as a member of the LHRC. At least two members shall be individuals who are receiving, or have received within five years of their initial appointment, public or private mental health, developmental, or substance abuse treatment or habilitation services. At least one-third of the members shall be consumers or family member of consumers. Remaining appointments shall include persons with interest, knowledge, or training in the mental health, developmental, or substance abuse services field.
- b. The Regional Advocate shall notify the SHRC in the event that the LHRC has operated for six (6) months without a Virginia Code § 37.2-204 mandated member.
- c. If the LHRC has interest in alternate members, they would need to go through the same application process.
- d. Members should be residents of the Commonwealth of Virginia. (exceptions could be interested parties that reside in neighboring states)

4.3 Terms of Office:

- a. A person may be appointed for no more than two consecutive three-year terms. A person appointed to fill a vacancy may serve out that term and then be eligible for two additional consecutive terms.
- b. Initial appointments to an LHRC shall be staggered, with approximately one-third of the members appointed for terms of three years, approximately one-third for terms of two years, and the remainder for a term or terms of one year. After that, all appointments shall be for terms of three years. Terms of members start July 1st and continue until June 30th, three (3) years later.

4.4 Removal of Members:

- a. Members shall attend all regular and special meetings of the LHRC. A

member who misses two or more regularly scheduled meetings within a 12-month period shall be subject to a recommendation for removal by a majority vote of the LHRC. On any motion to remove a member, that member shall not have a vote. Such recommendation shall be forwarded to the SHRC for action.

- b. The LHRC may also recommend to the SHRC that a member be removed for violation of the LHRC bylaws or of relevant state or federal laws.

5. OFFICERS:

5.1 The officers shall consist of a chairperson and a vice-chairperson who shall be elected by a majority vote of members of the LHRC at its June meeting for the next term. New officers shall assume their duties on July 1 of each year and their terms shall expire the following June 30. The terms of the chairperson and vice-chairperson shall be for one year. Each officer may be re-elected to that office but may serve no more than two consecutive one-year terms.

5.2 In the event of a vacancy occurring in the office of the chairperson, the vice-chairperson shall temporarily assume the office of chairperson. An acting chairperson can be appointed at the beginning of the meeting in the event neither officer are present.

5.3 Duties of Chairperson:

- a. Preside at and plan all meetings of the LHRC and conduct any hearings.
- b. Develop subcommittees as determined to be needed to carry out the LHRC's objectives consistent with the Human Rights Regulations; appoint subcommittee members with approval of the LHRC members; and appoint a chairperson to supervise directly or indirectly work of each subcommittee. Subcommittees shall consist of at least three (3) LHRC members.
- c. Inform the SHRC, the designated advocate, and, as applicable, assigned providers of the activities of the LHRC.
- d. The Chairperson may call special meetings, as needed.

5.4 Duties of Vice-Chairperson:

In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson. In the event the chairperson resigns before the end of the term, the vice-chairperson shall act as interim chairperson until a new chairperson has been elected. The Vice Chairperson shall serve as the FOIA Officer for the LHRC in collaboration with the State Human Rights Director.

6. MEETINGS:

- 6.1 The LHRC shall hold at least four regular meetings per year on a date to be determined in advance of each meeting.
- 6.2 All meetings shall be conducted in accordance with the requirements of the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 et seq.
- 6.3 All meetings shall be open to the public except for those matters for which a closed meeting may be conducted in accordance with the Virginia the Freedom of Information Act, Virginia Code § 2.2-3711 of.
- 6.4 The privacy of information regarding individuals shall be respected and protected during meetings.
- 6.5 A quorum for conducting business shall consist of a simple majority of appointed members of the LHRC.
- 6.6 In deciding appeals of alleged violations of the Human Rights Regulations, the decision shall be made through vote of a majority of the total appointed membership of the LHRC. If the absence of one or more members prevents disposition of the case, a meeting of the full membership shall be scheduled as soon as possible.
- 6.7 The chairperson will have a vote at all times, unless recused for a conflict of interest.
- 6.8 Proxy voting shall not be permitted.
- 6.9 Individuals interested in placing an item on the LHRC's agenda shall advise the chairperson or the assigned advocate two weeks in advance of the scheduled meeting. The agenda shall be sent to all members of the LHRC and to other interested persons in advance of the meeting.
- 6.10 Electronic Meetings – Members may participate through electronic communication means from a remote location that is not open to the public in the event of an emergency or personal matter, or temporary or permanent disability or other medical condition. The electronic communication must be properly noticed and meet FOIA requirements, including that a quorum must be physically assembled at the primary meeting location and that arrangements are made for the voice of the remote member to be heard by all persons at the primary meeting location. In accordance with § 2.2-3708.2 A.3, certain requirements shall not apply if a meeting is called when the Governor has declared a state of emergency. For additional guidelines regarding electronic meeting participation, see DBHDS FOIA policy for electronic meetings.
- 6.11 In the event of inclement weather, the LHRC chairperson will cancel or postpone meetings based on local school closures.

7. COMMITTEES

- 7.1 The chairperson of the LHRC may establish subcommittees and establish ad hoc and standing committees of the LHRC as he/she considers necessary to carry out its objectives and is consistent with these bylaws. The purpose and responsibilities of such committees shall be determined prior to their creation. Any member of the LHRC may recommend to the chairperson the establishment of a committee.
- 7.2 **Except as set forth below, all subcommittees may be composed of members of the LHRC.**

8. REPORTS and RECORDS:

- 8.1 The LHRC shall notify the SHRC and the State Human Rights Director whenever it determines that its recommendations in a particular case are of general interest and applicability to providers, human rights advocates, or LHRCs and ensure that its recommendations are communicated to providers, human rights advocates, and LHRCs as appropriate. Documents made available shall not identify the name of the individual(s) or employee(s) involved in a particular case.
- 8.2 The minutes of open portions of regular and special meetings of the LHRC shall be made available to the SHRC and to others having an interest in such proceedings and to the general public in accordance with the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 et seq.
- 8.3 LHRC members will return all meeting documents containing confidential information to the Office of Human Rights at the close of each meeting for shredding. Members shall personally maintain only those documents with non-confidential information such as agendas, minutes, bylaws, and general information. If a member receives meeting documents but does not attend the corresponding meeting, the member will return the documents to the Office of Human Rights at the next scheduled meeting.
- 8.4 The Office of Human Rights shall ensure that the shredding of the documents is carried out in a manner that protects confidentiality.
- 8.5 The Office of Human Rights will maintain one complete agenda packet for each meeting of the SHRC in accordance with the Library of Virginia record retention policies.

9. BYLAWS

- 9.1 Amendments to these bylaws may be proposed by any member of the LHRC at any regular meeting or at any special meeting called for that purpose. The

proposed amendments shall be sent to SHRC for review and/or approval.

9.2 In the event any conflict exists between these bylaws and the Virginia Code or applicable regulations of the board, the Code and the regulations shall control.