



Human Rights Committees (HRCs) – the Basics

All Behavior Support Plans (BSPs), Psychiatric Medications, and restrictive measures must be approved by a Human Rights Committee (HRC) prior to being implemented. The way this occurs is very inconsistent across Indiana with some HRCs meeting in-person and others making all decisions over Email. Part of the problem is that in 2004, DDRS planned to form regional HRCs. That wording still exists in Indiana Administrative Code, but the state HRCs never materialized. This means that agencies need to have their own HRCs. Some work in tandem with other companies to provide the required, unfunded service.

In practical terms, HRCs often have well-meaning people without clinical experience or full understanding of how restrictions can be harmful. BCs will sometimes be tasked with restricting individual rights at the request of families and other caregivers.

It is an important part of Level 1 supervision to review restrictions in order to determine if they are appropriate, if other less-restrictive measure could be put in place instead, and if they are likely to be effective. Level 1 review and approval should take place prior to the HRC review.

Relevant Indiana Requirements:

460 IAC 6-18-7 Human rights committee

460 IAC 6-18-2 Behavioral support plan standards

DDRS Policy Number: BDS 460 0221 012, Human Rights Committee

DDRS Waiver Manual, Section 10.4: Behavioral Support Services for FSW and CIH Waiver

The Indiana Administrative Code regulations for HRCs is sparse. The same can be said of the Waiver manual. Other than describing that there would be regional BDS HRCs and that providers would be required to “cooperate” with those entities, there is not much guidance provided. Here are some exceptions:

- Any restrictive techniques employed as part of the behavioral support plan must be approved by a human rights committee (HRC).
- Documenting that human rights committee agrees (approves) “that the use of the highly restrictive method is required to prevent significant harm to the individual or others.”
- Any behavior support techniques that limits the individual’s human or civil rights must be approved by the IST and the provider’s HRC. No aversive techniques may be used. Chemical restraints and medications prescribed for use as needed (PRN) meant to retrain the individual shall be used with caution. The use of these medications must be approved by the IST and the appropriate HRC.
 - This basically means that any psychiatric medication must be HRC approved.

DDRS Policy on HRCs provides the most comprehensive guidance on DDRS regulations, although its focus is one who sits on the HRC rather than how the committee operates. The policy statement reads, "It is the policy of the Bureau of Disabilities Services (BDS) that a Human Rights Committee (HRC) shall operate under the authorization of an executive director or board of directors of a provider company, or the director or designee for DDRS established Human Rights Committees."

I. A Human Rights Committee shall:

- a. be authorized by:
 - i. the executive director or board of directors of the Provider company(s) establishing the committee; or
 - ii. the Director or designee for DDRS established Human Rights Committees;
- b. include a chairperson who:
 - i. is not an owner, director, officer, employee, contractor, subcontractor or agent of a BDS approved Provider Entity authorizing the committee; and
 - ii. is responsible for coordinating the committee's functions;
- c. have a written policy defining the committee's functions, including review of:
 - i. the use of restrictive interventions with an individual; and
 - ii. other human rights issues for individuals.
- d. consist of, in addition to the chairperson:
 - i. at least one person who meets Behavioral Support Services provider qualifications per 460 IAC 6-4.3-2;
 - ii. at least one person with one or more years of work experience in the field of developmental disabilities who is:
 1. a physician;
 2. a licensed nurse; or
 3. a person who holds at minimum of a bachelor's degree in:
 - a. Occupational Therapy;
 - b. Physical Therapy;
 - c. Speech-Language Pathology;
 - d. sociology;
 - e. special education;
 - f. rehabilitation;
 - g. psychology, or
 - h. Other related human services field;
 - iii. at least one person with a developmental disability.
- e. require participation of a minimum of 3 members for any meeting during which decisions involving Individual entitlements or rights are made, and
- f. disallow participation in committee deliberation and decision making by members of the Individualized Support Team of the Individual whose entitlements or rights are being addressed.