

Ability and Choice Services, Inc.
Provider Human Rights Committee Rules and Bylaws
July 2024

Article I: Purpose & Philosophy

The purpose of the Provider Human Rights Committee (HRC) is to promote and protect the rights of participants receiving services through the Medicaid Home and Community-Based Services (HCBS) program. The HRC is responsible for reviewing and approving or denying any proposed human rights restrictions, ensuring that all actions are person-centered and in compliance with applicable regulations.

The ACS philosophy is a belief that all people should be empowered with freedom of choice, experience and growth from consequences that every choice brings, and the ability to seek and obtain supports to help with those consequences good or bad. We feel being a provider means being a support to the participants we serve. Supporting the participants in and through their choices towards personal independence, respect, and dignity of and for themselves as well as others, obtainment of needs, creation of desires and dreams with goal structures to pursue them, awareness of a healthy and safe lifestyle, and happiness and joy which come from successful community participation and recognition. To protect the rights of those we serve, ACS will take a pro-active approach.

Article II: Establishment and Composition

1. **Establishment:** The Human Rights Committee is established in compliance with Utah Administrative Code R539-3.
2. **Composition:**
 - The HRC shall consist of a minimum of three individuals and no more than seven.
 - At least one member of the HRC shall not be employed by the Provider to ensure impartiality.
 - Members should have knowledge or experience in promoting and protecting human rights and may include individuals from diverse professional backgrounds.
 - Ideally at least: one member should be a participant served by the Provider, one professional from outside the agency with experience working with a similar population and up to two representatives of the Provider

3. Member Roles

- **Chair.** Must not be an employee of the Provider. Provide overall leadership and direction to the Human Rights Committee (HRC). Preside over all HRC meetings, ensuring they are conducted in an orderly and efficient manner. Collaborate with the Vice Chair and members to set the agenda for each meeting. Lead the discussion on agenda items and facilitate the decision-making process. Address any conflicts or disputes that arise during meetings. Act as the primary liaison between the HRC and the Provider, DHHS, and other relevant entities. Ensure that meeting minutes are accurately recorded and maintained.
- **Vice-Chair.** Assist the Chair in their duties and act as a sounding board for ideas and strategies. Assume the responsibilities of the Chair in their absence. Coordinate with members to ensure tasks and responsibilities are fulfilled. Collaborate with the Chair in setting the agenda for meetings. Lead special projects or initiatives as directed by the Chair.
- **Members.** Actively participate in all HRC meetings and discussions. Review human rights issues and restrictions and contribute to the decision-making process. Ensure that all decisions and actions comply with applicable regulations and guidelines. Provide reports or updates on specific areas of responsibility or expertise as needed. Participate in training sessions to stay informed about human rights issues and best practices.
- **Non-Voting Members.** May be subject matter experts, other employees or others chosen by the person to advocate for them. Provide expertise, advice, and guidance to the HRC without participating in the formal voting process. Share relevant information and insights that can aid in the decision-making process.
- **Participants with Interest for an Agenda Item.** Present their case or concerns regarding a specific agenda item to the HRC. Provide relevant information, documentation, or evidence to support their position. Engage in discussions related to their agenda item, responding to questions and providing clarifications. Receive feedback and the decision of the HRC regarding their agenda item. Follow up on any actions or recommendations provided by the HRC, if applicable.

Article III: Responsibilities

1. **Review and Documentation:** The HRC will determine and document the approval or denial of a person's human rights restrictions. This process must be person-centered and include:

- Informed consent of the person.
 - A specific and individualized assessed need.
 - Positive interventions and supports used prior to any modifications to the Person-Centered Support Plan (PCSP).
 - Less intrusive methods of meeting the need that have been tried but did not work.
 - A clear description of the condition directly proportionate to the specific assessed need.
 - Regular collection and review of data to measure the ongoing effectiveness of the modification.
 - Established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.
 - Assurance that interventions and supports will cause no harm to the person.
2. **Electronic Surveillance:** The Contractor shall ensure that if the HRC approves electronic surveillance of a person, it submits the approved plan to the DHHS Human Rights Committee for review in compliance with Utah Administrative Code R539-3-7.

Article IV: Appeals

1. Any person or participant may request a review of their rights by contacting the Contractor verbally or in writing.
2. If after the appeal, the HRC decision is unsatisfactory, the person or participant may appeal to the DHHS Human Rights Committee (DHRC) by contacting the division constituent representative or emailing dhrc@utah.gov.
3. The DHRC shall decide if there will be a review and notify the person, provider, and support coordinator of the decision no later than eight business days after the decision.

Article V: Meetings

1. The HRC shall meet regularly to review human rights issues, restrictions, and other relevant matters. The meetings may be held in person, via telephone, video, other suitable method or in combination if all parties can hear and understand each other.
2. **Emergency meetings** may be called as necessary to address urgent human rights concerns. The Chair may review and approve temporary restrictions up to 30 days until a regular or emergency meeting can be convened.

3. **A quorum**, consisting of at least three voting members, is required for the HRC to make decisions. The provider may have a maximum of two voting members of the HRC and must number equal or less than one half of those voting on an item.
4. **Agendas** should be sent out to each voting member at least 3 business days prior to the meeting when practicable.
5. **Meeting minutes** shall be documented and maintained in accordance with the Human Rights Plan.
6. **Order of Business:** The order of business at HRC meetings shall be as follows:
 - Call to Order
 - Acknowledgements, Affirm Confidentiality
 - Approval of Previous Meeting Minutes
 - Review of Human Rights Issues, Emergency Restrictions and Restraints
 - Review of new Restrictions
 - Periodic review of ongoing restrictions
 - Review of video and electronic surveillance
 - New Business
 - Adjournment
7. **Conduct of Meetings:**
 - Meetings shall be conducted in a manner that ensures fair and equitable participation from all members.
 - Decisions shall be made by a majority vote of the members present, provided a quorum is met.
8. **Motions and Voting:**
 - Any member may make a motion for consideration.
 - A motion must be seconded to be put to a vote.
 - Voting shall be by a show of hands or verbal agreement unless a secret ballot is requested by any member.
9. **Record of Decisions:**

- All decisions and votes shall be recorded in the meeting minutes.
- The minutes shall include the names of members voting for, against, or abstaining from each decision or by noting unanimous consent of all members.

10. Conflict of Interest:

- Members must disclose any conflict of interest related to matters under discussion directly related to the agenda item other than just being an employee of the Provider.
- Members with a conflict of interest shall abstain from voting on the related matter

11. Participation:

- Meetings are closed to the public in general due to the confidential nature of the subject matter heard
- Interested parties may petition the Chair to present or be present at all or part of the meeting. The Chair shall consider the public interest, and the privacy of the topics discussed during their attendance.
- The PCSP team members may be present for agenda items which involve them. However, the committee can vote for a closed session to discuss the merits before re-opening the meeting to hold a vote on the item.

12. Amendments to Rules of Order:

- Any proposed amendments to the meeting rules of order and bylaws must be submitted in writing and approved by a majority vote of the HRC members.

These rules and bylaws are established to ensure the promotion and protection of human rights for all persons served under the Medicaid HCBS program, in compliance with state regulations and contractual obligations.

Approved at 7/25/24 ACS HRC Meeting