Human and Legal Rights Committee (HLRC) Provider Training:

Case Note Requirements, Best Practices, and Q&A

September 12, 2024

Agenda

Case Notes
Requirements, updates, and examples.

Best Practices
Examples for documentation and HLRC practices.

Sharing
Opportunity to share what has worked well.

Questions

Case Note Questionnaire

1. Date of Committee Review

- The date the committee met and reviewed this or the date that the interim approval was provided.
- Answer for the restrictions pertaining to the recent committee review.

2. Type of Review Completed

Rights violation category added.

Filter | Reset

1. Date Reviewing by the Rights Revi...
[Answer Required]

2. Type of Review Completed:
[Answer Required]

3. Does this person have any court-or...
[Not Answered]

4. Enter the total of approved non-m...
[Not Answered]

5. Enter the total of approved medic...
[Not Answered]

2. Type of Review Completed:*

☐ Abuse/Neglect/Exploitation (ANE) Investigation

☐ Annual

☐ Emergency Safety Intervention (ESI) Review

☐ Increased Restriction (Current restriction in place with increased restrictive measures.)

☐ Intake Into Services (transitioning from another provider or starting DD Waiver services)

☐ Interim

☐ Medications/Semi-Annual

☐ New Restriction (Brand new restriction added for the person.)

☐ Rights Violations

☐ Other Review Type (Anything that does not fit in the above options).

3. Court-Ordered Restrictions

- This specifically relates to restrictions ordered by a judge.
- Examples:
  - Restitution ordered by a judge for a crime.
  - Participants who are placed under court-ordered custody under the Developmental Disabilities (DD) Court-Ordered Custody Act (COCA)
  - This does not relate to decisions made for surrogate decision-making roles like a guardian or conservator.

| | Filter | Reset |

1. Date Reviewing by the Rights Revi...
[Answer Required]

2. Type of Review Completed:
[Answer Required]

3. Does this person have any court-or...
[Not Answered]

3. Does this person have any court-ordered restrictions?

Hints: This is pertaining to any court-ordered restrictions by a judge s

○ Yes

○ No

4. New Fields: Restriction Totals

- Total of non-medication rights restrictions approved in the ISP as rights restrictions.
- Enter 0 if this does not apply for either field.
- Example of entering 0:
  - Participants with no rights restrictions but reviewed by the HLRC for an Abuse/Neglect/Exploitation (ANE) incident.

| Filter | Reset |

1. Date Reviewing by the Rights Revi...
[Answer Required]

2. Type of Review Completed:
[Answer Required]

3. Does this person have any court-or...
[Not Answered]

4. Enter the total of approved non-m...
[Not Answered]

5. Enter the total of approved medic...

4. Enter the total of approved non-medication rights restrictions for the participant:

Hints: If this does not apply enter zero (0)

[Prev] [Save] [Save & Next] [Next]

5. New Field: Psychotropic Medication Restriction Totals

- Total number of psychotropic medication rights restrictions.
- Count each psychotropic medication that is an approved rights restriction in the ISP.
  - Example: If a participant takes 3 psychotropic medications that are rights restrictions, then 3 is entered in that field.
- Enter 0 if this does not apply for either field.

6. & 7. Restrictions: 5 Years or Longer

- Restrictions Implemented for 5 Years or More
  - Answer for restrictions pertaining to the review.
  - Example: If entering a review for a new restriction or an ESI review, do not need to answer yes.

8. HLRC Review Information

Check the boxes that apply to the type of review. Each type of review has requirements outlined in DDD policy.

[Filter] [Reset]

[Not Answered]

6. Have any restrictions been in plac...
[Not Answered]

7. If so, which restrictions have been...
[Not Answered]

8. Please check all the items that ar...
[Not Answered]

9. Please use this section to notate t...
[Not Answered]

10. Comments or updates from provi...
[Not Answered]

8. Please check all the items that are attached to this case note and attach to the case note or indicate in box 7 where the information is located in Therap if not attached.

Hints: Per requirements of the DDD Policy Manual in Section 3.4

☐ The required information provided to the rights review committee for each rights restriction reviewed: *Description *Reason *What was tried before. *Benefits vs. potential negative effects. *Habilitation programs and other supports to reduce the need for the restriction. *Reduction criteria. *ISP team approval. *Written informed consent from the participant. *At least 6 months of supporting documentation.

☐ Documentation showing the committee, or a subcommittee reviewed all use of restraints or emergency safety interventions (ESIs). (Per requirements of the DDD Policy Manual in Chapter 7.2, section K)

☐ Documentation showing the committee, or a subcommittee reviewed all incidents in which a violation of a participant's rights may have occurred. (Per requirements of the DDD Policy Manual in Chapter 7.2, section K)

☐ All reported allegations of abuse, neglect, or exploitation. (Per requirements of the DDD Policy Manual in Chapter 7.2, section K)

☐ Discussion notes, voting records, etc.

9. Comment Box

Can be used to document the location of items in Therap if not attached or the reason something is unavailable.

[Filter] [Reset]	9. Please use this section to notate the location of documents in Therap if not attached or the reason something is unavailable. If an item is not attached and there is no documented reason why, it will be assumed the item is unavailable.
[Not Answered]	
6. Have any restrictions been in plac... *[Not Answered]*	
7. If so, which restrictions have been... *[Not Answered]*	
8. Please check all the items that ar... *[Not Answered]*	
9. Please use this section to notate t... *[Not Answered]*	[Prev] [Save] [Save & Next] [Next]

10. Additional Comments or Updates

- Optional field to provide any other relevant comments or updates for the review.
- Example:
  - The restriction was temporary and no longer in place or changes since the review was completed.

Common Items Identified During Reviews

Required Information Shared with the Committee

- Missing what is shared or how this is shared.

- Options for providing this information:

  o Attach the documents shared with the committee members.

  o Note where the items are in Therap.

  o Note how this was shared with committee members if not providing them with their own documents.

    ▪ Example: Information was presented on-screen during the meeting.

Examples of Comments Box Usage (1/2)

- Information is stored in other sections of Therap.

9. Please use this section to notate the location of documents in Therap if not attached or the reason something is unavailable. If an item is not attached and there is no documented reason why, it will be assumed the item is unavailable.	The HLRC information is stored under the consent module.

- If not in a separate document, how the information was shared with the committee.

9. Please use this section to notate the location of documents in Therap if not attached or the reason something is unavailable. If an item is not attached and there is no documented reason why, it will be assumed the item is unavailable.	The rights restriction information is shared with the committee on a shared screen during the meeting, including the programs in place and data for the last 6 months.

Examples of Comments Box Usage (2/2)

- Indicating if a restriction was temporary and discontinued:

0. Comments or updates from provider:	This restriction was discontinued after the committee approval.

- Sharing committee review information:

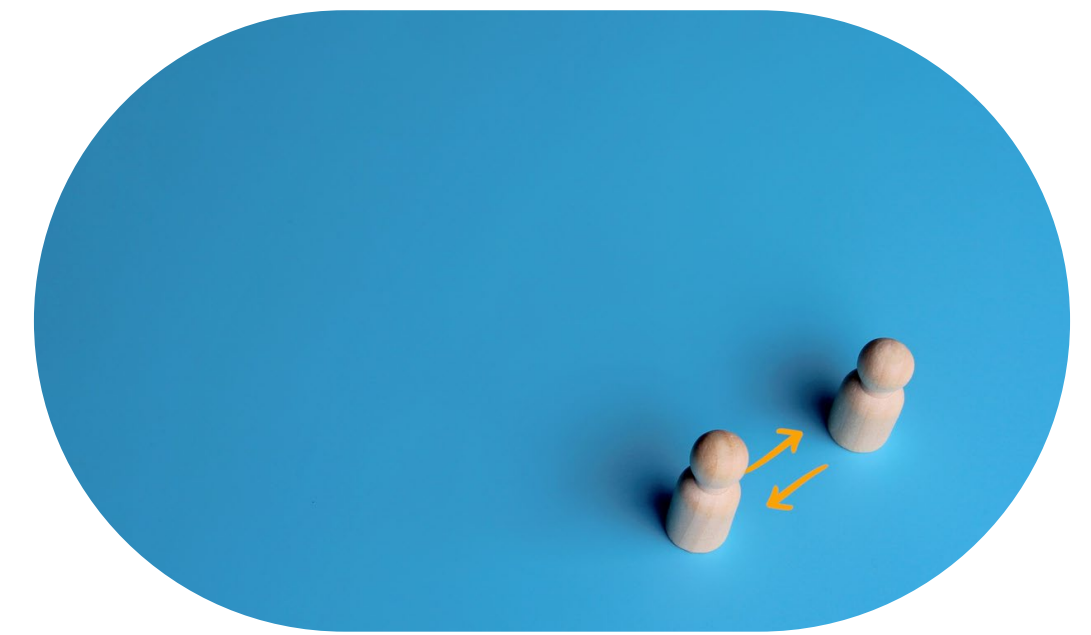| 10. Comments or updates from provider:	The committee requested more data on [ ] program and behavior tracking. Will be following up and sharing at the next review in October.

Missing ANE Reviews

All incidents of ANE allegations must be reviewed per DDD policy.

ANE definition is the same as the DDD Critical Incident reporting policy.

This includes peer-to-peer ANE incidents.

No Guardian & Restrictions

DDD policy requires that participant or their guardians must give informed consent before any rights restrictions are implemented.

If a participant has no guardian, potentially restrictive interventions require their consent each time they are used, which they can withdraw at any time.
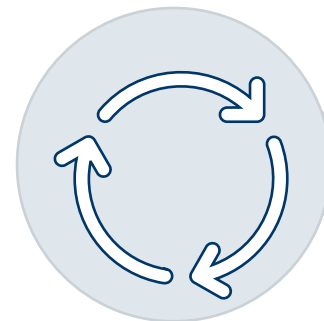
Since these interventions require the participant's continuous consent and choice, DDD does not consider these interventions as rights restrictions.

Reviews for ANE allegations, possible rights violations, and ESI usage are still required for all participants, including those without guardians.

Interim Approvals and HLRC Reviews

- Case notes must be entered each time a new or increased restriction receives interim/emergency approval.

- Another case note is entered for the HLRC review and approval.

- If the interim approval and committee review are within 10 business days of each other, one case note is sufficient for review and approval by the HLRC agency.

Example: Interim Review Case Note

- An approval is given on 8/1/24 for an emergency restriction implemented.

- The agency HLRC doesn't meet and review until 9/2/24.

- There should be a case note entered for the 8/1 approval and another for the committee review from 9/2/24.

- The comments section is an option to provide additional information regarding the interim approval and review by the HLRC:

10. Comments or updates from provider:	This restriction will be reviewed by the committee during the September HLRC meeting.

Best Practices

Examples Reviewed: Meeting Minutes

Maintaining detailed meeting documentation is a best practice and offers several benefits:

- Provides a reference for future discussions.

- Ensures accountability for implementing recommendations.

- Acts as a reference for members who are absent

Examples Reviewed: Attaching HLRC Minutes

- Provides valuable background knowledge, including HLRC committee recommendations.

- Aids in the review process

- Shows the great work your HLRC is doing and assists us in acknowledging good practices.

Examples Reviewed: Minutes Documentation

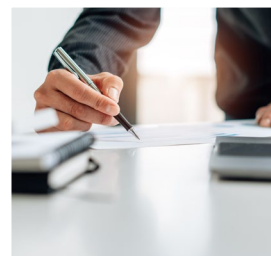Documenting any discussion from the HLRC meeting when reviewing the restrictions in the meeting minutes.

Documenting the participant's reduction plan progress.

Separating meeting minutes and having a review forms/template for each participant.

Including discussion from prior reviews in the meeting minutes for the committee members.

Max Barrows with Green Mountain Self-Advocates: "Nothing About Us Without Us"

Participant Involvement (2/2)

- Research shows that being involved in decisions about our lives leads to better quality of life. (Nota et al., 2007)
- Including participants has several benefits:
  - Empowerment and sense of ownership of outcomes.
  - Diverse perspectives.
  - Transparency and trust.
  - Interventions have an increased probability of being successfully implemented.

Ideas for Involving Participants (1/2)

Utilize person-centered planning tools with rights restrictions discussion. Examples:

- "4 plus 1 questions" https://www.helensandersonassociates.com/4-plus-1-questions/
- Charting the LifeCourse "Goal Attainment: Planning and Tracking Success" tool https://www.lifecoursetools.com/lifecourse-library/foundational-tools/person-centered/
- "Working/Not Working" https://sdaus.com/sda-resources/problem-solving-skills-working-not-working/

Have the participant attend during their review of their restrictions.

Ideas for Involving Participants (2/2)

If they don't care to attend, support the participant with options to provide input on their review before the meeting:

- A written narrative to share with the committee.
- A short-recorded video.

Educating participants about their rights and the HLRC:

- What the HLRC does.
- Why it's important.
- How they can be involved.
- How this impacts their rights and rights restrictions.

Diverse Committee Membership

Have a holistic, diverse committee membership.

Recruitment ideas:

- Students from a local college or university studying relevant coursework.
- Members of local service clubs or religious organizations.
- Use social media or local media outlets to share the volunteer opportunity and purpose.
- Ask your members if they know of anyone that might be interested.
- Share with your networks and ask them to share the opportunity.

HLRC Member Support (1/2)

Create a portfolio of policies, trainings, etc. for members to easily reference.

Create a list of "must ask" questions for members as a reference.

Ongoing training: whenever there are changes and refreshers on their purpose and role.

Share other training opportunities and resources with your members to keep them updated on relevant information.

HLRC Member Support (2/2)

Host opportunities for members to attend events and activities with participants

Recognize volunteer members for their time and commitment.

Create an infographic or report on successes or celebrations.

Gather periodic feedback from the committee members.

Sharing

Are there things that have worked well for your agency?

Lessons learned?

Ideas you have found to be helpful?

Q & A

Questions:

- How to answer field 7 for which restrictions have been in place 5 years or longer if it is for psychotropic medications.

- How to write reduction plans for psychotropic medication restrictions when the physician makes the recommendation for reduction, changes, etc.

Additional Questions?

Resources

The Human and Legal Rights Advisory Committee (HLRAC) can review cases that involve current rights restrictions in place and proposed restrictive interventions teams are considering. Referrals can be sent to the Therap mailbox "HLRCReferrals".

The Technical Assistance Program (TAP) is available to provide training and hands-on support to individuals and providers upon request. https://survey.libertyhealth.com/s/Technical-Assistance-Request/tt-4l3SR
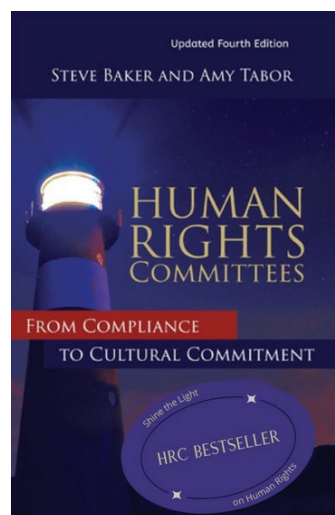
Baker, S., & Tabor, A. (2024). Human Rights Committees: From Compliance to Cultural Commitment. (4th ed.). Cherry Hill Tide Press.

Person-Centered Approaches to Supporting Dignity of Risk for People with Disabilities National Center on Advancing Person-Centered Practices and Systems (NCAPPS)
https://ncapps.acl.gov/docs/Webinars/2023/march/NCAPPS_Webinar_Slides_Final_230323.pdf

Supporting Virtual Meeting Accessibility by Nicole LeBlanc
https://ncapps.acl.gov/docs/SupportingMeetingAccessibility_NCAPPS_200519.pdf

Open Future Learning: Learning modules for people with disabilities and their support staff. Several modules available on rights.

The Council on Quality and Leadership, & Overpeck, V. *Rights, Responsibilities & Supports* [Conversation Cards].

Questions for the HLRC to Consider During Reviews

- What is the purpose of this restriction and how will it be implemented?

- Is this a genuine and immediate safety risk for this person and/or others?

- What else was tried and what were the results?

- Can we tell this is the least restrictive approach?

- How have medical, mental health, personal, or environmental factors been ruled out?

- Does the reduction plan seem reasonable? Is it measurable?

- Does the data support the need for this restriction?

- Are the teaching strategies in place effective at helping teach what is needed to restore the person's rights?

- What could this person be trying to communicate?

- What education is the person receiving about this process and what they need to do to reduce the restriction?

- What is the impact on their overall quality of life?

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References

- *404 Developmental Disabilities Services*. (2022) Nebraska Department of Health and Human Services Rules and Regulations. https://rules.nebraska.gov/rules?agencyId=37&titleId=185

- Nota, L., Ferrari, L., Soresi, S., & Wehmeyer, M. (2007). Self-determination, social abilities and the quality of life of people with intellectual disability. Journal of Intellectual Disability Research, 51(11), 850–865. https://doi.org/10.1111/j.1365-2788.2006.00939.

- Policy Manual. (2024). In *https://dhhs.ne.gov/Guidance%20Docs/DHHS-DD%20Policy%20Manual.pdf*. Nebraska DHHS Division of Developmental Disabilities.