

Human Rights Complaint Process Stakeholder Survey and Focus Group Results Summary – June, 2013

Prepared by The Social Science Research Center at Old Dominion
University



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Office

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Executive Summary

This report summarizes the findings of surveys and focus groups conducted by the Social Science Research Center (SSRC) at Old Dominion University on behalf of the Human Rights Office of the Virginia Department of Behavioral Health and Developmental Services (the Department). The SSRC developed survey instruments for various stakeholder groups with input from the Department. Surveys were administered in a variety of modes for the others groups including web-based surveys (consumers, advocates, providers, and LHRC members) and mail/hard copy (users, LHRC, advocates).

Some general findings from the surveys included:

- Most professionals (LHRC, advocates, and providers) felt that it is very or somewhat easy for consumers to make a human rights complaint.
- About two-thirds of consumers who have actually used the human rights complaint process (65%) rated finding out how to make their complaint as either very or somewhat easy.
- About one-third to one-half of the professional groups disagreed that the complaint process is easy for most consumers to understand. Further, about 33% of general consumers and 37% of users disagreed or strongly disagreed with the statement “The complaint process is easy to understand”.
- Most groups also felt that complaints were handled in a timely manner. Ninety percent or more of the professional groups agreed that complaints are handled in a timely manner. Consumers were less likely to agree about the timeliness of the complaint process. Only about 61% of general consumers and 50% of users agreed that their complaint was resolved in a timely manner.
- While about three-quarters of consumers agreed that they understand the roles of the various people involved in the complaint process, the professional groups are less sure. Only half or less of the LHRC members, advocates, and providers agree that consumers understand the roles of the various people involved.

There were a variety of opportunities for respondents to write comments about the human rights complaint process. Providers and other groups were asked what does not work well with the human rights regulations in general and needs to be improved. Many comments indicated that the process and how to access it is confusing and needs clarification. Some pointed out redundant policies or paperwork as well as contradictory language or policies. Some respondents felt that there is inconsistent reporting or interpretation of the regulations. Other comments included limited/problematic reporting methods, problems with LHRC function/process, and the need for additional training or education.

Opportunities were available for respondents to comment on various aspects of the human rights complaint process. Consumers responded that the process needed to be simplified through the use of pictures and other examples. Others requested more

personal attention or a more personal/verbal approach to explaining the process. Providers also indicated that the process needed to be simplified (e.g., one process – eliminate distinction between informal and formal complaints). Simplified wording or processes that took consumers' limitations into consideration were also suggested. Some providers thought that there needed to be better (or more) tools and methods available to explain rights and the complaint process.

Based on the information obtained from the surveys, the Department identified some possible strategies for improving the human rights complaint process. Three focus groups were scheduled which included participation from the following: advocates, Department staff, LHRC/SHRC members, advocacy group representatives, providers, family members of consumers, and consumers.

The focus group sessions revealed that most stakeholders would like to see a simplified human rights complaint process. One proposed model was developed with feedback from the regional advocates and presented to two groups of stakeholders. All focus groups agreed that one complaint process regardless of the type of complaint would be an improvement over the current complaint process. Focus group participants agreed that a director's final decision and action plan should be appealable regardless of the type of complaint. There was not clear consensus as to if the LHRC timelines should be shortened. The focus groups also revealed a compelling need for training in the field about the definition of a complaint and interpretation of the human rights regulations. There also appeared to be training needs for LHRC members, although the sheer number of members across the Commonwealth may make meaningful and regular training problematic. Consumers and their families may need additional/more accessible information and guidance about the human rights complaint process and the roles of various people involved in the process.

The sentiment of the participants in the consumer focus group were in direct contradiction to the feedback heard from the other groups on many of the issues related to the role and function of the LHRC. Therefore, it is strongly recommended that the Department seek feedback from additional groups of consumers and LHRC members to see if similar issues and opinions arise from additional discussions. LHRC members did not have their own focus group session but were included in other groups. The perception of the consumer group is that the Department is not creating substantive change to the human rights process nor addressing issues of more pressing nature with the proposed changes that were the focus of discussion.

Survey Process & Results

The Virginia Department of Behavioral Health and Developmental Services Human Rights Office (the Department) partnered with the Social Science Research Center (SSRC) at Old Dominion University to obtain feedback from various stakeholders about the human rights complaint process and how it could be improved for consumers.

The SSRC developed survey instruments for the various stakeholder groups with input from the Department. Due to confidentiality of consumer information and the geographic spread of many of the other stakeholders, some indirect means were utilized to capture survey data. For consumers and their families, surveys were distributed in all state facilities, by Community Services Boards (CSBs), advocates, VOPA, private providers and were available on-line. For consumers who had actually filed a complaint (users), the Human Rights Office mailed a survey instrument directly to the contact information that was available for those consumers. Surveys were administered in a variety of modes for the others groups including web-based surveys (advocates, consumers, providers, and LHRC members) and mail/hard copy (consumers, LHRC, advocates). The total number of completed surveys is reported below.

Respondent Type	Number of completed surveys
Consumers (general including family members)	337
Users (consumers who have used the human rights complaint process)	20
Advocates	19
LHRC members	88
Providers	366

The results of the survey were similar for many items across the five groups. Survey items of interest to the Department are reported here. The number of consumers who have used the complaint process (users) and advocates responding to the survey is rather small and should be noted when comparing results (percentages) with the other groups.

Complaint Process

Most professionals (LHRC, advocates, and providers) felt that it is very or somewhat easy for consumers to make a human rights complaint. About three-quarters or more of each group rated making a human rights complaint as very or somewhat easy. About two-thirds of consumers who have actually used the human rights complaint process (65%) rated finding out how to make their complaint as either very or somewhat easy. The professional groups and consumers had similar responses regarding if the complaint process is easy for consumers to understand. About one-third to one-half of the professional groups disagreed that the complaint process is easy for most consumers to understand. Further, about 33% of general consumers and 37% of users

disagreed or strongly disagreed with the statement “The complaint process is easy to understand”.

Most groups also felt that complaints were handled in a timely manner. Ninety percent or more of the professional groups agreed that complaints are handled in a timely manner. Consumers were less likely to agree about the timeliness of the complaint process. Only about 61% of general consumers and 50% of users agreed that their complaint was resolved in a timely manner. While about three-quarters of consumers agree that they understand the roles of the various people involved in the complaint process, the professional groups are less sure. Only half or less of the LHRC members, advocates, and providers agree that consumers understand the roles of the various people involved.

The vast majority (90%+) of all respondents feel that it is important for consumers to have someone to talk to about their complaint, to understand their rights, and to understand the complaint process. However, over 40% of general consumers either do not remember receiving or are unsure if they received their notice of rights. Almost all respondents also agreed that it is important that complaints are resolved quickly.

LHRC Function

About 95% of advocates indicated that it was somewhat valuable or very valuable for them to attend the LHRC committee meetings compared to 68.6% of providers. The professional groups were also asked to rate the two most important and two least important LHRC functions. The highest percentage of responses for the two most important functions from all three professional groups were: reviewing provider data on allegations of abuse and neglect and human rights complaints and reviewing policies and practices that may impact the rights of individuals. The two least important functions across all three groups were identified as reviewing and commenting on applications for variances and reviewing and commenting on behavioral treatment plans involving the use of seclusion, restraint or time out.

Open-Ended Comments

There were a variety of opportunities for respondents to write comments about the human rights complaint process. Providers and other groups were asked what does not work well with the human rights regulations in general and needs to be improved. Many comments indicated that the process and how to access it is confusing and needs clarification. Some pointed out redundant policies or paperwork as well contradictory language or policies. Some respondents felt that there is inconsistent reporting or interpretation of the regulations. Other comments included limited/problematic reporting methods, problems with LHRC function/process, and the need for additional training or education.

One of the questions asked how the human rights process could be changed to make it easier for consumers to use and understand. Consumers responded that the process needed to be simplified through the use of pictures and other examples. Others requested more personal attention or a more personal/verbal approach to explaining the

process. Many of the consumers indicated that no change was necessary or were unsure what changes were needed. Providers also indicated that the process needed to be simplified (e.g., one process – eliminate distinction between informal and formal complaints). Simplified wording or processes that took consumers' limitations into consideration were also suggested. Some providers thought that there needed to be better (or more) tools and methods available to explain rights and the complaint process. Others wanted additional (e.g., electronic methods) for reporting or filing complaints. Training for providers and/or consumers was also mentioned. A few providers mentioned needing additional advocates or more awareness of the advocate role.

For summary tables of survey responses, please see the Appendix.

Focus Groups

Based on the information obtained from the surveys, the Department identified some possible strategies for improving the human rights complaint process. Three focus groups were scheduled which included participation from the following: advocates, Department staff, LHRC/SHRC members, advocacy group representatives, providers, family members of consumers, and consumers. For the specific agendas and focus group protocols, please see the Appendix.

Regional Advocates and Human Rights/Attorney General Staff

During the first focus group, the findings of the survey were presented to the regional advocates and prompted responses about what a simplified human rights complaint process would look like including:

- The key components of the current process that cannot/should not change.
- What could be eliminated to make the process easier.
- What could be changed/added to make process easier.
- The roles of the various stakeholders including advocates, the LHRC, and the SHRC.

There was consensus that all complaint processes should be combined into one process for all types of complaints and thus eliminating the formal/informal distinction. It was proposed that once a complaint was filed, there would be a certain number of days to investigate, a finding would be issued and then the consumer could appeal if desired. There was consensus that there should not be multiple interpretations of the regulations or the complaint process across the state. The fact that there is inconsistent interpretation indicates a training need. The group agreed that anyone should be able to file a complaint on behalf of a consumer.

Regarding the role of the LHRC, the LHRCs are seen as important part of the process (“community conscience”) but what their specific role should be and what should be the sole responsibility of the advocate was an issue of much debate. According to this

group, it appears that there is much duplication of effort between the LHRC and the advocate. There was also much discussion about limiting the proactive role of the LHRC and focusing on complaint resolution/investigation versus compliance. The following model was discussed as one possibility for the LHRC role in the human rights process:

- LHRCs would focus on reviewing provider data on abuse and neglect and human rights complaints, reviewing/commenting on applications for variances, and approving program rules of conduct.
- Approval of behavioral treatment plans involving the use of seclusion/restraint/time-out would still rest with a subcommittee within the LHRC.
- Clerical needs of LHRC would be supported by the state facilities.
- Behavior management policies and other policies/procedures would no longer be reviewed by LHRC.

This group indicated that other details about role of the LHRC would need to be discussed/resolved. For example, there are issues surrounding reliance of advocates on attending the various quarterly meetings of LHRCs in order to have a “snapshot” of the issues in their region with specific providers. This important information source will be diminished with elimination/consolidation of several of the LHRCs. If the role of the LHRC is reduced, other ways to obtain this overall picture will need to be developed. The CHRIS data system may be a possible source once it is refined/improved.

The number of LHRCs needed and how often they would meet was discussed given their reduced role in this proposed model. The appeals court model was given as example where there are very few courts for large populations.

- Geography and number of providers/region were mentioned as important consideration points.
- This revised model may be more difficult in the more populous regions and/or those that are more spread out.
- Given the reduced number of LHRCs in this proposed model, LHRCs would most likely need to meet more regularly.
- The code indicates that at least 5 members are needed for the LHRC but may need to rely more on subcommittees based on this proposed model.
- Training will be needed to inform current LHRC members of the revised role should this model be adopted.

Below are some other issues that the group raised that still need to be resolved or discussed further:

- The definition of a complaint or the threshold for which a complaint would enter the human rights process (there was much discussion about “diminimus” complaints vs. a “worthy” complaint). One suggestion was to go back to the 11 rights spelled out in the code when determining a “threshold”.
- There was some discussion about what complaints should be called – allegations, violations, etc.
- One issue was raised as to if there should be a statute of limitations on making a complaint.
- Clarification is needed as to what should be reported - there is some uncertainty about whether every complaint needs to be reported within 24 hours to the advocate.
- There was some discussion about whether LHRCs should be given the discretion of refusing to hear a complaint (e.g., if it appears that a consumer is filing multiple complaints to gridlock the system).
- The question was posed as to what can and cannot be appealed (e.g., findings of abuse).
- There are lingering uncertainties about the LHRC role with affiliations as the LHRC currently “permits” affiliations. Regulations/language will perhaps need to change to indicate that a provider would be affiliated with the LHRC that serves that region (assuming LHRCs are structured on regional basis).

Providers, SHRC/LHRC Members & Advocacy Groups

The second focus group included current/former LHRC and SHRC members, providers, and advocacy group representatives. The agenda and protocol for this group and the final group was much more structured in order to present the proposed model developed from the survey findings and the first focus group with the advocates. This structured protocol was utilized to try to come to some consensus about the complaint process, the role and function(s) of the LHRC, as well as to address some other additional issues of interest to the Department.

Consolidated Complaint Process

After much discussion, there was consensus that all complaint processes should be combined into one section for all types of complaints. Comments were made that many consumers do not understand the formal vs. informal distinction and often do not see that they have a complaint. Instead, they see it as they are making a “request”. Comments were made that sometimes consumers do not have access to the Human Rights contact in the facility and that the doorway is not consistently “open” now for making complaints.

However, there were lingering concerns about abuse/neglect complaints being lumped in with other types of complaints. It was clarified that the processes for investigating

and providing protection would not change. The group stressed that good user information and materials would be needed for this one proposed “doorway” of complaints.

- Some described the complaint process as a continuum of less serious complaints to more serious ones.
- Discussion revealed that additional training is needed about what defines a complaint.

Overall, the concept of revising the complaint timeframes was approved but if it is adopted, a new “decision tree” would be needed. Some participants expressed that they are still reluctant to include abuse/neglect cases in with the general complaint process.

Details Regarding the Complaint Process

The group was somewhat mixed on the timeframes for reporting/initiating an investigation. By the end of the discussion, the group seemed to lean towards one working day for reporting and initiating an investigation. There was definite agreement that the consumer, in allegations of abuse/neglect should be offered immediate protection but that accessing the CHRIS system immediately can sometimes be challenging. The timeframes do not keep providers from instituting protective actions.

- Concerns about when a seemingly innocuous complaint turns about to be something more (e.g., “I don’t like my bologna sandwich” evolves into abuse/neglect).
- There was a lot of discussion about the CHRIS system and who was monitoring it and when. It was pointed out that people do have delegated authority to address complaints if the director is absent.

The group agreed that the investigation should be completed and a report given to the individual within 10 working days.

- There does need to be built-in exceptions for extremely complex cases with extenuating circumstances.
- There needs to be a way for providers to indicate that the case is complete in CHRIS.

LHRC Review

There was consensus that consumers should be able to appeal both the provider’s decision and action plan for all types of complaints (including abuse/neglect). There was some concern over the volume of cases at Central State but consensus nonetheless. The group agreed that the timeframes for LHRC and SHRC processes/hearings should be reduced. There was also consensus that the LHRC should be allowed to do a paper review of appeals to determine if the appeal is truly

under the purview of human rights. If the LHRC receives an appeal which is not within the bounds of human rights, the LHRC can rule that they will not hold a hearing.

- The group was adamant that specific language and guidelines were needed as to what can/cannot be appealed and what types of cases the LHRC would be permitted to issue a ruling of “no hearing”.

Ranking of Primary Role of LHRC & Other Issues

The top two ranked roles of the LHRC were: 1) to receive complaints of alleged violations and hold hearings and 2) review any policy or practice that could jeopardize the rights of individuals. The number one priority was voted as receiving complaints of alleged violations and hold hearings.

- The group agreed that the rights of individuals will be better protected by increasing the availability of human rights advocates to individuals and family members.
- The group agreed that a more efficient/effective human rights system can be designed by decreasing redundancies and streamlining administrative processes.
- The group agreed that the number of LHRCs could be reduced if the roles/responsibilities of the LHRC were also substantially reduced.
- Group members stressed that the LHRC meetings need to be where the consumers are and to take advantage of technology. It may be possible to have a more fluid system so that the LHRCs go where the problems are located in the state.
- With so many LHRC members currently, they interpret the regulations differently. A closer examination of who is appointed to the LHRCs is needed (e.g., some members accept a position on the LHRC but then never come to meetings).
- LHRC still wants to be the “watchdog” of the community and still want to have access to information about the facilities. Department can provide information to anyone who asks.
- There was discussion about support/travel for LHRC members and the need to avoid the appearance of conflict of interest.
- The group appeared hesitant to agree to one LHRC per region (see points above). Some may have agreed with this towards the end of the discussion but there did not appear to be total consensus.

Other issues of interest to the Department were discussed. The group agreed that both parties should have an attorney or that perhaps the possibility of no attorneys present at hearings should be examined. The group did not seem to think a statute of limitations was necessary for filing a complaint.

Consumers/Family Members & LHRC Members

This group was very skeptical of the survey results and gave numerous examples of how many consumers did not know about the survey or found out at the last minute. They were very suspicious of the data since one of the largest groups of respondents were providers. There was a general tone of distrust for the Department throughout the discussion. Participants expressed that they felt like the state is not creating substantive discussion about the issues that they feel are more important to the complaint process.

Consolidated Complaint Process

There was consensus that the human rights complaints process is unnecessarily confusing and the group agreed with the idea of one process/pathway for all complaints. In terms of the timeframes for the complaint process there was consensus that the provider should report and an investigation should be initiated within 24 hours or one working day – emphasis on whichever is sooner. The group generally agreed that 10 days to complete the investigation was agreeable – although at least one member thought that was even too long for a consumer to wait and others were concerned about needing additional time for complex cases.

Details Regarding the Complaint Process

There were many questions about the timeframe for the consumers to respond to the provider's report/findings after the 10 days if the consumer did not agree that they simply appeal to the LHRC. This group was adamant that consumers still needed the chance and time to respond to the provider and wanted to know more about the timeframe for this. They felt that there needed to be specific accountability for providers if they did not follow through with the complaint process timeframe.

- Regarding investigations, consumers/their families need to know “upfront” more about the role of the advocate and that they can help with an investigation. This is not something that is [clearly] outlined in the regulations and groups members reported not knowing that they did not need to do it all themselves.
- The focus group participants were concerned that if the timeframe for investigations was set too short, that providers might be tempted to rush the investigation on more serious issues like abuse/neglect. The general tone of distrust prompted some focus group members to question whether the investigators might rule in favor of the state in order to avoid possible lawsuits.
- There was general agreement that having one time frame no matter the issue would not overwhelm the system in regards to frivolous complaints versus serious issues. The focus group agreed that formal or informal review is irrelevant; the matter is still a complaint and the consumer wants to be heard. Whatever the timeframe, it needs to be consistent.

LHRC Review

There was consensus that a director's decision and action plan should be appealable for any type of complaint. There was discussion regarding the LHRC timelines and while the current timeframe sounds like ample time, the participants noted that the LHRC is a volunteer group and getting a quorum together is sometimes difficult and it can be difficult for consumers/their families to pull a petition together within 10 days. There was consensus that there are training issues for LHRC members (e.g., some do not know what the blue book is). Comprehensive training for all involved (consumers, LHRC, etc.) as well as transparency of the roles of each player/group was stressed as being important and currently lacking.

There was consensus that the LHRC should not have the discretion to review appeals on paper to determine if a hearing should take place. The sentiment was that you "can't testify on paper" and having the right to the hearing is very important. Group members thought that cases that were not under the purview of human rights should not make it past the advocate. In addition, the focus group felt that note-taking in LHRC hearings, holding open meetings, and hearing recommendations were important in making sure that complaints are documented.

- The consensus was that many more issues should be addressed statewide and in person to avoid being "burned by the process." There was concern expressed that the current system allows for a "culture that allows for buzzwords and inaction."
- The focus group said that if a case goes to the SHRC, that that committee has a responsibility to listen to all audio tapes made at the LHRC level, as well as any notes that had been taken to avoid confusion between local and state human rights committees.

Ranking of Primary Role of LHRC & Other Issues

Members of the group refused to rank the roles of the LHRC saying that they were all important and should not be taken away from the LHRC. There was much skepticism of what would happen to the other responsibilities and who would address the LHRC roles. Without very specific details about this, the group would not rank them. Discussion about redundancies with some of the work of the advocates was met with comments about how the advocates work for the Department and do not currently get proper support/resources. Giving additional/sole responsibility to the advocates will not matter if these issues are not addressed. A comment was made that "consumers are inconvenient for the Department". It was suggested that directors/providers are perhaps motivated to go the extra mile because of having to attend LHRC meetings so reducing the number of LHRCs/meetings could reduce the level of effort by providers.

The discussion devolved very quickly after the introduction of reducing the LHRC's role and these items were seen as not worthy of addressing. The group expressed feeling insulted that the focus of the group discussion seemed very limited to them, was not addressing wider/more systemic issues, and was made to look as if the Department was "doing something" but in reality was not really concerned about the rights of consumers. These items and others were seen as generic/vague pronouncements and the group felt like they really did not know what they were agreeing to/not agreeing to. The comment was made that the "devil is in the details" and there was concern that important consumer considerations would be omitted if the Department is allowed to make some of the changes proposed in these items. Some of the group felt that with the proposed items that rights were being taken away – particularly as it relates to the LHRC hearing.

- There was discussion that there needed to be more information for consumers/their families about what will happen at LHRC meetings and what the members will do and what they are instructed to do – this is not clear to consumers.
- There was some discussion about consumers requesting an open hearing but the LHRC making it closed.

There was consensus that the complaint process is already an adversarial process or has that tone for consumers. If a provider has an attorney, it was agreed that the consumers should have one too. This group thought that there were probably very few complaints that were filed after several years so they felt little need for a statute of limitations – although one member was leaning towards the need for it unless the consumer is unable or prevented from making a complaint within the statute of limitations.

A final question was asked as to what should be the priority for the Department in making the human rights complaint process easier for consumers. Below is a summary of the responses:

- Education for all players involved and that the process should be less adversarial.
- Transparency and education – consumers need to understand their rights.
- If a complaint is founded – there should be no resolution until the complainant is satisfied or resolved through appropriate appeal. There needs to be specific education about the rights of the complainant, for providers, LHRC, SHRC about roles including the roles of groups like VOPA. The training needs to be provided from the beginning/up-front and done repeatedly.
- There needs to be a system in place to address professional/ethical malfeasance if such issues cannot be addressed through the human rights

process and no one else is willing to address it. The sense was that there are systemic problems but that the professionals are protecting each other.

Conclusions and Recommendations

The feedback from the surveys and the focus group sessions revealed that most stakeholders would like to see a simplified human rights complaint process. One proposed model was developed with feedback from the regional advocates and presented to two groups of stakeholders. All focus groups agreed that one complaint process regardless of the type of complaint would be an improvement over the current complaint process. The timeframes for a provider to report an allegation of and to initiate an investigation ranged from one day to within 24 hours (whichever was shorter for the consumer group). There was consensus that the provider should complete the investigation and report to the individual within 10 working days. The focus group participants agreed that a director's final decision and action plan should be appealable regardless of the type of complaint. There was not clear consensus as to if the LHRC timelines should be reduced. The focus groups also revealed a compelling need for training in the field about the definition of a complaint and interpretation of the human rights regulations. There also appear to be training needs for LHRC members although the sheer number of members across the Commonwealth may make meaningful and regular training problematic and difficult to sustain. Consumers and their families may need additional/more accessible information and guidance about the human rights complaint process and the roles of various people involved in the process.

The sentiment of the participants in consumer focus group were in direct contradiction to the feedback heard from the other groups on many of the issues related to the role and function of the LHRC. This group was not necessarily representative of all consumers/LHRC members and was small in number. However, that does not mean that pertinent issues were not raised by this group that were not raised in others. Therefore, it is strongly recommended that the Department seek feedback from additional groups of consumers and LHRC members to see if similar issues and opinions arise from additional discussions. If the concerns raised in this group are reflective of those of other consumers and LHRC members, the Department will have a very difficult time getting buy-in for the proposed changes to the human rights complaint process – particularly those related to the LHRC. The perception of the consumer group is that the Department is not creating substantive change to the human rights process nor addressing issues of more pressing nature with the proposed changes that were the focus of discussion.

While this data collection effort revealed the need for a single, simplified human rights complaint process, there are still many important issues to resolve and details to be

determined. The information reported here should be used to inform further discussion about these issues and to develop next steps in revising the human rights complaint process. Additional feedback and dialogue with consumers, LHRC members and other stakeholders is necessary to make substantive and meaningful change that considers the needs and opinions of consumers and their families.

APPENDIX

Human Rights Advocate Survey Results

Based on your experience, how do you think most consumers learn how to make a human rights complaint?	% (n)
Notice of rights	31.6% (6)
Family member	5.3% (1)
Provider	36.8% (7)
DBHDS advocate	15.8% (3)
Outside advocate group	0.0% (0)
Other	10.5% (2)

Please tell us how easy/difficult it is currently for consumers to make a human rights complaint?	% (n)
Very Easy	10.5% (2)
Somewhat Easy	63.2% (12)
Somewhat Difficult	26.3% (5)
Very Difficult	0.0% (0)

Please indicate if you strongly agree, agree, disagree, or strongly disagree with the following statements:	Strongly Agree % (n)	Agree % (n)	Disagree % (n)	Strongly Disagree % (n)
Most complaints are resolved in a timely manner.	5.3% (1)	84.2% (16)	10.5% (2)	0.0% (0)
The complaint process is easy for most consumers to understand.	0.0% (0)	42.1% (8)	52.6% (10)	5.3% (1)
Most consumers do not want to initiate a complaint because they fear negative repercussions.	16.7% (3)	22.2% (4)	61.1% (11)	0.0% (0)
The consumer's voice is heard during the complaint process.	21.1% (4)	57.9% (11)	21.1% (4)	0.0% (0)

Please indicate if you strongly agree, agree, disagree, or strongly agree with the following statements:	Strongly Agree % (n)	Agree % (n)	Disagree % (n)	Strongly Disagree % (n)
The consumer's thoughts/feelings are valued during the complaint process.	15.8% (3)	63.2% (12)	21.1% (4)	0.0% (0)
Consumers understand the roles of the various people involved in the complaint process.	5.6% (1)	44.4% (8)	44.4% (8)	5.6% (1)
Most consumers understand why their complaint was resolved the way that it was.	0.0% (0)	72.2% (13)	27.8% (5)	0.0% (0)
Consumers who have used the complaint process in the past are less willing to file another complaint because of their initial experience.	5.3% (1)	5.3% (1)	78.9% (15)	10.5% (2)
Consumers are at an inherent disadvantage in the complaint process compared to the provider.	10.5% (2)	47.4% (9)	42.1% (8)	0.0% (0)
I feel that it is best to resolve complaints before they rise to the level of an LHRC review.	78.9% (15)	21.1% (4)	0.0% (0)	0.0% (0)
I am able to promote the best interests of consumers at all times.	36.8% (7)	52.6% (10)	10.5% (2)	0.0% (0)

Please indicate how important the following are to CONSUMERS as they go through the human rights complaint process.	Very Important % (n)	Somewhat Important % (n)	Not Very Important % (n)	Not at all Important % (n)
Having someone to talk to about their complaint.	100.0% (19)	0.0% (0)	0.0% (0)	0.0% (0)
Understanding their rights.	94.7% (18)	5.3% (1)	0.0% (0)	0.0% (0)
Understanding the complaint process.	63.2% (12)	36.8% (7)	0.0% (0)	0.0% (0)
Having the complaint resolved quickly.	84.2% (16)	15.8% (3)	0.0% (0)	0.0% (0)
Having an <u>independent</u> body like the LHRC available to hear an appeal if necessary.	36.8% (7)	63.2% (12)	0.0% (0)	0.0% (0)
Opportunity to participate in a hearing and present evidence regarding the complaint.	47.4% (9)	42.1% (8)	10.5% (2)	0.0% (0)

How accessible to you feel you are to the consumers you serve?	% (n)
Very accessible	36.8% (7)
Somewhat accessible	52.6% (10)
Not very accessible	10.5% (2)
Not at all accessible	0.0% (0)

How valuable is it for you to attend the LHRC meetings?	% (n)
Very valuable	57.9% (11)
Somewhat valuable	36.8% (7)
Not very valuable	5.3% (1)
Not at all valuable	0.% (0)

In general, what do you see as the two most important functions of the LHRC?	% (n)
Review provider data on allegations of abuse and neglect and human rights.	52.6% (10)
Hearing appeals of human rights complaints.	47.4% (9)
Review and comment on applications for variances.	0.0% (0)
Review and comment on behavioral treatment plans involving the use of seclusion, restraint, or time out.	15.8% (3)
Review policies and practices that may impact the rights of individuals.	73.7% (14)
Other	10.5% (2)

*Respondents were able to select more than one response, therefore, percentages do not add to 100%.

In general, what do you see as the two least important functions of the LHRC?	% (n)
Review provider data on allegations of abuse and neglect and human rights.	31.6% (6)
Hearing appeals of human rights complaints.	0.0% (0)
Review and comment on applications for variances.	63.2% (12)
Review and comment on behavioral treatment plans involving the use of seclusion, restraint, or time out.	52.6% (10)
Review policies and practices that may impact the rights of individuals.	5.3% (1)
Other	26.3% (5)

*Respondents were able to select more than one response, therefore, percentages do not add to 100%.

Human Rights General Survey Results - Updated

Do you know about the VA Department of Behavioral Health and Developmental Services (DBHDS) Human Rights complaint process?	% (n)
Yes	58.5% (189)
No	41.5% (134)

How did you learn about the human rights complaint process?	% (n)
Notice of rights	32.7% (67)
Family member	5.4% (11)
Provider	32.7% (67)
DBHDS advocate	7.3% (15)
Outside advocate group	5.4% (11)
Other	16.6% (34)

Do you recall receiving the notice of rights and information about how to file a complaint?	% (n)
Yes	55.4% (186)
No	22.0% (74)
Unsure	20.2% (68)
Not applicable	2.4% (8)

Were the listing of your rights clearly posted where you receive services?	% (n)
Yes	60.7% (201)
No	7.3% (24)
Unsure	23.9% (79)
Not applicable	8.2% (27)

How well do you understand your rights as an individual receiving services?	% (n)
Great deal	32.5% (109)
Somewhat	38.2% (128)
Not much	12.2% (41)
Not at all	5.4% (18)
Not applicable	11.6% (39)

Have you ever heard of the Local Human Rights Committee (LHRC)?	% (n)
Yes	41.4% (139)
No	44.0% (148)
Unsure	14.6% (49)

What do you think is the relationship between the Local Human Rights Committees (LHRC) and the VA DBHDS?	% (n)
LHRCs are controlled by the DBHDS	18.3% (32)
LHRCs are independent of the DBHDS	26.9% (47)
Unsure	54.9% (96)

Have you ever filed a human rights complaint?	% (n)
Yes	15.4% (44)
No	84.6% (242)

What reason(s) have you not filed a complaint?	% (n)
Human Rights have not been violated.	55.5% (147)
Was able to resolve the issue without making a complaint.	14.8% (25)
Afraid of consequences if I complained.	5.8% (9)
Process was confusing/hard to understand.	7.0% (11)
Did not think complaint was worth the time/effort to make the complaint.	5.7% (9)
Did not know complaint process existed.	17.2% (28)
Other	4.0% (6)

*Respondent was able to check more than one choice so percentages do not total 100%.
Question only applicable to those who have not filed a complaint.

The following questions are only applicable to those respondents who filed a complaint (n=42).

Was the notice of rights information helpful as you made your human rights complaint?	% (n)
Yes	48.7% (19)
No	33.3% (13)
Unsure	17.9% (7)

How did you find out how to make your human rights complaint?	% (n)
Notice of rights	25.0% (10)
Family member	7.5% (3)
Provider	30.0% (12)
DBHDS advocate	5.0% (2)
Outside advocate group	7.5% (3)
Other	25.0% (10)

Please tell us how easy/difficult it was to find out how to make your complaint.	% (n)
Very easy	52.5% (21)
Somewhat easy	20.0% (8)
Somewhat difficult	15.0% (6)
Very difficult	12.5% (5)

Who was the most helpful to you in resolving your complaint?	% (n)
Family member	5.2% (6)
Provider	7.7% (9)
DBHDS advocate	10.7% (13)
Outside advocate group	2.6% (3)
Other	8.3% (10)

*Percentages based on responses of those indicating they had filed a human rights complaint. Not all respondents provided a response.

Please indicate if you strongly agree, agree, disagree, or strongly disagree with the following statements:	Strongly Agree % (n)	Agree % (n)	Disagree % (n)	Strongly Disagree % (n)
My complaint was resolved in a timely manner.	29.3% (12)	31.7% (13)	22.0% (9)	17.1% (7)
The complaint process is easy to understand.	32.5% (13)	35.0% (14)	20.0% (8)	12.5% (5)
I felt my voice was heard during the complaint process.	24.4% (10)	36.6% (15)	17.1% (7)	19.5% (8)
I felt that my thoughts/feelings were valued during the complaint process.	30.0% (12)	32.5% (13)	15.0% (6)	22.5% (9)
I understood the roles of the various people involved in the complaint process.	27.5% (11)	45.0% (18)	17.5% (7)	10.0% (4)
My complaint was resolved to my satisfaction.	27.5% (11)	37.5% (15)	20.0% (8)	15.0% (6)
I understand why my complaint was resolved the way that it was.	30.0% (12)	42.5% (17)	15.0% (6)	12.5% (5)

Please indicate how important the following were to you as you went through the human rights complaint process.	Very Important % (n)	Somewhat Important % (n)	Not Very Important % (n)	Not at all Important % (n)
Having someone available to talk to about my complaint.	70.7% (29)	19.5% (8)	7.3% (3)	2.4% (1)
Understanding my rights.	76.9% (30)	15.4% (6)	2.6% (1)	5.1% (2)

Please indicate how important the following were to you as you went through the human rights complaint process.	Very Important % (n)	Somewhat Important % (n)	Not Very Important % (n)	Not at all Important % (n)
Understanding the complaint process.	65.0% (26)	20.0% (8)	7.5% (3)	7.5% (3)
Having my complaint resolved quickly.	61.9% (26)	26.2% (11)	2.4% (1)	9.5% (4)
Having an <u>independent</u> body like the LHRC available to hear my appeal if necessary.	61.0% (25)	24.4% (10)	2.4% (1)	12.2% (5)
Having the opportunity to participate in a hearing and present evidence regarding my complaint.	62.5% (25)	17.5% (7)	10.0% (4)	10.0% (4)

At what level was your complaint resolved?	% (n)
Local level/provider	48.6% (18)
Local Human Rights Committee	5.4% (2)
Virginia Center for Behavioral Rehabilitation (VBCR) Appeals Committee	2.7% (1)
Not sure	43.2% (16)

If you had another human rights complaint, would you go through the complaint process again?	% (n)
Yes	65.9% (27)
No	12.2% (5)
Unsure	22.0% (9)
Are you a:	% (n)
Consumer	31.3% (98)
Family member of a consumer	51.4% (161)
Other	17.3% (54)

*This question is applicable to all respondents.

Human Rights LHRC Survey Results - Updated

How you think most consumers learn how to make a human rights complaint?	% (n)
Notice of rights	17.3% (13)
Family member	12.0% (9)
Provider	53.3% (40)
DBHDS advocate	4.0% (3)
Outside advocate group	10.7% (8)
Other	2.7% (2)

Please tell us how easy/difficult it is currently for consumers to make a human rights complaint?	% (n)
Very Easy	26.7% (20)
Somewhat Easy	48.0% (36)
Somewhat Difficult	22.7% (17)
Very Difficult	2.7% (2)

Please indicate if you strongly agree, agree, disagree, or strongly agree with the following statements:	Strongly Agree % (n)	Agree % (n)	Disagree % (n)	Strongly Disagree % (n)
Most complaints are resolved in a timely manner.	30.7% (23)	64.0% (48)	5.3% (4)	0.0% (0)
The complaint process is easy for most consumers to understand.	9.5% (7)	58.1% (43)	29.7% (22)	2.7% (2)
The consumer's voice is heard during the complaint process.	40.0% (30)	49.3% (37)	6.7% (5)	4.0% (3)
The consumer's thoughts/feelings are valued during the complaint process.	43.2% (32)	47.3% (35)	4.1% (3)	5.4% (4)

Please indicate if you strongly agree, agree, disagree, or strongly agree with the following statements:	Strongly Agree % (n)	Agree % (n)	Disagree % (n)	Strongly Disagree % (n)
Consumers understand the roles of the various people involved in the complaint process.	4.1% (3)	44.6% (33)	45.9% (34)	5.4% (4)
Most consumers understand why their complaint was resolved the way that it was.	12.2% (9)	62.2% (46)	24.3% (18)	1.4% (1)
Consumers are at an inherent disadvantage in the complaint process compared to the provider.	14.7% (11)	26.7% (20)	46.7% (35)	12.0% (9)
I feel that it is best to resolve complaints before they rise to the level of an LHRC review.	50.7% (38)	38.7% (29)	8.0% (6)	2.7% (2)
I am able to promote the best interests of consumers at all times.	38.9% (28)	50.0% (36)	11.1% (8)	0.0% (0)

Please indicate how important the following are to CONSUMERS as they go through the human rights complaint process.	Very Important	Somewhat Important	Not Very Important	Not at all Important
Having someone to talk to about their complaint.	96.0% (72)	4.0% (4)	0.0% (0)	0.0% (0)
Understanding their rights.	88.0% (66)	10.7% (8)	1.3% (1)	0.0% (0)
Understanding the complaint process.	77.0% (57)	20.3% (15)	2.7% (2)	0.0% (0)
Having the complaint resolved quickly.	75.7% (56)	21.6% (16)	2.7% (2)	0.0% (0)
Having an <u>independent</u> body like the LHRC available to hear an appeal if necessary.	84.0% (63)	9.3% (7)	6.7% (5)	0.0% (0)
Having the opportunity to participate in a hearing and present evidence regarding the complaint.	81.3% (61)	14.7% (11)	2.7% (2)	1.3% (1)

In general, what do you see as the two most important functions of the LHRC?	% (n)
Review provider data on allegations of abuse and neglect and human rights.	48.9% (43)
Hearing appeals of human rights complaints.	27.3% (24)
Review and comment on applications for variances.	4.5% (4)
Review and comment on behavioral treatment plans involving the use of seclusion, restraint, or time out.	17.0% (15)
Review policies and practices that may impact the rights of individuals.	43.2% (38)
Other	1.1% (1)

*Respondents were able to select more than one response, therefore, percentages do not add to 100%.

In general, what do you see as the two least important functions of the LHRC?	% (n)
Review provider data on allegations of abuse and neglect and human rights.	9.1% (8)
Hearing appeals of human rights complaints.	13.6% (12)
Review and comment on applications for variances.	52.3% (46)
Review and comment on behavioral treatment plans involving the use of seclusion, restraint, or time out.	23.9% (21)
Review policies and practices that may impact the rights of individuals.	12.5% (11)
Other	14.8% (13)

*Respondents were able to select more than one response, therefore, percentages do not add to 100%.

Human Rights Provider Survey Results

How much do you know about the VA Department of Behavioral Health and Developmental Services?	% (n)
Great deal	56.9% (207)
Some	39.6% (144)
Not much	3.6% (13)
Nothing	0.0% (0)

Based on your experience, how do you think most consumers learn how to make a human rights complaint?	% (n)
Notice of rights	21.9% (79)
Family member	3.9% (14)
Provider	62.6% (226)
DBHDS advocate	5.3% (19)
Outside advocate group	2.8% (10)
Other	3.6% (13)

Please tell us how easy/difficult it is currently for consumers to make a human rights complaint.	% (n)
Very difficult	2.5% (9)
Somewhat difficult	12.0% (43)
Somewhat easy	47.9% (172)
Very easy	37.6% (135)

Please indicate if you strongly agree, agree, disagree, or strongly agree with the following statements:	Strongly Agree % (n)	Agree % (n)	Disagree % (n)	Strongly Disagree % (n)
Most complaints are resolved in a timely manner.	30.3% (106)	64.9% (227)	3.4% (12)	1.4% (5)
The complaint process is easy for most consumers to understand.	9.9% (35)	56.5% (200)	28.2% (100)	5.4% (19)
The consumer's voice is heard during the complaint process.	34.1% (119)	60.7% (212)	3.7% (13)	1.4% (5)
The consumer's thoughts/feelings are valued during the complaint process.	36.7% (128)	59.3% (207)	2.9% (10)	1.1% (4)
Consumers understand the roles of the various people involved in the complaint process.	5.7% (20)	39.2% (138)	43.8% (154)	11.4% (40)
Most consumers understand why their complaint was resolved the way that it was.	11.5% (40)	62.0% (215)	24.5% (85)	2.0% (7)

Please indicate how important the following are to CONSUMERS as they go through the human rights complaint process.	Very Important % (n)	Somewhat Important % (n)	Not Very Important % (n)	Not at all Important % (n)
Having someone to talk to about their complaint.	93.6% (336)	6.4% (23)	0.0% (0)	0.0% (0)
Understanding their rights.	83.5% (298)	14.6% (52)	2.0% (7)	0.0% (0)
Understanding the complaint process.	69.6% (247)	23.4% (83)	7.0% (25)	0.0% (0)
Having the complaint resolved quickly.	85.1% (302)	13.8% (49)	0.6% (2)	0.6% (2)
Having an <u>independent</u> body like the LHRC available to hear an appeal if necessary.	57.0% (204)	28.8% (103)	11.7% (42)	2.5% (9)
Having the opportunity to participate in a hearing and present evidence regarding the complaint.	56.6% (202)	31.1% (111)	10.1% (36)	2.2% (8)

Please indicate how important the following are to PROVIDERS as they go through the human rights complaint process.	Very Important % (n)	Somewhat Important % (n)	Not Very Important % (n)	Not at all Important % (n)
Having someone available to consumers to talk to about their complaint.	85.8% (308)	13.4% (48)	.6% (2)	.3% (1)
Understanding the rights of individuals receiving services.	93.1% (335)	6.9% (25)	0.0% (0)	0.0% (0)
Understanding the complaint process.	89.1% (319)	10.1% (36)	0.6% (2)	0.3% (1)
Having the complaint resolved quickly.	86.7% (312)	12.5% (45)	0.3% (1)	0.6% (2)
Having an <u>independent</u> body like the LHRC available to hear an appeal if necessary.	67.5% (241)	26.1% (93)	5.0% (18)	1.4% (5)
Having the opportunity to participate in a hearing and present evidence regarding the complaint.	77.2% (277)	18.9% (68)	2.5% (9)	1.4% (5)

How valuable is it for you to attend LHRC meetings?	% (n)
Very valuable	37.2% (122)
Somewhat valuable	31.4% (103)
Not very valuable	23.2% (76)
Not at all valuable	8.2% (27)

In general, what do you see as the two MOST important functions of the LHRC?	% (n)
Review provider data on allegations of abuse and neglect and human rights complaints.	49.2% (180)
Hearing appeals on human rights complaints.	30.6% (112)
Review and comment on applications for variances.	6.8% (25)
Review and comment on behavioral treatment plans involving the use of seclusion, restraint or time out.	19.9% (73)
Review policies and practices that may impact the rights of individuals.	60.7% (222)
Other	5.7% (21)

*Respondent was able to check more than one choice so percentages do not total 100%.

In general, what do you see as the two LEAST important functions of the LHRC?	% (n)
Review provider data on allegations of abuse and neglect and human rights complaints.	23.8% (87)
Hearing appeals of human rights complaints.	18.6% (68)
Review and comment on applications for variances.	56.8% (208)
Review and comment on behavioral treatment plans involving the use of seclusion, restraint or time out.	25.7% (94)
Review policies and practices that may impact the rights of individuals.	11.2% (41)
Other	14.5% (53)

*Respondent was able to check more than one choice so percentages do not total 100%.

Human Rights User Survey Results

How did you find out how to make your human rights complaint?	% (n)
Notice of rights	30.0% (6)
Provider	20.0% (4)
DBHDS advocate	20.0% (4)
Outside advocate group	10.0% (2)
Other	20.0% (4)

How easy/difficult it was to find out how to make your human rights complaint?	% (n)
Very Easy	25.0% (5)
Somewhat Easy	40.0% (8)
Somewhat Difficult	30.0% (6)
Very Difficult	5.0% (1)

Have you ever considered NOT using the human rights process to resolve a complaint?	% (n)
No	55.0% (11)
Yes	45.0% (9)

Reasons why you considered NOT using the human rights process to resolve a complaint?	% (n)
Thought I could resolve the issue without making a complaint.	44.4% (4)
Afraid of consequences if I complained.	33.3% (3)

Reasons why you considered NOT using the human rights process to resolve a complaint?	% (n)
Thought the process was confusing/hard to understand.	11.1% (1)
Did not think the complaint was worth the time/effort to make the complaint.	11.1% (1)
Other	66.7% (6)

*Respondent was able to check more than one choice so percentages do not total 100%.

Who was the most helpful to you in resolving your human rights complaint?	% (n)
Family member	15.0% (3)
Provider	10.0% (2)
DBHDS advocate	60.0% (12)
Outside advocate group	10.0% (2)
Other	15.0% (3)

*Respondent was able to check more than one choice so percentages do not total 100%.

Please indicate if you strongly agree, agree, disagree, or strongly disagree with the following statements:	Strongly Agree % (n)	Agree % (n)	Disagree % (n)	Strongly Disagree % (n)
My complaint was resolved in a timely manner.	20.0% (4)	30.0% (6)	25.0% (5)	25.0% (5)
The complaint process is easy to understand.	10.5% (2)	52.6% (10)	26.3% (5)	10.5% (2)
I felt that my voice was heard during the complaint process.	21.1% (4)	31.6% (6)	15.8% (3)	31.6% (6)
I felt that my thoughts/feelings were valued during the complaint process.	20.0% (4)	35.0% (7)	15.0% (3)	30.0% (6)
I understood the roles of the various people involved in the complaint process.	25.0% (5)	50.0% (10)	20.0% (4)	5.0% (1)
My complaint was resolved to my satisfaction.	25.0% (5)	25.0% (5)	15.0% (3)	35.0% (7)
I understand why my complaint was resolved the way that it was.	26.3% (5)	31.6% (6)	10.5% (2)	31.6% (6)

Please indicate how important the following were as you went through the human rights complaint process.	Very Important % (n)	Somewhat Important % (n)	Not Very Important % (n)	Not at all Important % (n)
Having someone to talk to about your complaint.	83.3% (15)	16.7% (3)	0.0% (0)	0.0% (0)
Understanding your rights.	100.0% (19)	0.0% (0)	0.0% (0)	0.0% (0)
Understanding the complaint process.	89.5% (17)	10.5% (2)	0.0% (0)	0.0% (0)
Having your complaint resolved quickly.	66.7% (12)	33.3% (6)	0.0% (0)	0.0% (0)
Having an <u>independent</u> body like the LHRC available to hear your appeal if necessary.	66.7% (12)	33.3% (6)	0.0% (0)	0.0% (0)
Opportunity to participate in a hearing and present evidence regarding your complaint.	78.9% (15)	15.8% (3)	5.3% (1)	0.0% (0)

At what level was your complaint resolved?	% (n)
Local level/provider	29.4% (5)
Local human rights committee	17.6% (3)
State human rights committee	17.6% (3)
VA center for behavioral rehabilitation (VBCR) appeals committee	5.9% (1)
Not sure	29.4% (5)

If you had another human rights complaint, would you go through the complaint process again?	% (n)
No	11.1% (2)
Yes	72.2% (13)
Unsure	16.7% (3)

Agenda & Supporting Materials
First Focus Group – Regional Advocates



COLLEGE OF ARTS AND LETTERS

The Social Science Research Center • BAL 2000

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<http://al.odu.edu/ssrc/>

Agenda

VA Department of Behavioral Health and Developmental Services Human Rights Complaint Process Focus Group – June 6, 2013.

**Facilitated by: Tancy Vandecar-Burdin and Wendi Wilson-John,
The Social Science Research Center, Old Dominion University**

- Introductions (5-10 minutes)
- Brief review of stakeholder survey results (10 minutes)
- Q&A regarding changes to the complaint process & stakeholder roles (60 minutes)
- Diagramming the change (30 minutes)
- Wrap-up and next steps (10 minutes)

Our goal for the day: A draft model of changes to the HR complaint process that we can present to other stakeholders.

General survey findings:

Respondent Type	Number of completed surveys
Consumers (general including family members)	337
Users (consumers who have used the HR complaint process)	20
Advocates	19
LHRC members	88
Providers	366

- 70-75% or more of all those surveyed think that it is easy for consumers to make or find out how to make a complaint
- About 2/3 of consumers agree that the complaint process is easy to understand
- For those consumers who have not filed a complaint, 55.5% indicated it was because their rights have not been violated and 14.8% indicated they were able to resolve the issue without making a complaint.
- More than half of consumers agreed that their thoughts/feeling were valued and their voice was heard during the complaint process.

What is valued?

- For consumers to have someone to talk to about their complaint
- For consumers to understand their rights
- For consumers to understand the complaint process
- Advocates' participation in LHRC meetings
- LHRC functions of: reviewing provider data on allegations of abuse/neglect & HR complaints, revising policies and practices that may impact the rights of individuals.

What does not work well?

- Many consumers don't remember or are unsure if they received their notice of rights (42%)
- Some consumers do not know that the human rights complaint process exists (17.2%)
- Many consumers are unsure or do not understand that LHRCs are independent of the VA DBHDS (81.6%)

- Access to process and process itself is confusing and needs to be clarified/simplified
- Limited/problematic reporting methods
- Redundant policies & paperwork
- Contradictory language & policies
- Inconsistent reporting and interpretation of the regulations
- Two least important functions of LHRC: reviewing/commenting on applications for variances & commenting on behavioral treatment plans involving the use of seclusion, restraint and timeout.

How to make HR process easier for consumers to use and understand?

- Consolidating complaint process into one pathway for ALL complaints (i.e., eliminate distinction between informal & formal)
- Additional access to advocates – more awareness of advocates and their role
- Simplified wording/processes taking consumers' limitations into consideration (e.g., use of pictures and other examples)
- More training for providers and consumers
- Better/more tools/methods available to explain human rights and the complaint process
- Additional (e.g., electronic) methods for reporting/filing complaints

What would a simplified human rights complaint process look like?

What are the key components of the current process that can NOT/should not change?

What could be eliminated to make the process easier?

What could be changed/added to make the process easier?

What would it take to make this new process a reality?

Given the information above, what would/should be the role of the:

- Advocate

- LHRC

- SHRC

****Throughout the discussion, be sure to mention any unintended consequences which may result from changes to the current human rights complaint process. ****

**Agenda/Protocol for SHRC/LHRC, Provider, Advocacy Focus Group and
Consumer/LHRC Focus Group**



Focus Group on Human Rights Regulations

June 12, 2013

Welcome! We are glad you are here! You have been invited to this focus group to provide your opinion on potential changes to certain aspects of the human rights complaint process, and roles and functions of the local human rights committee. The group will be structured in order to gain opinions on very specific issues, as follows:

Agenda

Introductions

Review of goals for revising the regulations:

- Improve administrative and program efficiencies,
- Simplify processes,
- Clarify roles and functions,
- Enhance user friendliness, and
- Eliminate redundancies.

Review of survey information

Facilitated decision making activity

1. Consolidated Complaint Process:
 - Current regulation sections 50, 60 and 170 (see handout #1)
 - Proposed solution (high concept) combining the processes in these sections into one process.
 - One process for all types of complaints.
 - Same time frames
 - Rules for investigations are outlined

Decision: Consensus on overall concept

2. Details regarding the complaint process: (see handout #2)
 - a. Time frames for:
 - i. Provider reporting allegation to OHR and others (within 24 hours or one working day) **Consensus**
 - ii. Provider initiating an internal investigation (within 24 hours or one working day) **Consensus**
 - iii. Completion of investigation and report to the individual (10 day-20 days) **Take suggestions and reach consensus**
3. LHRC review: (See handout #3)
 - a. What can be appealed:
 - i. a director's final decision and action plan resulting from any complaint resolution: **Yes, No**
 - b. LHRC process time frames
 - i. Should the time frames be reduced? **Yes, No**
 - c. Rules for LHRC hearing:

- i. Should the LHRC have the option to review a case and decide if a hearing shall take place? For example, complaints that are not under the purview of the regulations that somehow gets through to the LHRC stage. *Yes, No*. If yes, suggestions for criteria.
4. Ranking of Primary Role of LHRC: (section 250 D of regulations)
 - Receive Complaints of alleged violations and hold hearings
 - Conduct investigations as requested by SHRC
 - Review any policy or practice that could jeopardize the rights of individuals
 - Receive, review and act on applications for variances
 - Receive, review and comment on behavioral treatment plans involving seclusion restraint and time out
5. DBHDS believes that the rights of individuals will be better protected by increasing the availability of human rights advocates to individuals and family members. Do you agree? *Yes, No*
6. DBHDS believes that a more efficient and effective human rights system can be designed by decreasing redundancies and streamlining administrative processes. Do you agree? *Yes, No*
7. DBHDS has received comments that a more effective and efficient human rights system requires a reduction in the number of local human rights committees. (Currently, there are 77 LHRCs holding over 450 meetings per year) Do you agree? *Yes, No*
8. DBHDS has received comments that one LHRC per region, or six LHRCs, will be sufficient once the administrative processes are streamlined and roles clarified. Do you agree? *Yes, No*
9. Other issues:
 - Sometimes attorneys represent either the provider or the individual during an appeal. When one party or the other has an attorney the other party may be at a disadvantage. Shall the use of an attorney be limited to when both parties have such representation? *Yes, No*
 - Statute of Limitations. Shall there be a limit for how long an individual has to file a complaint? *Yes, No*. If yes, how long?

General comments