**Human Rights Regulations**

**Mission**

The Office of Human Rights assists the Department in fulfilling its legislative mandate under [§37.1-84.1](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+37.2-400" \t "_blank) of the Code of Virginia to assure and protect the legal and human rights of individuals receiving services in facilities or programs operated, licensed or funded by the Department.

The mission of the Office of Human Rights is to monitor compliance with the human rights regulations by promoting the basic precepts of human dignity, advocating for the rights of persons with disabilities in our service delivery systems, and managing the DBHDS Human Rights dispute resolution program.

**Overview**

The Department’s Office of Human Rights, established in 1978, has as its basis the [RULES AND REGULATIONS TO ASSURE THE RIGHTS OF INDIVIDUALS RECEIVING SERVICES FROM PROVIDERS LICENSED, FUNDED, OR OPERATED BY THE DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES](http://www.dbhds.virginia.gov/documents/HumanRights/OHR-RevisedRegulations.pdf). The Regulations outline the Department’s responsibility for assuring the protection of the rights of consumers in facilities and programs operated funded and licensed by DBHDS.

[Title 37.2-400, Code of Virginia (1950)](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+37.2-400" \t "_blank), as amended, and the Office of Human Rights assure that each consumer has the right to:

* Retain his legal rights as provided by state and federal law;
* Receive prompt evaluation and treatment or training about which he is informed insofar as he is capable of understanding;
* Be treated with dignity as a human being and be free from abuse and neglect;
* Not be the subject of experimental or investigational research without his prior written and informed consent or that of his authorized representative.
* Be treated under the least restrictive conditions consistent with his condition and not be subjected to unnecessary physical restraint or isolation;
* Be allowed to send and receive sealed letter mail;
* Have access to his medical and mental records and be assured of their confidentiality;
* Have the right to an impartial review of violations of the rights assured under section 37.2-400 and the right to access legal counsel; and
* Be afforded the appropriate opportunities… to participate in the development and implementation of his individualized service plan.

**Structure**

The Office of Human Rights is located within the Department of Behavioral Health and Developmental Services and is supervised by the State Human Rights Director. The State Human Rights Director oversees statewide human rights activities and provides guidance and direction to human rights staff. [Human Rights Staff](http://www.dbhds.virginia.gov/documents/HumanRights/OHR-Staff-Roster.pdf)

The [State Human Rights Committee](http://www.dbhds.virginia.gov/OHR-SHRC.htm) (SHRC) consists of nine volunteers, who are broadly representative of various professional and consumer groups, and geographic areas of the State. Appointed by the State Board, the SHRC acts as an independent body to oversee the implementation of the human rights program. Its duties include to: receive, coordinate and make recommendations for revisions to regulations; review the scope and content of training programs; monitor and evaluate the implementation and enforcement of the regulations; hear and render decisions on appeals from complaints heard but not resolved at the Local Human Rights Committee (LHRC) level; review and approve requests for variances to the regulations, review and approve LHRC bylaws, and appoint LHRC members. [SHRC Membership Roster](http://www.dbhds.virginia.gov/documents/HumanRights/ohr-SHRCMemberRoster.pdf)

The [Local Human Rights Committees](http://www.dbhds.virginia.gov/OHR-LHRC.htm) are committees of community volunteers who are broadly representative of various professional and consumer interests. LHRCs play a vital role in the Department’s human rights program, serving as an external component of the human rights system. LHRCs review consumer complaints not resolved at the program level; review and make recommendations concerning variances to the regulations; review program policies, procedures and practices and make recommendations for change; conduct investigations; and review restrictive programming.

Advocates represent consumers whose rights are alleged to have been violated and perform other duties for the purpose of preventing rights violations. Each state facility has at least one advocate assigned, with regional advocates located throughout the State who provide a similar function for consumers in community programs. The DBHDS Commissioner in consultation with the State Human Rights Director appoints advocates. Their duties include investigating complaints, examining conditions that impact consumer rights and monitoring compliance with the human rights regulations.