

The dLCV Guide to APPEALING TO YOUR LOCAL HUMAN RIGHTS COMMITTEE

If you disagree with a complaint resolution, investigation finding, or other appealable action, you may file an appeal with the Local Human Rights Committee (LHRC).

Frequently Asked Questions

What is my Local Human Rights Committee?

The Regulations require every DBHDS operated or licensed program to join an LHRC. Your LHRC is a group of local volunteers who review programs' compliance with the Regulations. The DBHDS Office of Human Rights provides technical assistance to the LHRC and helps the LHRC carry out its activities.

Who can help me file my appeal?

You can contact the Office of Human Rights for help filing your appeal. The Human Rights Advocate can answer questions, help you write your appeal, and represent you at the appeal hearing. You can have anyone you choose represent you, like a friend, family member, or peer. You can also contact dLCV to request information or services.

The LHRC Appeal

Written Petition

- You or your chosen representative may send a written petition to the LHRC within 10 working days of receiving the appealable decision. The petition must state the basis for the appeal, including regulations that you believe the provider violated. Like a complaint, the parties to the appeal are you and the director of the facility or program.

Provider Response

- The director must send a written response to the LHRC within 5 working days. The director must respond to everything in the complaint and include a copy of the entire written record of the matter.

LHRC Hearing

- The LHRC will hold an informal fact-finding hearing within 20 working days of receiving the written petition.
- The LHRC will give the parties at least five working days notice of hearing date and time.
- Both you and the provider will have the opportunity to present facts, witnesses and other evidence to the LHRC at the hearing. The LHRC may ask questions and will allow time for opening and closing statements.

LHRC Written Findings and Recommendations

- Within 10 working days after the hearing ends, the LHRC will provide written findings of fact and recommendations to the parties and their representatives.

Provider Action Plan

- Within 5 working days of receiving the LHRC's findings of fact and recommendations, the director shall complete a written action plan in response to the LHRC's findings and recommendations.
- You, your representative, the human rights advocate, or the LHRC may object to the action plan within 5 working days by stating the objections and what the director can do to resolve them.
- If no one objects to the action plan, the director will carry out the plan on the 6th working day after he or she submitted it, or as otherwise provided in the plan.
- If an objection to the action plan is made and the director cannot resolve the objection to the individual's satisfaction within 2 working days from receiving it, the individual may appeal to the SHRC under 12VAC35-115-210.

The dLCV Guide to FILING A HUMAN RIGHTS COMPLAINT

The Human Rights Regulations outline your legal rights while receiving services from programs operated or licensed by The Department of Behavioral Health and Developmental Services (DBHDS). You can help facility staff, your treatment team and yourself by knowing your rights and how a provider can (or cannot!) limit them.

Frequently Asked Questions

How can I protect my rights?

In order to protect your rights, you should be familiar with the Human Rights Regulations. The Regulations outline your rights, when and how the provider can limit your rights, and ways to resolve disagreements.

Where can I find information on my rights?

You can request copies from provider staff or the Office of Human Rights. The provider must give you a copy of the Regulations in a format you can understand (for example, your native language or large print).

The Human Rights Complaint Process

If you can't solve the issue informally and/or would like to file a complaint, the Human Rights Regulations provide a formal process for resolving complaints. This process gives you an opportunity to seek corrective action directly from the facility or program director.

Who can help me file a complaint?

You can contact the Office of Human Rights for help filing a complaint. The Human Rights Advocate can answer questions, help you file your complaint, and encourage the provider to comply with the human rights regulations. However, you can make a complaint on your own or get help from another trusted person (this person could be a friend, peer, staff person, etc.). Staff are required to help individuals file a complaint. You can also contact dLCV to request information or services.

What if I need to make an allegation of abuse or neglect?

The Regulations also explain how to report allegations of abuse and neglect. Providers are required to investigate allegations in a thorough, timely, and impartial manner.

If you are making an allegation of abuse or neglect, you should also send it to the Director in writing, sign and date it, and ask staff to make a copy for your records. State clearly that you are "making an allegation of abuse or neglect" and are asking the director to investigate.

Filing a Complaint

- The director of the program or facility is responsible for responding to individual complaints, so you should address your complaint to them.
- The regulations don't require a written complaint or a specific format. However, you should write your complaint out, sign and date it. Ask staff to make a copy for your records. State clearly that you are "filing a human rights complaint" and briefly explain your complaint.
- If you don't use the Human Rights Advocate to help you file your complaint, you can use the helpful forms provided by dLCV.

Director's Response

- Once the director receives your complaint, he or she must contact you within 24 hours to begin the resolution process.If the director misses a deadline or fails to respond, you can contact the Human Rights Advocate or exercise your right to file an appeal to LHRC.

Written Action Plan

- The director will have 10 days to provide you with a written decision and action plan.

Appeal Rights and Instructions

- Along with the written action plan, the director must provide instructions for how to appeal the decision to the Local Human Rights Committee (LHRC). For more information on how to appeal a decision to the LHRC, see the **The dLCV Guide to Appealing to your Local Human Rights Committee** on the back of this page.