

CHAPTER 41A**HUMAN RIGHTS COMMITTEES****Authority**

N.J.S.A. 30:6D-1 et seq.

Source and Effective Date

R.2004 d.321, effective August 16, 2004.
See: 36 N.J.R. 1910(a), 36 N.J.R. 3925(a).

Chapter Expiration Date

Chapter 41A, Human Rights Committees, expires on August 16, 2009.

Chapter Historical Note

Chapter 41A, Human Rights Committees, was adopted as new rules by R.2004 d.321, effective August 16, 2004. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS**10:41A-1.1 Purpose**

The purpose of this chapter is to establish standards for the composition and operation of the Division of Developmental Disabilities' Human Rights Committees (HRC), as well as those in agencies under contract with or regulated by the Division, within the State of New Jersey and to ensure that HRCs operate as objective review boards in protecting the human and civil rights of individuals with developmental disabilities.

10:41A-1.2 Scope

The rules in this chapter establish the composition and operation of the Human Rights Committee in developmental centers, regions of the Office of Community Services, and in the provider agencies and facilities under contract with or regulated by the Division.

10:41A-1.3 Definitions

The words and terms used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Administrator" means the Chief Executive Officer of a developmental center, the Regional Administrator of Community Services, or the Executive Director of a provider agency under contract with or regulated by the Division.

"Affiliated" means a member of the HRC who is an individual served by the Division, family member, guardian, employee of the facility, or a person who has a contractual relationship with the Division.

"Behavioral Support Committee (BSC)" means a group of individuals who have clinical expertise and experience in evaluating strategies and approaches to behavior change. The charge of the BSC is to make judgments and recommendations regarding the safety, effectiveness, duration and need for proposed behavior interventions that are restrictive or intrusive in nature. The BSC review provides for the level of due process subsequent to that provided by the individual's interdisciplinary team.

"Chief Executive Officer (CEO)" means the person having administrative authority over, and responsibility for a State-operated developmental center, or a private residential facility licensed under N.J.A.C. 10:47.

"Client record" means the organized compilation of documents that relate to the provision of services to an individual.

"Consensus" means a general agreement acceptable to all HRC members present.

"Division" means the Division of Developmental Disabilities.

"Executive Director" means the person having administrative authority over a private agency that operates community-based program(s) regulated by, or under contract with the Division.

"Human Rights Committee (HRC)" means a group comprised of affiliated and nonaffiliated professionals, individuals served, advocates and/or interested persons from the community at large who function as an advisory body to the CEO, Executive Director, or Regional Administrator, on issues directly or indirectly affecting the rights of individuals served. At least two members are impartial outsiders, in that they would not have an interest represented by any other of the required members or the facility itself.

"Interdisciplinary Team" means a group that consists of the individual receiving services, the plan coordinator, the legal guardian, the DDD case manager, the parents or family member (if the adult desires that the parent or family member be present), advocates and friends, those persons who work directly with the individual served, and professionals and representatives of service areas who are relevant to the identification of the individual's needs and the design and evaluation of programs to meet them. The individual may identify additional persons who shall be invited to attend and participate.

"Non-affiliated member" means a member of a committee who is not employed by the service component, facility or agency. This includes members of the Developmental Disabilities Council or former residents and staff of the facility.

"Provider agency" means an agency or business that is under contract with the Division.

"Regional Administrator" means the person having administrative authority and responsibility over a region of Community Services.

"Restriction" means to place a limitation on an individual or group of individuals that prevents the carrying out of actions or activities and denies individuals their civil rights.

SUBCHAPTER 2. INDIVIDUAL RIGHTS

10:41A-2.1 Rights of individuals with developmental disabilities

(a) Human rights issues shall include, but are not limited to, those delineated in the "Rights of the Developmentally Disabled" as set forth in N.J.S.A. 30:6D-1 et seq.

(b) Individuals with developmental disabilities are entitled to exercise the same human and civil rights enjoyed by other citizens. These rights shall not be limited or modified unless the individual's disability limits the exercise of these rights. Staff shall make efforts to assure that the human and civil rights of individuals with developmental disabilities are protected and exercised.

(c) Individuals receiving services from the Division, Division staff, provider agency staff, parents, guardians, or other advocates for individuals may make referrals to the HRC through the HRC chairperson.

(d) Restrictions of an individual's rights shall be documented in the client record.

(e) All staff and contract providers shall advocate for and protect the rights of individuals with developmental disabilities in programs for which they are responsible. Staff and contract service providers shall utilize the structured form of the HRC as an assist in protecting the rights of individuals with developmental disabilities.

SUBCHAPTER 3. MEMBERSHIP OF THE HUMAN RIGHTS COMMITTEE

10:41A-3.1 Appointment of members

(a) The Administrator shall appoint the members of the HRC for a two-year term. The term may be renewable.

(b) New members must be trained prior to serving on the HRC as directed in N.J.A.C. 10:41A-3.5.

(c) There shall be no more than one-third common membership of the Behavior Support Committee and the HRC of any service component, facility or agency.

(d) The HRC shall consist of a minimum of five and a maximum of 15 members, at least one-third of whom shall not be employed by the component, facility or agency.

(e) The HRC membership may be drawn from the following representative groups:

1. Individuals with developmental disabilities, including individuals served;
2. Family members and/or guardians of individuals with developmental disabilities;
3. Persons who have experience and background with rights issues such as those in the legal profession, members of the clergy, ethicists, social workers;
4. Persons who have prior experience serving on Human Rights Committees;
5. Interested citizens from the local community; and

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Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 41A, Human Rights Committees, expires on February 12, 2010. See: 41 N.J.R. 3188(a).

Chapter Historical Note

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