

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES**



**Guidance for Provider Human Rights Committee Composition & Quorum
(Revised August 30, 2013)**

On August 9, 2013, the Department on Disability Services (DDS), Developmental Disabilities Administration (DDA) released a series of revised policies and procedures related to human rights and behavior supports, effective September 3, 2013. The Provider Human Rights Committee (HRC) procedure modified the requirements for the composition of Provider HRCs and for what would constitute quorum for an HRC vote. DDA understands that there are questions about: (1) who would meet the definition of allied health professional; and (2) who would count as an external versus internal HRC member. This notice provides additional guidance on what would meet DDA requirements.

Provider HRC Membership

1. HRC membership shall be broadly based, diverse and independent. The HRC must have at least five members, and shall include representatives from at least the following groups:
 - a. People who receive supports and services from DDA;
 - b. Family members of people who receive services from DDA and/ or advocates for people with developmental disabilities;
 - c. Allied health professionals;
 - d. Allied behavioral health professionals; and
 - e. An attorney.

2. The number of external members on the Committee shall be greater than the number of internal members.

Allied Health Professional

For the past several years, DDA has required that Provider HRC membership include an allied health professional. Allied health professionals include a wide range of professionals involved with the delivery of health or related services pertaining to the identification, evaluation and prevention of diseases and disorders; dietary and nutrition services; and rehabilitation and health

systems management. Examples include, but are not limited to nurses, occupational therapists, physical therapists, speech language pathologists, dentists, dental hygienists, nutritionists and dieticians, and medical technologists. Social workers do not qualify as allied health professionals; they do qualify as allied behavioral health professionals. If you are unsure whether a person on your HRC meets this definition, you may seek guidance and approval from Jared Morris, Quality Management Director, DDS.

External and Internal HRC Members

The Provider HRC procedure requires that (1) there be more external than internal members on the committee; and (2) quorum shall constitute a simple majority, where the number of external members is greater than internal. Below is guidance on how to determine whether an HRC member is external or internal.

DDA recognizes that providers were having difficulty recruiting unpaid allied health professions, unpaid allied behavioral health professionals, and unpaid attorneys to serve on their HRCs. Therefore, effective September 3, 2013, providers may compensate HRC members for their service on the committee. However, paid members shall be considered internal members. Other internal members include, but are not limited to, any staff member or any Board of Director of the organization, regardless of whether the person is paid for attending the HRC meeting.

Some providers offer stipends to people who receive supports and services from DDA and family members, in recognition of their contribution to the HRC. DDA encourages this practice and does not consider this type of stipend to be payment for the purposes of committee composition. That is, a person who receives supports and services from DDA and family members would be considered external members of an HRC regardless of whether or not they receive a stipend.

All members (internal and external) who identify an area of conflict must recuse themselves for that particular decision. For example, a psychologist who has written a behavior support plan (BSP) must recuse him or herself when that BSP is being reviewed. Likewise, an attorney who represents a person must recuse him or herself when a human rights issues related to the person is under consideration. In both situations, the psychologist and the attorney may present to the HRC, but they may not vote to approve or reject the proposed human rights restriction.

We hope that this guidance is helpful. Please direct any questions to Jared Morris, Director of the Quality Management Division, at Thomas.morris@dc.gov or (202) 730-1548. Thank you!