



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

POLICY	
Department on Disability Services	Subject: Privacy and Lockable Spaces
Responsible Program or Office: Developmental Disabilities Administration	Policy Number: 2018-DDA-POL002
Date of Approval by Director: September 27, 2018	Number of Pages: 3
Effective Date: February 4, 2019	Expiration Date: N/A
Supersedes: N/A	
Cross References, Related Policies and Procedures, and Related Documents: HCBS Settings Rule Compliance Policy; Human Rights Policy and Provider Human Rights Committee Procedure; Imposition of Sanctions Policy and Procedure; Person-Centered Planning Process and Individual Support Plans Policy and Procedure; Provider Certification Review Policy; Service Coordination Monitoring and Contact Policy and Procedure; and Person-Centered Modifications Procedure.	

### 1. PURPOSE

The purpose of this policy is to establish requirements regarding the right to privacy and “lockable spaces” for people who receive supports and services from the Department on Disability Services (DDS), Developmental Disabilities Administration (DDA), as required by the Centers for Medicare and Medicaid Services Home and Community-Based Settings Rule and related guidance.

### 2. APPLICABILITY

This policy applies to all DDA employees, subcontractors, providers, vendors, consultants, volunteers, and governmental agencies which provide services and supports to people with intellectual and developmental disabilities.

### 3. AUTHORITY

The authority for this policy is established in the DDS as set forth in D.C. Law 16-264, the “Department on Disability Services Establishment Act of 2006,” effective March 14, 2007 (D.C. Official Code § 7-761.01 *et seq.*); and D.C. Law 2-137, the “Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978,” effective March 3, 1979 (D.C. Official Code § 7-1301.01 *et seq.*).





#### **4. RESPONSIBILITY**

The responsibility for this policy is vested in the DDS Director. Implementation for this policy is the responsibility of the DDS Deputy Director for DDA.

#### **5. POLICY**

It is the policy of DDS that:

- A. People who receive residential services and supports through the Home and Community-Based Services Waiver for People with Intellectual and Developmental Disabilities (HCBS IDD waiver) have privacy in their living space, including lockable front entrances, bedrooms and bathrooms, with only appropriate staff having keys to the doors.
- B. People who receive day services through the HCBS IDD waiver have a secure place to store their belongings during the day.

Exceptions to the requirements that people have secure or lockable spaces, their own keys or codes, and that staff enter only with permission may only be approved as delineated in DDS' Person-Centered Modifications Procedure.

#### **6. STANDARDS**

- A. HCBS IDD waiver residential providers shall develop, adhere to and train appropriate staff on policies which ensure that people receiving services have privacy in their personal space, including front entrances, bedrooms and bathrooms that can close and are lockable by the person, with appropriate staff having keys as needed.
- B. Where a person is not able to lock their bedroom from the outside, providers shall ensure that each person has lockable space for their valuables at home, such as a locker or hope chest, and that the person has the key or code. Lockable space in such circumstances must be in place within one year from the effective date of this policy.
- C. HCBS IDD waiver residential providers may not impose a "house rule" requiring people to keep their bedroom or bathroom doors unlocked.
- D. HCBS IDD waiver facility-based day services providers shall develop, adhere to and train appropriate staff on policies which ensure that people receiving services have a secure place to keep their belongings.
- E. DDS shall monitor providers' compliance with this policy through Provider Certification Review and Service Coordination monitoring and contact.



F. DDS may sanction providers who do not comply with the requirements of this policy.

  
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Andrew P. Reese, Director

  
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Approval Date