

# Assuring Rights for People Supported by DDA



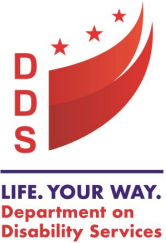
**LIFE. YOUR WAY.**  
Department on  
Disability Services

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# Guidance during COVID-19 Pandemic



- The District of Columbia’s (DC) Mayor issues orders and guidance to direct action and impose restrictions within DC. DC Health and the Centers for Disease Control (CDC) also issue guidance regarding health and safety.
- These orders and guidance apply to all DC residents, including people who receive services from the Developmental Disabilities Administration (DDA).
- There is a difference between orders and guidance.
  - Orders are mandatory and required. Often uses “must” and “shall”
  - Guidance is a recommendation. Often uses “should” and “recommend.”
- Orders and guidance vary by state so providers and people supported who live in Maryland should look to guidance/orders from the state of Maryland and their counties.



# What are Your Rights?

- Generally, people supported by DDA living in DDA-funded housing have the same rights as other DC residents.
- Providers cannot issue blanket bans or restrictions on these rights.
- Any rights restrictions must be individually reviewed and approved through the Human Rights Process, the Inter Disciplinary Team (IDT) and documented in the Individual Support Plan (ISP) prior to implementation.

# Possible Rights Violations

- Limitations on movement
- Inability to make personal decisions
- Restricted access to the community
- Restricted ability to work or attend day activities or programs
- Rules or requirements different from other people in similar situations
- Blanket bans on individual rights
- Discharge from a provider for failing to comply with a restriction
- Restrictions on visitors

# Thinking about Rights: Liberty



- Right to make informed choices regarding use of a mask and social distancing, personal hygiene and vaccinations.
- Right to visit with family and friends in their homes, their family or friends' homes or in the community.
- Right to return to work, day programs and vocational programs.
- Right to have relationships with others.
- Right to take risks, even if it could lead to exposure or contraction of COVID-19.

# Thinking about Rights: Self Determination

- Right to direct the planning of one's services and supports, including return to day services in place prior to COVID-19.
- Right to exert control over one's life to determine what is important to/for them during COVID-19 and beyond.
- Right to advocate and voice complaints about how one is being supported during this pandemic and proposed restrictions including blanket bans on community reintegration with family and friends and individual rights.

# Restrictions on Visitors v. Supporters

- Many doctor's offices and health care facilities (i.e. hospital) continue to have restrictions on visitors and do not allow people to have family/friends accompany them to a medical appointment.
- People with disabilities who need someone to support them because of their disability or communication needs have the right to have someone accompany them as a supporter.

# Protecting Rights: Exposure v. Testing Positive for COVID-19

- There are requirements of all DC residents if they test positive for COVID-19.
- There is also guidance regarding what to do when someone is exposed to someone who tested positive for COVID-19.
- People in Supported Living or Host Homes do not have stricter requirements than other DC residents if exposed to someone who tested positive or who have tested positive themselves.
- People in health care settings---licensed by DC Health
  - Includes Community Residential Facilities (CRF), Residential Habilitation Waiver homes and Intermediate Care Facilities (ICF).
  - Additional guidance on quarantine may be recommended for some individuals based on the risk profile of the population affected and presence of transmission in facility.



# DC Health Guidance for People in CRFs and ICFs

- DC Health's Guidance After Exposure to a Person Confirmed to have COVID-19: Precautions, Quarantine and Testing (October 25, 2022) states,

**Unless instructed differently by DC Health in response to a suspected or confirmed outbreak, intermediate care facilities and community residential facilities may choose to allow residents and persons supported to follow guidance for the community after exposure to a person with COVID-19 instead of the guidance described in this section.**

# Role of IDT Members

- Person supported: Primary Decision-Maker!
- Family Members: Can provide support in decision-making, can provide information about the person's wishes. Cannot make decisions unless appointed guardian or is the POA.
- Service Coordinators and Providers: Coordinate services and supports based on the person's wishes while also representing the agency's position/rules.
- Appointed or Chosen Attorney/Advocate: Zealously advocate for their clients to help actualized their wishes.
- Supporter (through a Supported Decision-Making Agreement): Support the person to make decisions and ensure the person's wishes/decisions are honored/heard. Do not make final decisions.

# Role of IDT Members (cont.)

- **Power of Attorney:** Make decisions based on their authority in the POA document. Could be very limited or broad. Person can revoke the POA and limit the agent's authority.
- **Substitute Decision-Makers under D.C. Code § 21-2210:** Can make medical decisions based on the person's known wishes or if unknown, based on the person's best interest.
- **Limited Medical Guardian:** Maximize the person's independence and support the person's medical decision-making to the extent possible. Must use substituted interest standard and If that is not possible, use the best interest standard.
- **General Guardian:** Maximize the person's independence and support the person's decision-making to the extent possible. Must use substituted interest standard and If that is not possible, use the best interest standard. Can make decisions about returning to day programs or work.

# Avenues for Advocating for Your Rights

- Advocate against rights' restrictions during the Human Rights Committee meeting
- File a complaint through DDA's Formal Complaint Process. You can file in regard to:
  - Denial, delay, reduction or termination of services
  - Application of DDA policies, procedures and practices
  - Application of DDA provider's policies, procedures and practices
- Contact Disability Rights DC if you believe your rights are being violated at (202) 547-0198 ext. 135.