GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES

Effective Date: August 1, 2011	Number of Attachments: 4
Responsible Office: DDS Deputy Director, Developmental Disabilities Administration	
Supersedes Policy: N/A	
Title/Subject: **DDA Internal Problem Resolution Policy**	
Cross-References: Human Rights Advisory Committee Policy, Incident Management and Enforcement Policy, Restrictive Controls Review Committee Procedures	

All underlined words/definitions can be found in the **Definitions Appendix**.

1. PURPOSE

The purpose of this policy is to create a process for every person served by the Department on Disability Services (DDS), Developmental Disabilities Administration (DDA) to be able to make a complaint about the services and supports that they receive, and to get their complaints resolved in a timely manner. This policy will also ensure that people who desire to file such complaints are free from restraint, interference, coercion, discrimination, or retaliation.

2. APPLICABILITY

This policy applies to all DDA employees, subcontractors, providers/vendors, consultants, volunteers, and governmental agencies that provide services and supports on behalf of individuals with disabilities receiving services as part of the DDA Service Delivery System funded by DDA or the Department of Health Care Finance (DHCF).

3. AUTHORITY

The authority for this policy is established in the Department on Disability Services 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 "Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978," effective March 3, 1979 (D.C. Official Code § 7-1301.01 *et seq.*).

4. POLICY

It is the policy of DDS to ensure that every individual served by DDS and its service providers have the right to file a complaint in the following areas: allegations of a violation of a person's rights; dissatisfaction with his or her service coordinator; Individual Support Plan (ISP), or delivery of the person's supports and services; an allegation that a person's choice of Intermediate Care Facility/Intellectual Disability or Home and Community-Based Services waiver program, or choice of provider has been violated; an allegation that a service has been denied, delayed, suspended, reduced or terminated; an allegation that access to the person's records have been denied or delayed; or any other dissatisfaction relating to rights, supports or services. DDS shall establish and maintain procedures and standards for responding to and resolving complaints, affording individuals a forum to have their issues heard and addressed. An individual may file a complaint on their own behalf or a legal guardian, family member,

authorized representative, DDA or provider staff, attorney or advocates may file a complaint on behalf of an individual, unless the individual knowingly objects. It is further the policy of DDS/DDA that all employees of the DDA service delivery system have a responsibility to assist individuals to file complaints should he or she be made aware of a service recipient's dissatisfaction if the person is unable to exercise this right independently.

5. RESPONSIBILITY

The responsibility for this policy is vested in the Director, Department on Disability Services. Implementation for this policy is the responsibility of the Deputy Director, Developmental Disabilities Administration.

6. STANDARDS

The following are the standards by which DDS will evaluate compliance with this policy:

A. An informal complaint process has been developed by DDS/DDA to bring disputes to resolution. This process is not intended to be a replacement for the individual's exercise of due process within the Medicaid fair hearing processes.

B. All individuals will be notified verbally and in writing in his or her primary language upon admission to DDA of the right to make complaints through this policy, and on an annual basis thereafter.

C. Filing a complaint does not prevent an individual from pursuing additional legal remedies through the Office of Administrative Hearings, the Office of Human Rights, the Office of Disability Rights, the D.C. Superior Court for the District of Columbia or the federal court system, as provided under applicable law and regulation. Nothing in this policy should be construed to require a person to file a complaint with the problem resolution office before pursuing relief in those other forums if they so choose.

D. DDA shall ensure that all service providers have and implement a written policy for an internal complaint process to resolve disputes that mirrors the timelines and criteria of the DDS/DDA policy and procedure. Individuals are encouraged, but not obligated, to utilize their service provider's informal complaint process before seeking assistance from DDA's Rights and Advocacy Specialist (RAS).

E. DDA will respond to every individual's complaint verbally and in writing in the individual's primary language and in an accessible format if needed.

F. DDA and all service providers shall maintain records of complaints and related meetings for a period of (3) three years from the time of their occurrence. Providers shall make these records available to DDS during the Provider Performance Review on an annual basis.

G. DDA shall ensure that neither its employees nor the provider agency retaliates against the individual or their representative for filing a complaint.

H. If the complaint is a Reportable or Serious Reportable Incident (SRI), as defined by the DDS Incident Management and Enforcement Policy, the complaint shall be forwarded to the Incident Management and Enforcement Unit (IMEU) for investigation. Within two (2) business days, DDA shall provide the individual with written notice of the transfer of the complaint. DDA and the service provider shall comply with the requirements of the IMEU policy including timely reporting and investigation protocols.

I. If the complaint is an administrative one against DDA or DDS (such as failure to return phone calls or inability to leave a voicemail), the complaint will also be forwarded to the DDS Director's Office where overall customer service complaints are also tracked and managed for agency performance intervention. .

J. The Rights and Advocacy Specialist (RAS) will track and monitor all complaints to ensure timely completion of investigations and reports/recommendations stemming from the complaints. The RAS will produce an Annual Report, made available to the public, which describes the number of people who utilized the complaint resolution process, the number of complaints, the number resolved successfully and satisfaction data, at a minimum.

Laura L Nuss

Laura L. Nuss, Director

8/01/2011

Approval Date

Attachments:

1. Complaint Procedure
2. Complaint Form
3. Rights Handbook
4. Office of Rights and Advocacy Brochure