



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES

DDS TRANSMITTAL #18-8

TO: Developmental Disabilities Administration Home and Community Based Services Waiver Providers for the Following Services: Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment and Employment Readiness

FROM: Erin Leveton, State Office of Policy Planning and Innovation

DATE: October 1, 2018

RE: NEW Developmental Disabilities Administration Privacy and Lockable Spaces Policy: Effective Date February 4, 2019

Today the Department on Disability Services (DDS), Developmental Disabilities Administration (DDA) releases a new policy regarding Home and Community Based Services (HCBS) waiver settings for people with intellectual and developmental disabilities (IDD): Privacy and Lockable Spaces Policy, 2018-DDA-POL002.

Consistent with the Home and Community Based Setting Requirements (HCBS) regulations, [29 DCMR §1938](#) and the federal HCBS Settings Rule, this policy requires that people who receive residential services and supports through the 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; and people who receive facility-based day services through the HCBS IDD waiver have a secure place to store their belongings during the day. If a person needs an exception (called “deviations” in the regulations) to these requirements to ensure their health or safety, please follow the process as described in DDS’ Person-Centered Modifications Procedure, 2018-DDA-PROC002, approval date September 28, 2018, and effective date February 4, 2019.

DDS appreciates that providers have largely transformed their practices to meet the HCBS Settings Rule and local regulatory requirements regarding privacy and lockable spaces. Data from Provider Certification Review (PCR) and Service Coordination Monitoring demonstrates high levels of compliance in this area. However, as there has been some confusion around the requirements for person-centered modifications (PCM), the effective date for this procedure is February 4, 2019. By that time, all PCMs, including those related to privacy and lockable spaces, should have been reviewed by the Provider HRC and reflected in the person’s Individual Support Plan (ISP). Please use this time to review this policy and its potential impact on the people you support. If you believe that a PCM is needed, please have your Human Rights Committee review the proposal and seek a corresponding ISP amendment. This effective date does not change the requirement in existing District of Columbia regulations that, subject to a Person-Centered





Modification:

- All Supported Living, Supported Living with Transportation, Host Home Without Transportation, and Residential Habilitation settings must develop and adhere to policies which ensure that each person receiving services has the right to privacy in his or her personal space, including entrances to living spaces that are lockable by the person (with staff having keys as needed). This is evidenced in part by staff knocking and receiving permission prior to entering a person's living space.
- All Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Supported Employment, Small Group Supported Employment, Companion and Employment Readiness settings must develop and adhere to policies which ensure that each person receiving services has the right to a secure place to keep their belongings.

PCR and Service Coordination Monitoring will continue to evaluate compliance with these requirements.

In closing, DDS thanks the Home and Community Based Settings Advisory Committee for their guidance and review of this policy and the corresponding regulation.

