GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES

Effective Date: October 1, 2010	Number of Attachments: 5
Responsible Office: DDS Deputy Director of DDA	
Supersedes Policy: N/A	
Title/Subject: **2010 Evans Compliance Plan Policy**	
Cross-References: 2010 Revision of 2001 Plan for Compliance and Conclusion of Evans v. Fenty	

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

1. PURPOSE

The purpose of this policy is to establish the standards and guidelines by which the Department on Disability Services ("DDS"), Developmental Disabilities Administration ("DDA"), will monitor and require compliance of all DDA providers (and other applicable entities, see below) with the 2010 Revision of 2001 Plan for Compliance and Conclusion of Evans v. Fenty.

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.*); 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 all individuals receiving services from the DDA service system have access to and receive quality supports, services, and health care. In accordance with the 2010 Revision of 2001 Plan for Compliance and Conclusion of Evans v. Fenty ("2010 Evans Plan"), DDA and other District of Columbia government authorities will take any action necessary to ensure provider compliance with the 2010 Evans Plan. DDA or other agencies may impose sanctions designed to assure compliance, which may include termination of provider agreements, contracts and licenses, fines and termination of reimbursement arrangements.

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. DDA providers will create and maintain policies and procedures in accordance with the 2010 Evans Plan and DDA policies and procedures.

B. DDA providers will review and verify all internal quality assurance, service delivery and monitoring policies and procedures in accordance with the 2010 Evans Plan.

C. Mandatory Goal Compliance under the 2010 Evans Plan

1. In accordance with Goal A, Sub goal 1 (Individualized Habilitation/Support Plans), providers will comply with DDA implementation of the Individualized Support Plan (ISP) and any amendments. Providers will deliver supports and services in a timely manner, in accordance with the ISP and 2010 Evans Plan.

2. In accordance with Goal A, Sub goal 2 (Provision of Residential, Vocational and Day Services), providers will develop and implement appropriate day and employment services for the individuals served by DDA. Any nursing facility placements will follow the Nursing Facility Placement Policy and Procedure (see attachment).

3. In accordance with Goal A, Sub goal 4 (Restricted Control Procedures), providers will comply with DDA policies and procedures surrounding restrictive controls, implementation of Behavior Support Plans (and/or Individualized Staffing), and the use and monitoring of psychotropic medications. Any use of a restrictive control (whether approved or unapproved) must be reported as an incident (see Incident Management and Enforcement Policy and Procedure) in the MRDDA Consumer Information System (MCIS).

4. In accordance with Goal B (Consumers must be kept free from harm), providers will report all incidents (see Incident Management Policy and Procedure) using MCIS to all appropriate district agencies. In addition, providers will implement all recommendations (for preventive or corrective action) from investigation reports, Fatality Review Committee, or the Quality Management Division through enhanced monitoring or provider certification review.

D. DDA provider compliance includes, but is not limited to, the specific Goals (and Sub Goals) delineated in this policy and throughout the 2010 Evans Plan.

Laura L Nuss

Laura L. Nuss, Director

9/29/10

Approval Date

Attachment:

1. 2010 Revision of 2001 Plan for Compliance and Conclusion of Evans v. Fenty
2. Nursing Facility Placement Policy
3. Nursing Facility/PASRR Procedure
4. Incident Management Policy
5. Incident Management Procedure