



# Rights of People Supported by DDA during COVID-19 Emergency

## Phase Two Operating Status

With the start of Phase 2 on June 22, 2020, the “stay at home” provisions of DC Mayor’s Order 2020-063 have been lifted. This applies to all DC residents, including people receiving services from the Department on Disabilities Services’ Developmental Disabilities Administration (DDA).

- While DC Health has recommended that people at higher risk for COVID transmission and for severe illness from COVID-19, including people who live in Residential Habilitation and Intermediate Care Facilities, limit going into the community and having visitors, this does not mean such activities are completely prohibited.
- While providers may make changes to limit the number of individual staff interacting with people supported, residential settings are not “on lock down,” absent a specific quarantine direction from DC Health.
- Promoting the use of Universal Safeguards and Personal Protective Equipment (PPE) remains critical within the DDA system.

## Visitation and Community Outings

When discussing visitation and community outings, DDA Service Coordinators, providers, and other supporters should always start with remembering that a person receiving DDA services and supports has the same rights as any other DC resident.

- People supported by DDA have the right to go into the community, have visitors within and outside their home, and go to visit family members and friends.
- Providers are prohibited from issuing blanket bans or restrictions of such rights.
- Any proposed restrictions of individual rights must comply with the DDS and provider human rights policies and procedures.<sup>1</sup> They must be individually justified, accompanied by the person’s informed consent, and reviewed by the provider’s Human Rights Committee, with a right to appeal to the DDS Human Rights Advisory Committee, prior to the implementation of such limitation.

## Using the Community Participation Questionnaire (CPAQ)

The Community Participation Assessment Questionnaire (CPAQ) guides team discussions about re-starting day/employment providers’ services. Use of the CPAQ is also subject to DDS and provider human rights policies and procedures.

- It is not required before a person can engage in community activities.
- It is not required before a person to have visitors or go visit people.
- It is not a directive to prevent people from engaging in activities based on their risks.
- It is not a tool that empowers the team to decide what a person can or cannot do.
- It is not mandating a complete elimination of risk, but rather designed to encourage discussion about how a person’s choice can be supported in a way that reduces risk.

<sup>1</sup> See DDS Human Rights Policy (2013-DDA-H&W-POL007); Provider Human Rights Committee Procedure (2013-DDA-H&W-PR015); and Human Rights Advisory Committee Procedure (2013-DDA-H&W-PR012).

NOTE: [Reopen DC](#) was issued to the Mayor on May 21, 2020. However, as knowledge of COVID-19 continues to evolve, so do public health-related decisions. The Mayor’s Order in each Phase will reflect any changed recommendations as the situation evolves.

## The Role of Guardians and Other Substitute Decision-Makers

Guardians and other substitute decision-makers do not have the automatic authority to overrule a person's wish to go into the community, work, or have visitors.

- Guardians (even "general" ones) are legally: (1) prohibited from imposing unreasonable confinement or involuntary seclusion, including forced separation from other people, without receiving specific court approval; (2) required to, as much as possible, encourage independent decision-making by the person and include the person in the decision-making process; (3) required to try to make decisions based on the person's known wishes and only consider best interests when the person's wishes are unknown.
- A substitute health-care decision-maker's authority (sometimes known as a "21-2210 SDM") is strictly limited to medical decisions.

## Cause for Sanctions

- Providers are prohibited from discharging a person for his or her refusal to accept a restriction absent appropriate human rights review, proven attempts to educate and support the person, and full exploration of less restrictive options.
- DDS may sanction providers for not complying with this guidance and related DDS human rights policies and procedures.

NOTE: [Reopen DC](#) was issued to the Mayor on May 21, 2020. However, as knowledge of COVID-19 continues to evolve, so do public health-related decisions. The Mayor's Order in each Phase will reflect any changed recommendations as the situation evolves.