

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES**



POLICY	
Department on Disability Services	Subject: <i>Substitute Decision-Making for Non-Emergency Needs Policy</i>
Responsible Program or Office: <i>Department on Disability Services</i>	Policy Number: <i>2015-DDS-004</i>
Date of Approval by the Director: January 8, 2015	Number of Pages: 2
Effective Date: January 9, 2015	Expiration Date, if any: N/A
Supersedes Policy Dated: 03.03.2011 (Updated to comply with People First Language)	
Cross References, Related Policies and Procedures, and Related Documents: Substitute-Decision Making for Emergency Care and Urgent Care Medical Needs Policy, Individual Support Plan Policy.	

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), shall assist a person with selecting or obtaining an appropriate substitute decision-maker for persons receiving supports and services from DDA who have been assessed to lack the capacity to make or effectively communicate medical decisions for themselves.

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 people 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 ("DDS") 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 "Citizens with Intellectual Disabilities 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 all people receiving DDA supports and services who need assistance in decision-making have an appropriate substitute decision-maker who is identified or obtained in a timely manner.


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 shall establish operating procedures for identifying a substitute decision-maker and/or obtaining a guardian for all people receiving services from DDA with an identified need.
- B. DDA shall ensure that all DDA Service Coordination staff and providers are trained on these procedures and this policy.
- C. DDA will ensure that a person's need for decision-making assistance is addressed during the initial Individual Support Plan (ISP) and may be identified any time after the initial ISP. The person's possible need for a substitute decision-maker will be monitored on an on-going basis by the interdisciplinary team and circle of support.
- D. DDA shall assist the person with determining the least restrictive but most appropriate substitute decision-making option to meet the person's needs, based on a professional determination that a person lacks capacity or requires assistance to make decisions.
- E. DDA shall consider a request for a court-appointed limited or general guardian as the last resort, as it is the most restrictive of a person's rights. The substitute decision-making options (from least restrictive to most restrictive) to be considered shall include: an advance healthcare directive, a durable power of attorney, a substitute healthcare decision-maker under D.C. Law §21-2210, a court-appointed Developmental Disability advocate with medical decision making authority, a limited or general court-appointed guardian.



Laura L. Nuss, Director



Approval Date

Attachments:

- 1. Substitute Decision-Making for Non-Emergency Needs Procedure
- 2. Guardianship Routing and Approval Form
- 3. Medical Affidavit
- 4. Psychologist Affidavit
- 5. Service Coordination Affidavit
- 6. Substitute Consent for Health Care Decisions Form