



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES

July 25, 2016

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

Re: Docket Number FDA-2016-N-1111, Proposal to Ban Electrical Stimulation Devices Used to Treat Self-Injurious or Aggressive Behavior

To Whom It May Concern:

The District of Columbia Department on Disability Services (DDS) is pleased to express strong support of the Federal Drug Administration's proposed rule, "Banned Devices; Proposal to Ban Electrical Stimulation Devices (ESD) Used to Treat Self-Injurious and Aggressive Behavior." DDS also echoes the Autistic Self Advocacy Network and National Association of State Directors of Developmental Disability Services' position on the topic, opposing the use of these devices and stressing alternative measures that promote dignity, humanity and respect.

DDS provides the residents of the District of Columbia with information, oversight and coordination of services for people with disabilities and those who support them, such as service providers and employers. Over the past few years, DDS has provided services and supports to individuals who were formerly placed at the Judge Rotenberg Center (JRC). Unfortunately, these individuals were exposed to ESDs during their stay. The use of this device creates traumatic and adverse effects, especially for individuals with intellectual and physical disabilities who experience difficulties with communicating pain or their consent.

Consequently, DDS has shifted away from these practices and has, therefore, taken meaningful steps to ensure that all people, including those with significant behavioral needs, have opportunities to live in the community with quality supports. DDS has adopted policies that ban the use of ESDs and replaced them with standards, guidelines, provider responsibilities, protocols, and procedures that promote behavior support.¹

Behavior support is a service provided in situations where a person with disabilities is determined to have patterns of behavior, which are likely to seriously limit or deny access to ordinary community experiences and activities or which threaten the physical safety of the person or others around them. DDS has also embraced person-centered practices and made significant strides in strengthening coordination among services and alignment across programs.



¹ DDS Behavior Support Plan Policy is available on line at: <http://dds.dc.gov/book/iii-health-and-wellness/behavior-support-policy-and-procedures>; the DDS Human Rights Policy is available on-line at: <http://dds.dc.gov/book/iii-health-and-wellness/human-rights-policy>.



As individuals were moved from JRC, DDS worked closely with their family members to identify providers that they could trust and have an expertise in working with individuals with complex behavioral needs, such as those who present self-injurious or aggressive behavior. DDS providers are committed to creating a safe and trusting environment. They provide solid community-based supports for our consumers and ensure that they achieve a greater quality of life. Thank you for the opportunity to provide comments. We look forward to working with you on this issue.

Sincerely,

A handwritten signature in blue ink that reads "Andrew Reese".

Andrew Reese
Interim Director