DD Ombuds Power and Duties RCW 43.382

- Inform people about rights and services
- Review procedures of state institutions
- Visit people where they live
- Speak privately to people receiving services
DD Ombuds Power and Duties
RCW 43.382

- Protect confidentiality
- Investigate and resolve their complaints
- Monitor DSHS procedures and practices
- Recommend systemic changes
Introduction

to
Community Protection Program (CPP)

- After a tragedy in 1996, the Legislature authorized DDA to serve people charged, but not convicted, of crimes that involve a threat to public safety.
- In 2006, in spite of reported concerns, the Legislature expanded CPP to include people convicted who served their time, and people never charged with any crime.
- Young people are now the most commonly referred to the CPP.
If I don’t tell a lie for a year they said I can play video games again.

I want my cell phone back. They took it last year and said until I can “be appropriate” I’m not getting it back.

I complained and they said “sign out if you don’t like it, its voluntary”

My case manager searched my room and took my movies and video games. They said I have no choice if I’m in CPP.
Why Is DD Ombuds Focusing on CPP?

- DD Ombuds is guided by the values of disability justice—framework created by Sins Invalid (www.sinsinvalid.org)
- "Leadership of the most impacted" is one of the values
- The CPP penalizes young people before they've had opportunities to learn necessary skills.
- American Indian men and Black women are overrepresented in the CPP
- The systemic problems identified in CPP are found in other DDA programs too.
- Listening to and addressing the concerns of people in CPP could improve DDA services for many others.
Introduction to Community Protection Program (CPP)

DDA labels them “dangerous” and violent or sexually deviant.

The CPP is DDA’s most restrictive program.

If labeled eligible, people must agree to receive CPP services.

If they don’t agree, they can’t have other DDA waiver services.

They must agree to 24/7 surveillance and all restrictions.
Introduction to Community Protection Program (CPP): DD Ombuds Concerns

- DDA says the CPP is “voluntary”
- If you don’t have a choice, it isn’t voluntary.
- As of May 2022, there were 382 people on the CPP waiver.
- People agree to “therapeutic” CPP services that treat them with dignity and respect provided the “least restrictive” way.
- People and their plans are unclear how to get out of CPP.
Introduction to Community Protection Program (CPP): DD Ombuds Concerns

- More people have left the CPP than “graduated” from it.
- DDA reports taking some steps to address these concerns.
- DD Ombuds will continue to report findings and recommendations.
- People in the CPP need to see the path out of the CPP.
- We welcome your questions.
No Way Out: Initial Recommendations

- Offer resources to divert young people from the CPP.
- Stop penalizing people who decline the CPP.
- Ensure people have a clear, person-centered path out of CPP.
- Create clear timelines for DDA response to DD Ombuds’ requests for documents, and allow DD Ombuds direct electronic access to records.
- DDA Leadership should set clear expectations regarding the CPP program.
Still No Way Out:
Voices of 60 People in the Community Protection Program
How did the DD Ombuds reach people?

- May 2022: Requested and received contact information for 382 people in CPP from DDA
- June 2022: Mailed copy of the shortened version of No Way Out to 382 people
- June 2022: emailed No Way Out electronically to all CPP residential providers. Asked them to make sure people in CPP are allowed to open their mail and visit the DD Ombuds privately.
- June through August 2022: DD Ombuds staff talked to over 60 people (more than 15%) about the report and their experiences with the CPP.
Summary: Voices of People in CPP

- Path to graduation unclear - Still No Way Out
- Not allowed to visit who they want.
- No community activities without permission.
- Not allowed to have privacy. 24 hour surveillance required.
- Not allowed cell phone, social media, streaming movies.
- Afraid to make a mistake because they could lose more rights or have a longer wait to earn back their rights
- Can’t disagree with services without “blow back.”
- Not getting what they signed up for.
- People want their rights back.
Almost everyone did not know how to “graduate” from the program. People described the steps to earn their rights back:

- “Be good for a year”
- “Stay out of trouble”
- “Don’t mess up”
- “Work the program”
- “Stop arguing”
- “Be honest”
- “Earn lots more reductions”
Example: I Don’t Know How to Get Out

- Most people asked for help getting out
  - “Community Protection is prison without bars”
  - “It feels like I’m under house arrest”
  - “They tell me I’m not ready to (have my rights back)”
  - “DD Ombuds should be at every CPP treatment team meeting”
Example: I’m Isolated From My Family and Friends

- Almost everyone said that no overnight visitors are allowed and team approval is needed before they can invite a friend to their home.
- Almost everyone said they are not allowed to stay the night with friends.
- Almost everyone said they needed permission to date someone.
- Almost everyone said no social media or internet is allowed.

*Not being allowed to hug anyone or touch another person, except for a fist bump, is a common restriction in CPP.*

Art by Ivanova Smith
Almost everyone said they needed staff permission and supervision to leave their house – even to walk out to their front or back yard.

Almost everyone said that the treatment team must approve community activities and sometimes it can take months.

Almost everyone said they must have their CPP staff with them all the time unless they have an approved chaperone.

People said they are told to wait outside or in another room while treatment team members talk about them without them.

Art by Ivanova Smith
Example: I Have No Privacy

- People said no private visits or phone calls allowed.
- Family members said they were told not visit their loved ones.
- Phone calls and mail are screened – staff are instructed to intervene and hang up the phone if they hear something “inappropriate.”
- What about email? “Oh, no way would they ever let me.”

Many people in CPP are told they can't look at children or a stick figure of children. One person showed us a Christmas card with a picture of Joseph, Mary, and baby Jesus on it. Staff opened the mail scribbled out baby Jesus before giving it to the person.

Art by Ivanova Smith
What steps has DDA taken?

- Completed an Internal Audit through Risk Management: identified regional inconsistencies and recommended changes.
- Making Care Web changes to include referral form to track why people are referred to CPP and prevent more lost forms.
- Reported an internal person-centered action task force is reviewing CPP policies 15.01-15.05 and related forms.
What steps has DDA taken?

Reported that HQ is training regional staff for consistency on restrictive procedures and to ensure policies are followed.

Making changes to provider contracts,

Establishing a QA group to assess blanket restrictions.

Developing training specifically for CPP Case Managers.
DDA Needs To Do More

- Re-train DDA staff that DDA client rights are the **minimum** rights **guaranteed**.
- Re-train DDA staff and contractors not to take away rights that people already have.
- Ensure choice of visitors, activities and privacy not controlled by service providers.
- Ensure PCSP’s are person-centered according to the federal rules.
- Ensure people have a safe route to complain about CPP problems.
- Acknowledge and correct any rule violations to protect the person.
- Change policy 5.15 to ensure a review before taking away rights.
Who are we and what do the DD Ombuds do?
HISTORY

• In 2011, people found out Laura was being abused and neglected by her caregiver that was paid by the state
• Laura’s DDA Case Manager wasn’t checking on her enough to make sure she was okay
• Washington legislature passed “Laura’s Law”
• Laura’s Law created...
  • Enhanced Case Management in DDA
  • Office of Developmental Disabilities Ombuds
Is contracted through the state, Department of Commerce

Are run by a private, non-profit organization (Disability Rights Washington)

Work in Washington state

Are independent of the service system

Protect confidentiality
WHO DO WE HELP?

- Anyone with an intellectual or developmental disability who gets state services
- We can help people anywhere, but especially...
  - Own home
  - Supported-living
  - Assisted-living
  - Adult Family Home
  - State institutions
HOW DO WE HELP?

- Protect ability to make your own choices
- Take direction from the disabled person
- Private (we are not mandatory-reporters!)
- Low level solutions
- The service-system is complicated!
- Advocate with you and help you advocate for yourself
- Encourage system to work how it should
- We can’t
  - Give you legal advice or help
  - Fill out forms for you, but we can do it with you!
  - Make DDA do what you need them to do
Suggest local organizations that could help you better than we can

Example:

- Bob’s landlord is discriminating against him because he is disabled
- Bob’s landlord doesn’t want him to live in his apartment anymore
- Bob needs someone who can help him advocate with his landlord
- DD Ombuds talks with Bob to find out what type of help he needs, then send Bob some resources like…
  - Free/low-cost legal organization
  - Tenants’ rights organization
COMPLAINT RESOLUTION

- Work with individuals w/developmental disabilities, families, or legal representatives to try and resolve complaints about services

Example

- Sarah applied for DDA-services for her 8-year-old-daughter
- Sarah was told by her daughter's Case Resource Manager (CRM) that they would schedule a “Functional Assessment” in two weeks
- It has been two months and Sarah hasn’t heard from her CRM
- Sarah contacts the DD Ombuds and submits a complaint
- The DD Ombuds call the CRM’s Supervisor and ask for a Functional Assessment to be scheduled
- Sarah get a Functional Assessment scheduled for her daughter
- If Sarah wants, the Ombuds can attend and support her and her daughter to help it go well
We visit places where people get services.

Example:

DD Ombuds is told by someone they are helping with a complaint, Lucy, that her supported-living provider isn’t treating her and her housemates well.

DD Ombuds schedules a time to visit Lucy at her house so that they can check on her and her housemates.

When the DD Ombuds visit, they see problems with the way the supported-living provider is treating Lucy.

The DD Ombuds work with the supported-living provider and Lucy to help resolve her concerns so she is treated well.
Recommendations to service providers, the State, and the Legislature on how to improve services

Example:

- Diverting Crisis: Maintaining housing and supports for people with developmental disabilities (May 2018)
- Stuck in the Hospital (December 2018)
- Improving Services for Youth with Intellectual/Developmental Disabilities in Foster Care (September 2019)
- No Way Out: An Introduction to the Community Protection Program (June 2021)
DDA Home and Community Based Services (HCBS)
More help when Medicaid and other supports aren’t enough
Federally funded Medicaid programs
“Waive” choice to get services in an institutional setting
Choose to get services in your home and community (Home and Community Based Services)

Types of waivers
- Individual and Family Services (IFS)
- Basic Plus
- Children’s Intensive In-Home Behavioral Supports (CIIBS)
- Core Waiver
- Community Protection
INDIVIDUAL & FAMILY SERVICES

For children and adults living in their family’s home

Services include:
- Assistive technology
- Environmental adaptations
- Specialized equipment/supplies
- OT/PT/Speech/Hearing & Language (age 21+)
- Person-Centered Planning Facilitation
- Specialized habilitation
- Community engagement
- Therapeutic adaptations
- Respite
- Funding levels: $1,200, $1,800, $2,400, $3,600
For children and adults living in their family’s home or other community-based setting,
Disabled person’s ability to be supported in that setting is at risk w/out more services
Service
  - Specialized habilitation
  - Community Engagement
  - Community Inclusion
  - Skilled Nursing (age 21+)
  - Risk Assessment
  - Stabilization Services
  - Therapeutic Adaptations
  - Environmental Adaptations
  - Specialized Equipment/Supplies
  - OT/PT/Speech/Hearing & Language Services (age 21+)
  - Staff/Family Consultation
  - Positive Behavior Support (under age 21)
For children (age 8-20) living in the family home who are at risk of “out-of-home placement” because of their behavioral challenges

Based on “positive behavior supports”

Team planning that builds on strengths and works toward outcomes driven by family

Services include

- Specialized habilitation
- Respite
- Assistive technology
- Risk assessment

Stabilization services
Specialized clothing
Music & equine therapies
Therapeutic adaptations
Environmental adaptations
Vehicle modifications
Specialized equipment & supplies
For children and adults at risk of out-of-home placement, have a need that can’t be met by Basic Plus waiver

May need up to 24-hour residential services that include training and education

Require daily to weekly one-on-one support for physical or health needs

Services
- Most services under Basic Plus
- Supported-living
- Community transition services
- More funding than Basic Plus, based on need
COMMUNITY PROTECTION PROGRAM (CPP)

- For adults who need 24-hour on-site awake staff supervision and therapies
- DD Ombuds has concerns about CPP and the restrictions it places on participants
- DDDA says CPP is supposed to be structured and therapeutic for people with community protection issues. All services under CORE Waiver except...
  - Community engagement
  - Respite
  - Wellness education
  - Community inclusion
How to apply for DDA-Services
HOW TO APPLY FOR DDA SERVICES

1. Apply for eligibility determination
2. Request services
3. Waiver eligibility determination
DDA ELIGIBILITY FLOW CHART

Are you a DDA client?

- Yes
  - Let’s talk more on the next slide!

- No
  - Service and information request

Application w/required documentation

Were you determined eligible?

- No
  - Appeal!

- Yes
  - Contact DDA to request services

Adapted from Informing Families DDA Eligibility Chart
ELIGIBILITY APPLICATION

To apply, you have to...
- Live in Washington
- Have a qualifying condition

Request determination of eligibility
- Identity verification
- Residency
- Consent
- Guardianship or adoption records
- Documents that prove you have a developmental disability

Documents you need to apply
STEPS TO APPLY FOR A DDA WAIVER

1. Service request
2. Functional Assessment and Person-Center-Planning process
3. Review of functional eligibility
4. Determination of financial eligibility
5. Service planning and statement of participation
6. Signing the plan
STEP 1: SERVICE REQUEST

- After you receive an eligibility determination, you still need to request services
- Call or submit form to DDA Service Request & Information Line

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>PHONE NUMBER</th>
</tr>
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<tbody>
<tr>
<td>Chelan, Douglas, Ferry, Lincoln, Okanogan, Pend, Oreille, Spokane, Stevens</td>
<td>(800)-319-7116</td>
</tr>
<tr>
<td>Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Kittitas Klickitat, Walla Walla, Whitman, Yakima</td>
<td>866-715-3646</td>
</tr>
<tr>
<td>Island, San Juan, Skagit, Snohomish, Whatcom</td>
<td>800-567-5582</td>
</tr>
<tr>
<td>King</td>
<td>800-974-4428</td>
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<tr>
<td>Kitsap, Pierce</td>
<td>800-735-6740</td>
</tr>
<tr>
<td>Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Skamania, Thurston, Wahkiakum</td>
<td>888-707-1202</td>
</tr>
</tbody>
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STEP 2: FUNCTIONAL ASSESSMENT AND PERSON CENTERED PLANNING PROCESS

- DDA Case Resource Manager (CRM) will schedule a time to meet with you.
- Will talk about interests, needs, goals and how services/supports could help.
- During the Functional Assessment, CRM will ask a lot of questions to determine “Functional Eligibility”.
STEP 3: REVIEW OF FUNCTIONAL ELIGIBILITY

- DDA Case Resource Manager (CRM) submits Waiver Enrollment Request to DDA’s review committee.
- Review committee decides if request and functional assessment meet waiver eligibility criteria.
STEP 4: DETERMINATION OF FINANCIAL ELIGIBILITY

- If you’re approved by the waiver review committee, DDA Case Resource Manager (CRM) will contact you about financial eligibility
- Medicaid eligible
  - DSHS sends health care coverage forms to determine financial assets or resources
- If you aren’t Medicaid enrolled, need to apply for Medicaid
- If you don’t receive SSI or have Disability Determination from (SSA)
  - Submit determination to Disability Determination Services (DDS) for review
  - Notify you and DDA CRM of the outcome
STEP 5: SERVICE PLANNING AND STATEMENT OF PARTICIPATION

- Meet with DDA Case Resource Manager (CRM) to make Individual Instruction and Support Plan (IISP)/Person Centered Service Plan (PCSP)
- Explore opportunities in your community
- DDA CRM will ask you to sign Voluntary Participation Statement
STEP 6: SIGNING THE PLAN

- You agree to waiver services by signing and returning the plan.
- This is the spot where you can talk with your Case Resource Manager (CRM), if there are services that you need that aren’t included in your plan.
- Now, you’re enrolled on a waiver!
More Questions?

Lisa Robbe  
Regional Ombuds and Legal Counsel  
[link](lisa@ddombuds.org)  
(833) 727-8900 ext. 270

Tim McCue  
Self Advocacy Educator  
[link](tim@ddombuds.org)  
(833) 727-8900 ext. 118