

# Developmental Disabilities Reform Act of 2008

## Draft 1, December 2008

### Side-by-Side Comparison with D.C. Law 2-137<sup>1</sup>

| Issue                            | D.C. Law 2-137  | Developmental Disabilities Reform Act  |
|----------------------------------|---|--|
| <b>Ages served</b>               | Generally, adults.  | All ages.  |
| <b>Eligible diagnosis</b>        | Intellectual disability.  | Developmental disability.  |
| <b>Intake process</b>            | Admission or commitment through the Superior Court; no time limit on process.   | Eligibility determined by DDA within 40 days.  |
| <b>Short-term services</b>       | Prior to commitment, DDA can provide services to a person who has been found incompetent in a criminal case.  | Prior to eligibility determination, DDA can provide services if the person is homeless, at risk of abuse and neglect, or has been found incompetent in a criminal case.  |
| <b>Service planning</b>          | Individual habilitation plan created by an interdisciplinary team.  | Individual support plan created by the person, with the DDA support coordinator and anyone else the person wants.  |
| <b>Supports &amp; services</b>   | Residential facility-based habilitation.  | Flexible, person-centered home and community-based services.   |
| <b>Family supports</b>           | Respite.  | Comprehensive array of services, guided by a Family Support Council.   |
| <b>Rights</b>                    | Detailed information on the rights of people who live in facilities.  | A focus on people's right to choice and control in their own lives. DDS authorized to enforce rights.  |
| <b>Grievances</b>                | <ul style="list-style-type: none"> <li>◆ No DDA grievance system.</li> <li>◆ People who are committed can ask for a Superior Court hearing. People who are admitted have no grievance option.</li> <li>◆ Access to Medicaid Fair Hearing.</li> <li>◆ Civil remedy.</li> </ul> | <ul style="list-style-type: none"> <li>◆ Internal DDA grievance system.</li> <li>◆ All people eligible for DDA services can access the Superior Court.</li> <li>◆ Access to Medicaid Fair Hearing.</li> <li>◆ Civil remedy.</li> </ul> |
| <b>Federal law &amp; funding</b> | Inconsistent with federal disability rights law; fails to maximize Medicaid dollars.  | Consistent with federal disability rights law; maximizes Medicaid dollars.   |
| <b>Advocacy supports</b>         | People who are committed can get a court-appointed volunteer advocate.  | All people eligible for DDA services can get a court-appointed paid advocate.  |
| <b>Quality standards</b>         | None.   | <ul style="list-style-type: none"> <li>◆ Interagency standards led by DDA.</li> <li>◆ Mandatory criminal background checks.</li> <li>◆ Abuse and neglect registry.</li> </ul>  |
| <b>Civil commitment</b>          | People found incompetent in a criminal case can be committed to a DDA facility.   | People found incompetent in a criminal case can be committed to the care of DDA.   |
| <b>Community role</b>            | No defined role.  | <ul style="list-style-type: none"> <li>◆ Active involvement in development of new service system and family supports.</li> <li>◆ Regulations (with community comment) required for all of Title I.</li> </ul>                          |
| <b>Accountability</b>            | No reporting requirements.  | Annual reports on implementation of law.   |

<sup>1</sup> The *Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978*, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.01 *et seq.*).