



DEVELOPMENTAL DISABILITIES ADMINISTRATION
Olympia, Washington

TITLE: DRW ACCESS TO CLIENT RECORDS POLICY 13.04
MAINTAINED BY DDA

Authority: 42 U.S.C. Chapter 144 sec. 15003, et seq. (as amended) Developmental
Disabilities Assistance and Bill of Rights Act of 1975
45 CFR 1385-1386
[RCW 71A.10.080](#)
2001 Access Agreement between DRW and DDD/DSHS

PURPOSE

This policy establishes guidelines for complying with the 2001 Access Agreement negotiated by the Developmental Disabilities Administration (DDA) and Disability Rights of Washington (DRW). The agreement provides DRW access to the records of administration clients for the purpose of monitoring, advocacy, and investigation of alleged violations of rights, abandonment, abuse, exploitation, or neglect.

SCOPE

This policy applies to Field Services and State Operated Living Alternative (SOLA) employees and to records maintained by DDA which are associated with individuals with developmental disabilities living in the community. Note: This policy does not apply to individuals residing at the Residential Habilitation Centers (RHCs).

DEFINITIONS

Individual with a developmental disability is a person who is currently eligible for services from DDA or whose application for DDA eligibility is currently under consideration. This includes persons who died while they were clients of DDA or current DDA clients whose whereabouts are unknown.

Probable cause means reasonable grounds for belief that a DDA client has been or may be subject to abuse or neglect. The individual making such determination may base the decision on reasonable inferences drawn from their experience or training regarding similar incidents, conditions or problems that are usually associated with abuse and neglect.

Records include client information in the possession of DDA. This includes reports prepared by any state employee or reports prepared by an agency charged with investigating reports of incidents of abuse, neglect, injury, or death, which describe incidents of abuse, neglect, injury, or death occurring at a facility, investigative documents and discharge planning records.

POLICY

- A. DDA staff will assist and support DRW access to the DDA records of enrolled clients who reside in community settings.
- B. DDA staff will provide DRW with requested records and information in accordance with governing law [42 U.S.C. Chapter 144, sec. 15003] and the 2001 Access Agreement between DRW and DDD/DSHS.

PROCEDURES

- A. DRW shall be given access to DDA records of individuals with disabilities under any of the following circumstances:
 - 1. DRW staff submit a valid, written consent from the DDA client or the client's legal representative;
 - 2. For clients who do not have legal representatives/guardians and who lack capacity to consent, DRW shall have access to the individual's records upon showing that it has received a complaint regarding the individual or has determined there is probable cause to believe the individual has been abused or neglected;
 - 3. When DRW informs DDA that it has received a complaint regarding a DDA client or has probable cause to believe the client has been abused or neglected, DDA shall provide DRW with contact information so that DRW can contact the legal representative/guardian to offer assistance. If the legal representative/guardian declines DRW's offer of assistance, DRW will obtain court approval prior to accessing that client's records.
- B. DRW has agreed to the following procedures when requesting access to records:
 - 1. To identify themselves by showing a DRW photo identification badge;
 - 2. To inform DDA staff of the purpose and role of DRW;
 - 3. To allow DDA staff to be present when original records are reviewed to ensure DRW staff does not remove original records;

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4. To limit copying requests to records which DRW considers necessary for the investigation; and
 5. To pay fifteen (15) cents per page for copies of any records.
- C. DDA has agreed to the following when DRW is authorized access to client records pursuant to this policy:
1. Upon request by DRW, provide the name, address and telephone number of the client's legal representatives/guardians by 5:00 p.m. of the business day following a request;
 2. Schedule an appointment with DRW to review the specified records within two (2) working days of the request;
 3. Set the appointment for reviewing these records within five (5) working days of the original request;
 4. Charge no more than fifteen (15) cents per page for copies of any records and to provide these copies at the time of the visit. If this is not feasible, copies will be provided no later than ten (10) working days following the request.
 5. Not to charge for any services other than copying costs for records DDA is required to provide.
- D. DDA staff must use [DSHS 15-252](#), *DRW Access Request Checklist*, to document DRW Access requests.

EXCEPTIONS

Any exceptions to this policy must have the prior written approval of the Deputy Assistant Secretary.

SUPERSESSSION

DDD Policy 13.04
Issued January 15, 2010

Approved: /s/ Donald Clintsman
Deputy Assistant Secretary
Developmental Disabilities Administration

Date: November 1, 2013