

DEVELOPMENTAL DISABILITIES ADMINISTRATION
Olympia, Washington

TITLE: COMMUNITY PROTECTION STANDARDS FOR EMPLOYMENT PROGRAM SERVICES 15.03

Authority: [42 C.F.R. 440.301\(c\)\(4\)](#) *Home and Community-based Settings*
[Title 71A RCW](#) *Developmental Disabilities*
[Chapter 71A.12 RCW](#) *Developmental Disabilities: State Services*
[Chapter 388-825 WAC](#) *Developmental Disabilities Services*
[Chapter 388-831 WAC](#) *Community Protection Program*
[Chapter 388-850 WAC](#) *County Plan for Developmental Disabilities*

Reference: [DDA Policy 15.01](#), *Community Protection Program Identification and Eligibility*
[DDA Policy 15.02](#), *Community Protection Program Services*
[DDA Policy 15.04](#), *Standards for Community Protection Residential Services*
[DDA Policy 15.05](#), *Community Protection Program Reductions and Exit Criteria*

PURPOSE

This policy establishes guidelines for supporting community protection program (CPP) participants who receive employment services.

SCOPE

This policy applies to Developmental Disabilities Administration (DDA) field services staff and the following contracted providers serving CPP participants:

- CPP supported living providers
- Employment providers

DEFINITIONS

Chaperone means a person, approved by the CPP team, who is delegated the responsibility to escort and supervise the CPP participant and assist the CPP participant to follow their program plan. This may include family members, guardians, community members, or friends.

Community protection employment program means employment services specifically designed to support CPP participants.

Community protection program (CPP) means services specifically designed to support CPP participants who are at risk to engage in unsafe behaviors as defined in [DDA Policy 15.01](#), *Community Protection Program Identification and Eligibility*.

CPP participant means a DDA client who has agreed to receive CPP services under [Chapter 388-101D WAC](#) and [DDA Policy 15.01](#).

CPP plan means a participant's individualized plan written by a qualified professional, therapist, or CPP skills provider.

CPP team means the program participant and the group of people responsible for the development, implementation, and monitoring of the participant's individualized supports and services. This group includes the CPP participant and CPP case manager and may also include the participant's CPP supported living provider, therapist, CPP skills provider, employment program provider, corrections specialist, mental health case manager, legal representative or family, and anyone else the CPP participant chooses to include.

Disclosure means providing relevant information pertaining to a client's community protection program eligibility. This may include copies of professional assessments, legal documents, and other verbal or written information to ensure the provider has information for the purpose of providing supports. Polygraph and plethysmograph reports are excluded from disclosure.

Functional assessment means observing a client, reviewing information about the client, and collecting data about the client to:

- Determine relationships between antecedents and behaviors;
- Identify reinforcing consequences; and
- Form a hypothesis about why a behavior continues to be used.

Legal representative means a parent of a client if the client is under age eighteen, a court-appointed guardian if a decision is within the scope of the guardianship order, or, for the purpose of this policy, any other person authorized by law to act for the client.

Modification means changes to limiting choices of residential or employment locations, approval of residential or employment locations, modifications made to the residence or employment location, and use of restrictive procedures assessed and determined to be necessary for a client to make progress toward their identified goals and objectives and may be documented in their CPP plan, positive behavior support plan, or person-centered service plan. Modifications must

address issues that made the client eligible for the community protection program.

Qualified professional means a person conducting a risk assessment who has at least three years of experience working with people with developmental disabilities and:

- (a) If the client being assessed has demonstrated sexually aggressive or sexually violent behavior, the qualified professional must be a Certified Sex Offender Treatment Provider (C-SOTP), or an Affiliate SOTP (A-SOTP) working under the supervision of a C-SOTP; or
- (b) If the client being assessed has demonstrated violent, dangerous, or aggressive behavior, the qualified professional must be a licensed psychologist or psychiatrist who has received specialized training in the treatment of violence or has at least three years of experience treating people with violent or aggressive behaviors.

Specialized environment means a place where the CPP participant has agreed to supervision in a safe, structured manner with rules, requirements, approved restrictions, and expectations for personal responsibility as developed by the CPP team.

Specialized support means supervision in a structured manner with rules, requirements, approved restrictions, and expectations for personal responsibility as developed by the CPP team.

POLICY

- A. A CPP participant receiving employment services must agree to any:
 - 1. Individualized supports and restrictions in their person-centered service plan, CPP plan, and positive behavior support plan related to their eligibility for CPP; and
 - 2. Recommendations in psychosexual and risk assessment evaluations.
- B. Employment program services must include:
 - 1. An opportunity for the CPP participant to work in the community;
 - 2. Environmental and programmatic safeguards and structures that are identified in their PBSP, CPP plan;
 - 3. Recommendations in the psychosexual and risk evaluations that support the participant to avoid engaging in behaviors that endanger themselves, others, or property, or interfere with the rights of others; and

4. Specialized supports that promote a CPP participant to make positive choices to reduce the behaviors that require the intensive intervention and supervision that made them eligible for CPP.
- C. When necessary, modifications may be implemented as recommended by the current psychosexual and risk evaluation or the CPP team that are related to the behaviors that make the participant eligible for CPP and that are needed to enhance personal and public safety. Any restrictions utilized must be provided in the least restrictive manner available and the CPP participant must demonstrate understanding and agree with the implementation of all modifications. Restrictions must meet requirements of [DDA Policy 5.15, Restrictive Procedures: Community](#).

PROCEDURES

A. Service Delivery Requirements

Employment providers must:

1. Participate as members of the CPP team and attend quarterly team meetings;
2. Collaborate with the CPP participant, the participant's family, the participant's legal representative if applicable, other DDA providers, DDA staff, counties, and other agencies and individuals such as law enforcement, schools, employers, and mental health providers;
3. Assist in the integration of the CPP participant's program goals, objectives, and interventions to support the participant to be successful in the community and not engage in the behaviors that made them eligible for CPP;
4. Include the CPP supported living provider when assisting the participant to identify their work location and establish a work schedule;
5. Facilitate discussion with the therapist or skills provider and the CPP participant to develop a plan and support the participant in making necessary disclosures to an employer or potential employer pertaining to the behaviors that made them eligible for CPP and any court-ordered requirements;
6. Consider the CPP participant's specific risk factors when identifying work locations, taking into account the preference of the participant. If the participant's preference for work location is not deemed to be able to be supported due to the CPP team unable to recommend supports that will keep both the participant and the community safe, then work with the participant and

the other members of the CPP team to discuss how preferences may be met while still maintaining personal and community safety;

7. Use modifications as necessary in the workplace to enhance protection of the CPP participant, community members, children, vulnerable adults, animals, and property;
8. Promote habilitation and avoid punitive attitudes; and
9. Develop a written plan of service that indicates the client is receiving CPP services and share the plan with the DDA CPP case manager and CPP supported living provider. The written plan of service must address:
 - a. Any modifications applicable to employment program services. This should include the criteria established by the CPP team for removal of any restrictions in the workplace;
 - b. Staff roles and responsibilities, including the entity responsible (i.e., CPP supported living provider, employment provider) for the identified supervision needs of the CPP participant at job sites or other program settings.;
 - c. CPP team recommendations and plan of service updates; and
 - d. Disclosure requirements and procedures as determined by the CPP team.

B. Administrative Requirements

An employment provider supporting a CPP participant must:

1. Maintain commercial general liability insurance of at least \$1,000,000 per occurrence and \$3,000,000 in the aggregate; and
2. Have a written agency policy that:
 - a. Describes how the provider supports CPP participants;
 - b. Describes how the provider communicates with other CPP team members, and other persons and agencies as appropriate;

- c. Establishes a procedure for managing confidentiality and release of information, and disclosing a participant's community protection enrollment to necessary parties;
- d. Establishes and explains a CPP participant's right and access to grievance procedures as they relate to specialized environments and use of any restrictive measures per [DDA Policy 5.15](#). This should also include assisting the participant to communicate concerns to the other members of the CPP team; and

Note: Refer to [DDA Policy 6.08](#), *Mandatory Reporting Requirements for Employment and Day Program Services Providers*, for additional guidance on incident reporting requirements.

- e. Establishes response and contingency plans for:
 - i. Emergency staffing in the event changes are required to protect the CPP participant, employees, and others;
 - ii. Situations that may be potentially dangerous, such as when an employee working alone with a CPP participant may cause the employee to be at risk or when the CPP participant engages in behaviors related to their CPP eligibility and directs them toward a specific employee;
 - iii. General emergencies; and
 - iv. Procedures to notify the following parties within 24 hours when a CPP participant refuses to follow previously agreed to modifications, supervision requirements, or treatment recommendations:
 - A) DDA;
 - B) The CPP supported living provider;
 - C) County;
 - D) Therapist,
 - E) Skills provider; and
 - F) Law enforcement as necessary.

C. Staff Training

1. Employment providers must ensure that before working with a CPP participant, an employee completes the following training:
 - a. Provider general overview training on community protection; and
 - b. Specific information about the CPP participants they are supporting, such as training on each CPP participant's person-centered service plan, functional assessment, positive behavior support plan, and other relevant plans.
2. No more than 30 days after beginning working with a CPP participant, an employment provider employee must complete the *DDA Community Protection Orientation and Training*.

D. Client Records

In addition to general record standards, records of CPP participants must include the following documents:

1. Current psychosexual evaluation and risk assessment written by a qualified professional;
2. Current CPP plan and support recommendations which include:
 - a. Specific time-limited goals and objectives based upon data;
 - b. Specific services proposed, include frequency and duration of services and methods to be used;
 - c. Recommendations for supervision and any other restrictions or restrictive procedures, why they are necessary, and what criteria must be met to reduce or remove supervision and restriction;
 - d. A description of how participant progress will be assessed; and
 - e. Criteria to complete skill development or therapy services related to behaviors that make them eligible for CPP.
3. Current positive behavior support plan under [DDA Policy 5.21](#), *Functional Assessments and Positive Behavior Support Plans*;

