

DEVELOPMENTAL DISABILITIES ADMINISTRATION
Olympia, Washington

TITLE: COMMUNITY PROTECTION PROGRAM REDUCTIONS AND EXIT CRITERIA 15.05

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 388-101D WAC](#) *Requirements for Providers of Residential Supports*
[Chapter 388-825 WAC](#) *Developmental Disabilities Services*
[Chapter 388-831 WAC](#) *Community Protection Program*
[Chapter 388-850 WAC](#) *County Employment and Day Programs*

Reference: [DDA Policy 15.01](#), *Community Protection Program Identification and Eligibility*
[DDA Policy 15.02](#), *Community Protection Program Services*
[DDA Policy 15.03](#), *Community Protection Standards for Employment Program Services*
[DDA Policy 15.04](#), *Standards for Community Protection Residential Services*

PURPOSE

This policy establishes requirements for reducing or phasing out restrictions, exiting from the community protection program (CPP)—through either graduation or voluntarily leaving program—terminating from CPP, removing CPP designation, and removing the participant from the CPP tracking database.

SCOPE

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

- Supported living providers
- Skills providers
- Therapy 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 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 committee means a group of DDA staff comprised of regional or statewide representatives who review a client's eligibility for program and reductions in supervision for participants in the program.

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 the 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.

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.

Reduction in supervision means a decrease to a participant's supervision level.

Specialized client screen means a sub-folder in the DDA Case Management folder in the Comprehensive Assessment Reporting and Evaluation (CARE) database. Information available in this folder may include an identifier for community protection or tracking-only for DDA-enrolled participants who meet criteria.

POLICY

- A. CPP participants will receive services in the least restrictive manner and in the least restrictive environments possible. In reviewing requests or recommendations for lessening program restrictions, phasing out supervision, or terminating services, Field Services staff must consider the safety and welfare of both the CPP participant and the community.
- B. The reduction and removal of program modifications must be based on the CPP participant's progress in their program goals and their assessed risk to engage in behaviors that make them eligible for CPP without the restriction in place.
- C. A plan for reducing program modifications for a CPP participant must include specific, objective criteria and goals that are agreed on by the CPP team.
- D. There are four ways for a participant to exit the CPP:
 - 1. Meeting CPP program graduation criteria as determined by the CPP team (see Procedures, section D);
 - 2. Termination from the program for declining to participate in CPP-specific goals and services (see Procedures, section E);
 - 3. Voluntarily leaving the CPP (see Procedures, section F); or
 - 4. No longer meeting DDA eligibility requirements under Chapter 388-823 WAC (see Procedures, section G).
- E. Individuals not currently in program may be removed from the database for the following reasons:
 - 1. No longer meeting CPP eligibility criteria (e.g., reviewed by the CPP committee and approved by the regional administrator or designee that the CPP participant no longer presents a risk to the community) (see Procedures, section I); or

2. No longer requiring CPP Tracking Only (see Procedures, section J).

PROCEDURES

A. Modifying CPP Plans

1. The CPP team may make necessary changes to the CPP plan. All changes must be agreed upon by the participant.
2. If a CPP participant engages in an incident related to their CPP eligibility criteria that poses significant risk of harm to self or others, the therapist, skill provider or CPP supported living provider's management may suspend previously approved reductions related to the incident that occurred pending a review of the participant's CPP plan by the CPP team. The provider must notify the CPP team of any such incidents or reduction suspensions and follow [DDA Policy 5.15, Restrictive Procedures: Community](#), if implementing or reinstating a restrictive procedure.

B. Significant changes to the CPP Plan

1. The CPP team is responsible for reviewing and approving or denying significant changes to the CPP plan. If a request is denied, the CPP team must discuss the reason for denial with the participant to ensure understanding of the reasons for denial and may assist the participant in developing goals that continue to pursue the requested change.
2. Any member of the CPP team may propose a significant change. Significant changes must be discussed and agreed upon by CPP team members. Examples of significant changes to the CPP plan include, but are not limited to, changes to restricted items or media, use of alarms, participation in activities previously restricted due to risk criteria related to their CPP eligibility, and chaperone agreements.
3. Based on the CPP participant's particular risk factors, other significant changes to the CPP plan may require CPP committee approval and must be identified in advance by the CPP committee.
4. The CPP case manager must file the updated CPP plan in the CPP participant's DDA case file and send a copy to providers on the participant's CPP team.
5. Providers on the participant's CPP team must document employee training about the revised CPP plan and keep as part of the client record.

C. Reduction of Supervision

1. When considering a reduction in supervision, the following must occur:
 - a. The CPP participant or other member of their CPP team requests or recommends a reduction.
 - b. The skills provider or therapist writes a recommendation of support.
 - c. The CPP team secures input from others as appropriate, such as the person's corrections specialist, and mental health case manager.
 - d. The CPP team reviews any court-ordered conditions of release or other legal sanctions to determine whether the reduction would be in conflict or require modifying an existing order. If the participant has met the criteria for the reduction of a restriction that is not supported by a court order or other legal restriction, the CPP team will work with the participant to remain in compliance with these legally placed restrictions. A conflict between a court order and a reduction in restriction is not a justification for continued use of a restrictive procedure or program restriction.
 - e. The CPP team will discuss the proposed reductions and develop consensus around a team recommendation for the plan.
 - f. A member of the CPP team writes the reduction plan.
2. The regional CPP committee must review the plan and determine whether to approve or deny the request to reduce supervision. In approving the request, the committee must verify the proper procedural steps have occurred and the reduced supervision is supported by the CPP participant's most recent risk assessment or progress in the program.
3. A reduction in supervision to less than line-of-sight while in the community requires approval by the regional administrator or designee. The regional administrator or designee must respond to the request for reduction no more than 14 calendar days after the date of the recommendation by the committee.
4. If a CPP participant's request for a reduction in supervision is denied, the CPP case manager, in consultation with the therapist or skills provider, must inform the CPP participant of the reasons for the denial within 14 calendar days of the final decision.

5. If the CPP participant disagrees with the decision, the CPP case manager must inform the person of their right to pursue a further review through the agency's rights and grievance procedure (which is required by [DDA Policy 15.04](#), *Standards for Community Protection Residential Services*).

D. Transitioning from Community Protection Program Services

1. The CPP team must consider transitioning the CPP participant from the CPP program if the participant has:
 - a. Not engaged in behaviors that increase their likelihood to commit acts that made them eligible for CPP for a 12-month period while practicing reductions in modifications;
 - b. Met the transition goals set by their CPP team; and
 - c. Been determined by a qualified professional to be a low risk to engage in the behaviors that made them eligible for the program.
2. Before a CPP participant may begin transitioning, the following must occur:
 - a. The CPP participant's therapist or skills provider must provide a written transition recommendation that describes the participant's program progress and reduced modifications. If the therapist or skills provider cannot provide a current level of risk, a referral must be made for a risk assessment by a qualified professional as described in [DDA Policy 15.01](#).
 - b. The CPP team must agree the CPP participant is ready to transition out of the program. The team should strive for consensus; if there are significant disagreements, the CPP case manager must consult with their supervisor and the CPP coordinator. If necessary, the CPP coordinator must consult with the regional administrator or designee.
3. Before the CPP participant transitions from the program, the CPP team must develop a transition plan that includes:
 - a. Services and supports the participant plans to receive from DDA after exiting the program; or
 - b. Other plans the participant has for support outside of DDA after exiting the program.

4. The CPP team must submit the transition plan (including mixed household request if needed) to the regional CPP committee for review.
5. After reviewing the transition plan, the regional CPP committee must make a recommendation to the regional administrator or designee, who must make the final decision at least 14 days before a CPP participant's transition from the CPP.
6. If the CPP participant successfully transitions out of the program, the CPP coordinator must:
 - a. Enter "Graduated" in the *Specialized Client* screen in the Comprehensive Assessment and Reporting Evaluation (CARE) system; and
 - b. Send a written notice to the CPP participant, their legal representative, and the necessary supplemental accommodation (NSA) confirming the participant has officially graduated from the program.
7. The CPP case manager must document the transition from the program in a service episode record.

E. DDA Termination of Community Protection Program Services

1. DDA may terminate a participant's CPP services if the participant:
 - a. Physically assaults someone and it results in serious injury;
 - b. Repeatedly evades supervision;
 - c. Engages in illegal behavior related to behaviors that made them eligible for CPP; or
 - d. Chooses not to engage with the program to the extent that a therapist or qualified provider determines the CPP participant is not amenable to participating in program.
2. Before terminating the participant's CPP services:
 - a. The CPP team must review the CPP plan to ensure:
 - i. The plan meets the participant's current program needs, ensure additional services (if requested by the participant or legal representative) have been accessed if needed;

- ii. The plan is being implemented correctly; and
 - iii. The participant fully understands their current plan and why the modifications in it are necessary.
 - b. The regional CPP coordinator must:
 - i. Confirm that person-centered attempts to address the participant’s choice to decline engaging in program have occurred and been documented; and
 - ii. Give the CPP team an opportunity to make recommendations to prevent the CPP participant’s termination from the program and discuss the request for termination with the DDA headquarters community protection program manager.
 - c. If the DDA headquarters community protection program manager determines the request meets criteria for termination, they must consult with the attorney general’s office and provide feedback to the regional CPP committee.
 - d. The regional CPP committee must make a recommendation to the regional administrator.
 - e. The regional administrator, in consultation with the assistant secretary, will make the final decision whether to terminate the CPP participant’s CPP services due to their choice to decline engaging in program.
- 3. The CPP coordinator or designee must document that the CPP participant has been terminated from the CPP by selecting “noncompliance” for the program end reason and enter the end date on the *Specialized Client* screen in CARE.
- 4. When a participant is terminated from the CPP, the case manager must notify all current providers and others as appropriate (e.g., law enforcement, and mental health case manager).
- 5. A participant terminated from the CPP for refusal to engage in program may not receive other DDA services except Community First Choice services, if eligible. For more information, refer to [DDA Policy 15.02](#), *Community Protection Program Services*.

F. Voluntarily Leaving the Community Protection Program

1. If a CPP participant chooses to leave the CPP before meeting their transition criteria, the CPP supported living provider must notify DDA. If after work hours, the residential provider must follow the after-hours notification process.
2. Once notified, the CPP case manager must:
 - a. Ensure the participant has been informed what may be lost or unavailable and what services will be available once they sign out of the program.
 - b. Ask the participant to sign [DSHS 15-419](#), *CPP Refusal of Services Statement*, to confirm they no longer want to receive CPP services. If the participant does not sign the form, document this in the CPP participant's record.
 - c. Inform DDA headquarters community protection program manager, the participant's current providers, and others as appropriate that the participant is leaving the CPP.
 - d. Enter "Refused Services" and the end date on the *Specialized Client* screen in CARE.
3. If the participant leaves program before the CPP case manager can complete tasks under subsection (2) above and does not give updated contact information, the CPP case manager must document this in the participant's record.
4. A participant who leaves the CPP before meeting their transition criteria may not receive other DDA services except Community First Choice services, if eligible. For more information, refer to [DDA Policy 15.02](#).

G. DDA Eligibility Review

If it is determined that a CPP participant no longer meets DDA eligibility per [DDA Policy 11.01](#), *Intake and Eligibility Determination* the CPP case manager must:

1. Consult with the regional administrator or designee;
2. Provide written notification, including appeal rights, to the CPP participant and their legal representative and family consistent with [DDA Policy 5.07](#), *Planned Action Notice*;

3. Notify other parties who need to be informed, including current providers, local law enforcement agency, CCO, mental health case manager, and others as appropriate;
 4. Refer the person to other services for which they might be eligible (e.g., mental health services, housing resources, or services offered through other entities, such as home and community services or vocational rehabilitation); and
 5. Enter “No longer eligible” and the end date in the *Specialized Client* screen in CARE.
- H. If a CPP participant’s services are denied, reduced, or terminated, the case manager must provide a written notice to the person and their legal representative of the right to an administrative hearing in accordance with [Chapter 388-02 WAC](#).
- I. Reviewing CPP-eligible clients who are not in program
1. The CPP committee must review a DDA client identified as eligible for CPP but not in program if the client:
 - a. Has been institutionalized in a state hospital, acute care hospital, RHC, or other institution setting for one year or more and is transitioning to the community;
 - b. Has signed out of program for a year or more and is requesting an updated review of eligibility;
 - c. Was previously identified and chose to only receive community first choice services and is now requesting additional services; or
 - d. Was previously identified and has been on no-paid-services for a year or more and is requesting services.
 2. Before authorizing a new or additional service, requesting a waiver, or completing a transition plan from the institutional setting, the client’s DDA case manager must submit a request for review by the CPP committee.
 3. The CPP committee must review to determine whether the individual continues to meet eligibility criteria or requires an updated risk assessment to determine eligibility for CPP.

4. If the client no longer meets CPP eligibility criteria, the CPP committee must forward the recommendation to remove their CPP designation to the regional administrator or designee for approval.
5. Once approved by the regional administrator, the CPP coordinator must:
 - a. Enter “No longer meets criteria” in the *Specialized Client* screen in CARE; and
 - b. Send a written notice to the client and their legal representative confirming they have been removed from the CPP database.
6. The case manager must document the removal from the CPP database in service episode record.

J. Removal from CPP Tracking-Only

1. At the client’s annual assessment, the case manager must review the client’s tracking-only status to determine if the client should be referred to the CPP committee for consideration for removal from the tracking-only list.
2. Removal should be considered if the initial behaviors that made them eligible for CPP Tracking Only are no longer reported as occurring, or do not appear to be increasing in frequency or severity and are no longer in need of formal tracking per case manager’s review of the behavior during the annual assessment.
3. The CPP committee will review information submitted in the person-centered service plan and any other documentation that may support removal from the database.
4. The CPP committee must inform the case manager of any decisions about the client’s tracking-only status.

EXCEPTIONS

Any exception to this policy must have the prior written approval of the deputy assistant secretary or designee.

SUPERSESSON

DDA Policy 15.05
Issued July 1, 2019

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Approved: _____
Deputy Assistant Secretary
Developmental Disabilities Administration

Date: July 1, 2023