



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: WPAS ACCESS TO CLIENT RECORDS POLICY 13.04
MAINTAINED BY DDD

AUTHORITY: 42 U.S.C. sec. 6000, et seq. (as amended) Developmental Disabilities
Assistance and Bill of Rights Act of 1975
45 CFR 1385-1386
RCW 71A.10.080
1997 Access Agreement between WPAS and DDD/DSHS

PURPOSE:

To ensure that employees of the Division of Developmental Disabilities (DDD) comply with laws and the Access Agreement by providing WPAS access to the records of individuals with developmental disabilities for the purpose of monitoring, advocacy, investigation of alleged violations of rights, abuse, neglect, abandonment, or exploitation.

BACKGROUND:

DDD and WPAS negotiated and signed an Access Agreement in 1997 to ensure WPAS access to the records of individuals with developmental disabilities maintained by DDD.

SCOPE:

This policy governs DDD Field Services and SOLA employees and records maintained by DDD which are associated with individuals with developmental disabilities living outside of Residential Habilitation Centers.

DEFINITIONS:

A. **DDD employees** are individuals who are employed by DDD.

- B. **Individual with a developmental disability** is a person who has applied for, is, or has ever been determined eligible for services from DDD. This includes persons who have died or whose current whereabouts are unknown.
- C. Probable cause means reasonable grounds for belief that a DDD 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 his/her experience or training regarding similar incidents, conditions or problems that are usually associated with abuse and neglect.
- D. **Records** include client information in the possession of DDD. 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 that describe incidents of abuse, neglect, injury, or death occurring at a facility, investigative documents and discharge planning records.
- E. **WPAS** is an acronym for Washington Protection and Advocacy System, Inc., a federally mandated agency that advocates for persons with developmental disabilities.

POLICY:

DDD employees will assist and support WPAS access to the DDD records of individuals with developmental disabilities living outside of RHCs and provide WPAS with requested records and information in accordance with governing law [42 U.S.C.sec.6042] and the 1997 Access Agreement between WPAS and DDD/DSHS.

PROCEDURES

- A. **WPAS has agreed to the following procedures when requesting access to records:**
1. To provide a valid, written consent from the DDD client or his/her guardian, or state that there is “probable cause” as defined in the “Definitions” section of this policy;
 2. That no written consent is needed if probable cause has been determined to exist and:
 - the individual with developmental disabilities has no guardian, or
 - the individual with developmental disabilities is unable to authorize the system to have access;

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3. To identify themselves by showing a WPAS photo identification badge;
4. Inform DDD staff of the purpose and role of WPAS;
5. Not to remove original records;
6. To limit copying requests to records which WPAS considers necessary for the investigation; and
7. To allow DDD staff to be present when records are reviewed.

B. DDD has agreed to the following when WPAS has presented written consent or probable cause and has requested access to records:

1. Provide the name, address and telephone number of legal guardians by 5:00 p.m. of the business day following a request;
2. Schedule an appointment with WPAS 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 cents (\$0.15) per page for copies of any records and to provide these copies at the time of the visit. If this is not feasible, they 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 DDD is required to provide.

SUPERSESSION

None

Approved: /s/ Timothy R. Brown
Director, Division of Developmental Disabilities

Date: 4/28/98