



MEMO

Department of DISABILITY & AGING

To: 1915(c) Waiver Providers

From: Dr. Bruce Davis, Deputy Commissioner of Clinical Services and Lindsey Brady, Director of Therapeutic Services

Date: October 16, 2024

Subject: Memo 2024-3, Human Rights Guidance

It has come to the attention of the Department of Disability and Aging (DDA), that there is some confusion regarding physician-ordered treatments and bed checks in relation to when a human rights review is required. DDA wants to make clear that bed checks are not required under any of the waivers (1915c, ECF CHOICES). In an effort to alleviate any confusion, the department is providing the below guidance in an effort to protect the rights of those we serve and assist providers by clarifying when a human rights review is required for those served by DDA. The department is in the process of updating our human rights policy to further clarify when a human rights review is required and specify the documentation necessary for the review.

When updating our policy, we will include the following guidance concerning physician-ordered treatments.

Bed-checks to facilitate physician-ordered treatments DO NOT require human rights review.

Physician-ordered treatments are treatments ordered by physicians or physician extenders (e.g., Nurse Practitioner, Physician's Assistant) related to the daily basic needs that contribute to a person's health and safety. Bed checks that are needed to facilitate physician-ordered treatments should be included in the Person-Centered Support Plan (PCSP) and doctor/clinician orders should be on file with the provider, if possible. The procedures include, but are not limited to:

- Brief Changes
- Tube Feedings
- Repositioning to prevent bed sores
- Breathing Treatments
- Medication Administration
- Other physician/clinician ordered treatments

Bed checks for other reasons (e.g., behavioral needs) DO require human rights review.

The need for a bed check for reasons other than physician ordered treatments should be evaluated on an individual basis. The person, their legal representative (if applicable), and their circle of support (COS) should review the justification for this restriction. Per the current policy (80.6.1), if the person and their entire COS agree, then the team can include it in the PCSP and track progress toward fading the bed-check restriction. For 1915(c) waivers, if any person on the COS disagrees with the restriction, the proper documentation should be provided to the agency's local human rights committee for review. If the agency doesn't have a local human rights committee, the documentation should be provided to the



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Regional Office Human Rights Committee for review. For those in ECF CHOICES services, these reviews should be submitted to their MCO's Setting Committee

If you need assistance with these requirements, please reach out to your DDA Regional Behavior Analysis Unit.

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