

**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2009-225  
December 22, 2009

**SUBJECT:** Revitalization –District of Columbia Developmental Disabilities Fatality Review Committee

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act ("Home Rule Act"), as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2001), it is hereby **ORDERED** that:

**I. ESTABLISHMENT**

There is hereby revitalized in the Executive Branch of the government of the District of Columbia the District of Columbia Development Disabilities ("DD") Fatality Review Committee (hereinafter referred to as the "Committee").

**II. PURPOSE**

The Committee shall examine events and circumstances surrounding the deaths of District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability in order to: gather and analyze empirical evidence about fatalities in this population; safeguard and improve the health, safety and welfare of District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability; reduce the number of preventable deaths; and promote improvement and integration of both the public and private systems serving District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability. For purposes of this Mayor's Order, "District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability" may be defined as an individual who is committed by a court to the care and custody of the District of Columbia Department on Disability Services ("DDS"), or who meets DDS eligibility requirements for voluntary admission and is admitted by a court to receive services, or is under the supervision of DDS or of a program contracted by DDS to deliver such services, for reasons of an intellectual disability and/or a qualifying developmental disability. The phrase "District residents over the age of 18 years with an intellectual and/or qualifying developmental disability" is intended to include persons who are committed to the care and custody of the District or its residential providers in accordance with the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 (Mentally Retarded Citizens Act), effective March 3, 1979, D.C. Law 2-137, D.C. Official Code § 7-1301.01 *et seq.* (2008 Repl. and 2009 Supp.), and therefore includes "wards of the District of Columbia government" under section 2906 (b) (7) of the Fiscal Year 2001 Budget

Support Act of 2000, effective October 19, 2000, D.C. Law 13-172, D.C. Official Code § 5-1405 (b) (7) (2009 Supp.).

### **III. DUTIES**

The duties of the Committee shall include:

- A.** Expeditiously reviewing deaths of District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability, especially those receiving services who reside in group homes, host homes, supervised living, natural homes or nursing homes or any other residential or health care facilities certified, licensed or contracted by the District;
- B.** Identifying the causes and circumstances contributing to deaths of District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability;
- C.** Reviewing and evaluating services provided by public and private systems that are responsible for protecting or providing services to District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability, and assessing whether said entities have properly carried out their respective duties and responsibilities; and
- D.** Based on the results of the reviews (both individual and in the aggregate), identifying strengths and weaknesses in the governmental and private agencies and/or programs that serve District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability and making recommendations to the Mayor and the agencies and programs directly to implement systemic changes to improve services or to rectify deficiencies. The recommendations may address, but are not limited to, proposing statutes, policies or procedures (both new or amendments to existing ones); modifying training for persons who provide services to District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability; enhancing coordination and communication among entities providing or monitoring services for District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability; and facilitating investigations of fatalities, providers of service or individual medical and allied health practitioners.

### **IV. FUNCTIONS**

The functions of the Committee shall include:

- A.** Developing and issuing procedures governing its operations within ninety (90) days of the effective date of this Mayor's Order. To the extent such procedures already have been developed, issued and implemented the Committee may continue to operate under those procedures. The procedures shall include, at a minimum, the following:

1. Methods by which deaths of District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability are identified and reported to ensure expeditious reviews;
  2. A process by which fatality cases are screened and selected for review;
  3. A method for ensuring that all information identifying District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability, their families and others associated with the cases or the circumstances surrounding the deaths, including witnesses and complainants, is protected against undue disclosure. This is to ensure that steps are taken to protect the right to privacy of an individual and his or her family in conducting investigations. Disseminating information to Committee members, reporting as required by the Mayor's Order, and maintaining case records for the Committee;
  4. A method for gathering individual and cumulative data from the reviews;
  5. A method for reviewing whether recommendations generated by the Committee are being implemented and identifying problems related to obstacles/barriers to implementation; and
  6. A method for evaluating the work of the Committee that takes into account community responses to the deaths of District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability.
- B.** On or about December 30th of each year, beginning in 2010, producing an annual report that provides information obtained from the reviews of deaths that occurred during the previous calendar year. The annual report shall be submitted to the Mayor and made available to the public. The information to be contained in the report shall include at a minimum:
1. Statistical data on all fatalities of District residents over the age of 18 with an intellectual disability and/or a qualifying developmental disability reviewed by the Committee, including numbers reviewed, demographic characteristics of the subjects, and causes and manners of deaths;
  2. Analyses of the data generated by the reviews to demonstrate the types of cases reviewed (which may include illustrative case vignettes without identifying information), similarities or patterns of factors causing or contributing to the deaths and trends (including temporal and geographic); and
  3. Recommendations generated from the reviews, including service enhancements, systemic improvements or reforms, and changes in laws, policies, procedures or practices that would better protect District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability and that could prevent future deaths.

**V. COMPOSITION**

A. Members shall be appointed by the Mayor based on individual expertise in relevant disciplines and their familiarity with the laws, standards and services related to the protection of the health and welfare of individuals with an intellectual disability or a developmental disability. As such, the composition of the Committee shall reflect medical and clinical professionals from various disciplines who serve consumers with an intellectual disability or developmental disabilities, and persons representing the advocacy community. All newly appointed Committee members shall be District residents.

B. The Committee membership shall consist of:

1. Ten (10) members representing the following District government agencies:

- a. Metropolitan Police Department, Special Victims Unit;
- b. Office of the Chief Medical Examiner;
- c. Office of the Inspector General, Medicaid Fraud Control Unit;
- d. Department on Disability Services, Developmental Disabilities Administration;
- e. Department of Human Services;
- f. Department of Mental Health;
- g. Department of Health, Health Regulation and Licensing Administration;
- h. Department of Health Care Finance;
- i. Office of the Attorney General; and
- j. Fire and Emergency Medical Services Department.

2. A minimum of five (5) public members from the community who shall not be employees of the District government, and up to three (3) of whom shall be clinicians with experience in the area of evaluation, treatment and/or support of persons with an intellectual disability or developmental disability. Based on availability, the public members may include at least:

- a. One (1) faculty member from a school of Social Work at a college or university located in the District;
- b. One (1) physician who practices in the District with experience in the evaluation and treatment of persons with an intellectual disability or developmental disability;
- c. One (1) psychiatrist, psychologist or mental health professional who is licensed to practice in the District with experience in the evaluation and treatment of persons with an intellectual disability or developmental disability; and
- d. One (1) member of the community, who has an intellectual disability, is a family member of a person with an intellectual disability or who works for an organization that advocates for those with intellectual disabilities in the District.

**VI. TERMS**

- A. Public members appointed to the Committee shall serve for three (3) year terms, except that of the members first appointed, one-half shall be appointed for three (3) year terms and one-half for two (2) year terms. The date on which the first members are installed shall become the anniversary date for all subsequent appointments.
- B. Members appointed to represent District government agencies shall serve only while employed in their official positions and shall serve at the pleasure of the Mayor.
- C. A public member may be reappointed for a minimum of two (2) full terms based on the approval of the Mayor.
- D. A member appointed to fill an unexpired term shall serve for the remainder of that term.
- E. A member may hold over after the member's term expires until reappointed or replaced.
- F. A public member may be excused from a meeting for an emergency reason. A public member who fails to attend three (3) consecutive meetings shall be deemed to be removed from the Committee and a vacancy created. Such vacancies shall be filled by the Mayor, in accordance to the composition outlined in Section V of this Mayor's Order.
- G. A public member may be removed by the Mayor for personal misconduct, neglect of duty, conflict of interest violations, incompetence, or official misconduct. Prior to removal, the public member shall be given a copy of any charges and an opportunity to respond within ten (10) business days following receipt of the charges. Upon a review of the charges and the response, the Director of the Office of Boards and Commissions, Executive Office of the Mayor, shall refer the matter to the Mayor with a recommendation for a final decision or disposition. A public member shall be suspended by the Director of the Office of Boards and Commissions, Executive Office of the Mayor, on behalf of the Mayor, from participating in official matters of the Committee pending the consideration of the charges.

**VII. ORGANIZATION**

- A. The Mayor shall appoint the Chief Medical Examiner and the DDS Deputy Director for the Developmental Disabilities Administration, or the functional equivalent, as Co-Chairpersons of the Committee and they shall serve in these capacities at the pleasure of the Mayor.

- B. The Chief Medical Examiner shall appoint staff support who shall serve as the focal point for planning and coordinating the major activities and responsibilities of the Committee and disseminating information to and on behalf of the Committee.
- C. The Committee may establish its own bylaws and rules of procedures.

### **VIII. FULL COMMITTEE**

- A. Twenty-five (25) percent of the members shall be present at the Committee case review meetings to constitute a quorum.
- B. Meetings of the full Committee shall be held for the purposes of:
  - 1. Conducting case reviews or assessing additional data from prior cases that have since become available;
  - 2. Considering recommendations arising from available case reviews;
  - 3. Preparing an annual report; and
  - 4. Conducting any other business necessary for the Committee to operate or fulfill its duties.
- C. Case review meetings of the full Committee shall be held monthly, if there are cases for review. After procedures have been established and tested, the Committee may consider holding case review meetings every other month (bi-monthly), if practicable. The full Committee may also convene additional meetings as needed for additional case reviews, or for other specific purposes of the Committee, including the development of recommendations or preparation of the annual report.

### **IX. SUBPOENA POWER**

- A. When necessary for the discharge of its duties, the Committee shall have the authority to issue subpoenas to compel witnesses to appear and testify and to produce books, papers, correspondence, memoranda, documents, or other relevant records. The Mayor hereby delegates the said authority to the Committee, to the extent necessary and appropriate to effectuate the Committee's duties, pursuant to section 3 (a) of the Independent Personnel Systems Implementation Act of 1980, effective September 26, 1980, D.C. Law 3-109, D.C. Official Code § 1-301.21(a) (2006 Repl.).
- B. Except as provided in paragraph 3 of this section, subpoenas shall be served personally upon the witness or his or her designated agent, not less than five (5) business days before the date the witness must appear or the documents must be produced by one of the following methods, which may be attempted concurrently or successively:

1. By a special process server, at least 18 years of age, designated by the Committee from among the staff of the Committee or any office or organization designated by the Committee, provided that the special process server is not directly involved in the investigation; or
2. If, after a reasonable attempt, personal service on a witness or witness's agent cannot be obtained, a special process server identified in paragraph 1 may serve a subpoena by registered or certified mail not less than eight (8) business days before the date the witness must appear or the documents must be produced.
3. If a witness who has been personally summoned neglects or refuses to obey the subpoena issued pursuant to this section, the Committee may apply to the Superior Court of the District of Columbia for an order compelling the witness so summoned to obey the subpoena.

**X. CASE REVIEW CRITERIA AND PROCEURES**

**A. Case Review Criteria**

The Committee shall review the following deaths:

1. All deaths of District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability shall be reviewed by the Committee. Factors of particular concern for review include:
  - a. All violent or sudden/unexplained manners of death (*i.e.*, homicide, suicide, accident or undetermined), which include all deaths caused by injuries or illness, including but not limited to:
    - i. Fractures;
    - ii. Blunt trauma;
    - iii. Burns;
    - iv. Asphyxia or drowning;
    - v. Poisoning or intoxication;
    - vi. Gunshot wounds;
    - vii. Stabbing or cutting wounds;
    - viii. Falls;
    - ix. Sepsis;
    - x. Gastrointestinal blockages; or
    - xi. Seizures.
  - b. Abuse, either physical or sexual;
  - c. Neglect, including medical and custodial;
  - d. Malnourishment or dehydration; and
  - e. Circumstances or events deemed suspicious.
2. The Committee may, at its discretion, review groups of sudden, unexpected or unexplained deaths of District residents with an intellectual disability and/or a

qualifying developmental disability without regard to age, in order to examine aggregate data to address specific issues or trends.

3. The deaths of District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability who live in facilities, homes or other living arrangements outside of the District, or who die outside of the District, will be subject to review by the Committee, and will be included in the annual report, both for statistical analysis and recommendations. The Coordinating Staff shall serve as a liaison to his or her counterparts in foreign jurisdictions for the purpose of gathering information and obtaining documents (*e.g.*, police or autopsy reports) to complete the review.

#### **B. Case Review Procedures**

1. Case review meetings shall be multi-disciplinary and shall occur within three months of receiving the mortality/fatality report or other sufficient materials required to examine the events and circumstances surrounding the death and to fulfill the purposes and duties of the Committee as enumerated in Sections II and III of this Order. The review may be preliminary, pending conclusion of the investigation and prosecution or release by the prosecutor to conduct the review, at which time a comprehensive review shall be conducted.
2. The case review process shall include presentation of the mortality investigative report, and may include presentations of relevant information concerning the death by any agencies or persons involved with the decedent or that are investigating the event.
3. Following presentation of the facts, the Committee will discuss the case and any issues highlighted, guided by the following principles and questions:
  - a. What factors or circumstances caused or contributed to the death? (This may include consideration of social service delivery and coordination to the decedent and his/her family and compliance with, or development of, applicable or needed laws, procedures and regulations.)
  - b. What responses and investigations resulted from the death? (This includes whether all necessary agencies were notified and responded, and whether any corrective actions were instituted.)
  - c. Were the services, interventions and investigations concerning the decedent appropriate and adequate for his/her needs? (In other words, did the systems, agencies and health care community provide and plan effectively?)
  - d. Were the staff involved with the decedent adequately prepared, trained, and supported to perform their duties correctly?
  - e. Was there adequate communication and coordination among the various entities involved with the decedent? Are the applicable statutes, regulations, policies and procedures adequate to serve the needs of the target population? If not, what changes are needed?

4. Based on the case discussion, the Committee shall formulate applicable recommendations as enumerated above in section III.d and section IV.a and b.3, for further consideration and possible inclusion in the annual report.

## **XI. CASE NOTIFICATION PROCEDURES**

**A.** District agencies and service providers contracted by the District to serve District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability shall provide written notification to the Committee within twenty-four (24) hours of any death of a District resident over the age of 18 years with an intellectual disability and/or a qualifying developmental disability, or within twenty-four (24) hours of becoming aware of such a death. The sources of notifications will include but are not limited to the:

1. Department on Disability Services (DDS), Developmental Disabilities Administration (DDA);
2. Office of the Chief Medical Examiner (OCME);
3. Metropolitan Police Department (MPD);
4. Office of the Attorney General (OAG);
5. Department of Health (DOH); and
6. Department of Health Care Finance (DHCF).

**B.** Case notification reports should include:

1. Demographic data (*i.e.* name, age/date of birth, race, gender);
2. Address;
3. Parent/guardian;
4. Circumstances of the death (*i.e.* date, time, location, activities, risk factors, witnesses or sources of information); and
5. Agencies investigating the death.

**C.** MPD, DDS, DOH and DHCF shall provide the Committee copies of all death reports resulting from any investigations that are conducted concerning the population covered by the Order (*see* Section X: Case Review Criteria). The OCME shall provide the Committee with a copy of all autopsy reports resulting from autopsies and death investigations conducted for District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability. These reports shall be provided within five (5) days after they are completed.

## **XII. NOTIFICATION OF PARTICIPANTS**

**A.** Notification shall be provided in writing to all review participants two (2) weeks prior to the review. Notification shall include sufficient information for the case to be researched, the record identified and reviewed and adequate information related to the nature of the agency's involvement collected for presentation during

the review meeting. Any agreed information shall be provided to the Committee staff support prior to the review.

- B. Similar written notification shall be provided to all independent and/or community individuals invited to the review meeting. These may include experts from various relevant disciplines or service areas.

### **XIII. RECORDS**

All records and reports shall be maintained in a secured area with locked file cabinets. One (1) year after the annual report has been distributed, all supporting documentation in each fatality record shall be destroyed. The only material that will be maintained in a fatality record will be the following:

- A. Final Report; and
- B. Death Certificate.

### **XIV. CONFIDENTIALITY**

- A. A key tenet of the Committee is the necessity for keeping confidential information obtained by, presented to and considered by the Committee, consistent with the confidentiality provisions of section 512 of the Mentally Retarded Citizens Act (D.C. Official Code § 7-1305.12) (2008 Repl.).
- B. Any information gathered in preparation for or divulged during Committee reviews shall not be disclosed except as provided in subsection d of this section and applicable law, including the Freedom of Information Act of 1976, effective March 29, 1977, D.C. Law 1-96, D.C. Official Code § 2-531 *et seq.* (2006 Repl.).
- C. All participants in the Committee proceedings shall be required to sign a confidentiality statement prior to all Committee case review meetings and prior to general meetings where any specific case is discussed. Case-specific information distributed during any meeting shall be collected at the end of each review. Any participant who is not willing to sign a confidentiality statement or to abide by the confidentiality requirements shall not be allowed to participate in case review or general meetings.
- D. Methods for ensuring that all information identifying third persons such as witnesses, complainants, agency, institution, or program staff or professionals involved with the family are protected against disclosure are:
  1. The same procedures established for District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability and their families above shall be followed for these entities.
  2. Access to primary documents will be limited to the staff of the Committee and the chair of the review meeting.

3. Initials only will identify third persons in materials for distribution.

#### **XV. RECOMMENDATIONS**

- A. Draft recommendations shall be developed during case review meetings based on issues raised during specific deaths or trends documented from numerous deaths reviewed.
- B. Draft recommendations shall be redistributed for finalization and adoption based on consensus of the Committee during subsequent case review meetings prior to transmission to relevant agencies.
- C. Final recommendations shall be transmitted to relevant agencies and the Office of the City Administrator and/or Mayor within thirty (30) days of finalization/adoption with request for response within sixty (60) days of receipt. Final adopted recommendations shall also be incorporated into the annual report.
- D. Representatives of agencies, institutions and programs may be invited to full Committee meetings to present their plans for, or progress made towards implementing the recommendations.

#### **XVI. COMPENSATION**

Members of the Committee shall serve without compensation, except that a public member may be reimbursed for expenses incurred in the authorized execution of official Committee functions, if approved in advance by the Chief Medical Examiner or designee, and subject to the appropriation of and the availability of funds.

#### **XVII. ADMINISTRATION**

The Office of the Chief Medical Examiner shall provide administrative support and legal counsel for the Committee.

#### **XVIII. LEGAL APPLICATION**

Nothing in this Mayor's Order shall be deemed to create legal rights or entitlements on the part of District residents over the age of 18 years with an intellectual disability and/or a qualifying developmental disability, their families, or estates, or to give rise to causes of action prosecutable by said persons.

**XIX. RESCISSIONS**

Mayor's Order 2005-143, dated September 30, 2005, is superseded and rescinded in its entirety.

**XX. EFFECTIVE DATE:** This Order shall become effective immediately.

  
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**ADRIAN M. FENTY**  
**MAYOR**

**ATTEST:**   
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**STEPHANIE D. SCOTT**  
**SECRETARY OF THE DISTRICT OF COLUMBIA**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**Mayor's Order 2009-226  
December 22, 2009**SUBJECT:** Appointment-Commission on Re-Entry and Ex-Offender Affairs**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) (2001), and pursuant to section 3 of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1403), it is hereby **ORDERED** that:

1. **SAMUEL ALS** was nominated by the Mayor on July 10, 2009, and following a ninety day period of review by the Council of the District of Columbia this nomination was hereby deemed approved on November 28, 2009, for appointment as a member of the Commission on Re-Entry and Ex-Offender Affairs for a term to end July 7, 2011.
2. **JAMES CORBIN** was nominated by the Mayor on July 10, 2009, and following a ninety day period of review by the Council of the District of Columbia this nomination was hereby deemed approved on November 28, 2009, for appointment as a member of the Commission on Re-Entry and Ex-Offender Affairs for a term to end July 7, 2010.
3. **MARK IRVING** was nominated by the Mayor on July 10, 2009, and following a ninety day period of review by the Council of the District of Columbia this nomination was hereby deemed approved on November 28, 2009, for appointment as a member of the Commission on Re-Entry and Ex-Offender Affairs for a term to end July 7, 2011.
4. **BOBBETTE JOHNSON** was nominated by the Mayor on July 10, 2009, and following a ninety day period of review by the Council of the District of Columbia this nomination was hereby deemed approved on November 28, 2009, for appointment as a member of the Commission on Re-Entry and Ex-Offender Affairs for a term to end July 7, 2010.
5. **EFFECTIVE DATE:** This Order shall be effective immediately.



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**ADRIAN M. FENTY**  
MAYOR

**ATTEST:** 

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**SECRETARY OF THE DISTRICT OF COLUMBIA**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2009-227  
December 24, 2009

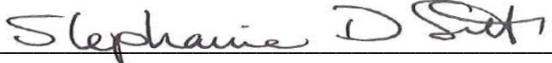
**SUBJECT:** Delegation of Authority to the Director of the Department of Real Estate Services (DRES) to Acquire Certain Properties from the Boys and Girls Club of Greater Washington

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code §§ 1-204.22(2) (2009 Supp.), it is hereby **ORDERED** that:

- I. The Director of the District of Columbia Department of Real Estate Services (DRES) is hereby delegated the authority vested in the Mayor pursuant to the *Agreements Between the District of Columbia and Boys and Girls Club of Greater Washington Emergency Approval Act of 2009*, enacted by the District of Columbia Council on December 15, 2009, and the *Boys and Girls Club of Greater Washington Property Acquisition Temporary Act of 2009*, enacted by the Council on July 13, 2009, to execute a purchase agreement between the District of Columbia and Boys and Girls Club of Greater Washington (BGCGW) for the acquisition by the District of Square 1299, Lots 964 and 1010, Square 1088, Lot 0802, and Square 2662, Lot 0205 in the District of Columbia (all collectively the "Properties") and all other documents necessary to effectuate the acquisition of the Properties, including, but not limited to, the Deed of Trust and Promissory Note for the benefit of BGCGW.
- II. **Effective Date:** This Order shall become effective immediately.

  
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**ADRIAN M. FENTY**  
**MAYOR**

**ATTEST:**   
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**STEPHANIE D. SCOTT**  
**SECRETARY OF THE DISTRICT OF COLUMBIA**