



Executive Office of Health and Human Services
Department of Developmental Services

MEMORANDUM:	Guidance on Locks
FROM:	Office of Quality Management
DATE ISSUED:	October 27, 2022

Commonwealth of Massachusetts

I. Overarching Governing Principles

Promoting human dignity, independence, and ensuring privacy are fundamental to the mission of the Department of Developmental Services (“DDS” or the “Department”) and are responsibilities that the Department takes very seriously. Robust due process considerations are woven throughout DDS regulations and service delivery. DDS service providers are bound by the Commonwealth’s Standard Terms and Conditions in addition to their contract with the Department, and both DDS Standards to Promote Dignity and Individual Support Plan (ISP) regulations contain due process protections and allow for judicial review after the exhaustion of administrative remedies.

DDS is committed to ensuring the privacy and safety of every person served.

II. Locks

DDS regulations are consistent with the Community Rule and ensure that participants have “privacy in their sleeping or living unit... [and that] Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.” 42 CFR § 441.301(c)(4)(B). *See* 115 CMR 7.07.

However, DDS regulations recognize that some exceptions to the general rule may be necessary. Such modification is required to be supported by a specific assessed need and justified in the participant’s ISP. DDS applies the person-centered planning process, which includes the requirements in the ISP consistent with requirements of 42 CFR 441.301(c)(4)(vi)(F) (1-8), to determine if restricting locks for a participant is supported by a specific assessed need. In the event that modification to the general rule is required, it must be supported by a specific assessed need and justified in the participant’s ISP.

The DDS ISP manual addresses individual circumstances that may affect an individual’s right to have a lock on their bedroom door while living in settings operated, certified, licensed, or contracted for, or otherwise funded by the Department. ISPs must, identify “equipment or procedures, if any, in the individual’s home that restrict the rights of the individual to ... privacy

and the reason for the restriction. Please note that such restrictions are subject to due process procedures as defined in Chapter 5 of the DDS regulations,” including appeal under the Massachusetts Administrative Procedures Act. *See* ISP Manual, pg. 34, 4th Edition, November 1, 2012;¹ M.G.L. c.30A.

Bedroom doors which do not provide access to an egress shall be lockable, unless contraindicated as documented in the person-centered plan, as noted above, and appropriate staff will have access to a key to open the door in the event of an emergency.

DDS’ Licensure and Certification process monitors providers and settings to ensure privacy for individuals and conformance with requirements described above.

¹ <https://www.ddslearning.com/isp>