*Executive Office of Health and Human Services*

*Department of Developmental Services*

**POLICY TITLE: Development of Departmental Policy**

**DDS POLICY #: 99-1**

**DATE ISSUED: 2/22/99**

**EFFECTIVE DATE: 2/22/99**

**COMMISSIONER’S SIGNATURE: Commissioner**

 **I. VALUES AND PRINCIPLES**

The Department of Mental Retardation is responsible for addressing a variety of issues to ensure that the services offered to people with mental retardation and their families are of the highest quality. This responsibility is reflected in laws, statutes, and regulations which establish certain standards, protect the rights of people we serve, and ensure opportunities for them to be involved in making the decisions that affect the quality of their own lives. Where laws, statutes, and regulations are silent or unclear and formal regulation is not required, but directions to the agency as a whole is necessary or desirable, it is the responsibility of the Commissioner to provide that direction through policy.

**II. SCOPE**

This policy sets forth the protocol for the development of Departmental policy. The development and adoption of policy must follow the principles and procedures expressed in this protocol, and no "policy," however labeled, will be considered Departmental policy unless approved and adopted in accordance with this protocol.

**III. POLICY CRITERIA**

In order to be eligible for consideration, one or more of the following factors should be present:

* The proposed policy addresses statewide issues which impact or potentially impact the overall functioning of the Department, on all employees, programs, facilities, and the people we serve.
* The proposed policy impacts or potentially impacts in a significant manner the Department's operations or on a substantial number of employees, programs, facilities or individuals served by the Department.
* The proposed policy clarifies, expands upon, or enhances understanding of existing laws, statutes, and regulations, and advises on the manner in which the law, statute, or regulation will be applied by the Department.
* The proposed policy interprets or reinterprets the reasoning behind existing rules, regulations, or judicial or adjudicatory decisions.
* The proposed policy may include a reference guidance, where appropriate, to accessing the implementation procedures applicable to said policy.
* The policy is not procedural.

**IV. DEPARTMENTAL POLICY REVIEW AND APPROVAL**

Departmental policies may be proposed or originated at any level of the agency, however, only the Commissioner may issue Departmental policies. Departmental policies are not official until the following steps have been completed.

1. Submission of the proposed policy to the appropriate Senior Manager or General Counsel for approval and endorsement.
2. Submission to the General Counsel who shall ensure that steps 3 through 10 occur.
3. Submission to the Policy Review Committee, for 30 working day review and comment.
4. Redraft by the General Counsel to reflect comments.
5. Redistribution to the Policy Review Committee and distribution to the Commissioner, Senior Staff, Statewide Advisory Committee and Human Rights Advisory Committee for a 30 working day review and comment.
6. Public comment as directed by the Commissioner.
7. Final redraft by the General Counsel.
8. Review, approval, and signature by the Commissioner.
9. Assignment of number, log-in, and copying by the Office of the General Counsel.
10. Distribution through the Assistant Commissioners, Regional, Area, and Facility Directors to all DMR staff and interested parties.

Notwithstanding the above, at the discretion of the Commissioner, any proposal may be approved and adopted as Departmental policy. No such policy shall be official until signed by the Commissioner and numbered and logged.

Policies need to be reviewed and, as necessary, updated on an annual basis to ensure that they are current and relevant. This annual review process will be initiated and managed through the General Counsel.

**V. POLICY DISTRIBUTION**

Since it is the responsibility of all DMR employees to comply with Departmental policies, every division within central office, regional offices, area offices, and facility/developmental centers and appropriate providers will be required to maintain a complete set of these policies. The Department shall annually distribute a list of current Department policies to every division, regional office, area office, facility/developmental center, and appropriate providers to ensure that an accurate and up-to-date set of policies is maintained.