

**DEPARTMENT OF DEVELOPMENTAL SERVICES**

1600 NINTH STREET, Room 240, MS 2-13  
SACRAMENTO, CA 95814  
TTY (916) 654-2054 (For the Hearing Impaired)  
(916) 654-1897



March 12, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: DEPARTMENT DIRECTIVE ON DAY SERVICES FOR CONSUMERS AT  
HIGH RISK FOR SERIOUS ILLNESS DUE TO COVID-19

Welfare and Institutions Code (WIC) section 4639.6 authorizes the Director of the Department of Developmental Services (Department) to issue directives to regional centers as the Director deems necessary to protect consumer rights, health, safety, or welfare, or in accordance with WIC section 4434. Regional centers must comply with any directive issued by the Director pursuant to this section.

Pursuant to WIC section 4639.6, to reduce the risk of exposure to COVID-19 and consistent with the California Department of Public Health's recommendations for individuals who are at higher risk for serious illness, the Director of the Department is directing regional centers to take immediate action to ensure consumers who have compromised immune systems or who are more susceptible to respiratory illness, and/or who reside in the following home types, remain home rather than attend day services outside the home:

- Adult Residential Facilities for Persons with Special Health Care Needs
- Intermediate Care Facilities/Developmentally Disabled-Nursing
- Intermediate Care Facilities/Developmentally Disabled-Continuous Nursing

This remains in effect for 30 days unless extended by the Director of the Department. Enclosed is the Department's March 12, 2020, correspondence to regional centers regarding Governor Gavin Newsom's declared State of Emergency due to the COVID-19 outbreak and authorizing, pursuant to Title 17, California Code of Regulations section 54326(a)(11), regional centers to pay vendors for absences that are a direct result of the COVID-19 outbreak in California.

If you have any questions regarding this Directive, please contact Christine Gephart at (916) 698-9567 or [chris.gephart@dds.ca.gov](mailto:chris.gephart@dds.ca.gov).

Sincerely,

*Original Signed by:*

NANCY BARGMANN  
Director

Enclosure

cc: Regional Center Administrators  
Regional Center Directors of Consumer Services  
Regional Center Community Services Directors  
Association of Regional Center Agencies

**"Building Partnerships, Supporting Choices"**

**DEPARTMENT OF DEVELOPMENTAL SERVICES**

1600 NINTH STREET, Room 340, MS 3-12  
SACRAMENTO, CA 95814  
TTY (916) 654-2054 (For the Hearing Impaired)  
(916) 651-6309



March 12, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: STATE OF EMERGENCY STATEWIDE

On March 4, 2020, Governor Gavin Newsom declared a State of Emergency for California, as a result of the global COVID-19 outbreak that began in December 2019. The State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019, to monitor and plan for the potential spread of COVID-19 to the United States.

The Governor's proclamation states, in part, that experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions. It is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care.

As a result of the State of Emergency declared for California, the Department of Developmental Services (Department) is authorizing, pursuant to Title 17, California Code of Regulations section 54326(a)(11), regional centers to pay vendors for absences that are the direct result of the COVID-19 outbreak in California. The applicable regulation section reads as follows:

*"[All vendors shall...] Not bill for consumer absences for nonresidential services. The Department shall authorize payment for absences which are the direct result of situations and/or occurrences for which a State of Emergency has been declared by the Governor. If payment for absences due to a State of Emergency is authorized by the Department, the vendor shall bill only for absences in excess of the average number of absences experienced by the vendor during the 12-month period prior to the month in which the disaster occurred."*

**"Building Partnerships, Supporting Choices"**

Regional Center Executive Directors  
March 12, 2020  
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If you have questions about this correspondence, please contact me at [ernie.cruz@dds.ca.gov](mailto:ernie.cruz@dds.ca.gov)  
or (916) 838-8960.

Sincerely,

*Original Signed by:*

ERNIE CRUZ  
Assistant Deputy Director  
Office of Community Operations

cc: Regional Center Administrators  
Regional Center Directors of Consumer Services  
Regional Center Community Services Directors  
Association of Regional Center Agencies