

DEPARTMENT OF DEVELOPMENTAL SERVICES

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July 17, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: DEPARTMENT DIRECTIVE 01-071720: PROVIDING AND CLAIMING FOR NONRESIDENTIAL SERVICES DURING THE STATE OF EMERGENCY

As follow up to the Department of Developmental Services' (Department) [June 18, 2020 guidance](#), the purpose of this correspondence is to extend retention payments to nonresidential providers for consumer absences through August 31, 2020.

In addition, this correspondence previews the structure for subsequent reimbursement of claims for providing nonresidential services using alternative service delivery approaches during the COVID-19 State of Emergency. The structure described would have an effective date of September 1, 2020, pending the issuance of an additional directive by the Department. The procedure outlined in this correspondence is a step toward reimaged service delivery, reflecting modifications that may be necessary during the COVID-19 pandemic. These modifications are driven by the Department's priority to maintain federal funding and its intent that services be provided to regional center consumers based on consumer preferences.

Alternative Service Delivery Framework

The framework outlined in this correspondence will be applied with a person-centered focus. Any service alternatives or modifications must be informed and driven by the consumer receiving services. Consistent with the Department's prior guidance, providers should continue to use alternative service delivery approaches in providing services and supports that meet consumers' needs and limits potential exposure to COVID-19. Services and supports eligible for reimbursement may include one or more of the following but are not limited to those listed below. These services will initially be based on a provider self-certification:

- a. Supports related to COVID-19 risk management;
- b. Completion of individual assessments and/or program plans;
- c. Completion of a person-centered plan;
- d. Remote services delivered via telephone or video communication;
- e. Delivery of supplies and other items to the consumer's home;
- f. Confirmed use of self-guided materials;
- g. Services provided in-person* at the consumer's home;
- h. Services provided in-person* at a community setting;
- i. Services provided in-person* at the provider's facility; and
- j. Supports for transition to the Self-Determination program, if applicable.

** To safeguard the safety of all parties, in-person services may only be provided if in alignment with the most restrictive state or local guidelines in effect.*

“Building Partnerships, Supporting Choices”

Certification

Providers will submit a certification (see sample Enclosure A) to the regional center describing remote or alternate services they intend to provide, and the health and safety measures that will be employed. The certification will also attest that the provider will:

1. Maintain phone and email access during specified business hours to respond to needs from consumers and their families.
2. Maintain documentation of alternative services provided for each person (see sample Enclosure B).
3. Submit a quarterly report of alternative services provided (see sample Enclosure C)
4. Maintain documentation of staff training which may include, but not be limited to, the following topics:
 - a. COVID-19 safety precautions;
 - b. Person-centered thinking and planning;
 - c. Informed decision-making;
 - d. Self-Determination Program;
 - e. Use of plain language for written materials;
 - f. Alternative communication methods;
 - g. Cultural and linguistic competencies; and
 - h. Use of technology.

Provider Claiming

Pending further guidance in a forthcoming directive, providers will submit reimbursement claims for:

1. Daily Services

The full daily rate for each day the consumer was provided one or more of the supports identified above.

2. Hourly Services

The average number of daily hours the consumer used in the 12 months preceding the State of Emergency for each day the consumer was provided one or more of the supports identified above.

Pursuant to Governor Gavin Newsom's Proclamation of a State of Emergency dated March 4, 2020, and Governor Newsom's Executive Order N-25-20 issued on March 12, 2020, to facilitate these changes, the Director of the Department waives the half-day billing requirements of Welfare and Institutions Code section 4690.6. This waiver remains in effect for the duration of this directive unless extended by the Director of the Department.

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Technical Assistance and Training

The Department is developing a variety of methods to support service providers and regional centers with obtaining the technical assistance needed to transition their services and meet consumers' new needs throughout the pandemic and beyond. This may include, but not be limited to, connecting service providers with peers who have developed expertise and capacity for innovative services and supports, establishing a forum for sharing tips and techniques, and pooling resource materials. Additional information will be forthcoming.

Technical assistance and training will be provided to consumers and families throughout this transition using a variety of communication methods, with written materials in plain language and other languages to support access and understanding of the service options and opportunities available.

Future Steps

The Department will continue working with stakeholders during this process to creatively manage the challenge of designing and developing a structure for services that are responsive to consumer needs during the COVID-19 pandemic and beyond. As noted above, this framework and technical assistance is aimed at supporting new opportunities for providers and consumers in a person-centered way that is safe and responsive to the challenges of COVID-19 and that maximizes federal funding. The Department will schedule stakeholder meetings to gain input on next steps and strategies in delivering services to consumers.

Self-advocates, family members or providers should contact their local regional center with any questions. Questions from regional centers should be directed to Maricris Acon at (916) 654-2250 or maricris.acon@dds.ca.gov.

Sincerely,

Original Signed by:

NANCY BARGMANN
Director

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