

DEPARTMENT OF DEVELOPMENTAL SERVICES

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December 1, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: DEPARTMENT DIRECTIVE 01-120120: EXTENSION OF WAIVERS,
 MODIFICATIONS AND DIRECTIVES DUE TO COVID-19

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, the Director of the Department of Developmental Services (Department) issued numerous Directives to regional centers waiving or modifying certain requirements of the Lanterman Developmental Disabilities Services Act, the California Early Intervention Services Act, and/or certain provisions of Title 17, Division 2 of the California Code of Regulations. Additionally, the Director of the Department issued several Directives pursuant to Welfare and Institutions (W&I) Code section 4639.6 to protect consumer rights, health, safety, or welfare, or in accordance with W&I Code section 4434.

Any waivers, modifications or directives contained in the following Directives are extended an additional 30 days from the current date of expiration, and specified sections within certain Directives are amended, as follows:

Date Issued	Directive Subject	Current Expiration Date	New Expiration Date
3/12/2020	Department Directive on Requirements Waived due to COVID-19	12/7/2020	1/6/2021
3/18/2020	<p>Department Directive on Requirements Waived due to COVID-19 and Additional Guidance</p> <p><u>Amendments to Directive</u></p> <p>a. <i>The following paragraph under section "Day Program Services" is hereby amended to read: "The Department reiterates the March 12, 2020, directive to regional centers, "State of Emergency Statewide," authorizing regional centers to pay vendors for absences that are a direct result of the COVID-19 outbreak, pursuant to Title 17 section 54326(a)(1). As indicated in the Department's July 17, 2020, directive, "Providing and Claiming for Nonresidential Services During the State of Emergency." retention payments to nonresidential providers for consumer absences are authorized through August 31, 2020. The Department will issue a directive outlining the structure for subsequent reimbursement of claims for providing nonresidential services using alternative service delivery approaches during the State of Emergency. (Amendment effective 8/10/2020)</i></p>	12/13/2020	1/12/2021

"Building Partnerships, Supporting Choices"

Date Issued	Directive Subject	Current Expiration Date	New Expiration Date
	<p><i>b. Effective immediately, section "WIC §4731 Consumers' Rights Complaints" is hereby deleted from this Directive. The 20-working day requirement for investigating and providing a written proposed resolution to a complainant pursuant to W&I Code section 4731(b) is reinstated. (Amendment effective 7/15/2020)</i></p> <p><i>c. The following sentence under section "Home and Community-Based Services (HCBS) Self Assessments" is hereby amended to read: "The requested completion date for provider HCBS self-assessment has been extended to June 30, 2020 <u>August 31, 2020.</u>" (Amendment effective 6/8/2020)</i></p>		
3/25/2020	<p>Department Directive 02-032520: Requirements Waived due to COVID-19</p> <p><u>Amendment to Directive</u></p> <p><i>a. The following paragraph under section "In-Home Respite Workers" is hereby amended to read: "To increase available workforce and support consumers and families at home, the Department waives Title 17 section 56792(e)(3)(A) requirements for in-home respite workers to possess first aid and cardiopulmonary resuscitation training prior to employment when the consumer receiving services does not have chronic or presenting health concerns. <u>Training must be obtained within 30 days of starting work.</u>" (Amendment effective 7/15/2020)</i></p>	12/20/2020	1/19/2021
3/30/2020	<p>Department Directive 01-033020: Additional Participant-Directed Services</p>	12/25/2020	1/24/2021
4/15/2020	<p>Department Directive 01-041520: Requirements Waived due to COVID-19</p> <p><u>Amendments to Directive</u></p> <p><i>a. The following paragraph under section "Vendor Fiscal Audits" is hereby amended to read: "The requirements of Article III, Section 9, paragraph (c) of the Department's regional center contract are waived for Fiscal Year 2019-20. To the extent feasible, regional centers shall continue to conduct fiscal audits in accordance with this paragraph." (Amendment effective 7/15/2020)</i></p> <p><i>b. The following sentence under section "Home and Community-Based Services (HCBS) Final Rule Compliance Information" is hereby amended to read: "Regional centers shall post this information on their websites by July 1, 2020 <u>August 31, 2020.</u>" (Amendment effective 6/8/2020)</i></p>	12/11/2020	1/10/2021

Date Issued	Directive Subject	Current Expiration Date	New Expiration Date
	<p>c. <i>The following paragraph under section “Residential Facility Payments” is hereby amended to read: “The Department hereby modifies any requirements of the Lanterman Act or Title 17 regarding payments to a residential facility when a consumer is temporarily absent. If the temporary absence from the facility is for the purpose of preventing or minimizing the risk of exposure to COVID-19 and the regional center is in agreement that the absence is related to this purpose, the regional center shall continue to pay the established rate as long as no other consumer occupies the vacancy or until it is determined the consumer will not return to the facility and the facility retains and continues to pay staff during this time. Any claims made for these absences are subject to audit and review. <u>Regional centers shall report to the Department by December 15, 2020, all current approved payments for temporary absences in accordance with this section. The Department will issue a subsequent communication regarding the process and format for reporting.</u>” (Amendment effective 12/1/2020)</i></p> <p>d. <i>Section “EBSH/CCH Registered Behavior Technician Certification” will be deleted from this Directive, effective January 10, 2021. (Amendment effective 1/10/2021)</i></p>		
6/15/2020	Department Directive 01-061520: Extension of Early Start Services	12/12/2020	1/11/2021
10/2/2020	Department Directive 01-100220: Waiver of Half-Day Billing Requirements for Day Services	12/1/2020	12/31/2020

The extension of time for these Directives continues to be necessary to protect public health or safety and to ensure delivery of services.

All COVID-19 related directives and guidance issued by the Department can be found at: www.dds.ca.gov/corona-virus-information-and-resources.

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If you have any questions regarding this Directive, please contact Brian Winfield at (916) 654-1569 or brian.winfield@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