



UPDATE

April 30, 2020

Re: State of Emergency Billing

Dear Service Providers,

On March 4, 2020, Governor Newsom declared a State of Emergency (SOE) as a result of the COVID-19 (Coronavirus) outbreak that began in December 2019. This memo will provide updated guidance to our service providers for SOE billing.

According to the Department of Developmental Services (DDS) letter dated March 12, 2020 (attached), Non-Residential service providers may bill for services and/or appointments that were not provided due to precautionary measures or as a direct result of COVID-19. (Residential services are licensed homes and supported living services.) Service providers may bill for absences based on the average number of absences experienced during the 12-month period **prior to March 1, 2020** (March 2019 through February 2020). HRC providers may utilize SOE billing beginning with invoicing for March services and until further notice. We recommend that providers calculate the average number of absences per client because attendance is entered by client.

On April 15, 2020, DDS issued a subsequent letter (attached) that addresses Residential Facility payments when a client is temporarily absent for the purpose of preventing or minimizing the risk of exposure to COVID-19.

Service providers must keep clear supporting documentation for the absences billed under the SOE in the event of a future audit. Following please find guidance by service units/frequency type for SOE billing.

Please remember that the situation is changing. We will update the Service Providers section of our website as we receive updated information at: <http://www.harborrc.org/providers/corona>.

Thank you for all your efforts during these difficult times. If you have any questions on how to bill, please contact me at judy.wada@harborrc.org or (310) 543-0625 or HRC's Controller Ute Czettel at ute.czettel@harborrc.org or (310) 543-0685 for assistance.

Best regards,

Judy Wada
Chief Financial Officer
Harbor Regional Center

NON-RESIDENTIAL SERVICES per the DDS Directive dated March 12, 2020

Services that are Billed Daily or by Trip

Follow these steps to bill for SOE related absences:

1. Calculate the actual attendance per client for the month you are billing.
2. Calculate the absences in the month you are billing per client due to the SOE.
3. Calculate the total absences during the 12-month period **prior to March 1, 2020** (March, 2019 through February 2020).
4. Divide the 12-month total absences (from Step 3) by 12. This provides the average monthly absences for this 12-month period.
5. Take the absences due to COVID-19 (from Step 2) and subtract the average monthly absences (from Step 4). The difference is the absence amount that you may bill for (it must be rounded to the nearest whole number and cannot be negative).
6. Bill for the actual attendance during the month you are billing (from Step 1) plus the difference between the absences due to COVID-19 and the average monthly absences (Step 5).

Services that are Billed Hourly or by Session

- If client services were canceled due to COVID-19, bill the average monthly billable number of hours per client. Calculate the average monthly billable number of hours during the 12-month period **prior to March 1, 2020** (March 2019 through February 2020) by calculating the total number of billable hours for that period and dividing by 12.
- If additional services were provided due to the SOE, bill for the actual service hours provided. Please contact the Service Coordinator for authorization.

For all service providers who are going to bill absences on previous 12 months average units due to the SOE declaration related to COVID-19, please enter the following comments under the first client line: “SOE billing due to COVID-19”.

Services requiring Parental Verification Form (DS 5862)

The Parental Verification Form (DS 5862) is required when billing for services. This is in accordance with WIC §4686.31 (a)(3): “The vendor shall submit the completed forms to the regional center together with the vendor’s invoices for the services provided”.

Parental or legal guardian's signature may not be required for:

- Services that were rendered to the client via teleservice, please indicate on the DS 5862 Form the following: **“Teleservice(s) rendered due to COVID-19.”**
- COVID-19 absence billing. Please indicate on the DS 5862 Form the following: **“SOE billing due to COVID-19”**. Please make sure you indicate the dates of the cancelled services on the DS 5862 Form.

RESIDENTIAL CARE FACILITY PROVIDERS (per the DDS directive dated April 15, 2020):

If the temporary absence from the facility is for the purpose of preventing or minimizing the risk of exposure to COVID-19 and HRC is in agreement that the absence is related to this purpose, HRC shall continue to pay the established rate as long as no other person occupies the vacancy or until it is determined the person 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.

For all service providers who are going to bill absences due to the SOE declaration related to COVID-19, please enter the following comment under the first client line: “SOE billing due to COVID-19”.

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
Page two

If you have questions about this correspondence, please contact me at 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

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



April 15, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: DEPARTMENT DIRECTIVE 01-041520: REQUIREMENTS WAIVED 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) issues this Directive to regional centers waiving or modifying certain requirements of the Lanterman Developmental Disabilities Services Act (Lanterman Act) and/or certain provisions of Title 17, Division 2 of the California Code of Regulations (Title 17), as well as the Department's regional center contract. The Department recognizes that to ensure the health, welfare and safety of regional center consumers and the general population, there may be instances where consumers, regional centers, and service providers will need flexibility to receive and provide services and supports.

The intent of this Directive is to provide consumers, regional centers and service providers the greatest flexibility to support consumers and their families.

Residential Facility Payments

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.

This modification is necessary to allow providers to receive payment when absences are due to preventing or minimizing the risk of exposure to COVID-19.

Health and Safety Waiver Exemptions for Alternative Residential Model (ARM) Homes
Requirements of Welfare and Institutions (W&I) Code sections 4681.1 and 4681.5 and Title 17 establishing the residential facility rate schedule are hereby waived when necessary to protect a consumer's health or safety as a result of the outbreak of COVID-19 and/or to permit a consumer to remain at their current facility during the COVID-19 crisis. Regional centers may pay a residential facility a rate that is necessary to protect a consumer's health or safety as a result of the outbreak of COVID-19 and/or to permit a consumer to remain at their current facility during the COVID-19 crisis. Rate adjustments pursuant to this waiver will require supplemental reporting to the Department. Instructions on the required supplemental reporting will be provided in a future correspondence.

“Building Partnerships, Supporting Choices”

This waiver is necessary to allow regional centers flexibility to expedite rate adjustments to protect a consumer's health or safety.

Vendor Fiscal Audits

The requirements of Article III, Section 9, paragraph (c) of the Department's regional center contract are waived. To the extent feasible, regional centers shall continue to conduct fiscal audits in accordance with this paragraph.

This waiver is necessary to allow regional centers flexibility to prioritize work associated with COVID-19 response.

Home and Community-Based Services (HCBS) Final Rule Compliance Information

W&I Code section 4519.2(b), requiring regional centers to post on their websites by April 1, 2020, information on compliance with the HCBS Final Rule, is waived. Regional centers shall post this information on their websites by July 1, 2020.

This waiver is necessary to allow regional centers flexibility to prioritize work associated with COVID-19 response.

EBSH/CCH Registered Behavior Technician Certification

Any requirements of the Lanterman Act or Title 17 requiring administrators, direct care lead staff or direct care staff in Enhanced Behavioral Supports Homes (EBSH) and Community Crisis Homes (CCH) to be certified as Registered Behavior Technicians, are waived. While certification requirements are waived, administrators, direct care lead staff and direct care staff are expected to continue participating in trainings and classes, where available and feasible.

This waiver is necessary to prioritize delivery of Lanterman Act services to eligible individuals during the COVID-19 response.

Competitive Integrated Employment (CIE) Incentive Payments

The requirements of W&I Code section 4870(d) stating that a consumer must be competitively employed for 30 consecutive days, six consecutive months or 12 consecutive months for a service provider to receive associated payments, are waived. Retroactive to March 12, 2020, when a consumer who was or is participating in the CIE incentive payment program experiences a break in employment as a result of COVID-19, including instances when an employer closes temporarily due to shelter-in-place orders, and if after the break the consumer returns to work for the same employer, the date the consumer last worked and the date the consumer resumes working shall be counted as consecutive days for the purpose of this section.

This waiver is necessary to ensure providers receive payment for placements that would meet the requirements of this section if not for the outbreak of COVID-19 and its effects.

Regional Center Executive Directors
April 15, 2020
Page three

Parental Fees

The requirements of W&I Code section 4784, related to monthly parental fees are waived. Retroactive to March 12, 2020, the Department will not conduct assessments and families will not be required to pay monthly parental fees pursuant to this section.

The Department finds that the effects of COVID-19 may result in negative economic impacts to families. This waiver is necessary to lessen the economic burden on families.

This directive remains in effect for 30 days unless extended by the Director of the Department. Consumers, family members or providers should contact their local regional center with any questions regarding this Directive. Questions from regional centers should be directed to 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

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



JUNE 1, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: STATE OF EMERGENCY IN LOS ANGELES COUNTY AND
THE CITY OF LOS ANGELES

On May 30, 2020, Governor Gavin Newsom declared a State of Emergency for Los Angeles County and the City of Los Angeles, as a result of the civil unrest following the tragic death of George Floyd in Minneapolis, Minnesota on May 25, 2020. Los Angeles County and the City of Los Angeles have requested State assistance including the activation of the California National Guard based on limited local resources.

As a result of the State of Emergency declared for the City and County of Los Angeles, 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 civil unrest in Los Angeles County and the City of Los Angeles. 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."

If you have questions about this correspondence, please contact me at (916) 651-6309, or by email, at rapone.anderson@dds.ca.gov.

Sincerely,

Original signed by:

RAPONE ANDERSON
Manager
Office of Community Operations

cc: Regional Center Chief Counselors
Regional Center Administrators
Association of Regional Center Agencies

"Building Partnerships, Supporting Choices"