



Far Northern Regional Center

Providing services and supports that allow persons with developmental disabilities to live productive and valued lives

Melissa Gruhler
Executive Director

Revised April 16, 2020 (updated for April 15, 2020 directive from DDS)

Dear Service Providers,

Far Northern Regional Center (FNRC) received the attached State of Emergency (SOE) Declaration from the Department of Developmental Services (DDS or Department) on March 12, 2020. As a result, DDS is authorizing Regional Centers to pay providers of nonresidential services for absences that are the direct result of the COVID-19 outbreak in California.

In addition, the attached April 15, 2020 directive from DDS states, "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 agrees that the absence is related to this purpose, the regional center shall continue to pay the established rate as long as no other client 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 for absences are subject to audit and review."

FNRC will pay State of Emergency (SOE) billings for affected service providers experiencing increased absences in all counties for the month of **April 2020**. Updated information for future service month(s) will be provided later.

Providers can bill for absences related to the SOE using the guidelines in this memo. Providers must keep clear and complete supporting documentation for any absences billed under the SOE in the event of an audit by FNRC, state, or federal authorities.

Services that are billed daily or by trip:

Follow these steps to bill for SOE related absences:

1. Calculate the actual attendance for the month of April 2020.
2. Calculate the absences in the month of April that are due to the SOE.
3. Calculate the total absences for the 12-month period from March 1, 2019 through February 29,
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 the SOE (from Step 2) and subtract the average monthly absences from March 1, 2019 through February 29, 2020 (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).

(Continued)

www.farnorthernrc.org

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□ CHICO OFFICE: 1377 East Lassen Ave. Chico, CA 95973-7824 (530) 895-8633 FAX (530) 332-1497

□ REGIONAL OFFICES in: Lake Almanor, Mount Shasta and Yreka

6. Bill for the actual attendance for the month (from Step 1) plus the difference between the absences due to the SOE the average monthly absences during March 1, 2019 through February 29, 2020 (Step 5).

Services that are billed hourly or by session:

- If services were cancelled due to the SOE, bill the average monthly billable number of hours per client. Calculate the average monthly billable number of hours from March 1, 2019 through February 29, 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 service codes 025.48, 612, 616, 620, 625, and 680, The Parental Verification Form should include the statement "Average monthly billable hours per SOE declaration".

Thank you for your efforts during difficult times. If you have any questions on how to bill, please contact me for assistance.

Michael Mintline
Chief Financial Officer
Far Northern Regional Center
1900 Churn Creek Rd, Ste 114
Redding, CA 96002
Direct Line: (530) 226-4081
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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”

Regional Center Executive Directors
April 15, 2020
Page two

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



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."

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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