



Far Northern Regional Center

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

Melissa Gruhler
Executive Director

Updated May 8, 2020

Dear Service Providers,

Far Northern Regional Center (FNRC) received a State of Emergency (SOE) Declaration from the Department of Developmental Services (DDS) on March 12, 2020 (attached). As a result, DDS has authorized Regional Centers to pay providers of Non-Residential services for absences that are the direct result of the COVID-19 outbreak in California. Residential services are licensed homes and supported living services.

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

On May 7, 2020, DDS issued the memo Additional Guidance on Payments for Non-Residential Services during the State of Emergency (attached). Non-Residential Service Providers must retain documentation to support billings for absences and are reminded that their billings are subject to audit. Please refer to the **Documentation requirements** section below.

Providers can bill for absences related to the SOE using the guidelines in this memo beginning with March 2020 services and until further notice.

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. Please follow these guidelines:

NON-RESIDENTIAL SERVICES

There is a continued need and expectation that services will be provided to the extent possible. Providers are encouraged to work with the Regional Center, families, and providers of residential and supported living services who may have a need for staffing and support. Examples of how to continue support clients are provided on Page 2 of the May 7, 2020 memo.

Documentation requirements (see attached May 7, 2020 memo):

For all claims submitted: support for calculation of average absences.

Beginning with claims submitted for April 2020:

- Documentation of efforts to deliver services in alternative locations or remotely in lieu of seeking reimbursements for absences; including documentation of client contacts and availability to provide service;

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- Documentation of reasons for absences related to COVID-19 (for example local, state, or federal directives); and
- Continuation of employee payroll during the period absences were billed. *Claiming must be reduced commensurate with any reduction in payroll, including but not limited to reductions due to employee layoffs or furlough days.*

Beginning with claims submitted for May 2020:

- Absence billings are provided as funding only as a last resort and are based on the expectation that no other sources of funding are available. Providers are expected to seek and apply for all available COVID-19 relief funding before billing for absences related to COVID-19. Billings must be reduced by the amount of funds a provider receives from reimbursement programs including, but not limited to the Paycheck Protection Program, Economic Injury Disaster Loan Emergency Advance program, or similar federal or state program.
- Providers may not receive funding from SOE absence payments and other relief sources in excess of what the provider otherwise would have received by providing services to clients absent the SOE.

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.
2. Calculate the absences in the month per client that are due to the SOE.
3. Calculate the total absences for the 12-month period from March 1, 2019 through February 29, 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 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).
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 canceled 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.

SERVICES REQUIRING PARENTAL VERIFICATION FORM

For service codes 025, 048, 612, 616, 620, 625, and 680, the Parental Verification Form for Receipt of Behavioral Services (Form 5862) should include the statement "Average monthly billable hours per SOE declaration".

RESIDENTIAL FACILITIES

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.

COMMENTS ON SOE BILLINGS

All providers will enter the following comment under the first client line: SOE billing – COVID-19.

Finally, please remember updates will be posted on our website at <https://www.farnorthernrc.org/fnrc-covid-19-information-and-resources/> and on our e-billing website as new information becomes available.

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
mmintline@farnorthernrc.org

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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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
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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.

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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.

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



May 7, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

// SUBJECT: ADDITIONAL GUIDANCE ON PAYMENTS FOR NONRESIDENTIAL SERVICES DURING THE STATE OF EMERGENCY

As a follow-up to the Department of Developmental Services' (Department) March 12, 2020, letter, the purpose of this correspondence is to specify requirements for nonresidential service reimbursement during the State of Emergency declared due to COVID-19.

As with all claiming, service providers must maintain documentation to support claims during the State of Emergency. Providers are reminded that the required documentation to support these claims is subject to review and audit. Providers must maintain documentation of the following for claims submitted for absences during the State of Emergency:

- **For all claims submitted during the State of Emergency:**
 - Calculation of average number of absences.
- **Beginning with claims submitted for April 2020:**
 - Documentation of efforts made by the provider to deliver services in alternate locations or remotely in-lieu of seeking reimbursement for absences. Appropriate documentation could include:
 - Contacts with consumers regarding their desire/willingness to receive services in alternate locations or remotely.
 - Availability of employees to deliver services.
 - Documentation of reason for absences related to COVID-19 (e.g., local, statewide or federal directives or guidance, consumer or employees diagnosed with COVID-19, etc.).
 - Continuation of employee payroll during the period absences were claimed. Claiming must be reduced commensurate with any reduction in payroll, including but not limited to reductions due to employee layoffs or furlough days.

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- **Beginning with claims submitted for May 2020:**
 - Absence funds are provided based on the expectation that other sources of funding are not currently available to providers due to the impact of COVID-19. Accordingly, absence funds are provided as a funding source of last resort. Providers are expected to first seek and apply for all available COVID-19 relief funding before receiving absence funds through regional centers. An application for available "payroll" loan forgiveness or reimbursement program, including but not limited to, the Paycheck Protection Program, Economic Injury Disaster Loan Emergency Advance Program or any other similar federal or state programs for which the provider qualifies should be sought first. Claims submitted to the regional center for absence funds must be reduced by the amount the provider receives from other available sources, including the programs listed. Providers may not receive funding from absence payments and other relief sources in excess of what the provider otherwise would have received by providing services to consumers absent the State of Emergency.

While the March 12, 2020, letter allows for retainer payments due to COVID-19, there is a continued need and expectation that services are provided to the extent possible. As noted in the Department's March 18, 2020, Directive, nonresidential providers can and should deliver consumer services in alternate locations or remotely. Examples of how to continue to support consumers include, but are not limited to, the following:

- Virtually connecting individuals with friends and family, even daily;
- Delivering activities for individuals to participate in at home (e.g., arts, crafts, etc.);
- Delivering food or needed supplies;
- Coordinating individual and/or group remote connections; and
- Supporting necessary activities away from the home (e.g., grocery shopping, medical appointments, exercise, etc.) while practicing appropriate physical distancing.

Additionally, nonresidential providers are encouraged to work with their regional center, families and providers of residential and supported living services who may have a need for staffing or support due to consumers spending significantly more time in their homes. Nonresidential providers have an experienced workforce and are uniquely positioned to support consumers where they live. This may be accomplished in a variety of ways, including through cooperative agreements between the nonresidential service provider and the residential or supported living service provider.

The Department continues to evaluate alternative approaches to service delivery, retainer payments and system needs in response to COVID-19.

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Consumers, family members or providers should contact their local regional center with any questions regarding this guidance. 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