

DEPARTMENT OF DEVELOPMENTAL SERVICES

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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