

DEPARTMENT OF DEVELOPMENTAL SERVICES

1600 NINTH STREET, Room 240, MS 2-13
SACRAMENTO, CA 95814
TTY: 711
(916) 654-1897



March 29, 2021

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: PROVIDER ATTESTATION FOR ABSENCE PAYMENTS FOR
NONRESIDENTIAL SERVICES DURING THE COVID-19 STATE OF
EMERGENCY

As a result of Governor Gavin Newsom's Proclamation of a State of Emergency dated March 4, 2020, the Department of Developmental Services (Department) issued a directive on [March 12, 2020](#), and additional guidance on [May 7, 2020](#) and [June 18, 2020](#), authorizing regional centers to pay vendors for consumer absences for nonresidential services, pursuant to Title 17, California Code of Regulations section 54326(a)(11), that were the direct result of the COVID-19 State of Emergency.

Although absence payments ended on August 31, 2020, in accordance with the Department's [July 17, 2020](#) and [August 31, 2020](#) directives, providers that claimed absence payments between May and August 2020 must attest to the following requirements in compliance with general auditing principles outlined in the Department's [May 7, 2020](#) guidance and requirements established by the Centers for Medicare and Medicaid Services:

- 1) If a provider experienced any reduction in payroll due to employee layoffs or furlough days for direct service professionals during the period absences were claimed, claims were reduced by the same level as the reduction in payroll.
- 2) If a provider received COVID-19 relief funding, including but not limited to, the Paycheck Protection Program (PPP), Economic Injury Disaster Loan Emergency Advance Program, or any other similar federal or state programs, claims received from the regional center were repaid or offset if: (1) the funds received from PPP or other programs did not require repayment (e.g. forgiven PPP loan) and (2) the funds received from PPP or other programs were for the same expenses reimbursed by the regional center.

Providers will attest to the requirements above through the existing provider certification in eBilling. Underlined in the enclosure is the new attestation requirement added in eBilling. Additionally, providers must maintain documentation, subject to review and audit, to support absence claims during the State of Emergency. Please share this information with your provider community.

“Building Partnerships, Supporting Choices”

Regional Center Executive Directors
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Vendors should contact their local regional center with any questions. Questions from regional centers only should be directed to DDSC19Directives@dds.ca.gov.

Sincerely,

Original Signed by:

BRIAN WINFIELD
Chief Deputy Director

Enclosure

cc: Regional Center Board Presidents
Regional Center Administrators
Regional Center Directors of Consumer Services
Regional Center Community Services Directors
Association of Regional Center Agencies