



## KERN REGIONAL CENTER

*Striving to Achieve Equality,  
Independence and Empowerment*

### VENDOR ADVISORY

#### TIME SENSITIVE INFORMATION

**Date:** Thursday, March 19, 2020  
**To:** ALL PROVIDERS  
**From:** Cherylle Mallinson, Director, Community Services  
**RE:** COVID-19 Update

Information and questions about what we should do to ensure the health and safety of our consumers, staff and our community in response to the COVID-19 Pandemic continues to change. As of today (03/19/2020), the Department of Developmental Services has provided directives in the flexibility in provision of services and supports for consumers and providers (**Attachment 1**). KRC has had a series of teleconference calls and created an FAQ (**Attachment 2**). Today (03/19/2020), DDS created an FAQ that can be found in their website (**Attachment 3**).

Community Care Licensing has issued a statewide waiver of licensing standards that includes criminal records background clearance waiver (**Attachment 4**).

In accordance with DDS directives dated 03/18/2020 (**see Attachment 1**), Service Providers eligible to delivery services in an alternative location or by remote electronic communications must notify the following KRC staff:

Service Codes	Description	KRC Staff Name	KRC Staff Contact Information
017	Crisis Team	Andrew Ante	<a href="mailto:AAnte@kernrc.org">AAnte@kernrc.org</a> ; 661-852-3228
605	Adaptive Skills Trainer		
612	Behavior Analyst		
613	Associate Behavior Analyst		
615	Behavior Management Assistant		
616	Behavior Management Technician		
620	Behavior Management Consultant		
625	Counseling Services		
635	Independent Living Specialist		
691	Art Therapist		
692	Dance Therapist		
693	Music Therapist		
694	Recreational Therapist		
707	Speech Pathology		
772	Physical Therapy		
773	Occupational Therapy		
780	Psychiatrist		
896	Supported Living Services		

Service Codes	Description	KRC Staff Name	KRC Staff Contact Information
028 048 055 062 063 091 094 102 106 108 110 115 116 117 505 510 515 520 525	Social Training Program Client/Parent Support Beh Inter Trng Community Integration Trng Progrm Personal Assistance Community Activities Support Service In-Home Day Program Creative Arts Program Individual or Family Training Services Specialized Recreational Therapy Parenting Support Services Supplemental Day Program Support Spec. Therapeutic Serv (Age 3-20) Early Start Spec. Therapeutic Serv Spec. Therapeutic Serv (Age 21+) Activity Center Adult Developmental Center Behavior Management Program Independent Living Program Social Recreation Program	Armondo Cordova	<a href="mailto:ACordova@kernrc.org">ACordova@kernrc.org</a> ; 661-852-3289

KRC will continue to provide information through email, website, phone calls and any other way we get it to you. We appreciate your continued support and services to our community during these very challenging times.

## ATTACHMENT 2

### Frequently Asked Question from Vendors

- 1. Will KRC recommend keeping consumers in their homes or care homes and not go to day programs?**  
As of now to remain consistent with the directives from DDS and other state departments, those with a high risk (elderly and people with vulnerable health conditions, specifically those individuals residing in Adult Residential Facilities for Persons with Special Health Care Needs, Intermediate Care Facilities/Developmentally Disabled-Nursing, Intermediate Care Facilities/Developmentally Disabled-Continuous Nursing) should not attend large group gatherings. Any healthy adult should not be restricted in their community access including day program services.
- 2. Will consumers be at risk of losing their placements for not attending?**  
No. Absences during these times should not penalize consumers for following our guidance. DDS has taken steps to mitigate the financial impact.
- 3. Is there PATCH funding available for the care homes if they keep their residents home?**  
The Director of the Department of Developmental Services has issued a series of directives waiving certain restrictions on regional centers and one of these directives is meant to provide relief to the residential services providers. The Directive gives the regional center director authority “to grant rate adjustments for residential services and/or supplemental services in residential settings, consistent with Welfare and Institutions Code sections 4681.6, 4689.8 and 4691.9, to protect a consumer’s health or safety as a result of the outbreak of COVID-19.” Patch is a supplemental service in residential settings. (See the DDS March 12, 2020 Directive, “DEPARTMENT DIRECTIVE ON REQUIREMENTS WAIVED DUE TO COVID-19”) [**Attachment A**].
- 4. Can we do teleconference/telehealth for ABA, PT and OT for Early Start services?**  
Yes, as long as the services are provided within the scope of practice of the professional AND the family requests remote service delivery as outlined in the DDS March 12, 2020 Directive, “DEPARTMENT DIRECTIVE ON REQUIREMENTS WAIVED DUE TO COVID-19” [**Attachment A**].
- 5. ES programs are worried as they only get paid for face-to-face visits. Some were concerned about families cancelling scheduled appointments due to concerns about contracting COVID 19. The majority of the children in ES could be considered high risk.**  
The Governor’s Executive order N-25-20 waives the requirement for face to face visit if the family requests remote service delivery as outlined in the DDS March 12, 2020 Directive, “DEPARTMENT DIRECTIVE ON REQUIREMENTS WAIVED DUE TO COVID-19” [**Attachment A**]. The attached directives includes non-residential providers payment for absences directly relate to COVID-19.
- 6. If someone appears to have a fever, should we call 911?**  
No
- 7. Will KRC continue to host scheduled trainings and meetings?**  
At this time, KRC has cancelled all community trainings and public meetings in a heightened social distancing effort for the safety of our community and in an abundance of caution. As of now, KRC has postponed VAC, Board Meeting, Transition Fairs throughout our region, Person-Centered Thinking sessions, POS Disparity Public Forums, and several other large gatherings with over 20 people.
- 8. Any directives from KRC about keeping consumers home from day program. What is "against their rights" versus their wellbeing especially in an elderly home.**

Pursuant to WIC section 4639.6, to reduce the risk of exposure to COVID-19 and consistent with the California Department of Public Health's recommendations for individuals who are at higher risk for serious illness, the Director of the Department is directing regional centers to take immediate action to ensure consumers who have compromised immune systems or who are more susceptible to respiratory illness, and/or who reside in the following home types, remain home rather than attend day services outside the home:

- a. Adult Residential Facilities for Persons with Special Health Care Needs
- b. Intermediate Care Facilities/Developmentally Disabled-Nursing
- c. Intermediate Care Facilities/Developmentally Disabled-Continuous Nursing

The Governor has declared a "State of Emergency" so for the next 30 days (extended if necessary) this restriction will remain in effect **[Attachment B]**.

**9. How are we helping care homes prepare (Instructions re: stocking up with canned food, frozen foods, etc.).**

Homes have a standard plan for maintaining the required supply of food outlined in their program designs. If a home were to be completely ordered to quarantine and no one was allowed to leave the home, they should use the grocery delivery service from the local grocery store, and they should contact their community liaison if the delivery restrictions prohibit delivery to their location.

**10. How are consumer absences for nonresidential services paid?**

In accordance with Title 17, CCR Section 54326(a)(11) and Directives from DDS dated 03/12/2020 titled, "DEPARTMENT DIRECTIVE ON DAY SERVICES FOR CONSUMERS AT HIGH RISK FOR SERIOUS ILLNESS DUE TO COVID-19" **[Attachment B]**:

*"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."*

Vendors are expected to maintain good records.

**11. Some community resources (i.e., schools) are closed or unavailable, can we extend program hours?**

Yes.

12a. Can we get additional funding for the extended hours?

Yes if it meets the criteria under Health and Safety Waiver Exemptions. The Director of the Department delegates to regional center Executive Directors the authority to grant rate adjustments for residential services and/or supplemental services in residential settings, consistent with WIC Code section 4681.6, 4689.8 and 4691.9 to protect a consumer's health or safety as a result of the outbreak of COVID-19 **[Attachment A]**.

**12. Can we accept referrals?**

Yes as long as you have the appropriate level of staff as outlined in your program design. Please follow the recommended advice of Department of Social Services directives dated 03/13/2020 and Community Care Licensing.

**13. Do we send an SIR when a client is absent from program/service?**

No. If you suspect an outbreak of COVID-19 in your organization, please contact your local health department immediately and follow their instructions. Service providers need to contact the regional center immediately and submit a Special Incident Report (SIR) if you become aware of the client that **has been diagnosed** with COVID-19.



**14. Will clients on PIP and/or CIE be able to extend their 12 month program?**

KRC is consulting with DDS for this directive.

**15. Routed transportation has families expressing concern due to lack of social distancing in vans and buses. How is KRC addressing this issue?**

Providers should encourage families to contact their Service Coordinator to work with their families to consider alternative transportation.

**16. If programs close, what are the next steps?**

Providers are highly encouraged to contact KRC prior to closing any program.

**17. If a provider closes their program, will they get paid?**

Programs should consider how they can provide services other than through traditional means. Programs that remain open and available to provide services can bill for average attendance per the DDS directive.

**18. If clients are to remain home and not attend day program, can the SLS/ILS provider request additional hours?**

Yes, if the client request the increase in hours, and it is part of the individual Person Centered/Individual Plan (IPP)

**19. Will KRC assist those clients in SLS that need funds for groceries, over the counter medication and/or incidentals?**

Yes. Purchase reimbursement will be utilized when all generic resources have been exhausted, and the service is part of the individual Person Centered/Individual Plan (IPP).

**Important Directives and Links from State and County Officials:**

- DDS Additional Guidance [[https://www.dds.ca.gov/wp-content/uploads/2020/03/DDSDirective\\_AdditionalWaivedRequirements\\_03182020.pdf](https://www.dds.ca.gov/wp-content/uploads/2020/03/DDSDirective_AdditionalWaivedRequirements_03182020.pdf)]
- DDS FAQ [[https://www.dds.ca.gov/wp-content/uploads/2020/03/COVID19\\_FAQs\\_03192020.pdf](https://www.dds.ca.gov/wp-content/uploads/2020/03/COVID19_FAQs_03192020.pdf)]
- DEPARTMENT DIRECTIVE ON REQUIREMENTS WAIVED DUE TO COVID-19 [[https://www.dds.ca.gov/wp-content/uploads/2020/03/DDSDirective\\_RequirementWaivedDueCOVID\\_031220.pdf](https://www.dds.ca.gov/wp-content/uploads/2020/03/DDSDirective_RequirementWaivedDueCOVID_031220.pdf)]
- DEPARTMENT DIRECTIVE ON DAY SERVICES FOR CONSUMERS AT HIGH RISK FOR SERIOUS ILLNESS DUE TO COVID-19 and STATE OF EMERGENCY STATEWIDE [[https://www.dds.ca.gov/wp-content/uploads/2020/03/DDSDirective\\_DayServices\\_COVID-19\\_20200312.pdf](https://www.dds.ca.gov/wp-content/uploads/2020/03/DDSDirective_DayServices_COVID-19_20200312.pdf)]

**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



March 12, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: DEPARTMENT DIRECTIVE ON DAY SERVICES FOR CONSUMERS AT  
HIGH RISK FOR SERIOUS ILLNESS DUE TO COVID-19

Welfare and Institutions Code (WIC) section 4639.6 authorizes the Director of the Department of Developmental Services (Department) to issue directives to regional centers as the Director deems necessary to protect consumer rights, health, safety, or welfare, or in accordance with WIC section 4434. Regional centers must comply with any directive issued by the Director pursuant to this section.

Pursuant to WIC section 4639.6, to reduce the risk of exposure to COVID-19 and consistent with the California Department of Public Health's recommendations for individuals who are at higher risk for serious illness, the Director of the Department is directing regional centers to take immediate action to ensure consumers who have compromised immune systems or who are more susceptible to respiratory illness, and/or who reside in the following home types, remain home rather than attend day services outside the home:

- Adult Residential Facilities for Persons with Special Health Care Needs
- Intermediate Care Facilities/Developmentally Disabled-Nursing
- Intermediate Care Facilities/Developmentally Disabled-Continuous Nursing

This remains in effect for 30 days unless extended by the Director of the Department. Enclosed is the Department's March 12, 2020, correspondence to regional centers regarding Governor Gavin Newsom's declared State of Emergency due to the COVID-19 outbreak and authorizing, pursuant to Title 17, California Code of Regulations section 54326(a)(11), regional centers to pay vendors for absences that are a direct result of the COVID-19 outbreak in California.

If you have any questions regarding this Directive, please contact Christine Gephart at (916) 698-9567 or [chris.gephart@dds.ca.gov](mailto:chris.gephart@dds.ca.gov).

Sincerely,

*Original Signed by:*

NANCY BARGMANN  
Director

Enclosure

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

**"Building Partnerships, Supporting Choices"**

**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  
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If you have questions about this correspondence, please contact me at [ernie.cruz@dds.ca.gov](mailto: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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(916) 654-1897



March 18, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: DEPARTMENT DIRECTIVE ON REQUIREMENTS WAIVED DUE TO  
COVID-19 AND ADDITIONAL GUIDANCE

**This supersedes the March 18, 2020, correspondence on this subject.**

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 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). 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 regional centers and service providers the greatest flexibility to support consumers and their families. Services to individuals are a priority and regional centers and service providers are working with their consumers and community to identify alternative approaches to support those in greatest need during this unprecedented time.

**Flexibility in Provision of Services and Supports for Consumers and Providers**

**Lanterman Act Remote Services or Alternate Locations**

Any requirements of the Lanterman Act, Title 17, or an Individual Program Plan (IPP) requiring delivery of the services in a specific location or in-person are hereby waived when, due to concern related to exposure to COVID-19, a consumer, parent, guardian, or other authorized legal representative of the consumer requests that one or more of the services listed on the Enclosure be provided in an alternate location or through remote electronic communications, including Skype, Facetime, video conference, or telephone conference.

Prior to, or no later than seven days after, the delivery of a service in an alternate location or by remote electronic communications, the service provider must notify the regional center that the individual requested and/or agrees to either receive services in an alternate location or through remote electronic communication in lieu of in-person services. The regional center shall send a follow-up letter to the individual, in their preferred language, confirming that at their request, services will be provided in an alternate location or through remote electronic communication. The letter shall include contact information for the consumer's service coordinator and their supervisor.

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The agreement to provide services in an alternate location or through remote electronic communication shall not change the frequency or duration of any IPP service absent the agreement of the consumer's IPP team.

This waiver is necessary to limit the risk of exposure to COVID-19 and provide individuals with access to services and supports. Providing services and supports in alternate locations or through remote electronic communications enables services and supports necessary for the health, welfare and safety to be delivered.

#### Supplemental Staffing for Residential Providers

Recognizing that residential providers in all licensing categories, including community care facilities, may need supplemental staffing to support consumers remaining at home to mitigate the spread of COVID-19, the Department reiterates the March 12, 2020, delegation to regional center Executive Directors to grant rate adjustments for residential services and/or supplemental services in residential settings, consistent with Welfare and Institutions Code (WIC) sections 4681.6, 4689.8 and 4691.9, to protect a consumer's health or safety as a result of the outbreak of COVID-19. Further, intermediate care facilities, licensed by the California Department of Public Health (CDPH), may be vendored to provide residential supplemental services, as noted above and to the extent that funding for supplemental staffing is not available through the Medi-Cal program.

Regional centers are directed to work with affected providers to expedite vendorization for the new or additional supplemental services (e.g. Supplemental Residential Program Support) appropriate to provide supplemental staffing required as a result of COVID-19.

#### Day Program Services

To protect public health and slow the rate of transmission of COVID-19, services must be provided in alignment with the [guidance issued by CDPH on March 16, 2020](#).

To the extent possible, services may be provided in an alternate location or through remote electronic communications, including Skype, Facetime, video conference, or telephone conference.

The Department reiterates the March 12, 2020, directive to regional centers, "State of Emergency Statewide," authorizing regional centers to pay vendors for absences that are a direct result of the COVID-19 outbreak, pursuant to Title 17 section 54326(a)(11).

## **Administrative Flexibility for Regional Centers**

### Public Meetings

Any requirements of the Lanterman Act, the Department's regional center contract or other requirements to hold in-person public meetings are hereby waived, with the exception of regional center board meetings held pursuant to WIC section 4660, which shall continue to occur in-person or through use of remote electronic communications.

To the extent feasible, attempts should be made to conduct meetings using remote electronic communications, including Skype, Facetime, video conference, or telephone conference options. If remote electronic communications are not feasible, the meeting should be delayed so the public can participate.

The requirement of WIC section 4519.5(e) that regional centers hold public meetings within three months of compiling purchase of service disparities data with the Department, and the requirements of WIC section 4519.5(f) and the Department's contracts with regional centers requiring submission of a report to the Department regarding the meetings and recommendations by May 31, 2020, are waived. Regional centers shall hold their public meetings by August 31, 2020, and submit associated reports to the Department by December 31, 2020.

This waiver is necessary because the Department finds that gatherings may contribute to the spread of COVID-19. However, limiting gatherings may result in less attendance at public meetings. Regional center public meetings should be in alignment with CDPH's March 16, 2020, guidance on gatherings as referenced on page two, "Day Program Services."

### WIC §4731 Consumers' Rights Complaints

The 20-working day requirement for investigating and providing a written proposed resolution to a complainant pursuant to WIC section 4731(b) is waived. The regional center director shall investigate and send a written proposed resolution to a complainant and service provider, if applicable, as soon as possible within 40 working days of receiving the complaint.

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

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### **Additional Areas of Relief**

#### Departmental Audits and Programmatic Monitoring Reviews

Any on-site Departmental fiscal audits or programmatic monitoring reviews not directly related to the oversight of health, welfare and safety of consumers, and scheduled within forty-five days of the date of this letter are postponed. The Department will determine the feasibility of using remote electronic communications to complete some monitoring activities on a case-by-case basis.

#### Home and Community-Based Services (HCBS) Self Assessments

The requested completion date for provider HCBS self-assessment has been extended to June 30, 2020.

#### Direct Support Professional Training

The Department is temporarily placing the Direct Support Professional Training (DSPT) on hold until June 30, 2020. DSPT is required by WIC section 4695.2(a). Direct support professionals are encouraged to use online resources posted on the Department's website at <https://www.dds.ca.gov/services/dspt>, to keep abreast with current practices and procedures to provide the best care to consumers.

#### Frequently Asked Questions (FAQs)

The Department will post answers to frequently asked questions related to COVID-19 directives online at <https://www.dds.ca.gov/corona-virus-information-and-resources>.

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](mailto:brian.winfield@dds.ca.gov).

Sincerely,

*Original Signed by:*

NANCY BARGMANN  
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

### Services Eligible for Alternate Location or Remote Access

Service Code	Description
017	Crisis Team
028	Socialization Training Program
048	Client/Parent Support Behavior Intervention Training
055	Community Integration Training Program
062	Personal Assistance
063	Community Activities Support Service
091	In-Home Day Program
094	Creative Arts Program
102	Individual or Family Training Services
106	Specialized Recreational Therapy
108	Parenting Support Services
110	Supplemental Day Program Support
115	Specialized Therapeutic Services (Age 3-20)
116	Early Start Specialized Therapeutic Services
117	Specialized Therapeutic Services (Age 21+)
505	Activity Center
510	Adult Development Center
515	Behavior Management Program
520	Independent Living Program
525	Social Recreation Program
605	Adaptive Skills Trainer
612	Behavior Analyst
613	Associate Behavior Analyst
615	Behavior Management Assistant
616	Behavior Management Technician
620	Behavior Management Consultant
625	Counseling Services
635	Independent Living Specialist
691	Art Therapist
692	Dance Therapist
693	Music Therapist
694	Recreational Therapist
707	Speech Pathology
772	Physical Therapy
773	Occupational Therapy
780	Psychiatrist
896	Supported Living Service



**DEPARTMENT OF DEVELOPMENTAL SERVICES**

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(916) 654-1897



March 12, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: DEPARTMENT DIRECTIVE ON 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 certain requirements of the Lanterman Developmental Disabilities Services Act (Lanterman Act), the California Early Intervention Services Act, and/or certain provisions of Title 17, Division 2 of the California Code of Regulations (Title 17). While COVID-19 remains a low risk for the general population, the Department recognizes there may be instances where regional centers will need flexibility to support individuals at home for their safety and that of the general population.

#### Early Start In-Person Meetings

Any requirements of the California Early Intervention Services Act or Title 17 requiring in-person meetings for determining eligibility or service coordination are hereby waived. To the extent requested by a parent, guardian, or other authorized legal representative of the child due to concern related to exposure to COVID-19, and to the extent the integrity of the intake process is not compromised, a regional center may conduct evaluation and assessment activities and provide Early Start coordination by remote electronic communications, including Skype, Facetime, video conference, or telephone conference. The regional center shall send a follow-up letter to the family, in the family's preferred language, confirming that at the family's request, a virtual or remote visit was conducted in lieu of a face-to-face meeting or visit. The letter shall include contact information for the child's service coordinator and their supervisor. This waiver is necessary because the Department finds that fear of exposure to the COVID-19 virus is causing family members to miss in-person meetings, thereby threatening the delivery of prompt services to children needing Early Start services or coordination.

#### Early Start Remote Services

The requirements of the California Early Intervention Services Act, Title 17, or a child's Individualized Family Service Plan (IFSP) requiring the delivery of services in-person are hereby waived. To the extent requested by a parent, guardian, or other authorized legal representative of the child due to concern related to exposure to COVID-19, a service provided to a child in-person may be provided by remote electronic communications, including Skype, Facetime, video conference, or telephone conference. Prior to the delivery of a service by electronic communications, the service provider must notify the regional center that the family requested and agrees to remote or virtual services in lieu of in-person services. The regional center shall send a follow-up letter to the family, in the family's preferred language, confirming that at the family's request, virtual or remote services will be

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provided in lieu of in-person services. The letter shall include contact information for the child's service coordinator and their supervisor. This waiver is necessary because the Department finds that fear of exposure to COVID-19 is causing family members to miss in-person appointments for services for their children. Providing services to the child through electronic communications ensures that services necessary for the health, development and well-being of the child are delivered.

Lanterman Act In-Person Meetings

The requirements of the Lanterman Act requiring in-person attendance of a consumer and/or his or her parent, conservator, or authorized legal representative and a regional center representative at an Individual Program Plan (IPP) meeting or other meeting related to delivery of services are hereby waived. The regional center shall send a follow-up letter to the consumer and/or representative, in the consumer and/or representative's preferred language, confirming that at the consumer's or representative's request, a virtual or remote visit was conducted in lieu of a face-to-face meeting or visit. The letter shall include contact information for the consumer's service coordinator and their supervisor. This waiver is necessary because the Department finds that fear of exposure to COVID-19 is causing consumers and their representatives to miss in-person IPP and other service coordination meetings, thereby threatening the delivery of critical services to consumers.

Health and Safety Waiver Exemptions

The Director of the Department delegates to regional center Executive Directors the authority to grant rate adjustments for residential services and/or supplemental services in residential settings, consistent with Welfare and Institutions Code sections 4681.6, 4689.8 and 4691.9, to protect a consumer's health or safety as a result of the outbreak of COVID-19. The waiver will require supplemental reporting to the Department. Instructions on the required supplemental reporting will be provided in a future directive. This delegation is necessary because the Department finds that high risk health conditions and fear of exposure to COVID-19 may cause consumers to forego activities away from their home resulting in a need for additional residential staffing or supplemental services.

This remains in effect for 30 days unless extended by the Director of the Department. If you have any questions regarding this Directive, please contact Brian Winfield at (916) 654-1569.

Sincerely,

*Original Signed by:*

NANCY BARGMANN  
Director

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

## FREQUENTLY ASKED QUESTIONS COVID-19

### FOR INDIVIDUALS AND FAMILIES

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#### 1. What is COVID-19?

COVID-19 is also known as the Coronavirus. More information can be found here:  
<https://www.dds.ca.gov/corona-virus-information-and-resources/>  
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>  
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

#### 2. I am feeling sick and think I have COVID-19, what should I do?

If you have symptoms of COVID-19 including fever, cough or shortness of breath, and you think you might have been exposed, you need to stay home, wash your hands regularly, take flu or cold medicine, avoid contact with other people, and call your doctor.

#### 3. Am I at risk of getting COVID-19?

Early information out of China, where COVID-19 first started, shows that some people are at higher risk of getting very sick from this illness. This includes:

- Older adults (65+)
- Individuals with compromised immune systems
- Individuals who have serious chronic medical conditions like:
  - Heart disease
  - Diabetes
  - Lung disease

If you are at higher risk for serious illness from COVID-19 because of your age or health condition, it is important for you to take actions to reduce your risk of getting sick with the disease, including:

- Stay at home and practice social distancing
- Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place
- Avoiding touching eyes, nose or mouth with unwashed hands
- Avoid being close to people who are sick, and stay away from large gatherings and crowds
- Consider ways of getting food brought to your house through family, social, or commercial networks

**4. How do I protect myself from COVID-19?**

Stay home and if you have to go to public places or travel, make sure to stay at least 6 feet away from other people. Wash your hands often and try not to touch surfaces, your eyes, nose, and mouth. If someone you know is sick, stay at least 6 feet away from them until they are well.

**5. Is my regional center open?**

Yes, all regional centers are open, but some regional center staff may be working from different locations and are not holding face to face meetings in their offices. They are there to help you and answer your questions. Please visit <https://www.dds.ca.gov/rc/listings/> to contact your regional center.

**6. How do I contact my service coordinator?**

Use the phone number or e-mail address you normally use to contact your service coordinator. Please visit <https://www.dds.ca.gov/rc/listings/> for regional center contact information.

**7. What additional services will my regional center provide during this situation?**

Talk to your service coordinator about any additional supports or services you have as a result of this situation.

**8. Can I or should I go to my day program?**

To protect public health and slow the rate of transmission of COVID-19, everyone should follow the guidance issued by CDPH on March 16, 2020.

CDPH's guidance can be found at:

<https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/cdph-guidance-gatherings-covid19-transmission-prevention-03-16-2020.pdf>.



## FOR VENDORS AND SERVICE PROVIDERS

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### **9. I am a day program provider, should I close my day program?**

To protect public health and slow the rate of transmission of COVID-19, services must be provided in alignment with the guidance issued by CDPH on March 16, 2020.

CDPH's guidance can be found at:

<https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/cdph-guidance-gatherings-covid19-transmission-prevention-03-16-2020.pdf>.

To the extent possible, services may be provided in an alternate location or through remote electronic communications, including Skype, Facetime, video conference, or telephone conference.

The Department also reiterates the March 12, 2020, directive to regional centers, "State of Emergency Statewide," authorizing regional centers to pay vendors for absences that are a direct result of the COVID-19 outbreak, pursuant to Title 17 section 54326(a)(11).

### **10. I am a vendor, can we get paid for closures of day programs/transportation?**

Currently vendors bill for absences that are the direct result of the COVID-19 outbreak in California. In accordance with Title 17, non-residential settings may bill for absences related to COVID-19. Please contact your regional center for guidance. The Department directive is online here: [https://www.dds.ca.gov/wp-content/uploads/2020/03/DDSDirective\\_DayServices\\_COVID-19\\_20200312.pdf](https://www.dds.ca.gov/wp-content/uploads/2020/03/DDSDirective_DayServices_COVID-19_20200312.pdf)

### **11. How do we get personal protective equipment for our homes/facilities e.g., N95 masks, gowns, gloves?**

Please contact your Regional Center and local public health department to request information on how to obtain personal protective equipment (PPE) and other essential supplies. A list of the regional centers is available here:

<https://www.dds.ca.gov/rc/listings/> and a list of local public health departments, here: <https://www.cdph.ca.gov/Pages/LocalHealthServicesAndOffices.aspx#>.



KIM JOHNSON  
DIRECTOR

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**DEPARTMENT OF SOCIAL SERVICES**  
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ATTACHMENT 4



GAVIN NEWSOM  
GOVERNOR

March 18, 2020

PIN 20-08-ASC

TO: ALL ADULT AND SENIOR CARE PROGRAM LICENSEES

FROM: *Original signed by Pamela Dickfoss*  
PAMELA DICKFOSS  
Deputy Director  
Community Care Licensing Division

SUBJECT: **STATEWIDE WAIVERS FOR LICENSING REQUIREMENTS DUE TO  
CORONAVIRUS DISEASE 2019 (COVID-19)**

**Provider Information Notice (PIN) Summary**

PIN 20-08-ASC provides guidance to Adult and Senior Care (ASC) licensees regarding the implementation of updated or additional statewide waivers for certain licensing statutes and regulations.

The situation surrounding the Coronavirus Disease 2019 (COVID-19) continues to rapidly change. This PIN provides updated or additional statewide waivers for certain licensing requirements applicable to ASC settings without the need for providers to make an individual request, and subject to the waiver terms and conditions set forth in this PIN.

The California Department of Social Services (CDSS) is taking major and unprecedented actions to protect the health, safety, and welfare of the people of California. CDSS is recommending ASC providers follow guidance in all [CDSS PINs](#) applicable to ASC providers, in addition to guidance or instructions from health care providers, the Federal [Centers for Disease Control and Prevention \(CDC\)](#), the [California Department of Public Health \(CDPH\)](#), and [local health departments](#).



## **STATEWIDE WAIVER OF LICENSING STANDARDS**

Pursuant to the Governor's Proclamation as set forth in [PIN 20-04-CCLD](#) dated March 6, 2020, CDSS is announcing statewide waivers for certain licensing requirements, without the need for licensees, administrators, or administrator certification training vendors to make an individual request, and subject to the following Waiver Terms and Conditions set forth in this PIN. Licensees, administrators, or administrator certification training vendors using the waivers below *do not need prior approval* from CDSS. The waivers below update or are in addition to the waivers granted in [PIN 20-07-ASC](#), dated March 13, 2020.

### **Updated Visitation Waiver; Personal Right**

**Note:** SUPERCEDES Waiver in [PIN 20-07-ASC](#)

Facilities shall limit entry only to individuals who need entry, as necessary for prevention, containment, and mitigation measures as specified in guidance by the [Centers for Disease Control and Prevention \(CDC\)](#), the [California Department of Public Health \(CDPH\)](#), and [local health departments](#). A facility may also limit a person in care's right to associate with other persons in care, as necessary for containment and mitigation only, not for prevention. In lieu of in-person visits and social gatherings, facilities shall make arrangements for alternate means of communication for visitors such as phone calls, video calls, and online communications. This waiver applies to a person in care's right to visitation and the personal right to associate with other persons in care under Health and Safety Code section 1512, 1569.269, 1569.313 and 1771.7; Title 22, California Code of Regulations, Division 6, sections 80072, 82072, 85072, 87468, 87468.1, 87468.2 and 87872.

### **Buildings and Grounds/Capacity Waiver**

**Note:** SUPERCEDES Waiver in [PIN 20-07-ASC](#)

Facilities may waive buildings and grounds requirements related to capacity or bedroom sharing as necessary for prevention, containment, and mitigation measures, as long as the health and safety of persons in care is not compromised. This waiver may be implemented only as needed to isolate or quarantine a person in care who is exhibiting symptoms of a respiratory virus, or who has tested positive for COVID-19. Any isolation of a person in care shall be based on guidance provided by the CDC, CDPH and local health departments. This waiver applies to a facility's or home's obligations under Health and Safety Code sections 1568.02, 1569.269 and 1771.7; Title 22, California Code of Regulations, Division 6, section 87468.1(b).

### **Staffing Ratios Waiver**

Facilities may waive personnel staffing ratios as necessary for prevention, containment, and mitigation measures as long as the licensee is able to meet the health and safety needs of each person in care. This waiver applies to a facility's obligations regarding staff ratios under Title 22, Cal. Code of Regulations, Division 6, sections 80065, 85065, 85065.5, 85065.6, 87865, 87865.1.

### **Criminal Record Background Clearance Waiver**

Facilities may waive the following criminal record background check requirements to enable new staff to start caregiving immediately:

1. New staff at a licensed facility may start caring for persons in care immediately upon submission of a request to transfer a current CDSS criminal record clearance or exemption. This waiver applies to background check requirements under Health and Safety Code sections 1522, 1568.09, and 1569.17; and Title 22, Cal. Code of Regulations, Division 6, sections 80019, 87355, and 87819.
2. New staff at a licensed facility shall be permitted to start caring for persons in care upon submission of proof of a criminal record clearance from a state, or local government agency. Within 5 business days of starting work the new staff shall LiveScan to be associated to the adult or senior care facility. This waiver applies to background check requirements under Health and Safety Code sections 1522, 1568.09, and 1569.17; and Title 22, Cal. Code of Regulations, Division 6, sections 80019, 87355, and 87819.

### **Personnel Requirements**

Facilities may waive the following personnel requirements to enable new staff to start caregiving immediately:

1. Staff training, experience and education requirements: New staff, not including a certified administrator or facility manager, may start caregiving as soon as they provide proof of completion of first aid training, which may be completed online, and are trained on universal, droplet, and any other precautions as mandated by CDC guidelines. New staff shall be trained on the specific tasks they will be performing prior to performing those tasks, shall not be left unsupervised while persons in care are present in the facility, and shall not be designated as a substitute for the administrator or facility manager. Initial training requirements shall be met within 30 days of starting employment and copies of all training shall be kept in the employee's file. This waiver applies to staff training, experience and education standards under Health and Safety Code sections 1562, 1569.625; Title 22, Cal. Code of Regulations, Division 6, sections 80065, 85065, 87411, and 87413.

2. Tuberculosis (TB) testing: New staff may start working immediately if they submit proof of a TB clearance, including a certificate of TB clearance or physician's report confirming a clearance, within the last year. This waiver applies to obligations regarding TB clearance under Title 22, Cal. Code of Regulations, Division 6, sections 80065, 85065, and 87411.
3. Staff Age Requirements: The age requirement for caregivers may be waived to allow minors age 17 to begin caregiving, as long as they provide proof of a current and valid work permit, meet standards required by the Department of Industrial Relations, and have met all other personnel requirements and waiver requirements. The permit and proof of compliance with other standards shall be kept in their staff file. Staff who are minors shall not be left unsupervised while persons in care are present in the facility and shall not be designated as a substitute for the administrator or facility manager. This waiver applies to standards under Health and Safety Code section 1569.618; Title 22, Cal. Code of Regulations, Division 6, sections 80065, 85065, 87411, 87413.

### **Waivers Applicable to Administrator Certification**

#### **Vendors (Department-Approved)**

Current Department-Approved Vendors will be allowed to live-stream approved courses that would otherwise be held in-person. This includes Initial Certification Training Program (ICTP) and Continuing Education Training Program (CETP) courses offered. For purposes of this waiver, "live-stream" means material that participants can actively engage in and/or watch in real-time on the internet, including but not limited to, Skype, Go-to-Webinar, Zoom, Collaborate, Snagit, etc.

The following criteria must be met; not following the direction below may result in the vendor-issued course Certificate of Completion not being accepted and result in a negative impact to Administrators.

- Compliance with all applicable laws and regulations not waived in this PIN.
- Vendors must provide the Department's Administrator Certification Section (ACS) with their current quarterly schedule of ICTP and CETP course offerings by April 1, 2020, and indicate if the course is being held live, live-streaming, or both.
- Vendors must send ACS a notice of the date and time of each course, and a list of individuals registered and changes, as applicable.
- Vendors must send ACS the LICS 9142A Roster of Participants or replica and note on this document if the course was conducted via live streaming within seven (7) days of completing the course.
- Live-Stream courses must be conducted using the Department-approved course curriculum, outline, and instructor, and meet all required training hours initially approved.



- All live-stream options must be available for ACS monitoring.

### Administrators - Initial Certification

For those seeking to obtain an Administrator Certificate for the first time, you may take a Department-approved ICTP from a Department-approved vendor. During the State of Emergency, the Department does not currently have the ability to electronically offer the Administrator Examination; thus, the ACS is suspending Administrator Certification Testing. Upon completion of an ICTP, you may apply for a Conditional Administrator Certificate (using current application requirements), which may be granted for a 90-day period. Once the State of Emergency has been lifted, you **must** take and pass the in-person Administrator Examination in order to receive a Non-Conditional (standard) Administrator Certificate.

If you have already completed an ICTP and need to take the Administrator Examination, you may apply for a Conditional Administrator Certificate (using current application requirements) or follow the existing process to request an extension. Extensions will be approved up to 90 days due to the current State of Emergency.

### Administrators - Certificate Renewals

For individuals seeking Administrator Recertification, the ACS is waiving the requirement to take in-person continuing education hours. During the State of Emergency, the ACS is allowing continuing education to be taken via live-stream course provided by Department-approved vendors. All other renewal requirements will be enforced, which includes but is not limited to:

- All courses must be Department-approved courses provided by a Department-Approved Vendor. A list of Department-Approved Vendors can be found on the [Administrator Certification Section homepage](#).
- No more than 10 hours of training can be taken daily.
- All recertification requirements must be met prior to the Administrator Certificate expiration date to avoid a delinquency fee.
- Fees and timelines have not been altered or waived at this time.

This waiver applies to an applicant, administrator, or administrator certification training vendor's obligations under Title 22, Cal. Code of Regulations, Division 6, sections 85064.2, 85064.3, 85090, 85091, 85091.1, 87406, 87407, 87785, 87788, and 87789.

### Terms and Conditions of All Waivers

Providers shall implement the waivers on an as-needed basis, in a reasonable manner, and in accordance with any guidance or instructions from CDSS, health care providers, CDC, CDPH, and local health departments.

Providers shall continue to comply with standards that have not been waived in this PIN's statewide waiver or pursuant to a different individual waiver or exception granted by CDSS. Any approved and pending waiver requests for any of the waiver provisions above shall continue to be in force but shall be replaced by this PIN. Facilities may continue to request individual waivers for standards not included in the statewide waiver in accordance with [PIN 20-04-CCLD](#).

### **Requirements for Ongoing Compliance with Waiver; Rescission or Modification**

Continued use of this statewide waiver will be based on each facility's compliance with the following terms and conditions:

1. The licensee shall notify CDSS at their local [Adult and Senior Care Regional Office](#) when a facility implements a waiver pursuant to the statewide waivers set forth in this PIN, and shall post this waiver in a public location within the facility.
2. A licensee's revised policies that are impacted by the waiver shall be developed in compliance with the most recent CDC, CDSS, CDPH, and/or local health department COVID-19 guidance, be readily available for the public's review, and a copy shall be provided to the CDSS Regional Office. The policy must include a justification for the need of a waiver.
3. A licensee must inform the person in care and their responsible party of any revised policy impacted by the waiver.
4. The licensee shall comply with directives of a local health department officer.
5. The licensee shall not restrict CDSS, CDPH, local health department officials, and healthcare providers, Ombudsman, and essential government authority from entering or conducting investigations at the facility.

CDSS may rescind or modify a facility's authorization for use of a waiver based upon new federal, state or local directives or guidance, or if it determines a facility does not meet the terms and conditions of this statewide waiver, or an individual waiver, as applicable.

### **Effective Dates of Statewide Waiver**

This statewide waiver will expire at the end of the Governor's emergency declaration or sooner as determined by the Department. This waiver may be extended depending on any future guidance from [Centers for Disease Control and Prevention \(CDC\)](#), the [California Department of Public Health \(CDPH\)](#), and [local health departments](#).



**Additional Resources**

- [Centers for Disease Control and Prevention](#)
- [California Department of Public Health](#)
- [Local County Health Departments](#)
- [California Department of Social Services](#)