



North Los Angeles County Regional Center

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Additional Guidance on Payments for Nonresidential Services During the State of Emergency

May 9, 2020

On May 7, 2020, the Department of Developmental Services (“DDS”) issued a Department Directive to Regional Centers regarding “additional guidance on payments for nonresidential services during the state of emergency due to the COVID-19 outbreak”. The Department Directive established the following requirements for payments of absences:

“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 (effective March 12, 2020)

Calculation of the average number of absences

Beginning with all claims submitted for the April 2020 service month

- Documentation of efforts made by the service 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 the reason for absences related to COVID-19
 - Examples may include local or 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 for absences must be reduced commensurate with any reduction in payroll, including but not limited to reductions due to employee layoffs or furlough days.

Beginning with all claims submitted for the May 2020 service month

- Absence funds are provided based on the expectation that other sources of funding are not currently available to the service provider due to the impact of COVID-19. Accordingly, absence funds are provided as a funding source of last resort.

- Service Providers are expected to first seek and apply for all available COVID-19 relief funding before receiving absence funds from regional centers
- Service providers are expected to seek and apply for all available payroll loan forgiveness or reimbursement programs first, including but not limited to the following programs:
 - Paycheck Protection Program
 - Economic Injury Disaster Loan Emergency Advance Program
 - Any other similar federal or state programs for which the service provider is eligible
- Claims submitted to the regional center for absence billing must be reduced by the amount the service provider receives from other available funding sources, including the programs listed above.
- Service Providers may not receive absence payment from the regional center that is in excess of the combined total of both (1) the absence payments received from regional center; and (2) other relief sources received by the service provider that is in excess of the amount the service provider otherwise would have received by the providing services to consumers absent the State of Emergency.

Other Information

Nonresidential service 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 provider.

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

In the event DDS provides additional guidance regarding absence billing, NLACRC will provide an update. Please visit NLACRC's website at www.nlacrc.org or DDS's website at <https://www.dds.ca.gov/corona-virus-information-and-resources/> to read the Directive from DDS.