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March 19, 2020

Dear ACRC Service Provider,

Alta California Regional Center (ACRC) and our service provider community share a great concern for the health and safety of our clients during the outbreak of COVID-19. ACRC feels it is imperative to provide continued guidance to service providers offering site based day programming.

This ACRC guidance is in relation to both ongoing operations as well as receiving funding for closing the program due to health and safety concerns for clients and staff. *As of this writing, 91 day programs have announced closures.* We are also aware of some site based programs that are choosing to remain open. Alta California Regional Center is in receipt of the Directive issued on March 18, 2020 entitled Department Directive on Requirements Waived due to COVID-19 and Additional Guidance, Frequently Asked Questions updated March 19, 2020, and the CDPH Guidance for the Prevention of COVID-19 Transmission for Gatherings, dated March 16, 2020.

DDS directive states, in part:

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).... This directive remains in effect for 30 days unless extended by the Director of the Department.

CDPH guidance states, in part:

To protect public health and slow the rate of transmission of COVID-19, gatherings as described below should be postponed or canceled across the state of California until further guidance is issued by the California Department of Public Health.

The California Department of Public Health finds the following:

- **All gatherings should be postponed or canceled.** (emphasis added by ACRC)

This includes gatherings such as concerts, conferences, and professional, college, and school sporting events.

- Gyms, health clubs, and theaters should be closed.

- A “gathering” is any event or convening that brings together people in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, cafeteria, or any other indoor or outdoor space.

This applies to all non-essential professional, social, and community gatherings regardless of their sponsor. Gatherings that do not meet the aforementioned criteria should only be conducted when they are essential— that is, if the activity is essential and could not be postponed or achieved without gathering, meaning that some other means of communication could not be used to conduct the essential function.

In light of this directive, ACRC expects that any site-based day program provider that plans to remain offering program at their site to provide a written plan for compliance with the CDPH memo dated March 16, 2020. This written plan shall be sent to Director of Community Services and Supports, John W. Decker via email jdecker@altaregional.org by no later than close of business on March 20, 2020. If you have any questions, please reach out to John.

Service providers and regional centers have expressed concern to DDS regarding providing clear guidance on the ability to be paid for absences related to program closures. The Directive dated March 18, 2020 indicated they will post answers related to COVID-19. DDS stated, "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>."

DDS FAQ states:

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

ACRC recognizes this guidance from DDS may not provide the clarification that was sought by service providers. ACRC will continue to advocate that service providers that close operations due to concerns for client health and safety, as well as in accordance with federal, state, and local directives and orders, have the ability to bill for those absences related to COVID-19. ACRC will also continue to request DDS send out specific guidance to service providers regarding billing for program closures.

Be Well,



Phil Bonnet
ACRC Executive Director