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June 19, 2020

Subject: State of Emergency Billing

Dear ACRC Service Providers,

On March 4, 2020, Governor Gavin Newsom declared a State of Emergency for California, as a result of the global COVID-19 outbreak (otherwise being referred to as Coronavirus). This memo provides **updated guidance** due to a newly released Directive, dated June 18, 2020, that contains additional specific requirements for those seeking to bill for nonresidential services during the State of Emergency. Here is the latest order with the original orders before it:

June 18, 2020 Directive can be found here: [Directive](#)

Earlier directives:

The May 7, 2020, DDS Directive can be found here: [DDS Directive 5.7.20](#)

All DDS Directives regarding COVID-19 can be found here: [DDS Directives COVID-19](#)

Please see the newest [Directive](#) from the Department of Developmental Services (DDS) dated June 18, 2020. Service providers have been awaiting clarification on status of billing for non-residential absences (also known as retainer payments). On June 18, 2020, DDS approved an extension of time for these payments, indicating that providers will continue to be able to bill for non-residential absences through the month of July 2020. This is intended to provide a relief to service providers that are in the process of re-inventing their services.

The Department of Developmental Services is in the process of finalizing guidance to the regional centers and service providers as to COVID-19 safety protocols. You can view the draft Re-Entry planning documents in the Re-Entry tab on the [Developmental Services Task Force webpage](#). Alta California Regional Center will communicate with service providers as soon as additional information is received from DDS or Community Care Licensing. Please reach out to your community services specialist with your questions related to resuming in-person services.

Alta California Regional Center (ACRC) has a responsibility to verify that service providers are billing in accordance with applicable laws, regulations, and DDS Directives. To that end, ACRC has developed a certification statement for all ACRC service providers indicating they have reviewed the DDS Directives and are billing in accordance with them. **ACRC will only process billing for those**

service providers that have completed the certification statement; certification statement will have to be completed and submitted for each vendor number. If you have already completed a certification statement for May 2020 service month, then you do not have to complete another certification statement. Rather, updated guidance will be sent to the email that was provided in that original certification statement. A copy of the statement will be included in vendor files for future auditing purposes. If you still have not submitted your certification statement, **a link to the certification statement can be found here: [SOE Certification Stmt.](#)**

As stated in the ACRC April 23, 2020 billing memo found here: [ACRC April 23, 2020 Memo](#), if a service provider is billing the regional center for absences pursuant to the DDS Directive and has also received a loan from the Paycheck Protection Program, an Employee Retention Tax Credit or other tax-related provisions of the CARES Act, you must inform the Accounting Department via email to POS@altaregional.org. You must maintain proper documentation as you may be subject to audit and repayment to the regional center may be required. The latest June 18, 2020 Directive also indicates that absence billing must be reduced by 85% of any forgivable relief aid or grant received.

Residential Care Providers (Community Care Facilities, Intermediate Care Facilities, Supported Living, Family Home Agencies)

In the event that additional hours were needed to assist persons served due to COVID-19, please contact the Service Coordinator for authorization. Please maintain all proper support and documentation to support the increase in hours.

Providers intending to bill for non-residential absences/cancelations

Title 17, CCR section 54326(a)(11) states in part:

"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."

If impacted by COVID-19, follow these steps to bill for SOE related absences:

1. Calculate the actual attendance for the month you are billing. (Example = 100)
2. Calculate the absences that month due to COVID-19. (Example = 35)
3. Calculate the total absences during the 12-month period (*if operating less than 12 months, use the number of months you have been operating*) prior to the month you're billing. (Example = 36)
4. Divide the 12-month total absences (from Step 3) by 12. This provides the average monthly absences for this 12-month period. (Example = $36/12=3$)
5. Take the absences due to COVID-19 (from Step 2) and subtract the average monthly absences (from Step 4). The difference is the absence amount that you may bill for (it must be rounded to the nearest whole number and cannot be negative). (Example = $35-3= 32$)
6. Bill for the actual attendance during the month you're billing for (from Step 1) plus the difference between the absences due to COVID-19 and the average monthly absences (Step 5). ($100+32 =132$)
7. Maintain all proper support and documentation to support your calculations and billings.

Payment

We also want to reiterate ACRC's long standing practice and publicized billing payment timelines of the 15th of the month if you have submitted your E-Billing invoice by the 8th calendar day of the month. Otherwise, all other payments will be by the last business day of the month. Please note payments may take up to two business days for the EFT to process with your bank. On occasion, ACRC may process payments earlier than the 15th, but this should not be understood as a basis for future payment timings. The fact you receive payment early one month does not assure the same timing may happen the next month. The only guarantee that we can provide is based on the two payment dates mentioned.

General Notes

If additional services were provided due to COVID-19, bill for the actual service hours provided. Please contact the Service Coordinator for authorization.

No other billing for non-residential absences/cancelations are allowable, other than waivers of the Lanterman Act or the California Code of Regulations, Title 17 explicitly stated in a DDS Directive (i.e. bed holds for residential facilities described in the April 15, 2020 DDS Directive).

For all providers billing services under this State of Emergency declaration, please enter a comment in eBilling in the Comments Log that states, "Billing as outlined in State of Emergency".

As mentioned previously, this guidance is subject to change based on direction from the State of California.

Thank you for taking precautionary measures and assisting our persons served to remain safe and healthy during this critical time. If you have any SOE billing questions, please email POS@altaregional.org.

Sincerely,

Original signed by
Iqbal Ahmad
Chief Financial Officer

Original signed by
John W. Decker
Director of Community Services & Supports