



COVID-19 Response

Date: 11-23-2020

Topic: Temporary Service Modifications

The Department of Human Services’ Division of Developmental Disabilities (Division) recognizes the unprecedented pressures the COVID-19 pandemic has had on its service system. We are grateful to the individuals we serve, their families and guardians, direct support professionals, community providers, and other stakeholders for their commitment during this difficult time.

Effective April 9, 2020 and until further notice by the Division, the following temporary modifications related to remote provision of services continue to be in place.

These temporary modifications apply to waiver services defined in Section 17 of the Supports Program and Community Care Program policy manuals. All other policy manual service definitions, qualifications, documentation requirements and limitations remain in place.

Relaxing of Requirements for Services to be Delivered In-Person and/or in Community Settings

The requirement that services be delivered in person and the requirement that service delivery take place in a community-based setting outside of an individual’s home are temporarily relaxed for the following services, as applicable. Individuals may continue to receive one-to-one in-home supports **as long as the planning team has carefully considered the potential health risks and is in agreement with adding or continuing one-to-one in-home supports**. Remote delivery, via telephone or other medium, is temporarily an option for these services:

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| <ul style="list-style-type: none"> • Behavioral Supports • Career Planning • Cognitive Rehabilitation • Community Based Supports • Community Inclusion Services • Day Habilitation* • Goods and Services (Classes) • Individual Supports – Hourly • Interpreter Services | <ul style="list-style-type: none"> • Natural Supports Training • Occupational Therapy • Physical Therapy • Prevocational Training (Individual and Group) • Speech, Language & Hearing Therapy • Support Coordination • Supported Employment-Individual Only** • Support Brokerage |
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*Modified Day Habilitation services may take place outside of daytime hours and/or on weekends, as follows:

- Remote-only for individuals living in a provider-managed residential setting.
- Remote or one-to-one in-person in the home or in an alternative socially distanced setting for an individual living in their own home or family home.

PLEASE NOTE: Day services delivered in a congregate day program facility—once those facilities re-open—can only take place during weekday daytime hours.

****UPDATED 11-23-2020** Supported Employment-Group cannot be provided in a facility or in an outdoors setting. An individual’s planning team can consider the following plan revision options to temporarily replace SE-Group:

1. Other employment-related services that can be delivered remotely or one-to-one in the home or in an alternative socially distanced setting, such as Career Planning or Prevocational Training.
2. Supported Employment-Individual, as long as the service provided meets the SE-Individual definition in the policy manual.

Overlapping Services

For individuals living on their own or with family:

- Day services can be delivered in-person, one-to-one in the home or in an alternative, socially distanced setting, or can be delivered remotely.
- Where appropriate, remote day services can temporarily overlap with Community Based Supports or Individual Supports-Hourly, as long as the individual’s need for one-to-one support to participate in remote services is documented in a COVID note.

For individuals receiving Individual Supports-Daily Rate and individuals living in a provider-managed residential settings (group home, supervised apartment):

- Modified day services can only be delivered remotely. There is no in-person option.
- Remote day services can overlap with IS-Daily Rate **only when** the provider staff delivering the remote day services are not the same staff who are delivering the IS-Daily Rate service.
- IS-Daily Rate and remote day services can be delivered by the same agency or by different agencies.

In all cases:

- Videoconferencing* must be delivered through a secure platform.
- Services must fit within the individual’s overall plan year budget.
- Services cannot begin until prior authorized in an approved plan.
- Providers are expected to claim only for the actual number of modified day service units each individual is present for/receives/participates in.
 - All service plans must be revised to reflect the actual number of modified day service units the individual is expected to receive.
 - In cases where day services were prior authorized before program closures, modified day services may begin before the plan has been revised, but the plan should be revised as soon as possible thereafter.
 - Providers cannot claim for live or pre-recorded “streaming” of day services for individuals who are not present/participating.
- Self-directed employee wages should fall below or within the reasonable and customary threshold of \$20 - \$25 per hour. The service review team evaluates each request independently and considers factors such as: length of employment, annual salary increase requests, the scope of services to be delivered, and the supporting documentation received from the support coordinator when making wage determinations.

- Providers of Career Planning, Community Inclusion, Day Habilitation and Prevocational Training can deliver those services remotely or one-to-one in-person to individuals **living on their own or with family**. Providers of these services can submit claims for the actual units of service delivered to and received by each individual. One-to-one in-person services can occur in the residence or an alternative, socially distanced setting at the discretion of the planning team. Agencies providing one-to-one staff shall ensure that employees are screened before starting work and wear face coverings while working with individuals (see [Residential and Day Program Screening Policy](#) and [Universal Masking and Cohorting of Staff](#)).
- Providers of Career Planning, Community Inclusion Services, Day Habilitation or Prevocational Training can deliver those services remotely to individuals **living in provider-managed settings** (e.g., group homes). Providers of these services can submit claims for the actual units of service delivered to and received by each individual, as long as the staff delivering the remote day service is not the staff delivering the Individual Supports-Daily Rate services within the residential setting.
- Support Coordinators should:
 - Document any modified service delivery in iRecord using the COVID note type and every month in the Monthly Monitoring Tool, including the alternative service delivery method used.
 - Stop services in an existing service plan if funding needs to be made available for other needed services.
 - Revise service plans to reflect the actual number of units of modified day services the individual will receive. If a day services prior authorization was in place before the pandemic, modified day services can begin prior to the revised plan approval.

***Videoconferencing (Remote Delivery):**

Any technology used for the remote provision of waiver services must be secure and HIPAA compliant. However, the federal Office of Civil Rights, which enforces HIPAA, issued guidance on the use of technology during the crisis, which is available here:

www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html