

DEPARTMENT OF DEVELOPMENTAL SERVICES

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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