

**DEPARTMENT OF DEVELOPMENTAL SERVICES**

1600 NINTH STREET, Room 240, MS 2-13  
SACRAMENTO, CA 95814  
TTY (916) 654-2054 (For the Hearing Impaired)  
(916) 654-1897



June 15, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: DEPARTMENT DIRECTIVE 01-061520: EXTENSION OF EARLY START SERVICES

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 California Early Intervention Services Act (CEISA). The Department recognizes the transition to special education services for children at age three may be delayed as local schools face challenges related to the COVID-19 pandemic.

Any requirements of the CEISA, including Government Code section 95014(a), mandating early intervention services end at age three are hereby waived. This waiver only applies for children who have received Early Start services through regional centers and reached their third birthday during the COVID-19 State of Emergency. Regional centers must continue to work with local schools to transition children to educational services pursuant to existing regulations.

This waiver is necessary to ensure continuity in the delivery of services for children during the COVID-19 pandemic.

This Directive remains in effect for 30 days, unless extended by the Director of the Department. Parents, guardians, and authorized legal representatives should contact their local regional center with any questions regarding this Directive. Questions from regional centers should be directed to Reyna Ambriz at (916) 651-0364 or [reyna.ambriz@dds.ca.gov](mailto:reyna.ambriz@dds.ca.gov).

Sincerely,

*Original Signed by:*

NANCY BARGMANN  
Director

cc: Regional Center Board Presidents  
Regional Center Administrators  
Regional Center Directors of Consumer Services  
Regional Center Community Services Directors  
Association of Regional Center Agencies

**“Building Partnerships, Supporting Choices”**

**DEPARTMENT OF DEVELOPMENTAL SERVICES**

1600 NINTH STREET, Room 240, MS 2-13  
SACRAMENTO, CA 95814  
TTY (916) 654-2054 (For the Hearing Impaired)  
(916) 654-1897



March 18, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: DEPARTMENT DIRECTIVE ON REQUIREMENTS WAIVED DUE TO COVID-19 AND ADDITIONAL GUIDANCE

**This supersedes the March 18, 2020, correspondence on this subject.**

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) and/or certain provisions of Title 17, Division 2 of the California Code of Regulations (Title 17). The Department recognizes that to ensure the health, welfare and safety of regional center consumers and the general population, there may be instances where consumers, regional centers, and service providers will need flexibility to receive and provide services and supports.

The intent of this Directive is to provide regional centers and service providers the greatest flexibility to support consumers and their families. Services to individuals are a priority and regional centers and service providers are working with their consumers and community to identify alternative approaches to support those in greatest need during this unprecedented time.

**Flexibility in Provision of Services and Supports for Consumers and Providers**

**Lanterman Act Remote Services or Alternate Locations**

Any requirements of the Lanterman Act, Title 17, or an Individual Program Plan (IPP) requiring delivery of the services in a specific location or in-person are hereby waived when, due to concern related to exposure to COVID-19, a consumer, parent, guardian, or other authorized legal representative of the consumer requests that one or more of the services listed on the Enclosure be provided in an alternate location or through remote electronic communications, including Skype, Facetime, video conference, or telephone conference.

Prior to, or no later than seven days after, the delivery of a service in an alternate location or by remote electronic communications, the service provider must notify the regional center that the individual requested and/or agrees to either receive services in an alternate location or through remote electronic communication in lieu of in-person services. The regional center shall send a follow-up letter to the individual, in their preferred language, confirming that at their request, services will be provided in an alternate location or through remote electronic communication. The letter shall include contact information for the consumer's service coordinator and their supervisor.

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The agreement to provide services in an alternate location or through remote electronic communication shall not change the frequency or duration of any IPP service absent the agreement of the consumer's IPP team.

This waiver is necessary to limit the risk of exposure to COVID-19 and provide individuals with access to services and supports. Providing services and supports in alternate locations or through remote electronic communications enables services and supports necessary for the health, welfare and safety to be delivered.

#### Supplemental Staffing for Residential Providers

Recognizing that residential providers in all licensing categories, including community care facilities, may need supplemental staffing to support consumers remaining at home to mitigate the spread of COVID-19, the Department reiterates the March 12, 2020, delegation to regional center Executive Directors to grant rate adjustments for residential services and/or supplemental services in residential settings, consistent with Welfare and Institutions Code (WIC) 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. Further, intermediate care facilities, licensed by the California Department of Public Health (CDPH), may be vendored to provide residential supplemental services, as noted above and to the extent that funding for supplemental staffing is not available through the Medi-Cal program.

Regional centers are directed to work with affected providers to expedite vendorization for the new or additional supplemental services (e.g. Supplemental Residential Program Support) appropriate to provide supplemental staffing required as a result of COVID-19.

#### Day Program Services

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).

## **Administrative Flexibility for Regional Centers**

### Public Meetings

Any requirements of the Lanterman Act, the Department's regional center contract or other requirements to hold in-person public meetings are hereby waived, with the exception of regional center board meetings held pursuant to WIC section 4660, which shall continue to occur in-person or through use of remote electronic communications.

To the extent feasible, attempts should be made to conduct meetings using remote electronic communications, including Skype, Facetime, video conference, or telephone conference options. If remote electronic communications are not feasible, the meeting should be delayed so the public can participate.

The requirement of WIC section 4519.5(e) that regional centers hold public meetings within three months of compiling purchase of service disparities data with the Department, and the requirements of WIC section 4519.5(f) and the Department's contracts with regional centers requiring submission of a report to the Department regarding the meetings and recommendations by May 31, 2020, are waived. Regional centers shall hold their public meetings by August 31, 2020, and submit associated reports to the Department by December 31, 2020.

This waiver is necessary because the Department finds that gatherings may contribute to the spread of COVID-19. However, limiting gatherings may result in less attendance at public meetings. Regional center public meetings should be in alignment with CDPH's March 16, 2020, guidance on gatherings as referenced on page two, "Day Program Services."

### WIC §4731 Consumers' Rights Complaints

The 20-working day requirement for investigating and providing a written proposed resolution to a complainant pursuant to WIC section 4731(b) is waived. The regional center director shall investigate and send a written proposed resolution to a complainant and service provider, if applicable, as soon as possible within 40 working days of receiving the complaint.

This waiver is necessary to allow regional centers flexibility to prioritize work associated with COVID-19 response.

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## **Additional Areas of Relief**

### Departmental Audits and Programmatic Monitoring Reviews

Any on-site Departmental fiscal audits or programmatic monitoring reviews not directly related to the oversight of health, welfare and safety of consumers, and scheduled within forty-five days of the date of this letter are postponed. The Department will determine the feasibility of using remote electronic communications to complete some monitoring activities on a case-by-case basis.

### Home and Community-Based Services (HCBS) Self Assessments

The requested completion date for provider HCBS self-assessment has been extended to June 30, 2020.

### Direct Support Professional Training

The Department is temporarily placing the Direct Support Professional Training (DSPT) on hold until June 30, 2020. DSPT is required by WIC section 4695.2(a). Direct support professionals are encouraged to use online resources posted on the Department's website at <https://www.dds.ca.gov/services/dspt>, to keep abreast with current practices and procedures to provide the best care to consumers.

### Frequently Asked Questions (FAQs)

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>.

This Directive remains in effect for 30 days unless extended by the Director of the Department. Consumers, family members or providers should contact their local regional center with any questions regarding this Directive. Questions from regional centers should be directed to Brian Winfield at (916) 654-1569 or [brian.winfield@dds.ca.gov](mailto:brian.winfield@dds.ca.gov).

Sincerely,

*Original Signed by:*

NANCY BARGMANN  
Director

Enclosure

cc: Regional Center Board Presidents  
Regional Center Administrators  
Regional Center Directors of Consumer Services  
Regional Center Community Services Directors  
Association of Regional Center Agencies

### Services Eligible for Alternate Location or Remote Access

Service Code	Description
017	Crisis Team
028	Socialization Training Program
048	Client/Parent Support Behavior Intervention Training
055	Community Integration Training Program
062	Personal Assistance
063	Community Activities Support Service
091	In-Home Day Program
094	Creative Arts Program
102	Individual or Family Training Services
106	Specialized Recreational Therapy
108	Parenting Support Services
110	Supplemental Day Program Support
115	Specialized Therapeutic Services (Age 3-20)
116	Early Start Specialized Therapeutic Services
117	Specialized Therapeutic Services (Age 21+)
505	Activity Center
510	Adult Development Center
515	Behavior Management Program
520	Independent Living Program
525	Social Recreation Program
605	Adaptive Skills Trainer
612	Behavior Analyst
613	Associate Behavior Analyst
615	Behavior Management Assistant
616	Behavior Management Technician
620	Behavior Management Consultant
625	Counseling Services
635	Independent Living Specialist
691	Art Therapist
692	Dance Therapist
693	Music Therapist
694	Recreational Therapist
707	Speech Pathology
772	Physical Therapy
773	Occupational Therapy
780	Psychiatrist
896	Supported Living Service

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1600 NINTH STREET, Room 240, MS 2-13  
SACRAMENTO, CA 95814  
TTY (916) 654-2054 (For the Hearing Impaired)  
(916) 654-1897



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



**DEPARTMENT OF DEVELOPMENTAL SERVICES**

1215 O Street, MS 8-20  
Sacramento, CA 95814  
TTY: 711  
(916) 651-6309



August 18, 2021

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: STATE OF EMERGENCY – EL DORADO COUNTY

On August 17, 2021, Governor Gavin Newsom declared a State of Emergency for El Dorado County, as a result of the Caldor Fire that began burning on August 14, 2021.

This fire is threatening homes, other structures, and necessitating the evacuation of thousands of residents. The fire is also threatening and impacting power lines as well as communication and other critical infrastructure due to high temperatures, drought conditions, and dry fuels that have further increased the spread of the fire.

As a result of the State of Emergency declared in El Dorado County, the Department of Developmental Services (Department) is authorizing, pursuant to Title 17 California Code of Regulations section 54326(a)(11), regional centers to pay vendors for absences that are the direct result of this fire. The applicable regulation section reads as follows:

*“[All vendors shall...] Not bill for consumer absences for nonresidential services. The Department shall authorize payment for absences which are the direct result of situations and/or occurrences for which a State of Emergency has been declared by the Governor. 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.”*

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If you have questions about this correspondence, please contact me at (916) 838-8960, or by email, at [ernie.cruz@dds.ca.gov](mailto:ernie.cruz@dds.ca.gov).

Sincerely,

*Original signed by:*

ERNIE CRUZ  
Assistant Deputy Director  
Office of Community Operations

cc: Regional Center Chief Counselors  
Regional Center Administrators  
Association of Regional Center Agencies

**DEPARTMENT OF DEVELOPMENTAL SERVICES**

1215 O Street, MS 8-20  
 Sacramento, CA 95814  
 TTY: 711  
 (833) 421-0061



September 8, 2021

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: STATE OF EMERGENCY – SISKIYOU, LASSEN, PLUMAS, ALPINE, NEVADA, PLACER, TRINITY, TEHAMA, SHASTA, EL DORADO, AND AMADOR COUNTIES

On August 17, 2021, Governor Gavin Newsom declared a State of Emergency (SOE) for El Dorado County due to the Caldor Fire. On August 30, 2021, the SOE was extended to include Alpine, Amador, and Placer counties.

The following are the SOEs that have been declared due to fires since July 16, 2021:

SOE Date	Name of Fire	County/Counties
July 16, 2021	Lava Fire	Siskiyou
July 16, 2021	Beckwourth Complex Fire	Lassen and Plumas
July 23, 2021	Dixie and Fly Fires	Plumas
July 23, 2021	Tamarack Fire	Alpine
August 5, 2021	Antelope Fire	Siskiyou
August 5, 2021	River Fire	Nevada and Placer
August 10, 2021	McFarland and Monument Fires	Trinity
August 10, 2021	McFarland and Dixie Fires	Tehama
August 10, 2021	McFarland Fire	Shasta
August 17, 2021	Caldor Fire	El Dorado
August 30, 2021	Caldor Fire	Alpine, Amador, and Placer

As a result of these fires, tens of thousands of residents are under evacuation orders, and these fires likely will continue to force more evacuations of residents, businesses, and health and other care facilities.

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The fires have resulted in widespread hazardous debris, which contains dangerous toxins, including heavy metals and asbestos, which must be cautiously and expeditiously removed and properly disposed. Many of these fires have minimal containment and are likely to continue burning over the coming weeks, necessitating the ongoing engagement of thousands of firefighters and other emergency responders to battle the fires, support displaced residents, and undertake urgent post-fire safety measures.

As a result of the State of Emergency declared in these counties, the Department of Developmental Services is authorizing, pursuant to Title 17 California Code of Regulations section 54326(a)(11), regional centers to pay vendors for absences that are the direct result of these fires. The applicable regulation section reads as follows:

*“[All vendors shall...] Not bill for consumer absences for nonresidential services. The Department shall authorize payment for absences which are the direct result of situations and/or occurrences for which a State of Emergency has been declared by the Governor. 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 you have questions about this correspondence, please contact me at (916) 838-8960, or by email, at [ernie.cruz@dds.ca.gov](mailto:ernie.cruz@dds.ca.gov).

Sincerely,

*Original signed by:*

ERNIE CRUZ  
Assistant Deputy Director  
Office of Community Operations

cc: Regional Center Chief Counselors  
Regional Center Administrators  
Association of Regional Center Agencies

**DEPARTMENT OF DEVELOPMENTAL SERVICES**

1215 O Street, MS 8-20  
Sacramento, CA 95814  
TTY: 711  
(833) 421-0061



September 14, 2021

TO: REGIONAL CENTER EXECUTIVE DIRECTORS  
SUBJECT: STATE OF EMERGENCY – LAKE COUNTY

On September 7, 2021, Governor Gavin Newsom declared a State of Emergency for Lake County, as a result of the Cache Fire that began burning on August 18, 2021.

This fire has destroyed or caused major damage to more than 100 structures, including dozens of homes, as well as nearly 200 vehicles, resulting in hazardous debris and ash that must be expeditiously removed to mitigate impacts to public health and safety.

As a result of the State of Emergency declared in Lake County, the Department of Developmental Services (Department) is authorizing, pursuant to Title 17 California Code of Regulations section 54326(a)(11), regional centers to pay vendors for absences that are the direct result of this fire. The applicable regulation section reads as follows:

*“[All vendors shall...] Not bill for consumer absences for nonresidential services. The Department shall authorize payment for absences which are the direct result of situations and/or occurrences for which a State of Emergency has been declared by the Governor. 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.”*

**“Building Partnerships, Supporting Choices”**

Regional Center Executive Directors  
September 14, 2021  
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If you have questions about this correspondence, please contact me at (916) 838-8960, or by email, at [ernie.cruz@dds.ca.gov](mailto:ernie.cruz@dds.ca.gov).

Sincerely,

*Original signed by:*

ERNIE CRUZ  
Assistant Deputy Director  
Office of Community Operations

cc: Regional Center Chief Counselors  
Regional Center Administrators  
Association of Regional Center Agencies