

Hello San Andreas Service Providers,

In 2009 the Department of Developmental Services implemented a Uniform Holiday Schedule which prohibited regional centers from reimbursing certain service providers for services which may have been provided on the Uniform Holidays. The services subject to the Uniform Holiday Schedule were as follows;

Service Code	Program Description
028	Socialization Training Program
040	Program Support Group (Day Services)
048	Client / Parent Support Behavior Intervention Training Program
055	Community Integration Training Program
063	Community Activities Support Service
063	Creative Arts Program
109-DAY	Supplemental Residential Program Support – Day Programming provided within licensed Residential Care Homes
110	Supplemental Day Services Program Support
425	Transportation Vendor / Family Member
505	Activity Center
510	Adult Development Center
515	Behavior Management Program
525	Social Recreation Program
605	Adaptive Skills Trainer
702	Adult Day Health Center
805	Infant Development Program
875	Transportation Company
880	Transportation / Additional Component
882	Transportation Assistant / Vendor
883	Transportation Broker
890	Transportation Vendor / Auto Driver
895	Transportation Vendor / Public or Rental Car Agency
954	Work Activity Program

Additionally, in 2012 Welfare and Institutions Code Section 4690.6 was implemented requiring providers of the following services to bill for half day attendance in their programs if their Purchase of Service authorizations were based on a daily rate; activity centers (service code 505), adult development centers (service code 510), behavior management programs (service code 515), and other look-alike day programs with daily rates.

On February 13, 2015, a federal court issued a ruling stating that the Uniform Holiday Schedule and Half-Day Billing Requirement could not be enforced until such time as California had obtained CMS approval for these requirements. Please see the program directive letter from DDS to the Regional Center Executive Directors enclosed below for more details about changes resulting from that federal court ruling. Please be aware that moving forward regional centers are authorized to reimburse providers for the above mentioned services provided on the former Uniform Holiday Schedule days including the following; Monday, February 16, 2015, Tuesday, March 31, 2015, May 25, 2015 and so on.

Providers please be mindful of communicating with each other regarding future holiday plans. Please note that just two weeks from now, March 31, 2015, had been a Uniform Holiday. In short, please go back to the way holidays were handled before the Uniform Holiday Schedule; i.e. providers of day services notify not only families and residential providers of their plans for holiday closures but also – **very importantly** – the large transportation providers **and** the paratransit providers such as Outreach in Santa Clara County. Residential providers please also follow up with the transportation providers once you are aware of the holiday closures for day program providers. Let's all work diligently to avoid people being transported to day services which have been closed for a holiday or for any other reason.

Thanks for your attention to this recent change and, again, thanks for all you do daily to help the 15,000 people served by San Andreas and its service providers. Your work is **very** appreciated! And Happy Spring to all !!!

Jeff

Jeffery Darling
Manager, Resource Department
San Andreas Regional Center

STATE OF CALIFORNIA--HEALTH AND HUMAN SERVICES AGENCY EDMUND G. BROWN JR., Governor

DEPARTMENT OF DEVELOPMENTAL SERVICES

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March 17, 2015

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: PROGRAM DIRECTIVE TO REGIONAL CENTERS REGARDING THE INJUNCTION ISSUED RELATED TO WELFARE AND INSTITUTIONS CODE SECTIONS 4692 (UNIFORM HOLIDAY SCHEDULE) AND 4690.6 (HALF-DAY BILLING FOR DAY SERVICES)

Pursuant to Welfare and Institutions Code (WIC) Section 4692, in 2009 the Department of Developmental Services (Department) implemented a Uniform Holiday Schedule throughout the regional center system, which prohibited regional centers from compensating specified vendors for services provided on any of the holidays identified in the statute. In addition, regional centers were prohibited from compensating for transportation services provided for the purpose of transporting a consumer to receive services from any of the specified vendors on any of the uniform holidays.

In 2011, pursuant to WIC Section 4690.6, activity centers, adult development centers, behavior management programs, and other look-alike day programs who charged a daily rate were required to bill regional centers for services provided to consumers in terms of half days of service (i.e., attendance of less than 65% of the program day) and full days of service (i.e., attendance of at least 65% of the

program day). This statute directed each vendor to bill at one-half of its existing rate for any consumer who attended the program for less than 65% of the program day.

The purpose of this program directive is to inform regional centers that a federal court has issued an injunction against enforcement of these two statutes. In 2009, a lawsuit was filed in federal court to determine whether the state was required to obtain approval from the Centers for Medicare and Medicaid Services (CMS) prior to implementing the Uniform Holiday Schedule and Half-Day Billing requirements. On February 13, 2015, a federal court issued a ruling that the Uniform Holiday Schedule and Half-Day Billing requirements could not be enforced until such time as the state had obtained CMS approval for the requirements. Therefore, if any of the affected service providers provided services to any consumers on February 16, 2015, one of the previously specified Uniform Holidays, the regional center is authorized to fund for that date. If a regional center determines that any of the previous uniform holidays will not be observed as a holiday for their regional center, then purchase of service authorizations may need to be updated to include those days as billable days. The Vendor Electronic Billing (e-Billing) application will be adjusted to allow for billing on the days previously identified as uniform holidays.

Regional centers should take appropriate action to notify their communities of this program directive. The Department will post this letter on its home page in place of the previous Uniform Holiday Schedule calendar: <http://www.dds.ca.gov/UniformHoliday/Index.cfm> For questions regarding this correspondence, please contact Brian Winfield at (916) 654-1569.

Sincerely,

Original signed by

NANCY BARGMANN
Deputy Director
Community Services Division

cc: Regional Center Chief Administrators
Regional Center Chief Counselors
Association of Regional Center Agencies
Bev Humphrey, DDS
Jean Johnson, DDS
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