



# State of Louisiana

## Louisiana Department of Health

### Office for Citizens with Developmental Disabilities

#### MEMORANDUM

OCDD-P-20-008

OCDD-R-20-002

OCDD-SC-20-002

**DATE:** March 21, 2020

**TO:** OCDD Home and Community Based Waiver Service Providers  
OCDD Home and Community Based Waiver Support Coordination  
Agencies  
Self-Direction Employers via Self-Direction Fiscal Intermediary Agents

**FROM:** Julie Foster Hagan, OCDD Assistant Secretary

**SUBJECT:** COVID-19 Clarification on Exemptions (Pg. 1-4)  
Exemptions Provider Call 3/23/20 (Pg. 5-7)

As we move through the COVID-19 emergency, the Office for Citizens with Developmental Disabilities (OCDD) remains committed to providing additional guidance to providers on program exemptions that will be implemented due to the emergency. This memorandum is to provide additional clarification and guidance to the memo sent on March 18, 2020 concerning COVID-19 exemptions. **PLEASE BE AWARE THAT THESE CHANGES ARE ONLY AVAILABLE DURING THE CORONAVIRUS PANDEMIC EVENT.**

In response to COVID-19, OCDD has asked Centers for Medicare and Medicaid Services (CMS) for some specific exemptions to some waiver rules. Please **keep in mind that these are emergency exemptions and should be used only when current procedures are impossible to follow.**

In regards to exemptions pertaining to the comprehensive plan of care and assessments, the following clarifications are being given:

- **Allowing current assessments (90Ls) to remain in place until the resolution of the pandemic.**
  - Individuals do not need to make a doctor's visit to have 90L signed if it expires during the course of this event. The current 90L will be automatically extended.
  - This automatic extension will be reviewed in May and further guidance will be provided.

- **Allowing telehealth (such as FaceTime and Skype) for the 10-day visit requirement for initial participants; 30 day timeline for SIS/LA Plus assessments; quarterly support coordination visit; and allow for FaceTime or Skype for the waiver certification by the OCDD office or its designee.**
  - This exception eliminates the requirement for in-person, face to face visits for all of these activities. Communication via FaceTime or Skype is preferred; however, if the participant does not have access to these methods of communication, telephone contact is acceptable.
- **Allowing revisions without signatures.**
  - Revisions to increase hours must still be approved by the Local Governing Entity with justification provided by the Support Coordination agency. Signatures of the family and provider are not required.
  - If the family member normally provides some “natural support” time to the recipient, then a revision will not be approved to change the natural support hours to paid hours.
- **Allowing extensions of the yearly CPOC**
  - All annual plans of care will be automatically extended as their expiration date approaches for an additional 60 days effective immediately for plans of care that expire prior to June 1, 2020.
  - This extension will be reviewed in May and further guidance will be provided.

Regarding the provision of services to individuals, following clarifications are being given:

- **Allowing for sharing of providers as needed.**
  - Individuals will be able to share across the New Opportunities Waiver (NOW) and Residential Options Waiver (ROW).
  - Providers will have to bill the correct ratio. Providers would bill the NOW code including the ratio modifier, for the NOW participant and the ROW code including ratio modifier for the ROW participant. This also applies to Children’s Choice Family Support hours.
  - If NOW night and ROW Community Living Support (CLS) hours are shared, then the appropriate service must be billed (Individual Family Supports (IFS) night for NOW and Community Living Supports for ROW) with the appropriate modifier.
  - Support coordinators must document this activity if it becomes a need, as has occurred during past emergency events.
- **Allowing worker to live in the recipient’s home to provide Individual and Family Support (IFS) services.**

- A worker can live with the recipient temporarily if needed to provide support. The worker is responsible for their daily meals and any other items they need to use so as to prevent any cost of daily living to the recipient.
- This does not allow an increase in hours in the current budget, unless natural supports that are normally provided are not available. If a recipient is receiving 8 hours a day, then the worker can only be reimbursed for 8 hours a day. An increase in hours would require a justification and a revision to the Plan of Care.
- Support coordinators must document this activity if it becomes a need, as has occurred during past emergency events.
- **Allow recipient to temporarily reside with worker if necessary.**
  - A recipient can live with the worker temporarily if needed to provide support. The recipient is responsible for their daily meals and any other items they need to use so as to prevent any cost of daily living to the worker.
  - This does not allow an increase in hours in the current budget unless natural supports that are normally provided are not available. If a recipient is receiving 8 hours a day of paid support, then the worker can only be reimbursed for 8 hours a day. An increase in hours requires justification and a revision to the Plan of Care.
  - Support coordinators must document this activity if it becomes a need, as has occurred during past emergency events.
- **Allowing payment to legally responsible relatives for IFS in-home services on a temporary basis.**
  - For individuals in the NOW and ROW, the number of hours prior approved at the time of the event will remain the same. **Hours used must be within allocation and must not go over what is currently approved.**
  - Any change in the number of hours will require a revision to the plan of care. For individuals in Children's Choice Waiver (CCW), the number of hours may not exceed 40 hours per week.
  - The exemption for parents and/or legal guardians to become direct support workers should only be used when:
    - The direct support staff cannot work due to a conflict with virus exposure, or childcare of his/her own children, and the provider agency/employer has no one else to send to the home.
    - The parent has lost his/her own job due to the lack of care of the child/adult on the waiver program.
    - The situation is recent and due to the COVID-19 Pandemic.
    - The individual has a compromising medical condition, and having different staff come in to and out of the home is a risk to the healthcare of the individual.

- These relatives must go through the hiring process to be able to provide these services.
  - For individuals with a traditional service provider, the service provider will need to hire the relative. For individuals in self-direction, the relative will need to go through the hiring process with the Fiscal Intermediary Agent.
  - Prior to billing for service delivery, the relative must have a background check completed (including the “Adverse Actions” website), and complete abuse / neglect and infection control training; this may be done on-line or by telephone. Only relatives that can meet the requirements of the background check can be paid to support the recipient.
- **Allowing providers to substitute face to face contacts with telehealth calls, FaceTime, or Skype so as not to expose participants who are medically fragile/elderly, or have medically fragile / elderly caregivers.**
  - This exception is in relation to the mandatory in-person visits for Supported Independent Living (SIL) and companion care services. Communication via FaceTime or Skype is preferred; however, if the participant does not have access to these, telephone contact is acceptable.
- **Auto revising plans, converting day program hours to IFS without paper revisions.**
  - For those in ROW and NOW, Statistical Resource, Inc. (SRI) will automatically convert units in day program to units in IFS with no plan of care revision needed.
  - For Supports Waiver (SW), we are awaiting approval of addition of 20 hours/week to this waiver; once approved there will be conversion for these individuals. However, individuals may need to choose IFS provider if their current provider does not offer this service.
- **Allowing Direct Service Workers (DSWs) to work beyond the 16 hours when necessary.**
  - This allows a DSW to work more than 16 hours in a 24 hour period until further notice.
  - This does not allow night hours to be changed to day hours. That change requires a revision with justification to the LGE.
- **Allowing legally responsible relatives to temporarily work as Companion Care workers.**
  - Companion Care service is only available in the ROW and NOW.
  - If an individual does not currently receive Companion Care services, this will require a revision to the Plan of Care due to a change in service.
  - Prior to billing for service delivery, relative must have background check completed (including the “Adverse Actions” website), and complete abuse /

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neglect and infection control training; this may be done on-line or by telephone. Only relatives that can meet the requirements of the background check can be paid to support the recipient.

### **PROVIDER CALL MONDAY MARCH 23, 2020**

A provider call will be held on Monday March 23, 2020, at 2:00 P.M. to provide additional guidance on the *Appendix K Exemption Memo* distributed on Wednesday, March 18, 2020.

You may access the call using the following link:

## **[Join Zoom Meeting](#)**

Meeting URL: <https://ldhocddadmin.zoom.us/j/666854947>

### **Join by Telephone**

Dial: USA 602 333 0032  
Conference code: 224740

### **\*INSTRUCTIONS FOR JOINING A ZOOM MEETING ARE ON PAGE 7\***

Please send any questions you have regarding the Appendix K Exemptions memo to [OCDD-HCBS@LA.GOV](mailto:OCDD-HCBS@LA.GOV) by **noon on Sunday, March 22, 2020**. If you have already submitted questions to this email, or to Janae Burr or Kim Kennedy, you do not need to resubmit them.

I am including websites for your reference to understand COVID-19, how the virus is spread, and how to reduce the risk of exposure below. This information can also be found in the joint OCDD/OAAS COVID-19 Memorandum dated March 5, 2020 (OCDD-P-20-003). The memo with this information is posted in its entirety on the LaSRS website under "NEWS." The COVID-19 memo date is 3/5/20 and is labeled "*Attention All OAAS/OCDD Support Coordination Agencies and Service Providers: Please see the attached memo with information regarding the COVID-19 (coronavirus).*"

Below are resources to understand COVID-19, how the virus is spread and how to reduce the risk of exposure:

<a href="http://ldh.la.gov/index.cfm/page/3835">http://ldh.la.gov/index.cfm/page/3835</a> <a href="http://ldh.la.gov/">http://ldh.la.gov/</a>	LDH: Office of Public Health's coronavirus page
<b>COVID-19 General Information Line</b> <b>1-855-523-2652 M-F 8 a.m.-4:30 p.m.</b>	LDH
<a href="http://www.cdc.gov/coronavirus/covid19">www.cdc.gov/coronavirus/covid19</a> <a href="https://www.cdc.gov/coronavirus/2019-nCoV/hcp/index.html">https://www.cdc.gov/coronavirus/2019-nCoV/hcp/index.html</a>	Centers for Disease Control and Prevention (CDC); enter your email for updates
<a href="https://www.cdc.gov/vaccines/videos/coronavirus/COVID-19-webinar.pdf">https://www.cdc.gov/vaccines/videos/coronavirus/COVID-19-webinar.pdf</a>	CDC: Webinar
<a href="http://www.emergency.louisiana.gov/">http://www.emergency.louisiana.gov/</a>	Louisiana's Emergency Information Website
<a href="#">Interim Guidance for Preventing 2019 Novel Coronavirus (2019-nCoV) from Spreading to Others in Homes and Communities</a>	CDC
<a href="https://www.cdc.gov/coronavirus/2019-ncov/communication/factsheets.html">https://www.cdc.gov/coronavirus/2019-ncov/communication/factsheets.html</a>	CDC : Communication for Staff and the Public
<a href="https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/index.html">https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/index.html</a>	CDC : For Businesses

\*\*Each of these resources has links to additional information.

**We appreciate all you are doing to support our individuals during this emergency. Please take care of your families and workers as you all are a vital part of our success in this effort.**

### **Instructions for Joining ZOOM Meeting**

1. Click on the link or paste the link in your web browser.
2. When prompted to join audio, use the “Computer Audio” or “Call Me” feature.
  - a. If you are using a laptop or a cell phone, then you should be able to hear the meeting using “Computer Audio”. You do not have to use the “Call Me” feature in these instances. Please mute the device (computer or laptop) once you join the meeting (bottom left corner of meeting screen).
  - b. If you are using the “Call Me” feature, please mute your phone once you have joined.

**IMPORTANT:** If you are using the “Call Me” feature and accessing the meeting on a laptop or computer, please mute BOTH the computer/laptop and the phone.

Cc: Local Governing Entities