



**State of Louisiana**  
Louisiana Department of Health  
Office for Citizens with Developmental Disabilities

**MEMORANDUM**

**OCDD-SC-21-002**  
**OCDD-P-21-007**  
**OCDD-R-21-003**

**DATE:** January 21, 2021

**TO:** Local Governing Entities  
OCDD Support Coordination Agencies  
OCDD Provider Agencies  
Fiscal Employer Agents (FEA)  
Self-Direction Employers

**FROM:** Teresa Frank, Waiver Program Supervisor

**SUBJECT:** Appendix K Exceptions Extended

On January 7, 2021 the Secretary of the Department of Health and Human Services (HHS), Alex Azar II renewed the public health emergency (PHE) as the result of the ongoing effects of the Coronavirus Disease 2019 Pandemic. The renewal is effective January 21, 2021 and lasts for 90 days (unless ended sooner by HHS).

As a result, the following exceptions are extended for six (6) months after the ending of the public health emergency (April 21, 2021). Unless the public health emergency is extended this will be the final extension of the Appendix K Exceptions:

EXCEPTION	WAIVERS IMPACTED
Conversion of Vocational program hours in the current plan of care to in-home supports	NOW (IFS) ROW (CLS) SW (In home Respite) (20 hours)
Additional 20 hours per week of family support due to school closures	Children's Choice
Allowing the participant and direct service worker (DSW) to live in same household	NOW (IFS) ROW (CLS) SW (In home Respite) Children's Choice (FS)
Allowing legally responsible relatives, including parents and spouses as DSWs *no DSW should be working 24 hours a day	NOW ROW SW

EXCEPTION	WAIVERS IMPACTED
including parents	Children's Choice
Allowing an abbreviated DSW training prior to work	All Waivers
Allowing suspension of Background Checks if DSW lives in home with participant	All Waivers

Additionally, the following General Exceptions have been extended:

EXCEPTION	WAIVERS IMPACTED
Hazard Pay for individuals working with participants exposed to or infected with COVID-19 per Hazard Pay Policy	All Waivers
Virtual Initial, Quarterly and Annual meetings with Support Coordination and Provider visits	All Waivers
Extension of current prior authorization beyond the plan of care year without penalty	All Waivers
Waive 30 day Continuity of Care Provision	ROW and NOW

### UPDATED PROVIDER ATTACHMENTS REQUIRED

OCDD is not extending acceptance of prior year Provider attachments for the Plan of Care. All provider attachments are required to be updated in the first quarter of 2021. All annual plans of care submitted after 12/31/2020 will require updated provider attachments.

### 90L FORMS

Additionally, expiring 90Ls must be updated when the plan of care is due, prior to holding the planning meeting. However, **90L forms that are expiring before the new CPOC**, and that **cannot be obtained** from the participant's physician (by office visit or *telemedicine*), can be substituted with a current statement of approval (SOA). If you have questions concerning specific 90Ls for participants please bring them to the attention of OCDD waiver staff. Current medications and a current diagnosis should be documented on the plan of care, as well as the reason the updated 90L could not be obtained. This is also the exception for the new workups: if the 90L can't be obtained at this time use the current SOA.

### THE 16 HOUR RULE (not included in Appendix K)

Authorization for Worker to Exceed 16-Hour Service Limitation:

- The Local Governing Entity (LGE) may approve IFS-D or IFS-N workers to provide services for more than 16 hours in a 24 hour period, which includes a combination of IFS-D and IFS-N services, in the following circumstances:
  - On a non-routine, time limited basis when the primary caregiver is unable to provide care to the recipient outside the regular IFS hours due to:

Appendix K Exceptions Extended

January 21, 2021

Page 3

- the hospitalization or death of a family member,
  - emergency with another child or family member,
  - business travel, or
  - other documented need.
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- The definition of time limited is one exception per quarter for up to seven calendar days. Any request beyond this limit would require approval from the OCDD Central Office.
    - Approval from Central Office would be appropriate in emergency situations such as hurricane, tornado, flooding, or other acts of God.
    - In cases of COVID quarantine or diagnosis please follow the steps below and refer each request to the LGE.
  - Requests must be made by the recipient to the support coordinator. Upon notification of the request, the support coordinator is responsible for submitting a revision request to the LGE by the next business day. Requests must include supporting documentation.
  - **DSWs should not work 24 hour shifts. Provider Agencies and family members should make every effort to allow the DSW to sleep and/or take some time between shifts.**

This guidance supersedes the *Appendix K Exceptions Ending Memorandum* (OCDD-P-20-066, OCDD-SC-20-030) issued December 15, 2020 and the *Appendix K Exceptions Extended Memorandum* (OCDD-SC-20-068, OCDD-P-20-031, and OCDD-R-20-015) issued December 23, 2020.

Please share this updated extension with **ALL** waiver families and participants in your care. If you have any questions please send them to [OCDD-HCBS@la.gov](mailto:OCDD-HCBS@la.gov).

As always, thank you for your support in these difficult times.