

**DEPARTMENT OF DEVELOPMENTAL SERVICES**

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March 25, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: DEPARTMENT DIRECTIVE 02-032520: 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 or modifying 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 consumers, regional centers and service providers the greatest flexibility to support consumers and their families.

Lanterman Act Eligibility

Any requirements of the Lanterman Act or Title 17 requiring in-person meetings for determining regional center eligibility are hereby waived. Consistent with Governor Newsom's Executive Order N-33-20 issued on March 19, 2020, ordering individuals living in California to stay at home except for certain essential workers, a regional center may conduct intake meetings, evaluations and assessment activities by remote electronic communications provided that the regional center determines the integrity of the intake process will not be compromised.

If the regional center is reasonably certain the individual is eligible for regional center services, but due to the circumstances the regional center is unable to make a definitive determination, the regional center may determine the individual presumptively eligible. If following reassessment, a regional center later determines that an individual found eligible during the effective period of this directive does not have a developmental disability as defined in the Lanterman Act, the requirement that the regional center show the original finding of eligibility was clearly erroneous is hereby waived.

The regional center shall send a follow-up letter to the consumer, parent, guardian, or other authorized legal representative, in their preferred language, confirming that due to the statewide shelter-in-place order, intake meetings, and eligibility evaluations or assessments will be conducted by remote electronic communications in lieu of face-to-face meetings, evaluations or assessments. The letter shall include contact information for the intake worker and their supervisor. All other intake, evaluation and assessments requirements remain unchanged.

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This waiver is necessary to prioritize delivery of Lanterman Act services to eligible individuals during the COVID-19 response. This waiver supports the timely determination of regional center eligibility, and subsequently, the delivery of needed support services.

#### In-Home Respite Workers

To increase available workforce and support consumers and families at home, the Department waives Title 17 section 56792(e)(3)(A) requirements for in-home respite workers to possess first aid and cardiopulmonary resuscitation training prior to employment when the consumer receiving services does not have chronic or presenting health concerns.

This waiver is necessary to prioritize delivery of Lanterman Act services to eligible individuals during the COVID-19 response.

#### Family Cost Participation Program and Annual Family Program Fee

Any requirements related to the Family Cost Participation Program (FCPP) pursuant to Welfare and Institutions (W&I) Code section 4783, and the Annual Family Program Fee (AFPF) pursuant to W&I Code section 4785, are waived. Retroactive to March 12, 2020, regional centers shall not conduct assessments and families shall not be required to pay costs or fees associated with FCPP or AFPF.

The Department finds that the effects of COVID-19 may result in negative economic impacts to families. This waiver is necessary to lessen the economic burden on families and to allow regional centers to prioritize work associated with COVID-19 response.

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

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