

DEPARTMENT OF DEVELOPMENTAL SERVICES

1600 9th Street, Room 320, MS 3-9
Sacramento, CA 95814
TDD 654-2054 (For the Hearing Impaired)
(916) 654-1958



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

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Regional Center Executive Directors
March 17, 2015
Page two

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
Jim Knight, DDS