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COVID-19 Policy Changes

Division of Developmental Disabilities Certified Providers,

As the Division of Developmental Disabilities works to interpret federal guidance related to the COVID-19 pandemic, we recognize the need to temporarily reduce and/or eliminate policies to ensure resources are focused on preventing the spread of COVID-19. This document will serve as a central hub for all COVID-19 related DDD policy changes as we alter our day to day efforts during these unprecedented times. The DDD will continue to seek compliance waivers from the Centers for Medicare and Medicaid Services and partner with the State Medicaid Agency to make necessary policy change as quickly and effectively as possible.

This document will be updated as approval to make policy changes is granted.

April 24, 2020

Staff Training Requirements – CSP Direct Support Staff

All staff orientation requirements described in ARSD 46:11:04:15.01 are suspended except for the following:

- **46:11:04:15.01 (1)(c)**
 - Before a new employee performs any duties, the initial orientation requirements shall include techniques for identifying and observing signs of abuse, neglect, and exploitation
- **46:11:04:15.01 (1)(e)**
 - Before a new employee performs any duties, the initial orientation requirements shall include procedures for reporting alleged instances of abuse, specifically to whom allegations should be reported, and reporting deadlines.
- **46:11:04:15.01 (3)(b)**
 - Each employee must be trained within six months of the employee's start date regarding implementation and development of the ISP.
- **46:11:04:15.01 (3)(c)**
 - Each employee must be trained within six months of the employee's start date regarding implementation of the positive behavior support plan specified in the ISP.

Assessments – CHOICES/CTS

If necessary, the following assessments identified in ARSD 46:11:05:02 can be delayed due to COVID-19 social distancing requirements:

- physical exams
- dental appointments
- psychological evaluation

- Nutritional, vision, auditory, speech, and language screenings
- Physical and occupational therapy evaluations

Medication Administration Annual Proficiency Review – CSP Direct Support Staff

The requirement for Community Support Providers to administer a staff proficiency review at least annually that is supervised by a licensed registered nurse is suspended. Staff who have completed medication administration training will not require an annual proficiency review and the CSP is not required to maintain documentation of annual evaluations of an employee's proficiency in the employee's personnel file.

March 27, 2020

Assessments – All DD Programs

- Telephonic and virtual assessments, including the ICAP, may occur in place of face-to-face assessments on a case by case basis to prevent the spread of COVID-19.
- Telephonic or virtual initial assessments will be conducted when needed to prevent exposure related to COVID-19.
- A face to face assessment shall occur when the individual's team determines it is safe to do so, as per CDC and SD Dept. of Health recommendations.

Career Exploration – CHOICES/CTS

Effective immediately, all Community Support Providers (CSP) may temporarily suspend career exploration and individual and group supported employment services. The Division of Developmental Disabilities (DDD) expects CSPs to work with individuals, guardians, and Case Managers to ensure quality and continuity of services are provided throughout this difficult time.

CSPs and Case Managers shall document any changes to Individual Plans as a result of COVID-19 and include information describing why the changes were made. If changes cannot be made to the Individual Plan due to issues involving COVID-19, contact your DDD program specialist and the person's case manager to identify a workable solution.

In addition, to support your need to temporarily discontinue the provision of career exploration services the following will occur:

- DDD will pause the 18-month time limit until further notice for all participants who have an approved DD 840 request for the provision of career exploration services. At the time that this suspension of services is ended, the time limit count will continue from the number of days already accrued at the time of the suspension. i.e. participant had been in Career Exploration for 30 days and at the end of the suspension the days would begin on day 31.
- For those participants and their teams that have submitted a DD 840 request and have not received approval, the Division of Developmental Disabilities will continue to provide guidance to assist in meeting the criteria for the provision of Career Exploration services. All pending DD 840 requests will be approved or denied by May 15, 2020.

Group Home Capacity and Bedroom Occupancy – CHOICES/CTS

- The regulatory provisions of ARSD 46:11:06:04, which limit the number of individuals in a group home, are temporarily suspended.
- The regulatory provisions of ARSD 46:11:06:06, which limit the bedroom capacity for the residential homes constructed or lease by CSPs, are temporarily suspended.

March 20, 2020

Suspension of DDD Compliance Reviews – All Providers

On March 4, 2020, the Centers for Medicare & Medicaid Services (CMS) issued Coronavirus Disease 2019 Survey Suspension which suspends survey activity for certain non-emergency state survey inspections, allowing inspectors to prioritize the most serious health and safety threats like infectious diseases and abuse. On March 13, 2020, CMS issued Frequently Asked Questions (FAQ) for state surveyors. The FAQ confirms the suspension of survey activity is related to Medicaid certified facilities, which includes providers certified by the Division of Developmental Disabilities (DDD).

As a result of this guidance the following policy changes related to DDD surveys are effective immediately.

CHOICES and CTS

Monthly SMART file reviews will be suspended until further notice. In accordance with the CMS survey suspension guidance, the DDD will continue to randomly select participant files each month. In place of performing a full SMART file review, DDD staff will review the person's Therap account to ensure they are receiving the support they need to be free from infectious disease, including COVID-19, and are free from abuse, neglect and exploitation. DDD staff may contact case managers and direct support providers if information contained within Therap is insufficient to determine adequate supports in these areas. Provider remediation may be necessary.

Private ICF

Onsite surveys and inspections will be suspended until further notice. In accordance with the CMS survey suspension guidance, the DDD will request provider Emergency Preparedness Plans to identify and record the steps taken to ensure children are receiving the support they need to be free from infectious disease, including COVID-19. The DDD will also request and review current policies related to the prevention and identification of abuse, neglect and exploitation. Any findings discovered related to ANE will require remediation.

Family Support 360

No changes will be made to the SMART review processes. Please contact your program specialist if you experience challenges in meeting standard file review requirements.

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