




Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

To: DDA Meaningful Day Service Providers
Developmental Disabilities Administration Staff

From: Robert R. Neall, Secretary 

Re: COVID-19 #17: DDA Meaningful Day Services - Minimum Service

Release Date: April 25, 2020

Effective: March 13, 2020

NOTE: Please ensure appropriate staff members in your organization are informed of the contents of this memorandum.

Background

On March 5, 2020, Governor Lawrence J. Hogan, Jr., declared a state of emergency due to disease (“COVID-19”) caused by the novel coronavirus. The COVID-19 outbreak was declared a national emergency on March 13, 2020 and was previously declared a nationwide public health emergency on January 31, 2020 (retroactive to January 27, 2020).

The measures outlined in this document are restricted to use during the emergency declared by Governor Hogan related to the threat of COVID-19 and will expire immediately at the end of the declared emergency or when revised by additional orders such that the Secretary’s authority to issue this guidance no longer exists.

The actions outlined below are taken pursuant to the authority vested in the Secretary of Health by the laws of Maryland, including but not limited to Sections 18-102 and 18-103 of the Health-General Article of the Maryland Annotated Code and the Governor’s Executive Orders: (1) Relating to Various Health Care Matters, dated March 5, 2020;¹ and (2) No. 20-04-01-01, Authorizing Telehealth Services.²

¹ Accessed at: <https://governor.maryland.gov/wp-content/uploads/2020/03/Executive-Order-Health-Care-Matters.pdf>.

² Accessed at: <https://governor.maryland.gov/wp-content/uploads/2020/04/Telehealth-Amended-4.1.20.pdf>.

The actions apply to the following programs (the “Programs”):

- The Developmental Disabilities Administration’s (DDA) Medicaid 1915(c) Waiver programs:
 - Community Supports Waiver; and
 - Community Pathways Waiver; and
- DDA’s State Funded Program.

This guidance document is specific to services under the traditional service delivery model and Day Habilitation under the self-directed service delivery model. It is effective immediately and shall remain in effect until further notice.

Directive – Suspension of Regulatory Requirement for Minimum Hours per Day for Provision of Meaningful Day Services

Meaningful Day providers, who normally are required to provide six (6) hours of services per day to an individual with a developmental disability (a “recipient”) are currently unable to provide a full day of service due to the COVID-19 State of Emergency, including: health and safety risks; State mandates; the waiver participant is sequestered and/or quarantined based on local, State, federal and/or medical requirements/orders.

Maryland’s Code of Regulations (COMAR) sets forth various requirements governing provision of Meaningful Day Services by community-based providers. Specifically:

- (1) COMAR 10.22.07.03D(2)(c) & COMAR 10.22.07.03E(2)(c) requires that vocational services³ and day habilitation services be provided for a minimum of six (6) hours per day; and
- (2) COMAR 10.22.17.02B(5) defines an attendance day for Meaningful Day services as follows:
 - a. For day habilitation and vocational services, when the individual is present in the program for at least 4 hours a day during a regularly scheduled period of operation, with 6 to 8 hours per day as the service goal, and with DDA approval of fewer than 6 hours per day provided the recipient’s person-centered plan indicates this lower level is necessary;⁴ and
 - b. For supported employment, when the individual is engaged in supported employment for at least 4 hours a day, with 6 to 8 hours per day as the service goal, and with DDA approval of fewer than 6 hours per day provided the recipient’s person-centered plan indicates this lower level of service is necessary.⁵

³ Under DDA’s Waiver programs, vocational services are covered under the following Waiver program service descriptions: Career Exploration, Community Development Services, Employment Discovery and Customization, Employment Services, and Supported Employment.

⁴ COMAR 10.22.17.02B(5)(a).

⁵ COMAR 10.22.17.02B(5)(c).

These regulatory requirements, governing minimum hours per day for provision of Meaningful Day Services, are hereby suspended for the duration that this order is in effect.

Guidance

To protect the health care and safety of participants, family members, and Medicaid providers, Meaningful Day services can be delivered either directly by family members hired by the community-based provider or by phone or through telehealth applications as per COVID-19 #16 -- [DDA Waiver Programs Telehealth and Telephonic Guidance -- April 13, 2020](#)

Providers may bill for a day of Meaningful Day services, if they provided the recipient with, at minimum, one hour of cumulative, direct, or remote supports during that day. The provider shall document services provided, service delivery method (*e.g.*, Skype, Zoom, Facetime, telephonic, or direct care.), name of staff person providing service, and start and end times.

Coordinators of Community Services shall indicate in progress notes the level of services being provided during their monitoring and follow up activities and health and safety contacts.

Additional Resources

- CDC: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- Maryland Department of Health, Department of Budget Management: <https://dbm.maryland.gov/employees/Pages/COVID19.aspx>
- See “Guidance for Home Visiting Staff” under Information for State Agencies
- For Medicaid-related Coronavirus updates, visit mmcp.health.maryland.gov.
- For questions about the Coronavirus, visit coronavirus.maryland.gov.
- <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>
- DORS - Guidance on the Use of Teleconferencing to Provide Services https://dors.maryland.gov/crps/Documents/CRP_teleconf_guidlelines.pdf
- COVID-19 #16 -- [DDA Waiver Programs Telehealth and Telephonic Guidance -- April 13, 2020](#)
- [DDA Covid-19 dedicated resource page:](#) https://dda.health.maryland.gov/Pages/DDA_COVID-19_Information.aspx