



April 8, 2020

CalABA recognizes that this is a very difficult time for everyone across California and throughout the nation, including our membership. As practitioners of behavior analysis our goal is to make the lives of individuals and families we serve better in socially significant ways and it is troubling to know that many are going without our essential services at this time. While we are all adjusting to our new reality in a variety of ways, CalABA remains committed to assisting practitioners navigate this difficult time while also advocating for those we serve to ensure they have access to behavior analytic services during our current crisis.

*This guidance is not meant as legal advice. Our membership is encouraged to seek legal counsel for advice related to their specific contracts.*

CalABA has prioritized the following issues as critical for our membership and this communication is to provide guidance and resources related to these issues:

- 1. DHCS and DMHC approval for all services to be provided via telehealth and consideration for telephonic consultation when technology does not allow for computer-based telehealth*
- 2. Funding for NPA and NPS services reasonably anticipated to have been delivered had the district not been closed due to Covid-19 pursuant to SB 117 which was chaptered on March 17th, 2020.*
- 3. Ensure Regional Centers “pay for absences that are the direct result of the COVID-19 outbreak in CA” including absences for ABA and Adaptive Skills Training.*

### **1. Regulatory guidance stating all ABA services are approved to be provided via telehealth**

Telehealth for ABA, especially during the current COVID-19 pandemic, is essential to ensure continuity of care and many resources are available to assist providers with transitioning to this new technology. CalABA encourages all providers to access existing resources and collaborate in ensuring that ABA providers are able to continue to support individuals and families while following public health recommendations to maintain health and safety. Providers are also encouraged stay up to date with their payors as this is a fluid situation and additional guidance is being issued regularly.

We were thrilled to see guidance from both the Department of Managed Health Care and the Department of Health Care Services.

- DMHC [All Plan Letter](#)
- DHCS [All Plan Letter](#)

Helpful Links:

- **Council of Autism Service Providers**  
<https://casproviders.org/coronavirus-resources/>
- **Behavioral Health Center for Excellence**  
<https://bhcoe.org/resources/covid-19-faqs-for-aba-providers/>

## 2. Behavior Services Provided in Collaboration with School Districts

We encourage each NPA & NPS to work with their contracted Local Educational Agencies (LEA) to review master contracts for funding provisions related to school closures or service interruption.

In the absence of such provisions, CalABA suggests following typical billing procedures that we interpret to be the intent of [SB 117](#) which states:

*“It is the intent of the Legislature that a local educational agency receiving a hold harmless apportionment pursuant to this section ensures that the local educational agency’s employees and contractors are compensated and paid during the period of time a school is closed due to the coronavirus (COVID–19), as reasonably anticipated if the school has not been closed due to COVID–19.”*

Helpful Links:

- **Sample text of letter to accompany your LEA billing during school closures [can be found here.](#)**
- **[CalABA letter to State Superintendent of Public Instruction re: SB 117](#)**

## 3. Regional Center funding for ABA and Adaptive Skills Training for absences related to the COVID-19 outbreak.

Many behavior analytic agencies provide applied behavior analysis and adaptive skills training to regional center consumers through a variety of service codes. As a result of the current crisis you may be experiencing higher volumes of cancelled services or rates of absences.

Guidance was issued by the Department of Developmental Services (DDS) on March 12th related to payment for absences that are a direct result of the COVID-19 outbreak. CalABA encourages regional center vendors to work with their contracted regional center to determine appropriate billing practices at this time. Many are providing methods of calculating absences *“in excess of the average number of absences experienced by the vendor during the 12-month period prior to the month in which the disaster occurred.”*

Helpful links:

- **[COVID-19 2020 Statewide State of Emergency – March 12, 2020](#)**
- **<https://www.dds.ca.gov/corona-virus-information-and-resources/>**
- **[Sample text of letter to accompany Regional Center billing during COVID-19 outbreak.](#)**

As always please reach out to [info@calaba.org](mailto:info@calaba.org) with any questions. Stay home, stay safe.