Lilia Teninty  
**Authorized signature**

**Number:** APD-AR-20-057  
**Issue date:** 5/8/2020  
**Due date:**

**Topic:** Developmental Disabilities  

**Subject:** Contingency Funds / Retainer Payments  

**Applies to (check all that apply):**
- [ ] All DHS employees  
- [ ] Area Agencies on Aging: {Select type}  
- [ ] Health Services  
- [ ] Aging and People with Disabilities  
- [ ] County Mental Health Directors  
- [ ] Self Sufficiency Programs  
- [ ] ODDS Children’s Intensive In Home Services  
- [ ] County DD program managers  
- [ ] ODDS Children’s Residential Services  
- [ ] Support Service Brokerage Directors  
- [ ] Stabilization and Crisis Unit (SACU)  
- [ ] Other (please specify): Developmental Disabilities Provider Agencies who deliver: DSA or Employment

**Reason for action:**
Due to COVID-19 protection measures including (but not limited to) the Oregon Governor’s Executive Order 20-12, Stay Home, Save Lives, individuals with Intellectual and Developmental Disabilities (IDD) are not able to participate in day or employment services at the same level that they had prior to COVID-19 precautions.

Specifically, Day Support Activities (DSA) services and Employment Path services are not essential activities and at the issuance of this policy, must not occur in any group or congregate setting in which members of different residents or households come together, at this time. These services may continue in a 1:1 setting. Some providers are also offering DSA and Employment Path services remotely through online formats. However, even with the addition of 1:1 services and remote service, for many individuals there has been a significant reduction in hours.

Supported Small Group services are also only available if individuals can stay at least 6 feet away from others and the business is an essential business. This has caused significant reductions in Supported Small Group hours, as well.
At the issuance of this policy, ODDS is requiring that Discovery services be suspended until Executive Order 20-12 is lifted. This is because Discovery requires multiple worksite visits, contact with employers and others in the workforce, as well as home visits. While some of this can be done remotely, much of it requires in-person visits and this is not prudent during this time.

If writing the Discovery Profile is the only thing left remaining prior to billing for the service, the Profile may be submitted for payment. Please note, conditions for approval have not changed. If the pandemic interrupted the delivery of the service, the provider may not bill for that Profile until the Profile is complete. However, the provider and the person can continue the service once the pandemic is over. The temporary suspension due to COVID-19 is an acceptable reason to extend the end date of service.

Job Coaching continues with individuals who are working. However, some individuals have experienced layoffs (either temporary or permanent), others have had a reduction in hours, etc. which has limited service delivery.

ODDS is extending contingency or retainer funding based on approval from Centers for Medicare and Medicaid Services (CMS) as outlined below:

- For Discovery, contingency funding will be offered at 75% of the average billing for October – December 2019, as ODDS is suspending this service until further notice.

- For DSA, Employment Path and Supported Small Group, ODDS will offer 75% of the average monthly billing for October – December 2019 for individuals who can no longer participate in the service due to COVID-19.

For individuals who continue to receive services but at less than 75% of their typical service hours, providers will continue to bill for services delivered. Upon review of monthly billings, ODDS will calculate the difference between 75% of the monthly average billings for October – December 2019 and what was paid via billings and then pay that difference as a retainer payment. Total payment to the provider for the time period will be equal to the 75% of their average monthly billing for October – December 2019. See attachment for additional detail.

- For Job Coaching Services, ODDS will pay 100% of average monthly billing for October – December 2019 for individuals still working when their hours are equal to or less than average monthly billing for October – December, 2019 so long as direct and remote services are maintained as outlined in PT-20-039. For individuals no longer working due to COVID 19, ODDS will pay providers retainer payment equal to 75% of average monthly billing for October -
December, 2019. For individuals working the same number of hours or who have had an increase in hours, providers will continue to bill based on the hours the person worked.

Please see attachments for additional detail.

**Action Requested:**
ODDS previously requested that providers not bill for services they received contingency funding for, from the date of funding forward 30 days. New CMS guidance requires funding to be tied to individuals, and that billing for service rendered occurs. Therefore, **ODDS is requiring that all services rendered, including the month of April (or the 30 days that would have otherwise been captured by the contingency funding) be entered into eXPRS within 5 business days of issuance of this transmittal (on or before close of business on May 15, 2020).** In order to comply with CMS requirements and to accurately calculate contingency funding payments, individuals we included in the Contingency Funding we will compare those you bill for in April with those billed in the last quarter of 2019 + January. All future contingency funding will be based on similar analysis.

In order to accurately report funding to CMS and secure contingency funding, ODDS is requesting the following action from Provider Organizations requesting contingency funds, as outlined by the service type.

**Discovery:** In order to request contingency funds for Discovery, the provider must submit the Grant Agreement outlined in AR 20-40 and agree to: maintain as many staff as possible to deliver residential services as requested via the Staffing Support Process as outlined in PT 20-036; plan to re-open upon conclusion of COVID-19 response when Executive Order 20-12 is lifted and it is determined to be safe. If the provider previously received DSA/Employment Path or Supported Employment grant funding, a new Grant Agreement is not required. If your organization does not plan to re-open Discovery services in the future and your organization does not wish to receive contingency funding for Discovery, please notify ODDS right away.

**DSA, Employment Path and/or Supported Small Group:** In order to request contingency funds for community or facility DSA, Employment Path or Supported Small Group the provider must:

1. Bill for services rendered **within 5 business days of the issuance of this transmittal.** This includes any remote service delivery.
   - Billing for remote service would be considered “DSA facility” or “Employment Path facility” service at this time. Delivering remote services to an individual at their home is more akin to facility based services as multiple individuals can receive service at one time, the environment is a
controlled environment, etc. As remote services can be delivered in groups and are not in the community, they would be billed at the facility rate.

- If the individual only had community service authorized in their plan, for April service, they may be billed at the community authorization. However, all May billings that are delivered remote must be authorized and billed as facility based service. New authorization for facility based service can be done using remote approval as outlined in PT 20-042. Please notify your Case Management Entity and request this be added if the person plans to participate in remote services.

2. ODDS will use April billing to determine if a provider qualifies for contingency funds for individuals that they did not bill for, but were serving as of March 1, 2020 or for individuals who received less than 75% of their typical employment or DSA service billing for October-December, 2019 to issue contingency funding. In the event that you received contingency funds in April but do not wish to receive contingency funds in May please notify ODDS immediately.

3. If the provider has not yet submitted a Grant Agreement per AR 20-40, submit the Grant Agreement.

Job Coaching: In order to request contingency funds for Job Coaching, the provider must:

1. Bill for services rendered. This includes billing for all of the hours the individual works, and documenting direct contact (even if that contact is currently a remote contact instead of a face-to-face contact).

2. Prepare to document in an ODDS generated excel spreadsheet information regarding any individual who is no longer working (either due to permanent or temporary layoffs, or an individual’s choice to not work during this time), as well as any reduction in hours. Upon entering the most recent billing, ODDS will generate a spreadsheet that will include the name and prime of individuals who had received job coaching in months past, but are not currently being billed or are working significantly less hours than their average, to request information regarding their current work status. ODDS will then send this spreadsheet to each provider receiving contingency funds to gather this information on or after May 15, 2020.

3. If the provider has not yet submitted a Grant Agreement per AR 20-40, submit the Grant Agreement.
**Training Plan:**

Please join ODDS *Monday, May 11 from 10:00-11:00 am* for a webinar to learn more information about the requirements of this contingency funding, as well as an opportunity to ask questions. Please submit any questions in advance of the webinar if possible to acacia.mcguireanderson@dhsoha.state.or.us. A Frequently Asked Questions document will be generated and posted on the ODDS COVID-19 webpage upon completion of the webinar for anyone who cannot attend.

Please register for the ODDS Contingency Funding Webinar on May 11, 2020 10:00 AM PDT at: https://attendee.gotowebinar.com/register/7614319639748306702

After registering, you will receive a confirmation email containing information about joining the webinar.

**Field/stakeholder review:**  ☐ Yes  ☒ No

*If yes, reviewed by:*

*If you have any questions about this action request, contact:*

<table>
<thead>
<tr>
<th>Contact(s): Acacia McGuire Anderson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone:</td>
</tr>
<tr>
<td>Email: <a href="mailto:acacia.mcguireanderson@dhsoha.state.or.us">acacia.mcguireanderson@dhsoha.state.or.us</a></td>
</tr>
</tbody>
</table>
Retainer Payment for DSA to Providers during COVID-19

Important terminology and assumptions:

- Average Monthly Billing equals the average monthly billing for a service for an individual for the period of October-December 2019. For example: if billing for October=$50; billing for November = $100 and billing for December = $150 then the average monthly billing would be $100.
- Scenarios below will use April 2020 as an example only to clarify the retainer payment determination process

Scenario 1:

If April 2020 billing for services for Suzie is MORE than 75% of average monthly billing for Suzie:

- Provider will continue to bill and receive payments for services delivered to Suzie
- Provider is not eligible for retainer payments for Suzie

Scenario 2:

If Suzie is no longer able to receive services from provider due to COVID-19 related reasons:

- Provider is eligible for retainer payment for Suzie equal to 75% of Average monthly billing for Suzie
Scenario 3:

If April 2020 billing for services for Suzie is LESS or EQUAL to 75% of the average monthly billing for Suzie:

- Provider continues to bill and receive payments for services delivered to Suzie
- Provider receives retainer payment equal to the difference between April 2020 billing for Suzie and 75% of the average monthly billing for Suzie:

### Scenario #3

<table>
<thead>
<tr>
<th>SUZIE'S AVERAGE MONTHLY BILLING FOR OCTOBER - DECEMBER 2019: $100</th>
<th>SCENARIO #3 REDUCED BILLING FOR DSA SERVICES DELIVERED TO SUZIE IN APRIL 2020 DUE TO COVID 19: $60</th>
<th>TOTAL PROVIDER PAYMENT FOR APRIL 2020: $75 WHICH IS 75% OF AVERAGE MONTHLY BILLING</th>
</tr>
</thead>
<tbody>
<tr>
<td>$100.00</td>
<td>$60.00</td>
<td>$60.00</td>
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<tr>
<td>$75.00</td>
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<td>$75.00</td>
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</tbody>
</table>

![Diagram showing payment and billing limits](image)
Retainer Payment for Job Coaching to Providers during COVID-19

Important terminology and assumptions:

- Average Monthly Billing equals the average monthly billing for a service for an individual for the period of October-December 2019. For example: if billing for October = $50; billing for November = $100 and billing for December = $150 then the average monthly billing would be $100.
- Scenarios below will use April 2020 as an example only to clarify the retainer payment determination process

Scenario 1:

If number of hours Suzie worked in April 2020 did not go down compared to previous months:

- Provider will continue to bill and receive payments for services delivered to Suzie
- Provider is not eligible for retainer payments for Suzie

**Scenario #1**

<table>
<thead>
<tr>
<th>SUZIE'S AVERAGE MONTHLY BILLING FOR OCTOBER - DECEMBER 2019: $100</th>
<th>SCENARIO #1 SUZIE'S HOURS ARE NOT AFFECTED BY COVID 19: $100</th>
<th>TOTAL PROVIDER PAYMENT FOR APRIL 2020: $100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payment from billing</td>
<td>Payment from retainer funds</td>
<td></td>
</tr>
</tbody>
</table>

Scenario 2:

If Suzie is no longer able to receive Job Coaching services from provider due to COVID-19 related reasons:

- Provider is eligible for retainer payment for Suzie equal to 75% of their average monthly billing
Scenario 3:
If in April 2020, Suzie had a reduction in work hours as reported by the provider due to COVID-19 related reasons:

- Provider continues to bill and receive payments for services delivered to Suzie but less than before due to COVID-19
- In addition to their reduced payment for Suzie, the provider receives a retainer payment equal to the difference between April 2020 billing for Suzie and 100% of the average monthly billing for Suzie:

Scenario #3

Payment from retainer funds
Payment from billing
Billing limit for retainer payment to apply
Retainer Payment for Small Group and Employment Path to Providers during COVID-19

Important terminology and assumptions:

- Average Monthly Billing equals the average monthly billing for a service for an individual for the period of October-December 2019. For example: if billing for October=$50; billing for November = $100 and billing for December = $150 then the average monthly billing would be $100.
- Scenarios below will use April 2020 as an example only to clarify the retainer payment determination process

Scenario 1:

If April 2020 billing for services for Suzie is MORE than 75% of average monthly billing for Suzie:

- Provider will continue to bill and receive payments for services delivered to Suzie
- Provider is not eligible for retainer payments for Suzie

![Scenario #1 chart]

**Scenario #1**

<table>
<thead>
<tr>
<th>SUZIE'S AVERAGE MONTHLY BILLING FOR OCTOBER - DECEMBER 2019: $100</th>
<th>SCENARIO #1 SUZIE'S BILLING ARE NOT SIGNIFICANTLY AFFECTED BY COVID 19: $90</th>
<th>TOTAL PROVIDER PAYMENT FOR APRIL 2020: $90</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payment from retainer funds</td>
<td>Payment from billing</td>
<td>Billing limit for retainer payment to apply</td>
</tr>
</tbody>
</table>

Scenario 2:

If Suzie is no longer able to receive services from provider due to COVID-19 related reasons:

- Provider is eligible for retainer payment for Suzie equal to 75% of the average monthly billing for Suzie
Scenario 3:

If April 2020 billing for services for Suzie is LESS or EQUAL to 75% of the average monthly billing for Suzie:

- Provider continues to bill and receive payments for services delivered to Suzie
- Provider receives retainer payment equal to the difference between April 2020 billing for Suzie and 75% of average monthly billing for Suzie:

Total Provider Payment for April 2020: $75