



Date: March 15, 2021

To: All DD Waiver, Mi Via Waiver, Supports Waiver, State General Fund Providers and Stakeholders

From: Casey Stone-Romero, Community Inclusion Manager 
Developmental Disabilities Supports Division

Through: Scott Doan, Deputy Director 
Developmental Disabilities Supports Division

Subject: Day Services and Congregate Facility Update

On March 12, 2020 DDSD issued a directive to close all congregate day programs beginning March 16, 2020 but no later than March 18, 2020. As we continue to navigate through the COVID-19 Pandemic in New Mexico, DDSD has determined that **congregate day service facilities supported by DDSD must continue to remain closed until further notice and may not open for any type of activity or service including but not limited to meal times, behavioral support, healthcare, personal care or activities of daily living (ADL) needs.**

The congregate day service sites may only be accessed in order to obtain routine weights for individuals who are established in that program and who have no access to specialized scales in their homes. COVID-19 Safe Practices and the Public Health Order must be observed. Scheduling must be set up in advance and anyone entering the site must be screened for COVID-19. A Visitor log indicating names of person, DSP time and date must be maintained. The scale and environment must be cleaned after each use.

Appendix K approval through the Centers for Medicare and Medicaid allows for the following exceptions 6 months after the end of the National Public Health Emergency:

- Day and Employment services may be billed for services provided in the home.
- Day services may be offered remotely in accordance with DDSD Guidance issued September 1, 2020.

Day services may be provided to support an individual in accessing the most essential services and activities in the community following COVID-19 Safe Practices, the Public Health Order to include the Mass Gathering Rule, and the Red to Green Framework. There are no shelter in place guidelines issued by DDSD; each individual and/or guardian has the right to make informed decisions and assume the risk of those decisions related to the current Public Health Order and Red to Green Framework in their respective county.

Individuals and providers on Tribal lands may have additional/different Public Health Order requirements based on Tribal Jurisdiction. Please ensure that you are aware of additional requirements for your service area.

In addition to the DDSD guidance issued as referenced above, Day Services provided in the DD Waiver, Mi Via Waiver, Supports Waiver and State General Funds may be provided as specified below effective Monday, March 22, 2021.

Applicable Service Types:

- Mi Via Service Categories-
Customized Community Group Supports (CCGS)
Community Direct Support (CDS)
- DD Waiver Service Categories -
Customized Community Supports-Group (CCS-G)
Customized Community Supports-Small Group
Customized Community Supports-Individual (CCS-I)
- Supports Waiver Service Categories-
Customized Community Supports-Group (CCS-G)
Customized Community Supports-Individual (CCS-I)
- State General Fund-
Day Services

The above referenced day service types may be provided exclusively outdoors or for accessing essential services and activities. All services must adhere to COVID-19 Safe Practices, the New Mexico Public Health Order to include the Mass Gathering Rule, and the Red to Green Framework for the county that the provider is approved to provide services in. In addition, the applicable Service Standards and referenced staff-to-individual ratios must be followed, as applicable.

Agencies and Providers must be aware of their county's Red to Green classification at all times. Classifications are updated twice a month and can be found at <https://cv.nmhealth.org/public-health-orders-and-executive-orders/red-to-green/>. Agencies and Providers must provide service within, and be prepared to alter service provision, in alignment with the most current color for their County.

Travel in a vehicle must also adhere to COVID-19 Safe Practices, the Public Health Order to include the Mass Gathering Rule, and Red to Green Framework for the county that they are approved to provide services.

Individuals and/or their guardians who make an informed choice to participate in Day Services and staff that provide Day Services **must** follow:

- COVID-19 Safe Practices,
- The most current New Mexico Public Health Order to include the Mass Gathering Rule, and,
- the Red to Green Framework as specified in the county they are approved to provide services in (i.e. Providers must follow the Red to Green Framework in the County where their Provider Agreement exists even if they travel across County or State lines to provide services.)

A discussion should be held and consent must be given by an individual and/or their guardian to participate in Day Services. The Case Manager, Consultant or Community Supports Coordinator must be notified of this consent and communicate this to the rest of the support team. An IDT or planning meeting is recommended, but not required, to initiate new day services provisions.

Behavior Support Consultation and Therapy Community visits: Behavior Support Consultants and Therapists are allowed to see individuals in the community. BSCs and Therapists are required to follow COVID-19 Safe Practices to include the current Public Health Order and Mass Gathering rule following the designated color for the county. The Direct Service Provider, BSCs and Therapists must coordinate as to their anticipated date and time of the visit to assure that the visit will not violate the Mass Gathering rule (individuals served, plus DSP, plus the BSC and/or Therapists). If a BSC or Therapist arrives for a visit and this brings the total number of individuals and staff above the Mass Gathering Rule for that county, the BSC and/or Therapist's visit must be rescheduled. All BSC and/or Therapist visits must take place at the preference of mode (in person or remote) and location (home or community) by the individual and/or their guardian, not at the preference of the Direct Service provider agency, BSC, and/or Therapist.

Residential agencies are not required to allow day staff in homes, however, if a provider is willing to meet an individual at the door or near the home the day service should be provided outside the home, as appropriate.

Day Services are not allowed to return to a congregate facility for any outdoor or indoor activities, meal times, behavioral support, healthcare, personal care or ADL needs. Day Service provisions should consider meal time, behavioral, healthcare, personal care and ADL needs; provide services in alignment with those needs and make any necessary accommodations to meet individual needs.

Day services **cannot** be denied to a person based on vaccination status.

Day services may not be provided indoors or outdoors at staff homes.

If you have questions, please contact Casey Stone-Romero, Community Inclusion Manager at Casey.Stone-Romero@state.nm.us or 505-467-9272 or your respective Regional Office Director.

Additional Resources:

- NM DOH COVID-19 Site: <https://cv.nmhealth.org/>
- DDSD COVID-19 Site: <https://nmhealth.org/about/ddsd/diro/ddcv/>
- NM DOH COVID-19 Safe Practices: <https://cv.nmhealth.org/covid-safe-practices/>
- Report a Public Health Order Violation: <https://www.newmexico.gov/2020/03/25/how-to-report-non-compliance-within-a-business-a-violation-of-the-mass-gatherings-ban-or-other-violations-of-the-public-order/>
- NM DOH COVID-19 Vaccine General Information: <https://cv.nmhealth.org/covid-vaccine/>
- NM DOH COVID-19 Vaccine Site: <https://cvvaccine.nmhealth.org/>



Do you want to pre-register for your COVID-19 Vaccine?
Visit cvvaccine.nmhealth.org to register today.