

# MEMO

To: Developmental Disabilities Services Stakeholders

From: Jennifer Garabedian, Developmental Disabilities Services Division Director *JLG*

Jeff Nunemaker, Developmental Disabilities Services Division Assistant Director

Re: Public Health Emergency Flexibilities End Date

Date: May 10, 2023

On May 11, 2023, the Federal Public Health Emergency (PHE) is scheduled to end. With the end of the PHE, the Developmental Disabilities Services Division (DDSD) must end the [temporary measures](#) (“flexibilities”) that have been in place to help individuals, families and providers. Home and community-based services flexibilities applied to the Developmental Disabilities Program may continue up to 6 months after the end of the PHE. Below is a chart that shows the measure that has been in place and when it will end.

Temporary Measure	Start Date	End Date	Comments
Allowed electronic/remote methods of service delivery including case management, personal care verbal cueing, in-home habilitation, and monthly monitoring.	3/13/20	Continue within specific AHS-issued guidelines	Department of Vermont Health Access (DVHA) and Department of Disabilities, Aging and Independent Living (DAIL) issuing guidance related to ongoing use of telehealth for HCBS supports.
Allowed substitutions, reduction and/or temporary suspension of “non-essential” services to accommodate COVID-related staffing	3/13/2020	11/11/23	As COVID-related staffing emergencies start to resolve, providers are able to staff non-essential services as workforce availability allows.

**Licensing and Protection**

**Adult Services**

**Vocational Rehabilitation**

**Developmental Disabilities Services**

**Blind and Visually Impaired**

emergencies and workforce availability.			
Allowed the timeframes for completing or updating individual service agreements (ISA) to be modified and have a retroactive approval date, up to 60 days from the date services was initiated.	3/13/20	11/11/2023	DAIL will return to pre-pandemic <a href="#">ISA guidelines</a> and expectations.
Allowed a family member to be paid to render services to an individual (parent/primary caregiver stipend)	3/13/20202	12/31/2023	<p>Parent/primary caregiver stipend is one of areas of requested consideration for State System of Care Plan for Developmental Disabilities 2022-2025. The GC Waiver renewal application includes the ability to pay legally responsible parties using an identified process. Once a protocol is developed and approved by CMS, it will become a permanent option with parameters.</p> <p>The flexibility ends on 11/11/2023 but allow quarterly stipend payments through end of calendar year.</p>
DDSD allows the option to conduct evaluations, assessments, and person-centered service planning meetings virtually/remotely in lieu of face-to-face meetings.	3/13/20	11/11/2023	Remote, virtual, or hybrid evaluations/assessment and person-centered planning meetings will continue to be allowable. This flexibility is not expected to end early.
Allows extensions for reassessments and reevaluations for up to one year past the due date.	3/13/20	11/11/2023	CMS does not allow this flexibility outside of a public-health emergency.
Allowed an electronic method of signing off on required documents such as the person-centered service plan.	3/13/20	11/11/2023	DAIL may consider identifying a process for electronic signatures for required documents and seek approval through CMS to make this a permanent option.
Suspended State System of Care requirement related to gaps in service provision (in	3/13/20	11/11/2023	This flexibility is expected to end on 11/11/2023. Billing requirements must follow the <a href="#">State System of Care Plan</a> with

excess of 14 days)			regards to suspensions for gaps in service provision.
Allowed a payment model based on monthly billing period and minimum threshold of 6 units of service delivered.	11/1/2020	11/11/2023	This flexibility is expected to end on 11/11/2023. The monthly billing period (“cash flow”) payment model will continue beyond 11/11/2023, however, billing requirements must follow the <a href="#">State System of Care Plan</a> with regards to suspensions for gaps in service provision. Billing guidance is laid out in <a href="#">direction</a> and <a href="#">frequently asked questions</a> to providers.