



To: All Stakeholders in our Region
From: Tony Anderson, Executive Director,
Valley Mountain Regional Center (VMRC)
Date: July 9, 2021 (original: November 13, 2020)



Re: Valley Mountain Regional Center Policy on Consumers with At-Risk Health Condition Returning to Day Programs

The purpose of this notice is to inform our staff, consumers, families, and providers of how we will follow the DDS Directive, “[02-081020: DAY SERVICES FOR CONSUMERS AT HIGH RISK FOR SERIOUS ILLNESS DUE TO COVID-19](#)”. This Directive does two things. First it directs VMRC to ensure consumers who at a higher risk of serious illness due to COVID-19 remain home rather than attend day service. The second thing it does is directs VMRC to ensure that people who live in the following settings will not attend day services:

- Adult Residential Facilities for Persons with Special Health Care Needs
- Intermediate Care Facilities/Developmentally Disabled-Nursing
- Intermediate Care Facilities/Developmentally Disabled-Continuous Nursing

While the second prohibition is very clear, it is the presence or absence of living in one of these settings, the first direction requires a better and more current definition of “higher risk” given our medical resources of today. At the time this directive was written vaccinations were only in experimental phase but since then have been released for full public use under emergency authorization from the Centers for Disease Control and Prevention (CDC). [The CDC has continued to study the effectiveness of the vaccines and have determined the vaccines](#) “are effective against SARS-CoV-2 infection, symptomatic and severe disease, and hospitalization with COVID-19. The CDC has also determined that the vaccines... provide protection against variants of concern, including the B.1.1.7 strain that is predominant in the United States. Finally, the CDC finds that people who are fully vaccinated with a currently authorized mRNA vaccine are protected against asymptomatic infection and, if infected, have a lower viral load than unvaccinated people.” Because of these findings we have decided to interpret the directive does not apply to vaccinated consumers because they are not considered at-risk for “serious illness.”

According to the CDC’s latest [list of high-risk medical conditions that put people at increased risk for severe COVID-19-associated illness](#) was updated in May 2021 and now includes:

1. Cancer
2. Chronic kidney disease | CDC
3. Asthma, if it's moderate to severe
4. Dementia | CDC
5. Diabetes | CDC
6. Down syndrome | CDC
7. Heart Disease | CDC
8. HIV Infection | CDC
9. Types of Primary Immune Deficiency Diseases 
10. Liver Disease | NIDDK (nih.gov) 
11. Obesity | CDC
12. Pregnant and Recently Pregnant People | CDC
13. Sickle Cell Disease | CDC
14. Smoking, current or former
15. Solid organ or blood stem cell transplant
16. Stroke or cerebrovascular disease, which affects blood flow to the brain
17. Substance use disorders

How We Have Interpreted “Day Services Outside the Home”

The directive references “day services outside the home” and it reiterated at the time that absence payments and other policies would help those providers impacted.

Assuming this inclusion of the list of services was meant as a mitigation of provider impact related to this policy, we therefore we are interpreting that the phrase “day services outside the home” to refer to the services listed below, given the service is provided outside the home:

Service Code Description *(the following bold services are relevant to this policy of possible site base services considered not appropriate for high risk individuals)*

017 Crisis Team

028 Socialization Training Program

048 Client/Parent Support Behavior Intervention Training

055 Community Integration Training Program

062 Personal Assistance

063 Community Activities Support Service

091 In-Home Day Program

094 Creative Arts Program

102 Individual or Family Training Services

106 Specialized Recreational Therapy

108 Parenting Support Services

110 Supplemental Day Program Support

115 Specialized Therapeutic Services (Age 3-20)

116 Early Start Specialized Therapeutic Services

117 Specialized Therapeutic Services (Age 21+)

505 Activity Center

510 Adult Development Center

515 Behavior Management Program

520 Independent Living Program

525 Social Recreation Program

605 Adaptive Skills Trainer

612 Behavior Analyst

613 Associate Behavior Analyst
615 Behavior Management Assistant
616 Behavior Management Technician
620 Behavior Management Consultant
625 Counseling Services
635 Independent Living Specialist
691 Art Therapist
692 Dance Therapist
693 Music Therapist
694 Recreational Therapist
707 Speech Pathology
772 Physical Therapy
773 Occupational Therapy
780 Psychiatrist
896 Supported Living Service.

Regardless of the above services the regional center may determine that the health risks of an individual remain a deep concern and the service coordinator may wish to call for an IDT meeting to ensure the consumer understands their health risks.

Valley Mountain Regional Center Implementation

Before any consumer returns safely to a day service site there should be a current affirmative statement in the consumer's record, preferably from the consumer's interdisciplinary team (IDT), that the individual does not have a **"HIGH RISK FOR SERIOUS ILLNESS DUE TO COVID-19"** and or does not live in a restricted setting.

If a consumer has one of the identified 17 high risk illnesses identified by the CDC above, and they have not been vaccinated to mitigate the risk, VMRC clinical staff will consult with the consumer and their team regarding the risk to their health and provide their professional healthcare advice. In the event the consumer disagrees with the health advice of VMRC, the consumer may appeal the regional center recommendation. Because this determination is a health-related decision and the Interdisciplinary Team (IDT) will make the decision based on the most recent health information in the record, the consumer may override this decision if they receive a note from their Primary Care Physician (PCP) or other qualified health professional clearing them to participate in the day service on site during the COVID-19 pandemic.

Valley Mountain Regional Center will ensure all available information is provided to the consumer and their team and that the consumer fully understands our concerns and the available COVID-19 health information related to their health condition. We may also require an affirmation that the consumer, or their representative, understand the information we are providing and why VMRC is objecting to the decision to disregard the safety recommendation.

Competitive Employment and Independent Placement

If the consumer is competitively employed or in an Individual Placement, VMRC is not involved in the decision.

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