

DEPARTMENT OF DEVELOPMENTAL SERVICES

1600 NINTH STREET, Room 340, MS 3-12
SACRAMENTO, CA 95814
TTY (916) 654-2054 (For the Hearing Impaired)
(916) 651-6309



March 12, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: STATE OF EMERGENCY STATEWIDE

On March 4, 2020, Governor Gavin Newsom declared a State of Emergency for California, as a result of the global COVID-19 outbreak that began in December 2019. The State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019, to monitor and plan for the potential spread of COVID-19 to the United States.

The Governor's proclamation states, in part, that experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions. It is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care.

As a result of the State of Emergency declared for California, the Department of Developmental Services (Department) is authorizing, pursuant to Title 17, California Code of Regulations section 54326(a)(11), regional centers to pay vendors for absences that are the direct result of the COVID-19 outbreak in California. The applicable regulation section reads as follows:

"[All vendors shall...] Not bill for consumer absences for nonresidential services. The Department shall authorize payment for absences which are the direct result of situations and/or occurrences for which a State of Emergency has been declared by the Governor. If payment for absences due to a State of Emergency is authorized by the Department, the vendor shall bill only for 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."

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Regional Center Executive Directors
March 12, 2020
Page two

If you have questions about this correspondence, please contact me at ernie.cruz@dds.ca.gov
or (916) 838-8960.

Sincerely,

Original Signed by:

ERNIE CRUZ
Assistant Deputy Director
Office of Community Operations

cc: Regional Center Administrators
Regional Center Directors of Consumer Services
Regional Center Community Services Directors
Association of Regional Center Agencies

DEPARTMENT OF DEVELOPMENTAL SERVICES

1600 NINTH STREET, Room 240, MS 2-13
SACRAMENTO, CA 95814
TTY (916) 654-2054 (For the Hearing Impaired)
(916) 654-1897



March 12, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: DEPARTMENT DIRECTIVE ON REQUIREMENTS WAIVED DUE TO COVID-19

Pursuant to Governor Gavin Newsom's Proclamation of a State of Emergency dated March 4, 2020, and Governor Newsom's Executive Order N-25-20 issued on March 12, 2020, the Director of the Department of Developmental Services (Department) issues this Directive to regional centers waiving certain requirements of the Lanterman Developmental Disabilities Services Act (Lanterman Act), the California Early Intervention Services Act, and/or certain provisions of Title 17, Division 2 of the California Code of Regulations (Title 17). While COVID-19 remains a low risk for the general population, the Department recognizes there may be instances where regional centers will need flexibility to support individuals at home for their safety and that of the general population.

Early Start In-Person Meetings

Any requirements of the California Early Intervention Services Act or Title 17 requiring in-person meetings for determining eligibility or service coordination are hereby waived. To the extent requested by a parent, guardian, or other authorized legal representative of the child due to concern related to exposure to COVID-19, and to the extent the integrity of the intake process is not compromised, a regional center may conduct evaluation and assessment activities and provide Early Start coordination by remote electronic communications, including Skype, Facetime, video conference, or telephone conference. The regional center shall send a follow-up letter to the family, in the family's preferred language, confirming that at the family's request, a virtual or remote visit was conducted in lieu of a face-to-face meeting or visit. The letter shall include contact information for the child's service coordinator and their supervisor. This waiver is necessary because the Department finds that fear of exposure to the COVID-19 virus is causing family members to miss in-person meetings, thereby threatening the delivery of prompt services to children needing Early Start services or coordination.

Early Start Remote Services

The requirements of the California Early Intervention Services Act, Title 17, or a child's Individualized Family Service Plan (IFSP) requiring the delivery of services in-person are hereby waived. To the extent requested by a parent, guardian, or other authorized legal representative of the child due to concern related to exposure to COVID-19, a service provided to a child in-person may be provided by remote electronic communications, including Skype, Facetime, video conference, or telephone conference. Prior to the delivery of a service by electronic communications, the service provider must notify the regional center that the family requested and agrees to remote or virtual services in lieu of in-person services. The regional center shall send a follow-up letter to the family, in the family's preferred language, confirming that at the family's request, virtual or remote services will be

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provided in lieu of in-person services. The letter shall include contact information for the child's service coordinator and their supervisor. This waiver is necessary because the Department finds that fear of exposure to COVID-19 is causing family members to miss in-person appointments for services for their children. Providing services to the child through electronic communications ensures that services necessary for the health, development and well-being of the child are delivered.

Lanterman Act In-Person Meetings

The requirements of the Lanterman Act requiring in-person attendance of a consumer and/or his or her parent, conservator, or authorized legal representative and a regional center representative at an Individual Program Plan (IPP) meeting or other meeting related to delivery of services are hereby waived. The regional center shall send a follow-up letter to the consumer and/or representative, in the consumer and/or representative's preferred language, confirming that at the consumer's or representative's request, a virtual or remote visit was conducted in lieu of a face-to-face meeting or visit. The letter shall include contact information for the consumer's service coordinator and their supervisor. This waiver is necessary because the Department finds that fear of exposure to COVID-19 is causing consumers and their representatives to miss in-person IPP and other service coordination meetings, thereby threatening the delivery of critical services to consumers.

Health and Safety Waiver Exemptions

The Director of the Department delegates to regional center Executive Directors the authority to grant rate adjustments for residential services and/or supplemental services in residential settings, consistent with Welfare and Institutions Code sections 4681.6, 4689.8 and 4691.9, to protect a consumer's health or safety as a result of the outbreak of COVID-19. The waiver will require supplemental reporting to the Department. Instructions on the required supplemental reporting will be provided in a future directive. This delegation is necessary because the Department finds that high risk health conditions and fear of exposure to COVID-19 may cause consumers to forego activities away from their home resulting in a need for additional residential staffing or supplemental services.

This remains in effect for 30 days unless extended by the Director of the Department. If you have any questions regarding this Directive, please contact Brian Winfield at (916) 654-1569.

Sincerely,

Original Signed by:

NANCY BARGMANN
Director

cc: Regional Center Administrators
Regional Center Directors of Consumer Services
Regional Center Community Services Directors
Association of Regional Center Agencies

DEPARTMENT OF DEVELOPMENTAL SERVICES

1600 NINTH STREET, Room 240, MS 2-13
SACRAMENTO, CA 95814
TTY (916) 654-2054 (For the Hearing Impaired)
(916) 654-1897



March 12, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: DEPARTMENT DIRECTIVE ON DAY SERVICES FOR CONSUMERS AT
HIGH RISK FOR SERIOUS ILLNESS DUE TO COVID-19

Welfare and Institutions Code (WIC) section 4639.6 authorizes the Director of the Department of Developmental Services (Department) to issue directives to regional centers as the Director deems necessary to protect consumer rights, health, safety, or welfare, or in accordance with WIC section 4434. Regional centers must comply with any directive issued by the Director pursuant to this section.

Pursuant to WIC section 4639.6, to reduce the risk of exposure to COVID-19 and consistent with the California Department of Public Health's recommendations for individuals who are at higher risk for serious illness, the Director of the Department is directing regional centers to take immediate action to ensure consumers who have compromised immune systems or who are more susceptible to respiratory illness, and/or who reside in the following home types, remain home rather than attend day services outside the home:

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

This remains in effect for 30 days unless extended by the Director of the Department. Enclosed is the Department's March 12, 2020, correspondence to regional centers regarding Governor Gavin Newsom's declared State of Emergency due to the COVID-19 outbreak and authorizing, pursuant to Title 17, California Code of Regulations section 54326(a)(11), regional centers to pay vendors for absences that are a direct result of the COVID-19 outbreak in California.

If you have any questions regarding this Directive, please contact Christine Gephart at (916) 698-9567 or chris.gephart@dds.ca.gov.

Sincerely,

Original Signed by:

NANCY BARGMANN
Director

Enclosure

cc: Regional Center Administrators
Regional Center Directors of Consumer Services
Regional Center Community Services Directors
Association of Regional Center Agencies

“Building Partnerships, Supporting Choices”

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March 12, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: STATE OF EMERGENCY STATEWIDE

On March 4, 2020, Governor Gavin Newsom declared a State of Emergency for California, as a result of the global COVID-19 outbreak that began in December 2019. The State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019, to monitor and plan for the potential spread of COVID-19 to the United States.

The Governor's proclamation states, in part, that experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions. It is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care.

As a result of the State of Emergency declared for California, the Department of Developmental Services (Department) is authorizing, pursuant to Title 17, California Code of Regulations section 54326(a)(11), regional centers to pay vendors for absences that are the direct result of the COVID-19 outbreak in California. The applicable regulation section reads as follows:

"[All vendors shall...] Not bill for consumer absences for nonresidential services. The Department shall authorize payment for absences which are the direct result of situations and/or occurrences for which a State of Emergency has been declared by the Governor. If payment for absences due to a State of Emergency is authorized by the Department, the vendor shall bill only for 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."

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Regional Center Executive Directors
March 12, 2020
Page two

If you have questions about this correspondence, please contact me at ernie.cruz@dds.ca.gov
or (916) 838-8960.

Sincerely,

Original Signed by:

ERNIE CRUZ
Assistant Deputy Director
Office of Community Operations

cc: Regional Center Administrators
Regional Center Directors of Consumer Services
Regional Center Community Services Directors
Association of Regional Center Agencies

DEPARTMENT OF DEVELOPMENTAL SERVICES

1600 NINTH STREET, Room 240, MS 2-13
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TTY (916) 654-2054 (For the Hearing Impaired)
(916) 654-1897



March 18, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: GUIDANCE FOR REGIONAL CENTER MONITORING STAFF

On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency for California in response to a rising number of cases of COVID-19. The health and safety of Californians, including regional center staff, is a top priority. To keep staff safe and healthy, this guidance provides information on COVID-19 symptoms and prevention, and what staff can do before, during, and after a monitoring visit.

Required Visits by Regional Centers

Notwithstanding any local or county shelter-in-place order, regional centers shall make in-person visits to consumers living in licensed residential facilities to check on the consumer's health, safety and well-being, and such facilities shall permit such visits by regional center employees. Such visits shall constitute essential activities and essential business functions for purposes of any shelter-in-place order.

Stay Informed

It is important to stay informed. Know where to turn for reliable, up-to-date information in your local community. Monitor COVID-19 websites from the Centers for Disease Control and Prevention (CDC) and the California Department of Public Health (CDPH). Both websites are updated daily with the latest information and advice for the public. In addition to the CDC and CDPH websites, staff may reference CDPH All-Facilities Letters for more information.

Symptoms and Prevention

Reported COVID-19 illnesses have ranged from asymptomatic (no symptoms) or mild symptoms to severe illness and even death. Symptoms may display as flu-like symptoms, such as fever, cough, and shortness of breath, and may appear 2-14 days after exposure.

There is currently no vaccine to prevent COVID-19, and the best way to prevent the illness is to avoid being exposed to the virus. The CDC recommends everyday preventive actions to help prevent the spread of respiratory diseases, including:

- Avoiding close contact with people who are sick.
- Avoiding touching your eyes, nose, and mouth with unwashed hands.
- Staying home when you are sick.
- Covering your cough or sneeze with a tissue, then throwing the tissue in the trash.

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- Cleaning and disinfecting frequently touched objects and surfaces using a regular household cleaning spray or wipe.
- Washing your hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing, or sneezing. If soap and water are not readily available, use an alcohol-based hand sanitizer that contains at least 60% alcohol.

Monitoring Activities

When conducting monitoring activities, precautions are encouraged prior to, during and after the visit. Recommended precautions are outlined below.

Before entering the facility:

- Verify the home or facility is safe to enter. When making an announced visit, consider calling the home or facility prior to entry to inquire whether there are any suspected or confirmed cases of COVID-19. If the home or facility is subject to quarantine by a local public health department, do not visit or enter the facility. Confirm with the provider that reporting was done of any presumptive or positive cases. Speak with your manager to discuss options and reschedule the visit and document your attempt to conduct your monitoring visit.
- If making an unannounced monitoring visit, upon entry to the home or facility, ask the licensee or administrator if there are any persons in the residence or facility staff that may have respiratory signs or symptoms of COVID-19. In addition, ask whether there have been staff in the home who have tested positive for COVID-19 or who were exposed to any individuals with COVID-19. If there are persons identified who are displaying symptoms of COVID-19 or who may have or have tested positive for COVID-19, do not stay in the home. Obtain as much information as possible for reporting purposes such as staffing levels, precautions currently taken; visualize the residents and condition, and exit the home or facility.
- When possible, have an N95 mask and hand sanitizer with you prior to entering the home, in the event you need to use protection while obtaining information from staff.

When the determination is made that it is safe to stay on-site during a visit:

- Practice good hand hygiene. Wash your hands often with soap and water for at least 20 seconds or use an alcohol-based hand sanitizer that contains 60 to 95% alcohol, covering all surfaces of your hands and rubbing them together until they feel dry. Soap and water should be used preferentially if hands are visibly dirty. Avoid touching your eyes, nose, and mouth with unwashed hands.
- Put on personal protective equipment if you feel it necessary during your visit.
- Maintain social distancing of 6 feet from other individuals while on-site.
- If you think you may have been exposed to COVID-19 while visiting the home or facility, contact your manager.

After the monitoring visit:

- Keep vigilant of your own well-being and watch for respiratory signs or symptoms of COVID-19. If you should feel flu-like symptoms, such as fever, cough, and shortness of breath after 2-14 days, contact your local health department and health care provider.

Certificate of Medical Clearance

Staff with confirmed COVID-19 should be in frequent communication with a healthcare provider and the local public health department. If you have been instructed by your healthcare provider or the local public health department to quarantine or self-monitor, a certificate of medical clearance must be obtained from your healthcare provider or the local public health department before returning to work or conducting facility visits.

Monitoring staff may also recommend licensees visit the following websites for current information regarding COVID-19:

- The World Health Organization
www.who.int
- Centers for Disease Control and Prevention
www.cdc.gov
- California Department of Public Health
www.cdph.ca.gov
- Community Care Licensing Division
www.cdss.ca.gov/inforesources/community-care-licensing

Regional Center Executive Directors
March 18, 2020
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If you have any questions regarding this guidance, please contact Christine Gephart at (916) 698-9567 or chris.gephart@dds.ca.gov.

Sincerely,

Original Signed by:

NANCY BARGMANN
Director

cc: Regional Center Administrators
Regional Center Directors of Consumer Services
Regional Center Community Services Directors
Association of Regional Center Agencies

DEPARTMENT OF DEVELOPMENTAL SERVICES

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(916) 654-1897



March 18, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: DEPARTMENT DIRECTIVE ON REQUIREMENTS WAIVED DUE TO COVID-19 AND ADDITIONAL GUIDANCE

This supersedes the March 18, 2020, correspondence on this subject.

Pursuant to Governor Gavin Newsom's Proclamation of a State of Emergency dated March 4, 2020, and Governor Newsom's Executive Order N-25-20 issued on March 12, 2020, the Director of the Department of Developmental Services (Department) issues this Directive to regional centers waiving certain requirements of the Lanterman Developmental Disabilities Services Act (Lanterman Act) and/or certain provisions of Title 17, Division 2 of the California Code of Regulations (Title 17). The Department recognizes that to ensure the health, welfare and safety of regional center consumers and the general population, there may be instances where consumers, regional centers, and service providers will need flexibility to receive and provide services and supports.

The intent of this Directive is to provide regional centers and service providers the greatest flexibility to support consumers and their families. Services to individuals are a priority and regional centers and service providers are working with their consumers and community to identify alternative approaches to support those in greatest need during this unprecedented time.

Flexibility in Provision of Services and Supports for Consumers and Providers

Lanterman Act Remote Services or Alternate Locations

Any requirements of the Lanterman Act, Title 17, or an Individual Program Plan (IPP) requiring delivery of the services in a specific location or in-person are hereby waived when, due to concern related to exposure to COVID-19, a consumer, parent, guardian, or other authorized legal representative of the consumer requests that one or more of the services listed on the Enclosure be provided in an alternate location or through remote electronic communications, including Skype, Facetime, video conference, or telephone conference.

Prior to, or no later than seven days after, the delivery of a service in an alternate location or by remote electronic communications, the service provider must notify the regional center that the individual requested and/or agrees to either receive services in an alternate location or through remote electronic communication in lieu of in-person services. The regional center shall send a follow-up letter to the individual, in their preferred language, confirming that at their request, services will be provided in an alternate location or through remote electronic communication. The letter shall include contact information for the consumer's service coordinator and their supervisor.

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Regional Center Executive Directors
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The agreement to provide services in an alternate location or through remote electronic communication shall not change the frequency or duration of any IPP service absent the agreement of the consumer's IPP team.

This waiver is necessary to limit the risk of exposure to COVID-19 and provide individuals with access to services and supports. Providing services and supports in alternate locations or through remote electronic communications enables services and supports necessary for the health, welfare and safety to be delivered.

Supplemental Staffing for Residential Providers

Recognizing that residential providers in all licensing categories, including community care facilities, may need supplemental staffing to support consumers remaining at home to mitigate the spread of COVID-19, the Department reiterates the March 12, 2020, delegation to regional center Executive Directors to grant rate adjustments for residential services and/or supplemental services in residential settings, consistent with Welfare and Institutions Code (WIC) sections 4681.6, 4689.8 and 4691.9, to protect a consumer's health or safety as a result of the outbreak of COVID-19. Further, intermediate care facilities, licensed by the California Department of Public Health (CDPH), may be vendored to provide residential supplemental services, as noted above and to the extent that funding for supplemental staffing is not available through the Medi-Cal program.

Regional centers are directed to work with affected providers to expedite vendorization for the new or additional supplemental services (e.g. Supplemental Residential Program Support) appropriate to provide supplemental staffing required as a result of COVID-19.

Day Program Services

To protect public health and slow the rate of transmission of COVID-19, services must be provided in alignment with the [guidance issued by CDPH on March 16, 2020](#).

To the extent possible, services may be provided in an alternate location or through remote electronic communications, including Skype, Facetime, video conference, or telephone conference.

The Department reiterates the March 12, 2020, directive to regional centers, "State of Emergency Statewide," authorizing regional centers to pay vendors for absences that are a direct result of the COVID-19 outbreak, pursuant to Title 17 section 54326(a)(11).

Administrative Flexibility for Regional Centers

Public Meetings

Any requirements of the Lanterman Act, the Department's regional center contract or other requirements to hold in-person public meetings are hereby waived, with the exception of regional center board meetings held pursuant to WIC section 4660, which shall continue to occur in-person or through use of remote electronic communications.

To the extent feasible, attempts should be made to conduct meetings using remote electronic communications, including Skype, Facetime, video conference, or telephone conference options. If remote electronic communications are not feasible, the meeting should be delayed so the public can participate.

The requirement of WIC section 4519.5(e) that regional centers hold public meetings within three months of compiling purchase of service disparities data with the Department, and the requirements of WIC section 4519.5(f) and the Department's contracts with regional centers requiring submission of a report to the Department regarding the meetings and recommendations by May 31, 2020, are waived. Regional centers shall hold their public meetings by August 31, 2020, and submit associated reports to the Department by December 31, 2020.

This waiver is necessary because the Department finds that gatherings may contribute to the spread of COVID-19. However, limiting gatherings may result in less attendance at public meetings. Regional center public meetings should be in alignment with CDPH's March 16, 2020, guidance on gatherings as referenced on page two, "Day Program Services."

WIC §4731 Consumers' Rights Complaints

The 20-working day requirement for investigating and providing a written proposed resolution to a complainant pursuant to WIC section 4731(b) is waived. The regional center director shall investigate and send a written proposed resolution to a complainant and service provider, if applicable, as soon as possible within 40 working days of receiving the complaint.

This waiver is necessary to allow regional centers flexibility to prioritize work associated with COVID-19 response.

Regional Center Executive Directors
March 18, 2020
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Additional Areas of Relief

Departmental Audits and Programmatic Monitoring Reviews

Any on-site Departmental fiscal audits or programmatic monitoring reviews not directly related to the oversight of health, welfare and safety of consumers, and scheduled within forty-five days of the date of this letter are postponed. The Department will determine the feasibility of using remote electronic communications to complete some monitoring activities on a case-by-case basis.

Home and Community-Based Services (HCBS) Self Assessments

The requested completion date for provider HCBS self-assessment has been extended to June 30, 2020.

Direct Support Professional Training

The Department is temporarily placing the Direct Support Professional Training (DSPT) on hold until June 30, 2020. DSPT is required by WIC section 4695.2(a). Direct support professionals are encouraged to use online resources posted on the Department's website at <https://www.dds.ca.gov/services/dspt>, to keep abreast with current practices and procedures to provide the best care to consumers.

Frequently Asked Questions (FAQs)

The Department will post answers to frequently asked questions related to COVID-19 directives online at <https://www.dds.ca.gov/corona-virus-information-and-resources>.

This Directive remains in effect for 30 days unless extended by the Director of the Department. Consumers, family members or providers should contact their local regional center with any questions regarding this Directive. Questions from regional centers should be directed to Brian Winfield at (916) 654-1569 or brian.winfield@dds.ca.gov.

Sincerely,

Original Signed by:

NANCY BARGMANN
Director

Enclosure

cc: Regional Center Board Presidents
Regional Center Administrators
Regional Center Directors of Consumer Services
Regional Center Community Services Directors
Association of Regional Center Agencies

Services Eligible for Alternate Location or Remote Access

Service Code	Description
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