

June 29, 2018

## **IMPORTANT NOTICE**

**RE: Notice of Half Day Billing Requirement for Day Programs and Look-A-like Day Programs (WIC 4690.6) effective July 1, 2018**

The purpose of this letter is to notify all day programs and look-a-like day programs that the Half-Day Billing Rule will be implemented effective July 1, 2018. TCRC is requesting that all day programs and look-a-like day programs update their billing processes to ensure that their program is billing for half days of attendance, when appropriate.

In a directive from the Department of Developmental Services ("DDS"), dated March 17, 2015, DDS informed regional centers that a federal court issued an injunction barring the enforcement of the Half-Day Billing rule under statute. Welfare & Institutions Code (WIC) section 4690.60 states that all day programs and look-a-like day programs with a daily rate are to bill regional centers for services provided to consumers served in terms of half days of service and full days of service. DDS moved to vacate the injunction and on August 26, 2016, the United States District Court granted DDS's request and the injunction was lifted. The United States District Court's decision to lift the injunction was affirmed by the federal appellate court in May 2017. Accordingly, there is no current legal barrier to enforce the Half-Day Billing Rule. On June 27, 2018, Tri-Counties Regional Center ("TCRC") received written notice from DDS, that the Half-Day Billing Rule must be followed by all day program and look-a-like vendors effective July 1, 2018.

The Half-Day Billing Rule applies to all day program and look-a-like day program service providers that provide the following types of day program services:

<b>Day Program</b>	<b>Service Code</b>
Activity Center	505
Adult Development Center	510
Behavior Management Program	515
<u>Look-A-Like Day Programs, including but not limited to:</u>	
Community Integration Services	055
Community Activities Support Services	063
Creative Arts Program	094
Adaptive Skills Training	605

The law defines a **“Full day of service”** as a day in which the person served’s attendance is at least 65 percent (65%) of the declared and approved program day. Furthermore, the law defines a **“Half day of service”** as any day in which the person served’s attendance does not meet the criteria for billing for a full day of service.

Based on the definitions of a full day and half day of service provided in law, **effective July 1, 2018**, all day program and look-a-like day program service providers must complete regional center monthly attendance data by either indicating a unit of “1.00” for each full day of service or a unit of “0.50” for each “half day of service” in the attendance/units of service section of the claim form or e-billing invoice.

While this correspondence provides you a summary of the changes in statute, a copy of WIC, Section 4690.6 is enclosed for your review to ensure compliance with this statute.

Should you have questions about this information, please contact Zari Foosherian, Accounting Associate by email at [zarif@tri-counties.org](mailto:zarif@tri-counties.org).



**CALIFORNIA WELFARE AND INSTITUTIONS CODE  
DIVISION 4.5. SERVICES FOR THE DEVELOPMENTALLY DISABLED  
CHAPTER 6. DEVELOPMENTAL AND SUPPORT OF COMMUNITY FACILITIES AND  
PROGRAMS  
ARTICLE 5. REGIONAL CENTER RATES FOR NONRESIDENTIAL SERVICES**

4690.6. (a) Activity centers, adult development centers, behavior management programs, and other look-alike day programs with a daily rate shall bill regional centers for services provided to consumers in terms of half days of service and full days of service.

(b) For purposes of this section, the following definitions apply:

(1) "Full day of service" means a day in which the consumer's attendance is at least 65 percent of the declared and approved program day.

(2) "Half day of service" means any day in which the consumer's attendance does not meet the criteria for billing for a full day of service.

(c) A regional center may change the length of the declared and approved program day for a specific consumer in order to meet the needs of that consumer, upon the recommendation of the individual program planning team. The regional center shall set forth in the individual program plan the length of the consumer's program day and the reasons for the change in the length of the declared and approved program day.

(d) The definitions set forth in this section shall not apply to vendors of tailored day program service.

**(Added by Stats. 2011, Ch. 37, Sec. 21. (AB 104) Effective June 30, 2011.)**