April 1, 2020

To CDS Contracted Providers,

I wanted to thank all of you for the incredible time and effort that you’ve invested the last couple of weeks in transitioning to a new way of providing services. It’s been an amazing accomplishment. At this point, all children and families, unless they have explicitly declined, should be receiving at least some level of support and services.

Site Directors and the State Office have understandably received a lot of questions and requests for clarification. I’m sure that there are many other questions, but I’ll attempt to answer the questions that CDS has received below:

**Will CDS be reimbursing contracted providers for services provided via telepractice and other methods?**

Yes, CDS will provide reimbursement for services provided via telepractice and other methods. Because the method of service delivery may vary depending on child-by-child, family-by-family circumstances, CDS will reimburse for supports and services provided via methods that best meet child, family, and provider circumstances. These methods can include telepractice, phone calls, emails, and even sending materials through the mail.

Contracted providers should continue to attempt bill MaineCare and private insurance for the provision of services for which those third parties are the authorized payer of first resort. Frequency and intensity of services should not exceed that which is identified on the IEP/IFSP.

**Can contracted providers continue to provide in-person services?**

No, in alignment with the Governor’s directive, no classroom instruction should be occurring. This includes in-person small group and 1:1 services.

**Will contracted providers be reimbursed for the time spent in transitioning to the new model of service delivery (i.e. putting a telepractice platform into place, calling and coordinating with families)?**

CDS is currently conducting an analysis of the time that its regional programs allocated in transitioning to the remote transition provision of supports and services. It is also interested in receiving input from contracted providers. A survey link will be posted on the CDS website no later than April 3rd which will allow contracted providers to provide input on this issue as well as others. Once there is a better understanding of the details, CDS will determine the best way in which to approach the issue and one that is as fair to contracted providers as resources allow.

**In some cases, additional preparation - beyond what is typical – is necessary for the remote provision of services. Will contracted providers be reimbursed for this additional preparation time?**

The analysis mentioned above also includes adjustments that may be occurring within the authorized time and in addition to the authorized time. A survey link will be posted on the CDS website no later than April 3rd which will allow contracted providers to provide input on this issue as well as others. As with the time spent in transitioning to a new model, once CDS has a better understanding of the details, CDS will determine the best way to approach the issue and one that is as fair to contracted providers as resources allow.

Anecdotally, CDS staff report that sessions provided under the current model are typically shorter than the amount of time authorized. When applicable, additional time spent in preparation, gathering resources, etc. should be included in the related service log and a clear distinction should be made between the time spent in providing supports and services and the time spent in related activities.

**For children ages 3 to 5, will contracted providers receive reimbursement for services over April break as identified on the CDS academic year calendar?**

As has been done in the past, contracted providers may provide services to address any ‘services previously unavailable’ during the April break. Specific to the current situation, this would apply to any services that were authorized prior the shift in services necessitated by the restrictions caused by Covid-19 and any authorizations, made during the current crisis time period, for children who were awaiting services.

**What documentation should contracted providers be maintaining to demonstrate a good faith effort to provide supports and services to all children and families, to clearly communicate to CDS the method and level of supports and services being provided, and to facilitate reimbursement?**

In addition to CINC service logs, CDS recommends maintaining a spreadsheet that includes attempts to contact families to initiate supports and services under the new model, the acceptance or declination of supports and services under the new model, and a record of services and supports that have been provided. This documentation will be a valuable resource when determining what, if any, compensatory services must be provided, facilitation of timely reimbursement to contracted providers, and a quick reference for CDS to determine that status of supports and services to each child and family.

**Does the guidance from the Commissioner of Education indicating that SAUs should continue to provide reimbursement to special purpose private schools and other contracted providers apply to CDS’ contracted providers?**

For multiple reasons, the Commissioner’s guidance does not apply to CDS’ contracted providers. The relationship between CDS and its contracted providers differs from that between SAUs and their contracted providers. However, CDS recognizes that, for many of its contracted providers, there is a financial impact resulting from the current situation. As mentioned above, CDS will determine what is in its ability to implement arrangements that are as fair to its contracted providers as resources permit.

**How will the current situation impact potential compensatory services?**

Per MDOE and USDOE, IEP/IFSP teams will convene once the current circumstances have resolved. At that time, a determination will be made as to what, if any, compensatory services are necessary. This determination will not be based on a minute-by-minute calculation, but on what the child actually requires at the time that the team convenes.

**Additional requests from CDS:**

Currently, the impact of the current situation on CDS’ financial status is unknown. Until the supports and services being provided are invoiced, an accurate picture will be unavailable. Please do your best to submit invoices via CINC as soon as possible.

In addition, please respond to the survey link that will be posted on the CDS website by tomorrow. Your responses and the analysis of the allocation of time and other resources at the regional CDS sites will help to determine what additional financial support can be provided to contracted providers by CDS.

Finally, please continue to exercise patience and understanding as CDS, MDOE, MaineCare, and related federal entities continue to develop guidance and issue communications to provide additional clarity to the field.

Thank you for your continued efforts!

Roy K. Fowler

CDS State Director