

November 20, 2020

## Governor's Order and DS Services

Memorandum

This memorandum is to clarify how the [Governor's Executive Order- 8<sup>th</sup> Addendum](#) regarding our current State of Emergency applies to providers of Developmental Disabilities Services. The memorandum focuses on three specific provisions of the Addendum that have created confusion, 1) the requirement to cease social gatherings with other households, 2) the expectation of businesses to resume remote work wherever possible, and 3) the requirements for quarantine after non-essential out-of-state travel.

Background

As you saw in the news over the last week, Vermont is experiencing record growth in COVID-19 cases – by far the highest number of cases reported since the start of the pandemic. The Health Department reports that there are two major factors driving case growth:

- **Small, Informal Social Gatherings** – Cases typically appear between day 3 and day 7 following exposure. After Halloween, amid reports of Halloween parties and gatherings, we started to see cases spike with the ripple effect of that spike continuing to spread the virus around the state. Over 71% of the outbreaks confronting us now are linked to house parties, dinner parties, social clubs, and sports leagues. Common factors amongst these gatherings is socializing and drinking among people from many different households. The alcohol and food involved in these gatherings cause people to let their guard down and forget to follow the health and safety guidance to wear a mask and stay physically distanced.
- **Traveling + Gathering = Outbreaks** - In multiple outbreaks, the virus is believed to have been imported by those ignoring travel guidance and, in many cases, these are Vermonters. Throughout

---

**“Since Oct. 1., 71% of the cases that are associated with an outbreak are associated with an outbreak from a private party or a social gathering”**

*- Dr. Levine,  
Commissioner,  
Vermont Department  
of Health*

---



the pandemic we all have made sacrifices to mitigate the spread of the virus, but whether it is a case of individuals being overconfident because of low case numbers or feeling fatigued from the pandemic, we have slipped in our adherence to the guidance.

#### Delivering Developmental Disabilities Services in Light of the Governor's Order

Three areas of new guidance that Governor Scott enacted on 11/13/2020 seem to be creating the most confusion for providers of developmental disabilities services. See below for a summary of the requirement and examples of what the requirement means for service delivery.

### 1. Requirement: Public and Private Multi-Household Social Gatherings Prohibited

- This requirement describes that attendance at all public and private social gatherings, indoor and outdoor, including social gatherings incidental to ceremonies, holiday gatherings, parties and celebrations, *shall be limited to participation with only members of a single household*. Individuals who live alone may gather with members of their immediate family residing in a different household.

#### FAQ for delivery developmental disabilities services

a) *What does this mean for someone who lives with a shared living provider or with their family?*

\*If someone lives with a *shared living provider* their home is with the provider and their household includes everyone who lives in that home.

\*If someone lives with their *family* their home is with their family and their household includes everyone who lives in that home.

**Providing a developmental disability service, such as community supports or in-home supports, is not the same thing as attending a social gathering.** Direct Support Professionals, Shared Living Providers and other staff of the agencies may continue to perform their work, as long as an individual assessment indicates that it is safe to provide these services and they are taking all required COVID-19 precautions.

b) *What about Thanksgiving Gatherings? Can service providers attend gatherings when they are not members of the same household, but they are regularly interacting with an individual because of providing DS paid services?*

\*No, the Governor's order is based on evidence about what happens during small, social gatherings of multiple households. To bring multiple service providers and individuals

together at the same time, heightens the risk that one COVID-19 positive person will infect multiple members of a close social circle. This risk is less when activities are occurring on separate days, with prior screening, and strict observance of all necessary COVID-19 protocols in place.

Conclusion- Family members and respite providers and other loved ones who live outside their home can join the celebration remotely (through zoom, facetime, etc.).

## **2. Requirement: Telework**

- This requirement describes that all businesses, non-profits and government entities shall reinstitute telework policies for all employees to the maximum extent possible. In person meetings are strongly discouraged and should be held by telephone or video conference whenever possible.

### **FAQ for delivery of developmental disabilities services**

*a) What does this mean for direct service providers? Can non-essential services continue to be delivered?*

Agency employees who do not provide direct supports should move to remote work to the maximum extent possible. Agencies should work with the person and their team to determine if remote supports are an appropriate substitute for in-person supports. This decision must be made in a person-centered way and may change over time as rates of COVID-19 prevalence change or the person's needs change.

*b) What about state-employees? Many of them are returning to remote work, shouldn't we?*

State employees are returning to remote work to the maximum extent possible and seeing individuals remotely when possible. Limited in-person visits continue to be allowed based on individual assessments of risk. DDSD state employees are not delivering healthcare services that can only be provided in-person. A better comparison would be to look at other essential healthcare employees such as Home Health, or staff of long-term care facilities.

## **3. Requirement: All Non-Essential Travel Requires Quarantine**

- A 14-day quarantine – or 7 days followed by a negative COVID-19 test – is now required following any non-essential out-of-state travel by Vermonters and for all travelers entering Vermont from another state.

- Essential travel includes travel to attend PreK-12 school and college if commuting daily, or for work, personal safety, medical care, care of others, parental shared custody, or for food, beverage or medicine.

### **FAQ for delivery of developmental disabilities services**

*a) What about out-of-state respite providers, is this still allowable?*

The quarantine requirement is for “non-essential” out-of-state travel. Respite care is covered under several categories of “essential travel”, such as personal safety and care of others, and is not required to stop under this provision. The ability to continue out-of-state respite, however, does not mean it is a good idea. Less risky, in-state alternatives should be considered.

*b) What about taking someone out-of-state for a vacation or a visit in another state?*

The Governor is clear that out-of-state travel for non-essential purposes should not occur. Vacation or a visit is not essential. Additionally, for individuals with guardians, travel may not occur without prior approval of the guardian. Finally, it is important to remember that individuals with I/DD are 3 times MORE likely to die of complications related to contracting the Coronavirus, making this travel restriction even more important for those we serve.

### **For more information:**

- COVID-19 health information, guidance and case data, visit [www.healthvermont.gov/covid19](http://www.healthvermont.gov/covid19).
- The Governor's actions, visit <https://governor.vermont.gov/covid19response>.
- The state's modeling, visit <https://dfr.vermont.gov/about-us/covid-19/modeling>