# **Data Considerations in Emergency Situations**

In any emergency situation (weather related, pandemic, etc.) the first priority of Section 4 grantees should be to support the safety and well-being of consumers, staff and others directly impacted. Consumers will continue to need access to AT during an emergency and in some cases State AT Programs will be able to meet those needs with revised policies, procedures, and operations. In other cases, the State AT Program and their sub-contractors and partners may need to (or be required to) suspend services for a period of time. Any suspension of services will impact data reported into the Annual Progress Report (APR) and even revision of policies/procedures could change the type/scope of APR data reported. The APR provides a Notes section for each activity that allows grantees to describe any change in data (volume, scope, distribution, etc.) for any reason including response to an emergency situation. This has been effectively used by grantees faced with a variety of emergency situations where services were suspended for a lengthy period of time and will be available for all grantees to use to describe the impact of the current pandemic on data reported in the APR for FFY2020.

Suspending and/or reconfiguring State AT Program services and the issues/impacts related to APR data reporting will be different for centralized and decentralized program structures. Decentralized programs utilizing multiple sub-contractors will have additional variables based on how agreements with their partners are structured. (See CATADA Data Brief #9 for more detailed information on the different types of Contract Compensation Options.)

There is no reason to update the State Plan for AT to address emergency suspension or reconfiguration of Section 4 AT Act activities as that document describes “typical” activities conducted rather than those in an emergency situation.

## **Centralized Programs – Emergency Suspension/Reconfiguration Issues**

For most centralized programs, suspension/reconfiguration of services is done by changing internal policies, procedures, and direct line staff job responsibilities. Because staff delivering the services are under the direct control of the State AT Program, it is easier to quickly revise staff work scope and procedures (e.g. move most/all staff to remote work settings, revise staff responsibilities from direct client service to other supportive activities like doing remote follow-up with consumers, remotely tracking down devices out on loan and extending loan periods or implementing mechanisms for device return, developing written materials to support program operation, developing sanitation protocols to use when isolation is no longer needed, etc.) This allows some program activities to continue, staff to continue to be paid, and in general grant funds should be able to be liquidated on time.

Similarly, if all services are directly delivered by State AT Program staff in a centralized structure, it is fairly straightforward to gather information about the impact service suspension or reconfiguration will have on APR data to be reported. There will likely be different levels of impact depending on the degree to which each activity can be continued in light of the emergency situation. With a centralized program and direct line supervision of staff implementing all activities, this is relatively easy information to gather from staff.

## **Decentralized Programs – Emergency Suspension/Reconfiguration Issues**

The situation is very different for highly decentralized State AT Programs where the majority of activities are conducted by separate entities under some sort of agreement with the Section 4 grantee. If all partners are impacted by the emergency and need to suspend/reconfigure services (as is the current situation with a pandemic), the State AT Program will need to determine if/how those agreements can be modified to best address the situation including determining if/how dollars can continue to be paid to the partner entity during a suspension/reconfiguration of services to mitigate the negative impact the emergency situation. Secondarily, it will be important to have a plan for gathering information from partners about the impact on data reporting of the suspension/reconfiguration of services.

State AT Programs need to understand what structure their partner agreements use and the options available to modify agreements to continue to pay partners during emergency suspension/reconfiguration of services. There are typically two basic structures used for contracts/agreements: 1) Period-based cash payment in exchange for satisfactory delivery of agreed-upon services or 2) Piece-rate cash payment (sometimes described as pay for performance) where each individual delivered service is reimbursed at an agreed-upon price. There may also be hybrid approaches that use features of each.

#### Period-based Compensation

In general period-based compensation agreements specify services and/or work products to be delivered with an associated set payment amount or agreed upon non-cash compensation. The scope and volume of the services to be provided is for a set time period, usually no longer than a year and the expected deliverables, outcomes and associated data reporting requirements for the performance period are specified in the agreement. Mechanisms for invoicing for cash payments or receiving non-cash compensation are also stipulated.

During emergency service suspension/reconfiguration, the State AT Program should attempt to modify partner agreements to allow for continued payments to the maximum extent possible to avoid further negative impacts in the state/territory. This will allow partner organizations to continue to pay staff without interruption. If individuals are shifted to remote work (from a remote location and/or providing remote services to clients) they may need additional equipment and connectively (computer, increased internet service, increased cell service, boosters for rural areas, etc.) which were not items included in budget of the original agreement. Those State AT Programs housed within state agencies and universities will need to work with their internal procurement/contracting and fiscal offices to implement contract amendments or provide formal notification to partners of how payments will be available during service suspension/reconfiguration and how budgets can be modified. Given the nature of an emergency situation, this should be done as quickly as possible so that partner agencies can plan accordingly.

#### Unit-Based Compensation

In general, unit (or piece) rate-based agreements are for individual units of service and/or work products delivered, with an associated payment schedule that specifies a set amount paid for each unit. Services or work products are defined in discreet units. The agreement can be for a specific period or can be open-ended with no set end date, and with provisions to update the discreet unit pricing schedule over time. Mechanisms for invoicing for cash payments are stipulated (e.g. invoices that identify the number of units delivered for each available service on the piece-rate schedule are submitted on a monthly basis).

During emergency service suspension/reconfiguration, the State AT Program should attempt to modify partner agreements to allow for continued payments to the maximum extent possible to avoid further negative impacts in the state/territory. However, quickly revising a unit-based compensation agreement to adapt to an emergency situation may be challenging depending on the agreement structure. If there is a specific agreement with each partner entity, it is possible for that agreement to be amended to allow dollars to continue to flow to the entity based on some other payment mechanism (instead of the original pay for unit delivered). Potentially, the new payment schedule could be based on past payments or some similar formula projection and/or could be based on delivery of different deliverables (other than the service that is suspended). Another option would be to temporarily establish new emergency agreement with the major partners to avoid exacerbating the negative impact of the emergency overall.

For State AT Programs housed within state agencies and universities doing significant contract revisions like this quickly may be challenging. Hopefully state and university procurement/contracting and fiscal offices are willing to go the extra mile to do amendments, establish new agreements or otherwise provide something official that will allow critical partner entities to continue to receive funding during service suspension/reconfiguration. Again, given the nature of an emergency situation, this should be done as quickly as possible so that partner agencies can plan accordingly.

#### Mixed Compensation

Some State AT Programs utilize a hybrid type of agreement in which there is a core period-based compensation with additional payments available for provision of units of service above a set threshold or beyond a set scope. For device demonstration, this might include a traditional 12-month agreement that requires a minimum number of demonstrations be conducted/reported for a specific payment amount with extra incentive payments available for demonstrations over that target amount and/or for demonstrations delivered in targeted geographic areas of the state, and/or those that include very complex AT devices.

As with both previous payment mechanisms, the State AT Program should attempt to modify partner agreements to allow for continued financial support to the maximum extent possible. This will mitigate additional negative impacts in the state/territory. For a hybrid approach, that might include modifying or eliminating any “target” volume amount specified (and especially eliminating or reducing any minimum volume requirement) as a condition for payment. Revising the scope of deliverables may also be necessary.

#### Data Reporting

Decentralized State AT Programs can prospectively gather information from partner entities about the potential impact of service suspension/reconfiguration on APR data to be reported and/or can retrospectively collect that information once the emergency situation has lessened. For most State AT Programs the quantitative impact will be clear as monthly and quarterly data from partner entities is reviewed in the day-to-day data system used. Additional qualitative information would need to be gathered directly from staff at partner entities and can be done through any number of means, conference call feedback, online survey feedback, etc. **The Notes section of the APR is meant to be used for succinct descriptions so extensive data collection is not necessary to justify a quantitative decrease.**

Reconfiguration of services is rarely restricted by APR data reporting requirements. For example, a program that previously operated device loans via direct person pick-up shifting to drop-ship is not restricted in any way by APR parameters. Programs extending the period of time allowed for borrowing device loans is not at all restricted by the APR. Converting equipment loan into open-ended for the duration of the emergency is not restricted by the APR. (See CATADA Data Brief #2 Short-term vs. Open-Ended Loans for more detailed information.)

Most all AT Program changes in an emergency situation are governed by the internal policies and procedures of the State AT Program rather than any directives related to APR data. For example, a device loaned to a school that abruptly shut down will cause the device loan event to be in hiatus. It could be that when schools return to normal all the loan data can be completed and the event reported in the APR. Or it might be the best outcome is simply retrieving the device and not reporting that particular event or reporting it with a non-respondent performance measure and satisfaction data. All of these decisions can be made by individual State AT Programs as the APR has no specific directives that will interfere with local determinations of if/how to report these events.

## **Authorization for Flexibility in Managing Partner Agreements**

During an emergency when services are suspended or modified, the Administration for Community Living (ACL) as the administering agency for the AT Act, may authorize flexibility in the use of AT Act dollars to continue to support staff salaries (internal and/or partner entities), general program operations (communications, facilities, etc.) and other activities. Authorization of such flexibility is extremely helpful to grantees as they seek similar flexibility in internal state/territory policies and procedures. The goal of such flexibility is to be able to continue to pay salaries, continue modified program operations to the maximum extent possible, and continue to pay partner entities all in an attempt to mitigate the negative impact of the emergency.

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