

Special Needs Shelter Guidance Memorandum

MEMORANDUM TO: Public Assistance Staff

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SUBJECT: Disaster-Specific Guidance on
Special Needs Shelters

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Background: When a major disaster, such as a hurricane, threatens the population of Louisiana, certain medically dependent individuals may need to be evacuated from the affected area to Special Needs Shelters where professional care can continue to be provided. Typically, local or State government officials will order the evacuation of Special Needs (SN) people in advance of calling for mandatory evacuation of the general population. Each Parish has designated SN shelters and the State has designated regional SN shelters. This guidance document addresses the eligibility of costs associated with evacuation and sheltering of Special Needs people who reside in Louisiana.

Special Needs (SN) people are medically dependent individuals who have physical or mental conditions that limit their ability to function on their own and who cannot provide for or arrange their own transportation or sheltering outside a risk area. Generally, SN people reside in nursing homes or in other residential healthcare facilities, or are Home Health Patients who require home treatment or care. In some circumstances, SN people may, at the time of an evacuation, be hospital patients.

Guidance:

1. **Medical Treatment.** Medical treatment costs are **not** eligible for reimbursement under the FEMA Public Assistance Program. For the purposes of this guidance, "medical treatment" is treatment administered by licensed physicians and nurses, and is recoverable, directly or indirectly, from private insurance plans, public insurance plans such as Medicare and Medicaid, from other forms of Federal, State or local funding, or from sources such as

donations, fund-raising, and the like.

Costs eligible for FEMA reimbursement are only those costs that result from the evacuation, transportation, and housing of SN people and required staff at the shelter location, and the return/reentry of SN evacuees and staff, as further described in this guidance document.

2. Eligible Applicants.

(a) Only State and local governments, private nonprofit organizations, and Indian tribes or authorized tribal organizations that own or operate qualifying medical facilities under 44 CFR 206.221(a)(5) are eligible applicants.

(b) Sheltering-related housing costs incurred by the sheltering facility should be claimed through the applicant who evacuated its facility or who sponsored the evacuation of SN people.

3. **Eligible Facilities.** Only facilities designated or approved by the State or Parish government as eligible SN evacuation facilities and that are located in the disaster area are eligible for FEMA reimbursement of SN sheltering costs.

4. Eligibility of Straight-Time, Overtime and “Emergency Pay.”

(a) Straight Time Wages. 44 CFR 206.228(a)(4) makes the straight or regular time wages, salaries and benefits of an applicant’s permanently employed personnel performing emergency work **not eligible** for FEMA reimbursement.

(b) Overtime Wages of permanently employed personnel performing emergency work are eligible for FEMA reimbursement. For the purposes of determining the circumstances under which employees are eligible for overtime pay, FEMA may rely on an applicant’s written policies and union contracts as they apply to normal, non-disaster circumstances. In no event, however, will FEMA reimburse employee compensation paid for the first forty (40) hours of emergency work during a consecutive seven (7) pay period or for the first eight (8) hours worked on any single day that would normally be paid at the straight time rate. In addition, overtime wages are only eligible for reimbursement for employees actually engaged in performing work eligible under FEMA’s regulations and policies.

(i) FEMA will not reimburse overtime pay for exempt employees unless such employees are paid overtime pay during normal, non-disaster circumstances.

(c) Emergency Pay.

(i) When an applicant closes its facilities following a declaration of an emergency by the State or the local government but requires that essential personnel report to work and perform eligible emergency work during the facility closure pursuant to an existing written policy or union contract, FEMA will reimburse the Emergency Pay of non-exempt essential personnel to a limit of one and one-half (1 ½) times an employee’s regular hourly base pay for hours worked during the facility closure.

(ii) FEMA will reimburse Emergency Pay for exempt employees required to work during the facility closure at an hourly rate not in excess of one-times an exempt employee’s regular base salary calculated on an hourly basis, but only for exempt employees whose duties are not executive or professional in nature.

(iii) Pay that compensates personnel for time not actually worked, such as standby, on-call, or rest period pay, is not eligible for reimbursement. Pay in addition to normal hourly pay that compensates an employee for actual eligible work performed, such a shift differential pay, is eligible

for reimbursement.

5. Eligible Costs/Eligible Work

Only costs directly related to SN evacuations and sheltering are eligible for reimbursement. FEMA's regulations require that it reimburse only costs that it deems reasonable.

(a) Records Requirements.

(i) An applicant's reimbursement request must account for costs incurred in preparing, evacuating, and returning SN people and staff separately from costs incurred to house SN people and staff at the sheltering facility.

(ii) An applicant's reimbursement request must include the number of SN people evacuated and housed at the sheltering facility, the name and location of the sheltering facility, and the beginning and ending dates of the evacuation.

(iii) An applicant's reimbursement request for staff compensation must describe the duties performed by each staff member or by type of staff (custodial, security, etc.) being claimed. Claims for staff housing costs must be accompanied by third party invoices.

(b) Staff Compensation.

FEMA will only reimburse the overtime or Emergency Pay – but not both - of staff performing non-medical services and who are reasonably required for the following types of work -

- (i) Preparing to evacuate and assisting in the evacuation of SN people;
- (ii) Providing non-medical direct assistance to SN people, including "Adult Daily Living" assistance, in preparation, evacuation, and sheltering of SN evacuees;
- (iii) Preparing for and returning SN people to their evacuated location.

(c) Equipment and Supplies. Consumable and non-consumable supplies are eligible for FEMA reimbursement only to the extent they exceed normal day-to-day usage in non-disaster situations.

(d) Transportation Costs. Eligible costs include the costs of transporting SN people to the sheltering facility and returning them to their evacuated location, including the costs of private commercial carriers. The cost of ambulance services is eligible, but only after a licensed physician has certified that an evacuee's medical condition is likely to deteriorate if transported by less costly means. Applicants must require the ambulance service to apply for Medicare/Medicaid reimbursement for any situations that qualify for such assistance.

(e) Sheltering Costs. The reasonable and necessary costs incurred by the sheltering facility directly related to the eligible activities in sections 4 and 5 of this document may be eligible for reimbursement. Consumable and non-consumable supplies are eligible for FEMA reimbursement only to the extent they exceed normal day-to-day usage in non-disaster situations. Non medical staff compensation costs may be eligible but only for the additional hours worked due to the increased patient population resulting from the SN evacuees.

(f) Hospital Costs. In circumstances where a hospital is designated and used as a SN Shelter, FEMA will reimburse the eligible costs of sheltering the evacuees under the provisions and limitations

of this policy, which includes the prohibition against reimbursement of medical treatment costs. The sheltering costs discussed in this document are eligible only for evacuees who are not admitted as hospital patients.