



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



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PIN 20-08-ASC

TO: ALL ADULT AND SENIOR CARE PROGRAM LICENSEES

FROM: *Original signed by Pamela Dickfoss*
PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division

SUBJECT: **STATEWIDE WAIVERS FOR LICENSING REQUIREMENTS DUE TO
CORONAVIRUS DISEASE 2019 (COVID-19)**

Provider Information Notice (PIN) Summary

PIN 20-08-ASC provides guidance to Adult and Senior Care (ASC) licensees regarding the implementation of updated or additional statewide waivers for certain licensing statutes and regulations.

The situation surrounding the Coronavirus Disease 2019 (COVID-19) continues to rapidly change. This PIN provides updated or additional statewide waivers for certain licensing requirements applicable to ASC settings without the need for providers to make an individual request, and subject to the waiver terms and conditions set forth in this PIN.

The California Department of Social Services (CDSS) is taking major and unprecedented actions to protect the health, safety, and welfare of the people of California. CDSS is recommending ASC providers follow guidance in all [CDSS PINs](#) applicable to ASC providers, in addition to guidance or instructions from health care providers, the Federal [Centers for Disease Control and Prevention \(CDC\)](#), the [California Department of Public Health \(CDPH\)](#), and [local health departments](#).

STATEWIDE WAIVER OF LICENSING STANDARDS

Pursuant to the Governor's Proclamation as set forth in [PIN 20-04-CCLD](#) dated March 6, 2020, CDSS is announcing statewide waivers for certain licensing requirements, without the need for licensees, administrators, or administrator certification training vendors to make an individual request, and subject to the following Waiver Terms and Conditions set forth in this PIN. Licensees, administrators, or administrator certification training vendors using the waivers below *do not need prior approval* from CDSS. The waivers below update or are in addition to the waivers granted in [PIN 20-07-ASC](#), dated March 13, 2020.

Updated Visitation Waiver; Personal Right

Note: SUPERCEDES Waiver in [PIN 20-07-ASC](#)

Facilities shall limit entry only to individuals who need entry, as necessary for prevention, containment, and mitigation measures as specified in guidance by the [Centers for Disease Control and Prevention \(CDC\)](#), the [California Department of Public Health \(CDPH\)](#), and [local health departments](#). A facility may also limit a person in care's right to associate with other persons in care, as necessary for containment and mitigation only, not for prevention. In lieu of in-person visits and social gatherings, facilities shall make arrangements for alternate means of communication for visitors such as phone calls, video calls, and online communications. This waiver applies to a person in care's right to visitation and the personal right to associate with other persons in care under Health and Safety Code section 1512, 1569.269, 1569.313 and 1771.7; Title 22, California Code of Regulations, Division 6, sections 80072, 82072, 85072, 87468, 87468.1, 87468.2 and 87872.

Buildings and Grounds/Capacity Waiver

Note: SUPERCEDES Waiver in [PIN 20-07-ASC](#)

Facilities may waive buildings and grounds requirements related to capacity or bedroom sharing as necessary for prevention, containment, and mitigation measures, as long as the health and safety of persons in care is not compromised. This waiver may be implemented only as needed to isolate or quarantine a person in care who is exhibiting symptoms of a respiratory virus, or who has tested positive for COVID-19. Any isolation of a person in care shall be based on guidance provided by the CDC, CDPH and local health departments. This waiver applies to a facility's or home's obligations under Health and Safety Code sections 1568.02, 1569.269 and 1771.7; Title 22, California Code of Regulations, Division 6, section 87468.1(b).

Staffing Ratios Waiver

Facilities may waive personnel staffing ratios as necessary for prevention, containment, and mitigation measures as long as the licensee is able to meet the health and safety needs of each person in care. This waiver applies to a facility's obligations regarding staff ratios under Title 22, Cal. Code of Regulations, Division 6, sections 80065, 85065, 85065.5, 85065.6, 87865, 87865.1.

Criminal Record Background Clearance Waiver

Facilities may waive the following criminal record background check requirements to enable new staff to start caregiving immediately:

1. New staff at a licensed facility may start caring for persons in care immediately upon submission of a request to transfer a current CDSS criminal record clearance or exemption. This waiver applies to background check requirements under Health and Safety Code sections 1522, 1568.09, and 1569.17; and Title 22, Cal. Code of Regulations, Division 6, sections 80019, 87355, and 87819.
2. New staff at a licensed facility shall be permitted to start caring for persons in care upon submission of proof of a criminal record clearance from a state, or local government agency. Within 5 business days of starting work the new staff shall LiveScan to be associated to the adult or senior care facility. This waiver applies to background check requirements under Health and Safety Code sections 1522, 1568.09, and 1569.17; and Title 22, Cal. Code of Regulations, Division 6, sections 80019, 87355, and 87819.

Personnel Requirements

Facilities may waive the following personnel requirements to enable new staff to start caregiving immediately:

1. Staff training, experience and education requirements: New staff, not including a certified administrator or facility manager, may start caregiving as soon as they provide proof of completion of first aid training, which may be completed online, and are trained on universal, droplet, and any other precautions as mandated by CDC guidelines. New staff shall be trained on the specific tasks they will be performing prior to performing those tasks, shall not be left unsupervised while persons in care are present in the facility, and shall not be designated as a substitute for the administrator or facility manager. Initial training requirements shall be met within 30 days of starting employment and copies of all training shall be kept in the employee's file. This waiver applies to staff training, experience and education standards under Health and Safety Code sections 1562, 1569.625; Title 22, Cal. Code of Regulations, Division 6, sections 80065, 85065, 87411, and 87413.

2. Tuberculosis (TB) testing: New staff may start working immediately if they submit proof of a TB clearance, including a certificate of TB clearance or physician's report confirming a clearance, within the last year. This waiver applies to obligations regarding TB clearance under Title 22, Cal. Code of Regulations, Division 6, sections 80065, 85065, and 87411.
3. Staff Age Requirements: The age requirement for caregivers may be waived to allow minors age 17 to begin caregiving, as long as they provide proof of a current and valid work permit, meet standards required by the Department of Industrial Relations, and have met all other personnel requirements and waiver requirements. The permit and proof of compliance with other standards shall be kept in their staff file. Staff who are minors shall not be left unsupervised while persons in care are present in the facility and shall not be designated as a substitute for the administrator or facility manager. This waiver applies to standards under Health and Safety Code section 1569.618; Title 22, Cal. Code of Regulations, Division 6, sections 80065, 85065, 87411, 87413.

Waivers Applicable to Administrator Certification

Vendors (Department-Approved)

Current Department-Approved Vendors will be allowed to live-stream approved courses that would otherwise be held in-person. This includes Initial Certification Training Program (ICTP) and Continuing Education Training Program (CETP) courses offered. For purposes of this waiver, "live-stream" means material that participants can actively engage in and/or watch in real-time on the internet, including but not limited to, Skype, Go-to-Webinar, Zoom, Collaborate, Snagit, etc.

The following criteria must be met; not following the direction below may result in the vendor-issued course Certificate of Completion not being accepted and result in a negative impact to Administrators.

- Compliance with all applicable laws and regulations not waived in this PIN.
- Vendors must provide the Department's Administrator Certification Section (ACS) with their current quarterly schedule of ICTP and CETP course offerings by April 1, 2020, and indicate if the course is being held live, live-streaming, or both.
- Vendors must send ACS a notice of the date and time of each course, and a list of individuals registered and changes, as applicable.
- Vendors must send ACS the LICS 9142A Roster of Participants or replica and note on this document if the course was conducted via live streaming within seven (7) days of completing the course.
- Live-Stream courses must be conducted using the Department-approved course curriculum, outline, and instructor, and meet all required training hours initially approved.

- All live-stream options must be available for ACS monitoring.

Administrators - Initial Certification

For those seeking to obtain an Administrator Certificate for the first time, you may take a Department-approved ICTP from a Department-approved vendor. During the State of Emergency, the Department does not currently have the ability to electronically offer the Administrator Examination; thus, the ACS is suspending Administrator Certification Testing. Upon completion of an ICTP, you may apply for a Conditional Administrator Certificate (using current application requirements), which may be granted for a 90-day period. Once the State of Emergency has been lifted, you **must** take and pass the in-person Administrator Examination in order to receive a Non-Conditional (standard) Administrator Certificate.

If you have already completed an ICTP and need to take the Administrator Examination, you may apply for a Conditional Administrator Certificate (using current application requirements) or follow the existing process to request an extension. Extensions will be approved up to 90 days due to the current State of Emergency.

Administrators - Certificate Renewals

For individuals seeking Administrator Recertification, the ACS is waiving the requirement to take in-person continuing education hours. During the State of Emergency, the ACS is allowing continuing education to be taken via live-stream course provided by Department-approved vendors. All other renewal requirements will be enforced, which includes but is not limited to:

- All courses must be Department-approved courses provided by a Department-Approved Vendor. A list of Department-Approved Vendors can be found on the [Administrator Certification Section homepage](#).
- No more than 10 hours of training can be taken daily.
- All recertification requirements must be met prior to the Administrator Certificate expiration date to avoid a delinquency fee.
- Fees and timelines have not been altered or waived at this time.

This waiver applies to an applicant, administrator, or administrator certification training vendor's obligations under Title 22, Cal. Code of Regulations, Division 6, sections 85064.2, 85064.3, 85090, 85091, 85091.1, 87406, 87407, 87785, 87788, and 87789.

Terms and Conditions of All Waivers

Providers shall implement the waivers on an as-needed basis, in a reasonable manner, and in accordance with any guidance or instructions from CDSS, health care providers, CDC, CDPH, and local health departments.

Providers shall continue to comply with standards that have not been waived in this PIN's statewide waiver or pursuant to a different individual waiver or exception granted by CDSS. Any approved and pending waiver requests for any of the waiver provisions above shall continue to be in force but shall be replaced by this PIN. Facilities may continue to request individual waivers for standards not included in the statewide waiver in accordance with [PIN 20-04-CCLD](#).

Requirements for Ongoing Compliance with Waiver; Rescission or Modification

Continued use of this statewide waiver will be based on each facility's compliance with the following terms and conditions:

1. The licensee shall notify CDSS at their local [Adult and Senior Care Regional Office](#) when a facility implements a waiver pursuant to the statewide waivers set forth in this PIN, and shall post this waiver in a public location within the facility.
2. A licensee's revised policies that are impacted by the waiver shall be developed in compliance with the most recent CDC, CDSS, CDPH, and/or local health department COVID-19 guidance, be readily available for the public's review, and a copy shall be provided to the CDSS Regional Office. The policy must include a justification for the need of a waiver.
3. A licensee must inform the person in care and their responsible party of any revised policy impacted by the waiver.
4. The licensee shall comply with directives of a local health department officer.
5. The licensee shall not restrict CDSS, CDPH, local health department officials, and healthcare providers, Ombudsman, and essential government authority from entering or conducting investigations at the facility.

CDSS may rescind or modify a facility's authorization for use of a waiver based upon new federal, state or local directives or guidance, or if it determines a facility does not meet the terms and conditions of this statewide waiver, or an individual waiver, as applicable.

Effective Dates of Statewide Waiver

This statewide waiver will expire at the end of the Governor's emergency declaration or sooner as determined by the Department. This waiver may be extended depending on any future guidance from [Centers for Disease Control and Prevention \(CDC\)](#), the [California Department of Public Health \(CDPH\)](#), and [local health departments](#).

Additional Resources

- [Centers for Disease Control and Prevention](#)
- [California Department of Public Health](#)
- [Local County Health Departments](#)
- [California Department of Social Services](#)