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**GAVIN NEWSOM**  
GOVERNOR

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PIN 20-37-ASC

TO: ALL ADULT AND SENIOR CARE PROGRAM LICENSEES

FROM: ***Original signed by Pamela Dickfoss***  
PAMELA DICKFOSS  
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SUBJECT: **STATEWIDE WAIVERS FOR LICENSING REQUIREMENTS FOR  
ADULT AND SENIOR CARE FACILITIES DUE TO CORONAVIRUS  
DISEASE 2019 (COVID-19)**

**Provider Information Notice (PIN) Summary**

PIN 20-37-ASC informs Adult and Senior Care (ASC) licensees that specified statewide waivers for certain licensing statutes and regulations in [PIN 20-24-ASC](#), dated July 6, 2020, have been updated and extended and shall expire upon the termination of the Proclamation of the State of Emergency, unless otherwise specified by CDSS.

As the situation related to COVID-19 continues to evolve, the California Department of Social Services (CDSS) is taking unprecedented actions to protect the health, safety, and welfare of the people of California. This PIN rescinds the statewide waiver of staff age requirements, and extends the effective dates of the statewide waivers related to buildings and grounds/capacity, staffing ratios, staff training, tuberculosis (TB) testing, and medical assessments issued in [PIN 20-24-ASC](#), which expired on September 30, 2020. The statewide waiver related to visitation is addressed in PIN 20-38-ASC.

The waivers specified in this PIN may be implemented without the need for licensees to make an individual request, and subject to the waiver terms and conditions set forth in this PIN, without the need for licensees to make an individual request, and subject to the waiver terms and conditions set forth in this PIN.

CDSS recommends ASC licensees follow guidance in all applicable [CDSS PINs](#), in addition to guidance or instructions from health care providers, the [Centers for Disease Control and Prevention \(CDC\)](#), the [California Coronavirus \(COVID-19\) Response](#), the [California Department of Public Health \(CDPH\)](#), and [local health departments](#).

## **STATEWIDE WAIVERS OF LICENSING STANDARDS**

[PIN 20-04-CCLD](#) notified all community care licensees that Governor Newsom issued a Proclamation of a State of Emergency (“Proclamation”) on March 4, 2020 in response to a rising number of cases of COVID-19 in California. The Proclamation permits CDSS to waive: any provisions of the Health and Safety Code (HSC) or Welfare and Institutions Code (WIC); accompanying regulations; interim licensing standards; or other written policies or procedures with respect to the use, licensing, or approval of licensed facilities.

Pursuant to the Governor’s Proclamation, CDSS is waiving certain licensing requirements applicable to licensed facilities without the need for licensees to make an individual request as set forth below. Licensees using the waivers below *do not need prior approval* from CDSS. Use of these waivers is subject to the Waiver Terms and Conditions set forth in this PIN.

**Note:** Waiver requests for **Enhanced Behavioral Support Homes (EBSHs)**, **Adult Residential Facility for Persons with Special Health Care Needs (ARFPSHNs)**, and **Community Crisis Homes (CCHs)** related to trainings and staffing requirements will be evaluated by the Community Care Licensing Division (CCLD) on a case-by-case basis and are not included in the statewide waivers included in this PIN.

### **Buildings and Grounds/Capacity Waiver**

Buildings and grounds requirements related to capacity or bedroom sharing are waived 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. Based on advice from the local health department, CDC, or CDPH, a licensee shall isolate in their room a person in care who has tested positive. A person in care who has tested positive may be allowed to engage only in those activities that allow isolation from other persons in care who have not tested positive, been exposed or who are not exhibiting symptoms. A licensee shall not isolate a person in care who has tested positive in only the person’s room if the licensee can arrange for the person to engage in appropriate activities at the facility in isolation from other persons in care who have not tested positive, been exposed or who are not exhibiting symptoms, consistent with any guidance provided in applicable PINs issued by CDSS as well as by the CDC, CDPH, and local health departments. This waiver applies to a facility’s obligations under HSC sections 1568.02, 1569.269, and 1771.7; and CCR, Title 22, Division 6, section 87468.1(b).

### **Staffing Ratios Waiver**

Personnel staffing ratios are waived 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. The written notice to CDSS for use of this waiver shall include what the adjusted ratio is for each program and the facility's plan to meet the health and safety needs of persons in care. This waiver applies to a facility's obligations regarding staff ratios under CCR, Title 22, Division 6, sections 80065, 81065, 81065.5, 81065.6, 85065, 85065.5, 85065.6, 87865, and 87865.1.

**This waiver shall not apply to ratios if required for reimbursement of Medi-Cal, Medicaid, DMC State Plan or specialty mental health services.** See [Department of Health Care Services \(DHCS\) Mental Health Information Notices](#).

### **Personnel Requirements Waivers**

**Note: SUPERSEDES Personnel Requirements Waivers in [PIN 20-24-ASC](#).**

Personnel requirements are waived as specified below to enable new staff of licensees to start working immediately, if as a result of COVID-19 there is a staff shortage, and the following requirements are met.

#### *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 until fully trained 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 HSC sections 1562 and 1569.625 and CCR, Title 22, Division 6, sections 80065, 81065, 85065, 87411, 87413, and 87865.

#### *Tuberculosis (TB) Testing*

TB testing and clearance requirements are waived for new staff to enable them to work immediately. Although this requirement is waived, a licensee shall conduct a TB screening using the [TB Risk Assessment Questionnaire](#) prior to beginning employment. The licensee shall ensure the TB testing and clearance requirements for new staff are met as soon as possible but no later than five (5) days after beginning employment. This waiver applies to obligations regarding TB clearance under CCR, Title 22, Division 6, sections 80065, 81065, 85065, 87411, and 87865. Please see [PIN 19-22-ASC](#) as an additional resource.

### **Medical Assessments Waiver**

Medical assessment requirements are waived as specified below to enable a person's acceptance as a resident of: Adult Residential Facilities (ARF); Adult Day Program (ADP); EBSH; CCH; Social Rehabilitation Facilities (SRF); Residential Care Facilities for the Chronically Ill (RCFCI); Residential Care Facilities for the Elderly (RCFE); or ARFPSHNs immediately, *if as a result of COVID-19 there is difficulty obtaining documentation of a medical assessment as required* pursuant to the applicable section of CCR, Title 22, sections 80069, 81069, 82069, 87458, and 87894. Documentation of a medical assessment is required as soon as possible, but no later than 90 days after the declared state of emergency has ended. This waiver applies to standards under CCR, Title 22, sections 80069, 81069, 82069, 87458, and 87894.

#### *Information Required from Physician*

In lieu of a medical assessment, as required by the applicable section of CCR, Title 22, sections 80069, 81069, 82069, 87458, and 87894, a licensee shall obtain the documentation specified below, completed by a physician or physician's designee who is a medical professional acting within their respective scope of practice for licensees of ARFs, ADPs, CCHs, EBSHs, ARFPSHNs, SRFs, RCFCIs, or RCFEs.

- a) Documentation of prior medical services and history, current medical status including, but not limited to height, weight, and blood pressure, and list of diagnosis, allergies, and/or dietary restrictions, if any.
- b) A record of current prescribed medications, over-the-counter medications, and supplements, and an indication of whether the medication should be centrally stored.
- c) Determination whether the person is cognitively capable of self-managing their medications.
- d) Results of screening for contagious/infectious or contagious diseases or other medical conditions which would preclude care of the person by the facility.
- e) A tuberculosis (TB) clearance, made within the last year, or licensee shall conduct a TB screening using the [TB Risk Assessment Questionnaire](#) prior to accepting a resident.
- f) **Note:** If the licensee conducts a TB screening using the TB Risk Assessment Questionnaire, the licensee shall ensure that the TB testing and clearance requirements for new residents are met as soon as possible.
- g) A COVID-19 clearance, if applicable.  
**Note:** Pending status of COVID-19 test results does not need to be reported.

#### *Information Reported by Resident and/or the Resident's Representative*

In addition to information completed by a physician or physician's designee as specified above, the following documentation is required as part of the medical assessment pursuant to the applicable section of CCR, Title 22, sections 80069(a), 81069(a), 82069(a), 87458(a), and 87894(a) and may be completed by the resident or the RCFE

resident's representative, or adult facility resident's authorized representative, if any, without signature from a physician/designee:

- a) Ambulatory status/Bedridden status, including:
  - Mobility aids (e.g. cane, walker, wheelchair)
- b) Information applicable to the pre-admission appraisal, including:
  - Functional capabilities
  - Mental condition
  - Social factors
- c) Cognitive status (i.e. mild cognitive impairment, dementia)
- d) For RCFEs, requests regarding resuscitative measures (e.g., POLST, DNR, Advanced Directives)

## **TERMS AND CONDITIONS FOR WAIVERS**

Licensees may implement the waivers described in this PIN only on an as-needed basis, in a reasonable manner; protecting the confidentiality of a person's medical diagnosis, treatment, and health care information; and in accordance with any guidance or instructions from CDSS, health care providers, CDC, CDPH, and local health departments.

Licensees shall continue to comply with standards that have not been waived in this PIN's statewide waivers 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. Licensees 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 a statewide waiver will be based on each facility's compliance with the following terms and conditions:

- 1) The licensee shall notify CDSS as soon as possible in writing to their local [Adult and Senior Care Regional Office](#) when a waiver is implemented pursuant to the statewide waivers set forth in this PIN, and facilities shall post this waiver in a public location.
- 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. In the event the most current guidance or instructions from CDC, CDPH, CDSS, or the local health department are contradictory, ASC licensees should follow the strictest requirements.
- 5) The licensee shall not restrict CDSS, the Department of Developmental Services, CDPH, local health department officials, and healthcare providers, Regional Center staff, Ombudsman, and essential government authorities from entering or conducting investigations at the facility. Facilities should accommodate the use of video conferencing, teleconferencing, or other technology to support oversight that is conducted remotely.

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 Waivers**

The statewide waivers in this PIN shall expire upon the termination of the Proclamation of the State of Emergency, unless otherwise specified by CDSS. Once the waivers expire or are rescinded by CDSS, all licensing requirements shall be reinstated.

### **ADDITIONAL RESOURCES**

The following resources are available online:

#### **Federal Resources**

- Centers for Disease Control and Prevention (CDC)
  - [How COVID-19 Spreads](#)
  - [Considerations for Preventing Spread of COVID-19 in Assisted Living Facilities](#)
  - [Key Strategies to Prepare for COVID-19 in Long-Term Care Facilities](#)
  - [Toolkit for Retirement Communities](#)
  - [Considerations for Retirement Communities and Independent Living Facilities](#)
  - [Living in or Visiting Retirement Communities or Independent Living facilities](#)
- World Health Organization (WHO)
  - [Coronavirus disease \(COVID-19\) pandemic](#)

#### **State Resources**

- California Department of Social Services (CDSS)
  - [Community Care Licensing Division homepage](#) (includes all COVID-19 related materials (PINs and other resources))

- California Department of Public Health (CDPH)
  - [All COVID-19 Guidance](#)
  - [Detection and Management of COVID-19 Cases in Congregate Living Facilities](#)

**Local Health Resources**

- [Local County Health Departments](#)
- [Medical Health Operational Area Coordinator \(MHOAC\) Contact List](#)

If you have any questions about this PIN, please contact your local [Adult and Senior Care Regional Office](#).