



State of California—Health and Human  
Services Agency  
**California Department of  
Public Health**



January 19, 2023

AFL 23-11

**TO:** All Facilities

**SUBJECT:** Availability of Waivers to Continue Operations During the Series of Atmospheric River Systems

**AUTHORITY:** Executive Order N-1-23 (PDF)

### **All Facilities Letter (AFL) Summary**

This AFL notifies all facilities and agencies of the ability to request a temporary waiver of statutory and regulatory requirements for facilities and agencies impacted by these series of atmospheric river systems to allow them to continue to provide care.

## **Background**

Pursuant to the Governor's Executive Order N-1-23 (PDF) related to the series of atmospheric river systems, the Director of the California Department of Public Health (CDPH) may waive any of the licensing requirements of chapters 1, 2, 8, and 8.5 of division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital, clinic, other health facility, home health agency, or hospice agency identified in Health and Safety Code sections 1200, 1250, 1727, or 1746 that is impacted by these series of atmospheric river systems.

Facilities and agencies that need flexibility in complying with statutory and regulatory requirements to alter their operations and remain open and providing services while protecting public health and safety may request a waiver. Please note, CDPH will not consider any requests for staffing ratios. Requests for waivers can be submitted using the Risk and Safety Solutions (RSS) website:

1. Submit all requests through CDPH Flex Waiver Webpage.
2. For first time waiver applicants, providers will receive an invitation from CDPH to create a password, the provider's username is their email address. The provider may log in at Flex Waiver Webpage (only using Google Chrome, Mozilla Firefox or Microsoft Edge). Detailed instructions for registering and submitting an application will be available.
3. After successfully submitting an online application, the system sends a confirmation e-mail with an identification number (tracking ID number) to the provider's designated point of contact listed on the application. All correspondence regarding the application will be sent to the point of contact. CDPH must receive all required documentation to process the application.

All requests must include:

- Each regulation for which the facility requests flexibility
- An explanation of the alternative concepts, methods, procedures, techniques, equipment, personnel qualifications, bulk purchasing of pharmaceuticals, or pilot projects the facility proposes to use
- Supporting evidence demonstrating how the facility's alternative concepts, methods, procedures, techniques, equipment, personnel qualifications, bulk purchasing of pharmaceuticals, or pilot projects meet the intent of the regulation

If you have an urgent request that requires a response within 24 hours, select the option indicating the request is an emergency. For all other requests indicate non-emergency.

Any waivers granted pursuant to this Executive Order shall only be in effect so long as necessary to address the direct impacts of the series of atmospheric river systems. CDPH only has the ability to waive state licensing requirements pursuant to this Executive Order, facilities and agencies are still required to comply with federal certification requirements.

If you have any questions about this AFL, please contact your local district office.

Sincerely,

**Original signed by Cassie Dunham**

Cassie Dunham

Deputy Director

Resources:

- [Executive Order N-1-23 \(PDF\)](#)

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Page Last Updated : January 19, 2023