



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



February 7, 2023

AFL 23-13

TO: All Facilities

SUBJECT: Notice of Expiration of Temporary Waivers Related to the Coronavirus Disease 2019 (COVID-19) Pandemic

All Facilities Letter (AFL) Summary

- In accordance with the end of the declared COVID-19 state of emergency, this AFL reminds facilities that the temporary waivers specified in this AFL will expire February 28, 2023:
 - AFL 20-26.13
 - AFL 20-30.9
 - AFL 20-35.8
 - AFL 20-40.5
 - AFL 20-49.6
 - AFL 20-57.5
 - AFL 21-36.3
- All facilities must be in compliance with the statutory and regulatory requirements by March 1, 2023.

On October 17, 2022, Governor Gavin Newsom announced that the COVID-19 state of emergency will end on February 28, 2023. This AFL reminds facilities that pursuant to the end of the declared COVID-19 emergency, the following AFLs will rescind on February 28, 2023:

- AFL 20-26.13, Suspension of Regulatory Enforcement of Hospital Requirements
- AFL 20-30.9, Suspension of Regulatory Enforcement of Specified PCC and MHCU Requirements
- AFL 20-35.8, Suspension of Professional Certification Requirements for Certified Nurse Assistants
- AFL 20-40.5, Suspension of Specified Regulatory Requirements for Nurse Assistant Training Programs (NATPs)
- AFL 20-49.6, Suspension of Professional Certification Requirements for Home Health Aides (HHAs)
- AFL 20-57.5, Suspension of Professional Certification Requirements for Home Health Aide Training Programs (HHA Training Programs)
- AFL 21-36.3, Suspension of Regulatory Enforcement of Specified Skilled Nursing Facility Requirements

Facilities must be in compliance with the statutory and regulatory requirements by March 1, 2023.

Program Flexibility

Facilities who have a continued need for flexibility beyond the end of the declared COVID-19 emergency may submit a program flexibility request. The California Department of Public Health has the authority to grant program flexibility from regulatory requirements if the facility requesting the program flexibility demonstrates its ability to meet statutory requirements. Requests for program flexibility must include justification for the program flexibility request and adequate supporting documentation that the proposed alternative does not compromise patient care.

If you will require a program flex beyond February 28, 2023, please submit your request as soon as possible so that CDPH will have time to evaluate the request prior to the end of the COVID-19 emergency. Please note, the California Department of Public Health will not consider any flexibility requests for staffing ratios.

Facilities interested in submitting a program flexibility request may submit their requests to the Centralized Program Flex Unit through the CDPH Flex Waiver Webpage.

If you have any questions regarding program flexibility, contact the Centralized Program Flex Unit by email at centralizedprogramflex@cdph.ca.gov.

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

Sincerely,

Original signed by Cassie Dunham

Cassie Dunham

Deputy Director

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