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GOVERNOR

February 2, 2022

PIN 22-05-ASC
Supersedes PIN 21-53-ASC

TO: ALL ADULT AND SENIOR CARE PROGRAM LICENSEES

FROM: *Original signed by Kevin Gaines*
KEVIN GAINES
Deputy Director
Community Care Licensing Division

SUBJECT: **ADULT AND SENIOR CARE FACILITY WORKER CORONAVIRUS
DISEASE 2019 (COVID-19) VACCINATION AND BOOSTER
REQUIREMENTS**

Provider Information Notice (PIN) Summary

PIN 22-05-ASC notifies all Adult and Senior Care (ASC) licensees of updated COVID-19 vaccination and booster requirements for all workers of ASC facilities, pursuant to the State Public Health Officer Order of December 22, 2021 which was updated on January 25, 2022.

Important! The deadline for workers to acquire their booster dose has been extended from February 1, 2022, to March 1, 2022.

Underlined text in this PIN indicates where updates have been made.

Please post/keep this PIN in the facility where persons in care can easily access it and distribute the PIN Summary for Persons in Care (located at the end of this PIN) to persons in care and, if applicable, their representatives.

The COVID-19 pandemic remains a significant challenge in California. Since Thanksgiving, the statewide seven-day average case rate has increased by 34% and hospitalizations have increased by 17%. Given the current hospital census, even a

moderate surge in cases and hospitalizations could materially impact California's health care delivery system within certain regions of the state.

COVID-19 vaccines are effective in reducing infection and serious impacts including hospitalization and death. Although COVID-19 vaccination remains effective in preventing severe disease, recent data suggests that vaccination becomes less effective over time, especially in people aged 65 years and older, and at preventing infection or milder illness with symptoms. Early data also suggests increased transmissibility of the Omicron variant and the ability of the variant to evade immunity conferred by past infection or vaccination (i.e., immune evasion). Recent evidence also shows that among workers in ASC facilities, vaccine effectiveness against COVID-19 infection is also decreasing over time without boosters. The recent emergence of the Omicron variant further emphasizes the importance of vaccination, boosters, and prevention efforts, including testing and masking, needed to continue protecting against COVID-19.

PUBLIC HEALTH OFFICER ORDERS

In an ongoing effort to ensure safety of persons in care, and to minimize the spread of COVID-19 among vulnerable individuals, the [State Public Health Officer Order of September 28, 2021](#) was issued pursuant to the authority in Health and Safety Code sections 120125, 120140, 120175, 120195 and 131080, which requires all workers who provide services or work in ASC facilities, to have their first dose of a one-dose regimen or their second dose of a two-dose regimen by **November 30, 2021**.

Important! The [State Public Health Officer Order of December 22, 2021](#) (updated [January 25, 2022](#)) supersedes the September 28, 2021 Adult Care Facilities and Direct Care Worker Vaccine Requirement and requires that workers currently eligible for boosters, who provide services or work in indoor settings as specified, be fully vaccinated and receive a booster dose for COVID-19 by no later than [March 1, 2022](#). Workers not yet eligible for boosters must be in compliance no later than 15 days after the recommended timeframe specified in the table below for receiving the booster dose.

With a significant proportion of Californians throughout the state not yet fully vaccinated and with the Omicron variant proving to be particularly contagious, it remains important that people, especially in high-risk congregate care settings, wear a mask correctly to protect themselves and others. As a reminder, vaccination is in addition to this and other key measures such as mask wearing, testing, improved ventilation, physical distancing, and respiratory and hand hygiene.

Licensees should continue to follow guidance in all applicable California Department of Social Services (CDSS) [PINs](#) in addition to guidance or instructions from:

- Health care providers;
- [Centers for Disease Control and Prevention \(CDC\)](#);

- [California Department of Public Health \(CDPH\)](#);
- [California Department of Developmental Services \(CDDS\)](#)
- [California Department of Industrial Relations \(DIR/ Cal/OSHA\)](#); and
- [Local health departments](#).

*If there are differing requirements between the most current CDC, CDPH, CDSS, CDDS, Cal/OSHA, and local health department guidance or health orders, **licensees should follow the strictest requirements**. However, there may be times where a licensee will need to contact their Regional Office for assistance in reconciling these differences, especially if the strictest requirements appear to be in conflict with the best interest of persons in care.*

Vaccination Requirement for All Workers of ASC Facilities

Pursuant to the State Public Health Officer Order of December 22, 2021, all workers who provide services or work in ASC facilities licensed by CDSS and are not otherwise exempt are required to have the first dose of a one-dose regimen or the second dose of a two-dose regimen by **November 30, 2021**.

Two-dose vaccines include Pfizer-BioNTech or Moderna or vaccines authorized by the World Health Organization (WHO). The one-dose vaccine is Johnson and Johnson [J&J]/Janssen. All COVID-19 vaccines that are currently authorized for emergency use or FDA-approved can be found at the following links:

- [Vaccines by the U.S. Food and Drug Administration \(FDA\)](#)
- [Vaccines by the World Health Organization \(WHO\)](#)

"Worker" refers to all paid and unpaid individuals who work in indoor settings where (1) care is provided to individuals, or (2) persons in care have access for any purpose. This includes workers serving in residential care or other direct care settings who have the potential for direct or indirect exposure to persons in care or COVID-19 airborne aerosols. Workers include, but are not limited to, direct supportive services staff, hospice providers, nurses, nursing assistants, physicians, technicians, therapists, waiver personal care services (WPCS) providers, in-home supportive services (IHSS) providers, registered home care aides, certified home health aides, students and trainees, contractual staff not employed by the residential facility, and persons not directly involved in providing care or services, but who could be exposed to infectious agents that can be transmitted in the care setting (e.g., clerical, clergy, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, cosmetology, personal training and volunteer personnel).

NEW REQUIREMENT: Booster Requirement for All Workers of ASC Facilities

Pursuant to the State Public Health Officer Order of December 22, 2021 (updated on January 25, 2022), all workers who provide services or work in indoor settings of ASC facilities licensed by CDSS where (1) care is provided to individuals, or (2) persons in

care have access for any purpose, and are not otherwise exempt, are required to receive the recommended dose or doses of the primary series of vaccines and a vaccine booster dose by no later than March 1, 2022 pursuant to the table below.

California Immunization Requirements for Covered Workers

| COVID-19 Vaccine | Primary vaccination series | When to get the vaccine booster dose | Which vaccine booster dose to receive |
|--|----------------------------|---|--|
| Moderna or Pfizer-BioNTech | 1st and 2nd doses | Booster dose 6 months after 2nd dose | Any of the COVID-19 vaccines authorized in the United States may be used for the booster dose, but either Moderna or Pfizer-BioNTech are preferred. |
| Johnson and Johnson [J&J]/Janssen | 1st dose | Booster dose 2 months after 1st dose | Any of the COVID-19 vaccines authorized in the United States may be used for the booster dose, but either Moderna or Pfizer-BioNTech are preferred. |
| World Health Organization (WHO) emergency use listing COVID-19 vaccine | All recommended doses | Booster dose 6 months after getting all recommended doses | Single booster dose of Pfizer-BioNTech COVID-19 vaccine |
| A mix and match series composed of any combination of FDA-approved, FDA-authorized, or WHO-EUL COVID-19 vaccines | All recommended doses | Booster dose 6 months after getting all recommended doses | Single booster dose of Pfizer-BioNTech COVID-19 vaccine |

Workers not yet eligible for boosters must be in compliance no later than 15 days after the recommended timeframe above for receiving the booster dose.

Important! Workers who have not met the booster timeframe requirements will need to comply with weekly COVID-19 testing requirements. They must test for COVID-19 with either a Polymerase Chain Reaction (PCR) or an antigen test that either has Emergency Use Authorization by the U.S. Food and Drug Administration or be

operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services.

EXEMPTIONS TO VACCINATION AND BOOSTER REQUIREMENT

Workers may be exempt from the vaccination requirements only upon providing the licensee a declination form, dated and signed by the individual stating either of the following:

- (1) The worker is declining vaccination based on Religious Beliefs, or
- (2) The worker is excused from receiving any COVID-19 vaccine due to Qualifying Medical Reasons.

To be eligible for a Qualified Medical Reasons exemption, the worker must also provide to their employer a written statement dated and signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician stating that the individual qualifies for the exemption (but the statement should not describe the underlying medical condition or disability) and indicating the probable duration of the worker's inability to receive the vaccine (or if the duration is unknown or permanent, so indicate).

If a worker is considered to have met the requirements of an exemption pursuant to this section or a booster-eligible worker has not yet received their booster dose as specified in the section titled *Booster Requirement for All Workers of ASC Facilities* above, the worker must meet the following requirements when entering or working in such facility:

- Test for COVID-19 with either a PCR or antigen test that either has Emergency Use Authorization by the U.S. Food and Drug Administration or be operating per the Clinical Laboratory Improvement Amendments of 1988 (CLIA) waiver allowing for antigen testing by facilities participating in the CDPH Antigen Testing Pilot. Testing must occur once weekly for such workers.
Important! Licensees must begin testing all booster-eligible workers who have not yet received their booster by December 27, 2021.
 - Consistent with testing guidance for residential care workers in [PIN 21-32.1-ASC](#) and Adult Day Program workers in [PIN 21-33-ASC](#), diagnostic screening testing must occur at least once weekly for unvaccinated exempt workers and booster-eligible workers, and they must participate in response testing, if warranted.
 - Unvaccinated or incompletely vaccinated workers and booster-eligible workers must observe all other infection control requirements, including masking, and are not exempted from the testing requirement even if they have a medical contraindication to vaccination or they are fully vaccinated but have not yet received a booster dose, since they are still potentially able to spread the illness.
- Wear a surgical mask or higher-level respirator approved by the National Institute of Occupational Safety and Health (NIOSH), such as an N95 filtering

facepiece respirator, at all times while in the facility.

RECORDKEEPING OF WORKER VACCINATION AND EXEMPTION STATUS

Consistent with applicable privacy laws and regulations, the licensee must maintain records of workers' vaccination or exemption status. Licensees must have a plan in place for tracking verified facility staff vaccination status. If workers are exempt as specified in the *Exemptions to Vaccination Requirement* section above or have not yet received their booster dose, licensees also must maintain records of the workers' COVID-19 testing results. Licensees must provide such records to the local or state Public Health Officer, the California Department of Social Services, or their designee promptly upon request, and in any event no later than the next business day after receiving the request.

Facility staff who are not fully vaccinated and boosted, or for whom vaccine status is unknown or documentation is not provided, must be considered unvaccinated.

For more information regarding recordkeeping see PINs 21-32.1-ASC for residential facilities and 21-33-ASC for Adult Day Programs.

Vaccinated Workers

Pursuant to the [CDPH Guidance for Vaccine Records Guidelines & Standards](#), licensees must maintain records with the following information:

- (1) Full name and date of birth
- (2) Vaccine manufacturer; and
- (3) Date of vaccine administration (for first dose and, if applicable, second dose and booster dose).

Important! [Options for Providing Proof of COVID-19 Vaccination:](#)

- COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers for Disease Control & Prevention or WHO Yellow Card); OR
- A photo of a vaccination card as a separate document; OR
- A photo of the client's vaccine card stored on a phone or electronic device; OR
- Documentation of vaccination from a healthcare provider; OR
- [Digital record](#) that includes a QR code that when scanned by a SMART Health Card reader displays to the reader client name, date of birth, vaccine dates and vaccine type.

Exempt Workers

If the worker is an unvaccinated exempt worker as described in the *Exemptions to Vaccination Requirement* section above, the licensee then also must maintain records

of the workers' testing results. Licensees must also maintain signed declination forms of unvaccinated workers with a written health care provider's statement where applicable, as described in *Exemptions to Vaccination Requirement* section above.

Nothing in the State Public Health Officer Order limits other applicable requirements related to Personal Protective Equipment, training, and infection control policies and practices.

Licensees are encouraged to provide easy access to nearby vaccinations, use of work time to get vaccinated, and education and outreach on vaccinations.

For more information about this State Public Health Order please visit the [CDPH Public Health Order Questions and Answers webpage](#).

ADDITIONAL RESOURCES

The following resources are available online:

- Centers for Disease Control and Prevention (CDC)
 - [Coronavirus Disease 2019](#)
- California Department of Social Services (CDSS)
 - [Community Care Licensing Division homepage](#) (includes all COVID-19 related materials (Provider Information Notices (PINs) and other resources)
- California Department of Public Health (CDPH)
 - [All COVID-19 Guidance](#)
 - [Find a Testing Location](#)
- [Local health departments](#)

If you have any questions, please contact your local [ASC Regional Office](#).

PIN Summary for Persons in Care

A Companion Guide for Provider Information Notice (PIN) 22-05-ASC, Adult and Senior Care Facility Worker Coronavirus Disease 2019 (COVID-19) Vaccination and Booster Requirements

The California Department of Social Services (CDSS) has prepared this **PIN Summary for Persons in Care** as a companion to **PIN 22-05-ASC** to inform you of guidance we have provided to your care providers concerning your care.

PIN 22-05-ASC notifies the licensee of your facility of the COVID-19 vaccination requirement for all workers of Adult and Senior Care (ASC) facilities licensed by CDSS, pursuant to the [State Public Health Officer Order of December 22, 2021](#) (updated January 25, 2022). The December 22, 2021 State Public Health Officer Order supersedes the vaccination requirements outlined in the [State Public Health Officer Order of September 28, 2021](#). This PIN also provides guidance related to exemptions from the vaccination requirement and recordkeeping requirements of worker vaccination status and exemption status.

According to the California Department of Public Health (CDPH) and the State Public Health Officer, since Thanksgiving, the statewide case rate has increased, and hospitalizations have increased. Despite the availability of safe and highly effective COVID-19 vaccination, a significant proportion of Californians throughout the state are not yet fully vaccinated and with the Omicron variant proving to be particularly contagious many individuals are at high risk of contracting COVID-19 and exposing persons in care and staff of ASC facilities to the virus.

VACCINATION AND BOOSTER REQUIREMENTS FOR ALL WORKERS OF ASC FACILITIES

In an ongoing effort to ensure safety of persons in care, and to minimize the spread of COVID-19 among vulnerable individuals, a State Public Health Officer Order was issued on September 28, 2021. The State Public Health Officer Order requires all workers who provide services or work in indoor settings of ASC facilities where (1) care is provided to individuals, or (2) persons in care have access for any purpose, have their first dose of a one-dose vaccine or their second dose of a two-dose vaccine by **November 30, 2021**.

A new State Public Health Officer Order was issued on December 22, 2021 (updated on January 25, 2022), which requires all workers receive a booster dose for COVID-19 by no later than **March 1, 2022**, if eligible. Workers not yet eligible for boosters must be in compliance no later than 15 days after the recommended timeframe below for receiving the booster dose.

California Immunization Requirements for Covered Workers

| COVID-19 Vaccine | Primary vaccination series | When to get the vaccine booster dose | Which vaccine booster dose to receive |
|--|-----------------------------------|---|--|
| Moderna or Pfizer-BioNTech | 1st and 2nd doses | Booster dose 6 months after 2nd dose | Any of the COVID-19 vaccines authorized in the United States may be used for the booster dose, but either Moderna or Pfizer-BioNTech are preferred. |
| Johnson and Johnson [J&J]/Janssen | 1st dose | Booster dose 2 months after 1st dose | Any of the COVID-19 vaccines authorized in the United States may be used for the booster dose, but either Moderna or Pfizer-BioNTech are preferred. |
| World Health Organization (WHO) emergency use listing COVID-19 vaccine | All recommended doses | Booster dose 6 months after getting all recommended doses | Single booster dose of Pfizer-BioNTech COVID-19 vaccine |
| A mix and match series composed of any combination of FDA-approved, FDA-authorized, or WHO-EUL COVID-19 vaccines | All recommended doses | Booster dose 6 months after getting all recommended doses | Single booster dose of Pfizer-BioNTech COVID-19 vaccine |

EXEMPTIONS TO VACCINATION REQUIREMENT

Workers may be exempt from the vaccination requirements only if they provide a signed and dated form to the licensee of your facility stating either of the following:

- (1) The worker is declining vaccination based on Religious Beliefs, or
- (2) The worker is excused from receiving any COVID-19 vaccine due to Qualifying Medical Reasons.

Unvaccinated exempt workers and workers who are fully vaccinated but have not yet received a booster must test for COVID-19 once weekly in order to enter or work in the facility. These workers must also wear a surgical mask or higher-level respirator

at all times while in the facility.

Your care providers, the licensee of your facility, and your local Long-Term Care [Ombudsman](https://www.ombudsman.org/) (call 1-800-510-2020) are available to answer your questions.