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GAVIN NEWSOM  
GOVERNOR

February 7, 2022

PIN 22-07-ASC  
(Supersedes PIN 22-04-ASC  
and PIN 21-40-ASC)

TO: ALL ADULT AND SENIOR CARE PROGRAM RESIDENTIAL  
LICENSEES

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

SUBJECT: **UPDATED STATEWIDE VISITATION WAIVER, AND TESTING AND  
VACCINATION VERIFICATION GUIDANCE FOR VISITORS RELATED  
TO CORONAVIRUS DISEASE 2019 (COVID-19)**

**Provider Information Notice (PIN) Summary**

PIN 22-07-ASC supersedes PIN 22-04-ASC, dated January 18, 2022 and PIN 21-40-ASC, dated August 27, 2021, related to the Visitation Waiver. PIN 22-07-ASC informs Adult and Senior Care (ASC) residential licensees the State Public Health Officer Order of December 31, 2021 is being amended at this time to reflect indoor visitation requirements that were in place, prior to December 31, 2021, with the elimination of the six feet distancing requirement, in all covered settings. This amended Order is effective February 8, 2022.

***Please post/keep this PIN in the facility where all persons in care and facility staff as well as families and representatives of persons in care in the facility can easily access it and distribute the PIN to persons in care and, if applicable, their representatives.***

***NEW! All COVID-19 ASC PINs are organized by topic on a new page that can be accessed from the [COVID-19 Landing Page](#), under the ASC Program PIN banner. This page is titled [ASC COVID-19 PINs Organized by Topic](#). PINs are also***

**organized by number and available directly under both the ASC Program PIN banner and the [ASC PINs](#) page.**

As transmissible variants of the COVID-19 virus continue to circulate in California, the vast majority of COVID-19 cases are occurring in unvaccinated individuals. Despite the availability of safe and highly effective COVID-19 vaccination, many individuals remain unvaccinated and are at high risk of acquiring COVID-19 and exposing vulnerable populations in long-term settings. The emergence of the Omicron variant further emphasized the importance of vaccinations, boosters, and prevention efforts, including testing and masking, needed to continue protecting against COVID-19, and statewide facility-directed measures to ensure we protect the particularly vulnerable populations in long-term care settings.

The increased requirements for indoor visitation in long term care settings protected our most vulnerable populations during the critical Omicron surge throughout this winter season. These collective efforts of Californians to get vaccinated, boosted and wear masks are reflected in the declining COVID-19 cases and hospitalizations across the state.

The increased requirements for indoor visitation were imposed on a temporary basis in response to the Omicron surge. Accordingly, the State Public Health Officer Order of December 31, 2021 is being amended at this time to reflect indoor visitation requirements that were in place, prior to December 31, 2021, in all covered settings to reflect that the increased requirements will expire on February 7, 2022, as planned. This amended Order is effective February 8, 2022.

- [State Public Health Officer Order](#)

**Note:** This PIN updates [PIN 21-17.2-ASC](#)'s and [PIN 21-49-ASC](#)'s guidance in regard to communal dining. All other guidance in regard to group activities and non-essential services and residents returning from outings; new admissions; and entertainment, remains in effect.

Licensees should continue to follow guidance in all applicable 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 residents.

## **STATEWIDE WAIVER OF LICENSING STANDARDS FOR VISITATION**

In response to a surge in COVID-19 cases in California, on November 10, 2021, Governor Newsom issued [Executive Order N-21-21](#), which extends CDSS' waiver authority issued pursuant to the [Governor's March 4, 2020, Proclamation of a State of Emergency \("Proclamation"\)](#), and permits facilities operating under existing CDSS COVID-19 waivers to continue operating pursuant to such waivers through the expiration date set forth by CDSS, or March 31, 2022, whichever occurs first. Pursuant to the Governor's Proclamation and consistent with the State Public Health Officer Order of February 7, 2022, CDSS is waiving certain licensing requirements applicable to visitation in ASC licensed facilities, subject to the terms and conditions set forth in this PIN.

### **Visitation Waiver**

Resident's rights to visitation are waived and indoor visitation shall be permitted only in accordance with this waiver. Visitation shall also be limited or modified as described below. Visitation limitations and modifications shall apply to all visitors, including, support persons, unless otherwise specified.

During the time when regular visitation is limited, facilities shall make arrangements for alternative visitation (see *Virtual Visitation and Outdoor Visitation* sections below). Visits and communications as described in this waiver shall allow for private and/or confidential communications.

This waiver applies to the right of a person to visitation and the personal right to associate with other persons in care under Health and Safety Code (HSC) sections 1512, 1569.269, 1569.313, and 1771.7; California Code of Regulations (CCR), Title 22, Division 6, sections 80072, 81072, 85072, 87468, 87468.1, 87468.2, and 87872.

### **General Visitation Requirements for Licensees**

For any visitor entering the facility, regardless of their vaccination status, licensees must:

- Designate a facility staff member to conduct initial screening for [COVID-19 symptoms](#) of all individuals entering facility.
- Require the visitor be screened for fever and COVID-19 symptoms, wear a well-fitting face mask with good filtration (N95, KF94, KN95, or surgical masks are preferred over cloth face coverings) at all times during any visitation at the facility; see [PIN 21-38-ASC](#)), wear any other personal protective equipment

(PPE) while in the resident's room that facility staff deem appropriate to the situation, and wash hands or use an alcohol-based hand sanitizer upon entering the facility. Ask visitors if they had COVID-19 symptoms within the last 24 hours and whether anyone in the individual's home has COVID-19 symptoms or tested positive.

- Exclude any visitors showing COVID-19 symptoms. Discard items that cannot be disinfected or have the symptomatic individual take their items with them.

### **Physical Touch**

- Visitors and residents may have close contact (including touch, hugs, assisting with activities of daily living, etc.) while both the visitor and the resident perform hand hygiene before and after contact and are wearing a well fitted face mask with good filtration.

### **Indoor and In-Room Visitation, including Communal Dining**

- Licensees shall allow indoor visitation, including communal dining and in-room visitation, at all times and for all residents regardless of vaccination status **of the resident**, if (1) the visitor is fully vaccinated **or** provide evidence of a negative COVID-19 test within one day of visitation for antigen tests, and within two days of visitation for Polymerase Chain Reaction (PCR) tests; OR (2) permit only outdoor visitation for those that do not meet all the aforementioned recommendations in this section. Unvaccinated or incompletely vaccinated visitors with history of COVID-19 within the prior 90 days may provide documentation of recovery from COVID-19 in lieu of testing.
- **Note:** For visitors who visit for multiple consecutive days in ASC residential facilities, proof of negative test is only required every third day (meaning testing is only required on day one, day 4, and day 7, and so on).
- Visitors of residents under quarantine should be provided PPE (i.e., gloves, gown, eye protection and N95 respirator) and instructed in an N95 respirator seal check.
- For residents in isolation, the licensee should provide and require the visitor wear PPE recommended for facility staff as specified in [PIN 21-12-ASC](#). A visitor of a resident under isolation does not need N95 respirator fit testing but should be instructed on [how to perform a seal check](#).

**Important!** People are considered fully vaccinated for COVID-19 two weeks or more after they have received the second dose in a 2-dose series (Pfizer-BioNTech or Moderna or vaccine authorized by the World Health Organization), or two weeks or more after they have received a single-dose vaccine (Johnson and Johnson [J&J]/Janssen).

## **Outdoor Visitation**

Outdoor visits pose a lower risk of transmission due to increased space and airflow; therefore, any outdoor visitation is preferred and should be held whenever practicable. At all times when visitation is restricted under this waiver, licensees must allow for outdoor visits on the facility premises if weather permits and where the visitor wears a well-fitting face mask with good filtration (N95, KF94, KN95, or surgical masks are preferred over cloth face coverings), and visitors that are not part of their group at all times during the visit, staff screen visitors, and staff clean and disinfect surfaces.

**Important!** If a resident is not able to leave their room or otherwise meet with visitors outdoors, the visitation may take place indoors, even for visitors who cannot provide vaccine verification or a negative test. These visits, however, cannot take place in common areas, or in the resident's room if the roommate is present, and the visitor must wear a well-fitted mask with good filtration (N95, KF94, KN95, or surgical masks are preferred over cloth face coverings), and the resident must wear a well-fitting face mask (double mask or surgical mask recommended) at all times and physically distance.

## **Virtual Visitation**

At all times, licensees must allow and provide assistance in arranging for alternative communication for visitors such as phone calls, video calls, and online communications. As of January 1, 2022, licensees that have internet access must provide at least one internet accessible device, such as a computer, smart phone, tablet or other device that supports real-time interactive applications; is equipped with videoconferencing technology, including camera and microphone functions; and is dedicated for client or resident use. The device must be available in a manner that allows a client or resident to access it for discussion of personal or confidential information with a reasonable level of personal privacy, and made available in a manner that permits shared access among all clients or residents in the facility during reasonable hours. All shared internet access devices should be disinfected between uses. For more information about this requirement, please see [PIN 21-52-ASC](#).

## **Vaccination Verification and Recordkeeping Requirements for Visitors of Residential Facilities (Indoor Visits Only)**

ASC facilities must verify visitors are fully vaccinated **or** for (1) unvaccinated visitors, or (2) incompletely vaccinated visitors, provide evidence of a negative COVID-19 test within one day of visitation for antigen tests, and within two days of visitation for PCR tests, for indoor visitation.

### Proof of Vaccination and Recordkeeping

Pursuant to the [CDPH Guidance for Vaccine Records Guidelines & Standards](#), only the following modes may be used as proof of vaccination:

- COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers for Disease Control & Prevention or WHO Yellow Card) which includes name of person vaccinated, type of vaccine provided, and date last dose administered); OR
- a photo of a Vaccination Record Card as a separate document; OR
- a photo of the client's Vaccination Record Card stored on a phone or electronic device; OR
- documentation of COVID-19 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.

In the absence of knowledge to the contrary, facilities may accept the documentation presented as valid.

**Important!** WHO Yellow Card refers to the original World Health Organization International Certificate of Vaccination or Prophylaxis issued to the individual following administration of the COVID-19 vaccine in a foreign country.

See [CDPH Guidance for Vaccine Records Guidelines & Standards](#) for information on how individuals may obtain a record of their vaccination. Also see the [Digital COVID-19 Vaccine Record website \(myvaccinerecord.cdph.ca.gov\)](https://myvaccinerecord.cdph.ca.gov) for a digital copy of vaccine records for vaccinations administered in California.

Facilities must have a plan in place for tracking verified visitor vaccination status and documentation of a negative COVID-19 test. Records of vaccination verification or documentation of a negative COVID-19 test must be kept on file at the facility and made available, upon request to CDSS, or to the local health jurisdiction for purposes of case investigation.

Visitors for whom vaccine status is unknown or documentation is not provided, must be considered unvaccinated or incompletely vaccinated.

### Test Types and Access to Testing

Visitors may choose to use an antigen or PCR test to satisfy the test requirement. Any PCR or antigen test used must either have 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.

Facilities with a Clinical Laboratory Improvement Amendments of 1988 (CLIA) waiver allowing for antigen testing and facilities participating in the CDPH Antigen Testing Pilot (see [PIN 21-30-ASC](#)) can offer to conduct onsite testing of visitors if practical per facility testing capacity, but are not required to do so.

Please also see [PIN 21-11-ASC](#) for options to access testing and PIN 21-30-ASC on availability of the BinaxNow™ antigen testing program for ASC facilities.

### **Exceptions to Vaccination, Testing, Verification and Recordkeeping**

Vaccination and testing requirements and associated verification and recordkeeping conditions do not apply to:

- Visitors who are visiting a resident in critical condition, when death may be imminent. For these visitors, the requirements related to masking, PPE and physical distancing still apply as specified for other visitors in this PIN.
- Visits from CDSS, CDPH, CDDS or local regional center, local health department officials, mental/healthcare providers (e.g., home health and hospice agencies), and essential government authorities needing to enter or conduct investigations at the facility.
- Visits mandated by a court order or federal law such as visits by Adult Protective Services or the Long-Term Care Ombudsman.

### **Exceptions for Continuing Care Retirement Communities (CCRC)**

Visitation restrictions, vaccine verification and testing requirements shall only be imposed on an independent CCRC resident when the resident is living with someone who is receiving assisted living services; or when the independent CCRC resident is commingling with residents who receive assisted living services or live in assisted living units by, for example, participating in communal dining or activities or using common facility amenities. See PIN 20-38-ASC for guidance as to when restrictions to independent living residents apply.

### **Additional Terms and Conditions for Visitation Waiver**

Licensees shall protect the confidentiality of a person's medical diagnosis, treatment, and health care information; and continue to comply with any guidance or instructions from CDSS, health care providers, CDDS, CDC, CDPH, and local health departments.

Licensees 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. Licensees may continue to request individual waivers for standards not included in the statewide waiver in accordance with [PIN 20-04-CCLD](#). Please also see [PIN 20-06-ASC](#) for additional waiver information.

### **Requirements for Ongoing Compliance with Waiver; Rescission or Modification**

When implementing the visitation waiver, each facility must comply with the following terms and conditions:

1. A licensee's revised policies that are impacted by the waiver shall be developed in compliance with the most recent CDC, CDSS, CDDS, 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, upon request.
2. A licensee must inform the person in care and their responsible party of any revised policy impacted by the waiver.
3. If the licensee is required by other government authorities such as a local public health order to restrict visitation beyond those restrictions allowed under this waiver, the licensee should notify its regional office of those requirements.
4. CDSS may rescind or modify this 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**

The visitation waiver in this PIN shall expire upon the termination of the Proclamation of the State of Emergency, or as specified by CDSS, whichever comes first. Once the waiver expires or is rescinded by CDSS, all licensing requirements shall be reinstated.

### **BEST PRACTICES FOR VISITATION**

Licensees should adhere to the following best practices that reduce the risk of COVID-19 transmission during visitation. Visitors should be asked to reschedule their visit if they are unable to adhere to COVID-19 infection prevention and control measures.

- Limit the number of visitors on the facility premises at any one time to avoid having large groups congregate (based on the size of the building and physical space).
- To the extent possible, designate one area to enter the facility and a different area to exit the facility.
- Increase ventilation or circulation of fresh air as much as possible (e.g., open windows, use fans, etc.).
  - Do not open windows and doors if doing so poses a safety or health risk (e.g., risk of falling, triggering asthma symptoms) to residents, staff, and visitors using the facility.
- Limit visitor movement in the facility. For example, visitors should not walk around different halls of the facility. Rather, visitors should go directly to and from the designated visitation area.
- Encourage shorter indoor visits and longer outdoor visits.
- Add signage at entrances outlining proper mask wearing, visitation guidelines, hand hygiene, specified entries, exits, and routes, and current physical distancing practices in use at the entrance and throughout facility premise.



- Educate visitors on how to monitor themselves for COVID-19 symptoms.
- Designate handwashing stations for visitors or provide alcohol-based hand sanitizer for visitor use.
- Request visitors limit contact with others as much as practicably possible when outside the facility.
- Record name and contact information for individuals entering the facility for possible contact tracing at a later date.
- Clean and disinfect frequently touched surfaces in the facility often and visitation areas after each visit.

## **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](#).