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DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

April 2, 2020

PIN 20-09-CCLD
(Supersedes PIN 20-08-ASC)

TO: ALL ADULT AND SENIOR CARE PROGRAM LICENSEES
HOME CARE ORGANIZATIONS AND HOME CARE AIDES
ADULT AND SENIOR CARE CERTIFIED ADMINISTRATORS
(PROSPECTIVE AND CURRENT)
ADMINISTRATOR CERTIFICATION PROGRAM TRAINING VENDORS

FROM: *Original signed by Pamela Dickfoss*
PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division

**SUBJECT: UPDATED STATEWIDE WAIVERS FOR LICENSING REQUIREMENTS
DUE TO CORONAVIRUS DISEASE 2019 (COVID-19)**

Provider Information Notice (PIN) Summary

PIN 20-09-CCLD supersedes [PIN 20-08-ASC](#) and provides updated guidance to Adult and Senior Care (ASC) Program Licensees, Home Care Organizations (HCO), Home Care Aides (HCA), ASC Certified Administrators (Prospective and Current), and Administrator Certification Program Training Vendors regarding the implementation of statewide waivers, including updated or additional waivers, for certain licensing statutes and regulations.

The situation surrounding the Coronavirus Disease 2019 (COVID-19) continues to rapidly change. This PIN provides updated or additional statewide waivers for certain licensing requirements applicable to ASC, HCO, and HCA settings, and the Administrator Certification Program, without the need for providers to make an individual request, and subject to the waiver terms and conditions set forth in this PIN.

The California Department of Social Services (CDSS) is taking major and unprecedented actions to protect the health, safety, and welfare of the people of California. CDSS is recommending ASC providers, HCOs, HCAs, ASC Administrators, and Administrator Certification Program Training Vendors 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

Pursuant to the Governor's Proclamation as set forth in [PIN 20-04-CCLD](#) dated March 6, 2020, CDSS is announcing statewide waivers for certain licensing requirements, without the need for licensees, Home Care Organizations and/or Aides, Administrators, or Administrator Certification Program Training Vendors to make an individual request, and subject to the following Waiver Terms and Conditions set forth in this PIN. Licensees, Home Care Organizations and/or Aides, Administrators, or Administrator Certification Program Training Vendors 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.

The waivers below update or are in addition to the waivers granted in [PIN 20-07-ASC](#), dated March 13, 2020.

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

Terms and Conditions of All Waivers

Providers may implement the waivers described in this PIN only on an as-needed basis, in a reasonable manner, protecting the confidentiality of a person in care'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.

Providers 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. Providers may continue to request individual waivers for standards not included in the statewide waiver in accordance with [PIN 20-04-CCLD](#).

Updated Visitation Waiver: Personal Rights

Note: SUPERSEDES Visitation Waiver in [PIN 20-07-ASC](#) and [PIN 20-08-ASC](#)

Facilities shall limit entry only to individuals who need entry, as necessary for prevention, containment, and mitigation measures as specified in guidance by the [Centers for Disease Control and Prevention \(CDC\)](#), the [California Department of Public Health \(CDPH\)](#), and [local health departments](#). In lieu of in-person visits and social gatherings, facilities shall make arrangements for alternate means of communication for visitors such

as phone calls, video calls, and online communications. Communications should allow for private and/or confidential communications as needed, and as required by law. A facility may also limit a person in care's right to associate with other persons in care for social distancing, as necessary for containment and mitigation only.

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 sections 1512, 1569.269, 1569.313, and 1771.7; California Code of Regulations, Title 22, Division 6, sections 80072, 81072, 82072, 85072, 87468, 87468.1, 87468.2, and 87872.

- **This waiver shall not apply if in-person visitation is 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](#).
- **This waiver shall not apply at this time to in-person visits mandated by a court order, or federal law such as visits by Adult Protective Services and the Long-Term Care Ombudsman.**

Buildings and Grounds/Capacity Waiver

Note: SUPERSEDES Buildings and Grounds Waivers in [PIN 20-07-ASC](#) and [PIN 20-08-ASC](#)

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, or CDC, or CDPH, a provider shall not 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. Any isolation of a person in care shall be based on guidance provided by the CDC, CDPH and local health departments. This waiver applies to a facility's obligations under Health and Safety Code sections 1568.02, 1569.269, and 1771.7; California Code of Regulations, Title 22, Division 6, section 87468.1(b).

Staffing Ratios Waiver

Note: SUPERSEDES Ratios Waiver in [PIN 20-07-ASC](#) and [PIN 20-08-ASC](#)

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 California Code of Regulations, 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 [DHCS Mental Health Information Notices](#).**

Criminal Record Background Check Temporary Waiver

Note: SUPERSEDES Background Check Waiver in [PIN 20-08-ASC](#)

Facilities, Home Care Organizations and independent home care aides may comply with the following criminal record background check requirements to enable new staff or home care aides to start working immediately if the facility or home care organization is experiencing a staff or home care aide shortage or if an individual is seeking independent home care aide services and live scan services are limited as a result of COVID-19. In addition to complying with the below requirements, licensees should give preference to hiring individuals with verified background clearance from a school district, state, local government agency, or other agency that conditions employment or participation on background clearance.

1. Transferring CDSS Record Clearance or Exemption

New staff at a licensed facility, new affiliated home care aides, and new independent home care aides may start working immediately upon submission of a request to transfer a current CDSS criminal record clearance or exemption.

2. Background Check Process for New Hires Without Existing CDSS Record Clearance or Exemption

Newly hired staff or new home care aides must make every effort to complete the live scan requirements within 5 days of starting employment, in addition to any other background check requirements. The Office of the Attorney General is providing a [location search](#) for providers to locate live scan fingerprinting services during the COVID-19 emergency.

If Live Scan Services Are Available

Any new hire or new independent home care aide without a CDSS clearance or exemption may start working immediately upon submission to the facility, Home Care Organization, or Home Care Services Bureau, as applicable, of a completed [Criminal Record Statement \(LIC 508\)](#), signed under penalty of perjury, that does not include any disclosed criminal history. Additionally, a new hire to a facility or affiliated home care aide must submit a copy of a completed [Request for Live Scan Service - Community Care Licensing](#) (LIC 9163) to the licensee. Within 5 business days of starting work, the new staff shall complete a live scan to associate to the licensee or to register as a home care aide.

If Live Scan Services Are Not Available

If new staff or home care aides are unable to complete a live scan within 5 business days of starting work due to closure of live scan facilities in their geographic area, the licensee or independent home care aides shall comply with all of the following:

Notice

The licensee shall immediately notify the Adult and Senior Care Regional Office, and an independent home care aide shall immediately notify the Home Care Services Bureau, and send a letter signed by the licensee, facility administrator, or independent home care aide, certifying in writing that a good faith effort was made to locate a live scan service, but none was available.

The licensee or independent home care aide must immediately submit a completed [Request for Live Scan Service – Community Care Licensing Form LIC 9163](#) and [LIC 508](#) to the Criminal Background Check Bureau by email to this address: cbcbcsi@dss.ca.gov.

Supervision

The licensee must ensure all new facility staff without a completed live scan fingerprint background check are supervised by an onsite staff person with a live scan fingerprint background check who will regularly check in with the employee throughout their shift.

Prior to providing care, all new home care aides shall obtain a written agreement from the individual receiving services or the authorized representative of the individual, for the home care aide to provide care pursuant to this waiver. (See Attachment A: Notice Regarding Caregiver Background Check COVID-19, Waiver and Agreement for Home Care Aide to Provide Home Care Services.)

Reporting

The licensee must provide monthly reports to the Regional Office or Home Care Services Bureau, as applicable, identifying all individuals hired during that month who have not completed the live scan and shall include a copy of the new staff's or home care aide's completed [LIC 508](#), a copy of the individual's Driver's License or government issued photo identification, job title, and start date for each new staff hired pursuant to this waiver. The first of such monthly reports must be submitted by April 30, 2020 and shall include any individuals hired in March and April 2020.

Independent home care aides must provide monthly reports to the Home Care Services Bureau that includes a copy of all new agreements to provide Home Care Services pursuant to Attachment A: Notice Regarding Caregiver Background Check COVID-19, Waiver and Agreement for Home Care Aide to Provide Home Care Services. The first of such monthly reports must be submitted by April 30, 2020 and shall include any individuals hired in March and April 2020.

Compliance

Live scan shall be completed as soon as possible and no later than 90 days after live scan services are available in their geographic area, and in any event no later than 90 days after the CDSS provides notice that the California Department of Public Health no longer requires the use of physical distancing.

CDSS may rescind this temporary waiver at any time for an individual discovered to have criminal history requiring a criminal record exemption. In addition, facilities shall notify authorized representatives of persons in care that an individual is working in the facility pursuant to this waiver without a completed live scan background check. (See Attachment A: Notice Regarding Caregiver Background Check COVID-19, Waiver and Agreement for Home Care Aide to Provide Home Care Services.)

These waivers apply to background check requirements under Health and Safety Code sections 1522, 1568.09, 1569.17, 1796.23, 1796.24, and 1796.43; California Code of Regulations, Title 22, Division 6, sections 80019, 81019, 87355, and 87819.

Personnel Requirements

Note: SUPERSEDES Personnel Requirements Waivers in [PIN 20-08-ASC](#)

The following personnel requirements are waived for licensees, not including Home Care Organizations, to enable new staff to start working immediately, if as a result of COVID-19 there is a staff shortage, and the following requirements are met:

1. **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 Health and Safety Code sections 1562 and 1569.625; California Code of Regulations, Title 22, Division 6, sections 80065, 81065, 85065, 87411, 87413, and 87865.
2. **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 that the TB testing and clearance requirements for new staff are met as soon as possible. This waiver applies to obligations regarding TB clearance under California Code of Regulations, Title 22, Division 6, sections 80065, 81065, 85065, 87411, and 87865. Please see [PIN 19-22-ASC](#) as an additional resource.

3. Staff age requirements: The age requirement for caregivers, not including a certified administrator or facility manager, are waived to allow minors age 17 to begin caregiving as long as they provide proof of a current and valid work permit as soon as possible that meet standards required by the California Department of Industrial Relations, and have met all other personnel requirements and waiver requirements. The permit and proof of compliance with other standards shall be kept in their employee file as soon as the licensee receives the documents. Staff who are minors shall not be left unsupervised while persons in care are present in the facility and shall not be designated as a substitute for the administrator or facility manager. This waiver applies to standards under Health and Safety Code section 1569.618; California Code of Regulations, Title 22, Division 6, sections 80065, 81065, 85065, 87411, 87413, and 87865.

The following personnel requirements for affiliated home care aides are waived to enable affiliated home care aides to start providing home care services immediately:

1. Staff training, experience and education requirements: New affiliated home care aides, not including a Home Care Organization licensee or designee, may start providing home care services as soon as they are trained on universal, droplet, and any other precautions as mandated by CDC guidelines. New affiliated home care aides shall be trained on the specific tasks they will be performing prior to performing those tasks. All training requirements shall be met within 30 days of starting employment and copies of all training shall be kept in the affiliated home care aide's file. This waiver applies to home care aide training, experience and education standards under Health and Safety Code section 1796.44.
2. Tuberculosis (TB) testing: TB testing and clearance requirements are waived for new affiliated home care aides to enable them to start work immediately. Although this requirement is waived, a Home Care Organization shall conduct a TB screening using the [TB Risk Assessment Questionnaire](#) prior to beginning employment. The Home Care Organization and affiliated home care aide shall ensure that the TB testing and clearance requirements are met as soon as possible. This waiver applies to obligations regarding TB clearance under Health and Safety Code sections 1796.43(a)(2) and 1796.45.

The required written notice to CDSS for use of the personnel requirements waivers shall be by monthly report to the respective Adult and Senior Care Regional Office or the Home Care Service Bureau, as applicable, and shall include a copy of the new staff or affiliated home care aide's completed LIC 508, a copy of the individual's Driver's License or government issued photo identification, job title, gender, and start date for each new staff or home care aide hired pursuant to this waiver. The first of such monthly reports must be submitted by April 30, 2020, and shall include any individuals hired in March and April 2020.

Waiver to Repurpose Space in Adult Day Program

Plan of operation and licensing category requirements are waived to enable Adult Day Program licensees to repurpose their program site to allow for temporary residence or shelter. Prior to repurposing the program, the licensee, in conjunction with the operator, shall inform the Adult and Senior Care Regional Office of their intent and the anticipated date of operation, and comply with any directives of the Regional Office to prepare the program to care for residents. This waiver applies to the following requirements: Health & Safety Code section 1502(a)(2); California Code of Regulations, Title 22, Division 6, sections 82001(a)(5), and 82022(g).

Licensee Initiated Facility Closures

A licensee needing to close a facility, not including an involuntary closure, must submit a written request to the Adult and Senior Care Regional Office for approval prior to closure. The request must include any required closure plan, whether any persons in care have tested positive for COVID-19, and why closure is consistent with the best interests of the residents.

Waivers Applicable to the Administrator Certification Program

The waivers discussed in this section apply to the obligations of an Administrator (prospective or current) and Administrator Certification Program Training Vendor under Health and Safety Code sections 1562.3 and 1569.616; California Code of Regulations, Title 22, Division 6, sections 85064.2, 85064.3, 85090, 85091, 85091.1, 87406, 87407, 87785, 87788, and 87789, as applicable.

Vendors (Department-Approved)

Current Department-Approved Vendors will be allowed to live-stream Department-approved courses that are otherwise required to be held in-person. This includes Initial Certification Training Program (ICTP) and Continuing Education Training Program (CETP) course offerings. For purposes of this waiver, “live-stream” means material that participants can actively engage in and/or watch in real-time on the internet, including but not limited to, Skype, Go-to-Webinar, Zoom, Teams, Collaborate, Snagit, etc.

The following criteria must be met. Not following the direction below may result in the vendor-issued course Certificate of Completion not being accepted and result in a negative impact to Administrators.

- Compliance with all applicable laws and regulations not waived in this PIN.
- Vendors must upload to the automation platform or email the Department’s Administrator Certification Section (ACS) with their current quarterly schedule of ICTP and CETP course offerings no later than April 8, 2020. Indicate the method of course delivery for each course offering. Notify ACS of any changes to this schedule.

- A vendor must email ACS if it intends to offer ICTP or CETP courses via a live-streaming method as soon as known or no later than 24 hours before the course begins.
- In addition to the [quarterly course schedule](#), vendors must send ACS a list of individuals registered for each course prior to the course offering.
- Vendors must upload to the automation platform or email ACS the [LIC 9142A Roster of Participants](#) or replica and note on this document if the course was conducted via live streaming. This document must be emailed to ACS within seven (7) days of completing the course.
- Live-stream courses must be conducted using the Department-approved course curriculum, outline, and instructor, and meet all required training hours as initially approved.
- All live-stream options must be available for ACS monitoring. Vendors must email ACS the live-stream access or registration codes for each course as soon as such codes are known, or at least 24 hours before the course begins, whichever is sooner.

For questions about vendor waivers, please email ACSVendorInfo@dss.ca.gov.

Prospective Administrators - Initial Certification

For those seeking to obtain an Administrator Certificate for the first time, individuals may take a Department-approved ICTP from a Department-approved vendor. During the State of Emergency, the Department does not currently have the ability to electronically offer the Administrator Examination; thus, ACS is suspending Administrator Certification Testing.

Upon completion of an ICTP, individuals may apply for a Conditional Administrator Certificate (using current application requirements), which may be granted for a 90-day period. See the [Criminal Record Background Clearance Waiver section](#) for more information on clearance related matters. Once the State of Emergency has been lifted, individuals must take and pass the in-person Administrator Examination in order to receive a Non-Conditional (standard) Administrator Certificate.

If individuals have already completed an ICTP and need to take the Administrator Examination, they may apply for a Conditional Administrator Certificate (using current application requirements) or follow the existing process to request an extension. See the [Criminal Record Background Clearance Waiver section](#) for more information on clearance related matters. Extensions will be approved up to 90 days due to the current State of Emergency.

Administrators - Certificate Renewals

Note: SUPERSEDES Waiver in [PIN 20-08-ASC](#)

For individuals seeking Administrator Recertification, ACS is waiving the requirement to take in-person continuing education hours. During the State of Emergency, ACS is allowing administrators to meet the 40 hours of continuing education requirements through the completion of approved online courses and/or approved in-person courses offered through live-streaming options as [identified above](#). Administrators can opt to complete all 40 hours of continuing education training online. All other renewal requirements will be enforced, which includes but is not limited to:

- All courses must be Department-approved courses provided by a Department-Approved Vendor. A list of Department-Approved Vendors can be found on the [Administrator Certification Section homepage](#).
- No more than 10 hours of training can be taken daily.
- ACS is waiving delinquency fees for renewal applications that expire between March 2020 and June 2020.

For questions about administrator certification waivers, please email admindcertinfo@dss.ca.gov.

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 provider shall notify CDSS as soon as possible in writing at their local Adult and Senior Care Regional Office, Home Care Service Bureau, or Administrator Certification Section (ACS), as applicable, when they implement a waiver pursuant to the statewide waivers set forth in this PIN, and facilities shall post this waiver in a public location. Background check waiver notices to the Regional Office shall be submitted monthly as specified in the Background Check Waiver section, rather than by immediate report.
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.

5. The licensee shall not restrict CDSS, CDPH, local health department officials, and healthcare providers, 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 on June 30, 2020, or earlier upon written notice from the CDSS. Once these waivers have expired, all licensing requirements shall be reinstated.

Additional Resources

- [California Coronavirus \(COVID-19\) Response](#)
- [California Department of Social Services](#)
- [California Department of Public Health](#)
- [Centers for Disease Control and Prevention](#)
- [Local County Health Departments](#)

If you have questions regarding this PIN, please contact your [local Adult and Senior Care Regional Office](#) or the [Home Care Services Bureau](#).

**ATTACHMENT A:
IMPORTANT NOTICE TO AUTHORIZED REPRESENTATIVE
Regarding California Department of Social Services
Caregiver Background Check COVID-19 Waiver**

Dear Authorized Representative:

You are receiving this notice because you are the authorized representative of a person in care in a facility identified below that is licensed by the California Department of Social Services (CDSS).

The Proclamation of a State of Emergency in response to a rising number of cases of Coronavirus Disease 2019 (COVID-19) in California permits the CDSS to address the needs of care facilities within its jurisdiction by waiving certain licensing requirements.

The highest priority of CDSS is to protect the health and safety of persons in our care facilities. In order to ensure that licensed care facilities have sufficient caregiving staff for persons in care during the time that the California Department of Public Health requires the use of physical distancing, CDSS has implemented statewide temporary waivers for certain licensing requirements, including certain background check requirements. Attached to this notice is background check waiver information related to this notice.

Licensed care facilities are required to strictly comply with numerous terms and conditions in order to use the temporary background check waivers, including using them only as needed, in a reasonable manner, and in accordance with any guidance or instructions from the CDSS.

The facility below has hired at least one person under the background check waiver who may not have completed the live scan fingerprint background check through the California Department of Justice. Note that all new staff in this facility have completed a self-attestation under penalty of perjury that they do not have a criminal background and the facility has reviewed the information provided by all employees. Please note new staff will not be allowed to work in the facility if they have any known California criminal history, without a criminal record exemption. The facility must ensure all new facility staff without a completed live scan fingerprint background check are supervised by an onsite staff person with a live scan fingerprint background check who will regularly check in with the employee throughout their shift. *(Facility to enter the following information and mail notice to authorized representative.)*

Name of Facility: _____

Facility Address: _____

Facility Phone: _____

If you have questions or concerns regarding the information in this notice, please contact the facility listed above. If you would like to contact the Community Care Licensing

Division (CCLD), you may visit the [CCLD home page](#) to access the contact information for your local Adult and Senior Care Regional Office.

responsibility for my decision and understand the possible risks involved with allowing this person to work in my home as a home care aide.

AS THE RECIPIENT OF SERVICES (or THE AUTHORIZED REPRESENTATIVE FOR A RECIPIENT OF SERVICES) WHO WILL HIRE THIS PERSON TO PROVIDE HOME CARE SERVICES, I UNDERSTAND AND AGREE TO ALL OF THE FOLLOWING STATEMENTS AND ACTIVITIES:

- The home care aide listed above will immediately submit his/her name to CDSS for a Department of Justice California criminal history background check. In addition, the home care aide listed above will submit to Live Scan fingerprint clearance as soon as possible and within 90 days of when the CDSS provides notice to providers and counties that the California Department of Public Health no longer requires the use of physical distancing in response to COVID-19 or he/she will be ineligible to continue to work as a registered home care aide.
- CDSS will send me a notice telling me if the person I have chosen to be my provider does not complete the home care aide application requirements or if he/she is not eligible to be a home care aide.
- If, upon completion of the criminal background check, the home care aide I have chosen is determined to be ineligible due to a criminal conviction, CDSS will send me a notice telling me of his/her ineligible status.
- If I choose to have the above-named person provide services after the person has been determined ineligible to be registered as a home care aide, I understand that the individual is performing services outside of the waiver authority issued by CDSS and without registration as a home care aide.

By signing below, I accept responsibility for hiring the home care aide named in this form to work in my home. I understand and agree that the State of California and the CDSS will not be liable for any potential harm because of my decision to hire this person. *This document may only be signed by the recipient or by an authorized representative who is not the home care aide named on this form.*

Signature of Recipient or Recipient's Authorized Representative:

Print Name of Recipient or Recipient's Authorized Representative

Date: _____ Phone Number (optional): _____

You may submit this form by mail, email or in person to the Home Care Services Bureau at the address or email address identified at the top of the first page of this form.

Criminal Record Background Check Temporary Waiver

Note: SUPERSEDES Background Check Waiver in [PIN 20-08-ASC](#)

Facilities, Home Care Organizations and independent home care aides may comply with the following criminal record background check requirements to enable new staff or home care aides to start working immediately if the facility or home care organization is experiencing a staff or home care aide shortage or if an individual is seeking independent home care aide services and live scan services are limited as a result of COVID-19. In addition to complying with the below requirements, licensees should give preference to hiring individuals with verified background clearance from a school district, state, local government agency, or other agency that conditions employment or participation on background clearance.

1. Transferring CDSS Record Clearance or Exemption

New staff at a licensed facility, new affiliated home care aides, and new independent home care aides may start working immediately upon submission of a request to transfer a current CDSS criminal record clearance or exemption.

2. Background Check Process for New Hires Without Existing CDSS Record Clearance or Exemption

Newly hired staff or new home care aides must make every effort to complete the live scan requirements within 5 days of starting employment, in addition to any other background check requirements. The Office of the Attorney General is providing a [location search](#) for providers to locate live scan fingerprinting services during the COVID-19 emergency.

If Live Scan Services Are Available

Any new hire or new independent home care aide without a CDSS clearance or exemption may start working immediately upon submission to the facility, Home Care Organization, or Home Care Services Bureau, as applicable, of a completed [Criminal Record Statement \(LIC 508\)](#), signed under penalty of perjury, that does not include any disclosed criminal history. Additionally, a new hire to a facility or affiliated home care aide must submit a copy of a completed [Request for Live Scan Service - Community Care Licensing](#) (LIC 9163) to the licensee. Within 5 business days of starting work, the new staff shall complete a live scan to associate to the licensee or to register as a home care aide.

If Live Scan Services Are Not Available

If new staff or home care aides are unable to complete a live scan within 5 business days of starting work due to closure of live scan facilities in their geographic area, the licensee or independent home care aides shall comply with all of the following:

Notice

The licensee shall immediately notify the Adult and Senior Care Regional Office, and an independent home care aide shall immediately notify the Home Care Services Bureau, and send a letter signed by the licensee, facility administrator, or independent home care aide, certifying in writing that a good faith effort was made to locate a live scan service, but none was available.

The licensee or independent home care aide must immediately submit a completed [Request for Live Scan Service – Community Care Licensing Form LIC 9163](#) and [LIC 508](#) to the Criminal Background Check Bureau by email to this address: cbcbcsi@dss.ca.gov.

Supervision

The licensee must ensure all new facility staff without a completed live scan fingerprint background check are supervised by an onsite staff person with a live scan fingerprint background check who will regularly check in with the employee throughout their shift.

Prior to providing care, all new home care aides shall obtain a written agreement from the individual receiving services or the authorized representative of the individual, for the home care aide to provide care pursuant to this waiver. (See Attachment A: Notice Regarding Caregiver Background Check COVID-19, Waiver and Agreement for Home Care Aide to Provide Home Care Services.)

Reporting

The licensee must provide monthly reports to the Adult and Senior Care Regional Office or Home Care Services Bureau, as applicable, identifying all individuals hired during that month who have not completed the live scan and shall include a copy of the new staff's or home care aide's completed [LIC 508](#), a copy of the individual's Driver's License or government issued photo identification, job title, and start date for each new staff hired pursuant to this waiver. The first of such monthly reports must be submitted by April 30, 2020 and shall include any individuals hired in March and April 2020.

Independent home care aides must provide monthly reports to the Home Care Services Bureau that includes a copy of all new agreements to provide Home Care Services pursuant to Attachment A: Notice Regarding Caregiver Background Check COVID-19, Waiver and Agreement for Home Care Aide to Provide Home Care Services. The first of such monthly reports must be submitted by April 30, 2020 and shall include any individuals hired in March and April 2020.

Compliance

Live scan shall be completed as soon as possible and no later than 90 days after live scan services are available in their geographic area, and in any event no later than 90 days after the CDSS provides notice that the California Department of Public Health no longer requires the use of physical distancing.

CDSS may rescind this temporary waiver at any time for an individual discovered to have criminal history requiring a criminal record exemption. In addition, facilities shall notify authorized representatives of persons in care that an individual is working in the facility pursuant to this waiver without a completed live scan background check. (See Attachment A: Notice Regarding Caregiver Background Check COVID-19, Waiver and Agreement for Home Care Aide to Provide Home Care Services.)

These waivers apply to background check requirements under Health and Safety Code sections 1522, 1568.09, 1569.17, 1796.23, 1796.24, and 1796.43; California Code of Regulations, Title 22, Division 6, sections 80019, 81019, 87355, and 87819.