TO: ALL COMMUNITY CARE PROVIDERS

Original signed by Pamela Dickfoss

FROM: PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division

SUBJECT: THE GOVERNOR’S PROCLAMATION OF A STATE OF EMERGENCY DUE TO EXTREME WEATHER AND FIRES

Provider Information Notice (PIN) Summary

PIN 20-21-CCLD provides notification of the Governor’s Proclamation of a State of Emergency regarding Community Care Licensing Division (CCLD) facilities and homes impacted by the extreme weather and fires in California, and the opportunity for waivers of certain licensing requirements.

On August 18, 2020, Governor Newsom issued a Proclamation of a State of Emergency ("Proclamation") for California due to fires burning statewide. The Proclamation directs the California Department of Social Services (CDSS) to address the needs of care facilities, including assisted living facilities, adult residential facilities, child care facilities, children’s residential facilities, resource family homes, and other similar facilities within its jurisdiction. The Proclamation authorizes CDSS to waive any provisions of the Health and Safety Code or Welfare and Institutions Code and accompanying regulations or written directives with respect to the use, licensing, or approval of facilities or homes within the Department’s jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.).

CDSS may permit temporary waivers for requirements including, but not limited to:

- Limitations of the license, such as capacity or facility address/location;
• Reduction or waiver of license, certificate, or registration fees;
• Building and grounds requirements;
• Bedroom sharing;
• Personnel requirements, such as staff training requirements;
• Staffing ratios; and
• Alternate programs, services, procedures, equipment, or space.

Waiver Request and Review Process

If you would like to request a waiver pursuant to the Proclamation, please submit a written request that includes all of the following information to the applicable CCLD office email inbox noted below:

a. Name of licensee or provider;
b. Home or facility number(s);
c. Requestor’s name and contact information (e.g. telephone number, e-mail address);
d. Statement explaining the reason for the request;
e. Statement explaining how services, supports, and the health and safety of persons in care will be maintained if the requested waiver is granted;
f. Supporting documentation;
g. A statement as follows: “I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct;” and
h. Date and signature.

Waivers requested under the Proclamation will be considered on a case-by-case basis. Waiver requests that are incomplete shall not be considered and shall be returned to the requestor. If the waiver request is denied, the requestor shall be notified in writing of the reasons for denial. If the waiver request is granted, CCLD will notify the requestor and the waiver will be posted on the CDSS website.

Please submit your waiver request to the applicable CCLD office listed below. You may contact the applicable office if you have any questions about this PIN:

• Adult and Senior Care Regional Offices
• Child Care Regional Offices
• Children’s Residential Regional Offices

Effective Dates and Termination of a Waiver

Any waivers granted pursuant to the Proclamation shall be in effect no longer than the Proclamation is in effect and will only be in effect as long as necessary to address the direct impacts of the fires.

All licensing requirements shall be reinstated once a waiver expires. Providers shall continue to comply with all standards that have not been waived. CDSS may rescind
or modify a facility’s or home's authorization for use of a waiver based upon new guidance, or if it determines a facility or home does not meet the terms and conditions of the waiver.

**Background Check Requirements**

Background check requirements including those applicable to new employees, staff, volunteers, and adults other than clients who reside in a licensed facility or home will not be waived by CDSS for this emergency. These requirements are essential for the safety and well-being of all individuals in care. We urge anyone required to obtain a criminal record clearance or exemption to begin the process as soon as possible by submitting fingerprints and completing the form LIC 508, “Criminal Record Statement.” The following link provides a list of vendors in your area who can process fingerprinting and background checks: Live Scan Locations.

**Clearance Transfers**

Individuals with an active criminal record clearance may immediately transfer their clearance to an eligible licensed facility or home without delay by submitting form LIC 9182, “Criminal Background Clearance Transfer Request.”

**Exemption Transfers**

Former or current employees with an active criminal record exemption may request a transfer of their exemption to a licensed facility or home by providing form LIC 9188, “Criminal Record Exemption Transfer Request.” Exemption transfer requests must be approved prior to providing care and may take longer to process than clearance transfers.

**Submission Process**

For the purpose of processing a transfer in response to the state of emergency, the appropriate form indicated above should be submitted directly to the Caregiver Background Check Bureau (CBCB) as follows:

- **Email**: Guardian@dss.ca.gov
- **Fax**: (916) 754-4586

To expedite the transfer, please indicate in the subject line of the email or on the top of the form “Fires/Extreme Weather Conditions.”

**Additional Resources**

Providers are also strongly advised to review the following PINs that are also particularly relevant to the state of emergency:

- **PIN 20-13-CCLD, Preparation for Extreme Heat, Public Safety Power Shutoffs, and Wildfire Emergencies**
- **PIN 20-28-ASC, Emergency Resident Transfers During the Coronavirus Disease (COVID-19) Pandemic**
The Department also encourages providers to review these PINs with their staff and individuals in care, as appropriate. Additional information, including disaster-related assistance, can be found on the Department’s website, cdss.ca.gov.

If you have any questions, or if need assistance, please contact your local Community Care Licensing Regional Office:

- Adult and Senior Care Regional Offices
- Child Care Regional Offices
- Children's Residential Regional Offices