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GAVIN NEWSOM
GOVERNOR

March 9, 2021

PIN 21-03-HCS

TO: HOME CARE ORGANIZATION LICENSEES

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

SUBJECT: **STATEWIDE WAIVER FOR REGISTRATION STATUS IN GUARDIAN
FOR AFFILIATED HOME CARE AIDES AND HOME CARE
ORGANIZATION STAFF**

Provider Information Notice (PIN) Summary

PIN 21-03-HCS notifies Home Care Organization (HCO) licensees of a waiver of registration status in Guardian and/or the Home Care Aide Registry for affiliated Home Care Aides (HCA) and HCO staff in specific circumstances.

As the situation surrounding the Coronavirus Disease 2019 (COVID-19) continues, the Community Care Licensing Division (CCLD) is monitoring and responding to staffing shortages in CCLD licensed and certified care facilities and organizations. To assist home care organizations with expediting the hiring of staff who have a California Department of Justice (DOJ) clearance but are not currently listed as “registered” or “cleared” in Guardian, CCLD is temporarily waiving specified requirements for Home Care Organizations related to the criminal clearance process.

STATEWIDE WAIVERS OF LICENSING STANDARDS

[PIN 20-04-CCLD](#) notified all community care providers and licensees that Governor Newsom issued a Proclamation of a State of Emergency (“Proclamation”) on March 4, 2020, in response to a rising number of cases of COVID-19 in California. The Proclamation permits the California Department of Social Services (CDSS), to the extent the Department deems necessary to respond to the threat of COVID-19, to

waive any provisions of the Health and Safety Code (HSC) or Welfare and Institutions Code (WIC); accompanying regulations; interim licensing standards; or other written policies or procedures with respect to the use, licensing, or approval of licensed facilities or homes within its jurisdiction.

Pursuant to the Governor's Proclamation, CDSS is waiving certain licensing and registration requirements applicable to HCOs and HCAs without the need for licensees to make an individual request or obtain prior approval from CDSS. Use of this waiver is subject to the Waiver Terms and Conditions set forth in this PIN.

Home Care Aide Clearance and Registration in Guardian Waiver

Requirements for newly affiliated HCAs and HCO staff who are not currently listed as "registered" or "cleared" in Guardian, are waived so that the affiliated HCA or HCO staff may begin working and/or provide home care services immediately. The HCO and newly affiliated HCA and staff shall ensure that the registration/clearance status in Guardian is updated as soon as possible by following any instructions from the Home Care Services Bureau (HCSB) or the Care Provider Management Bureau, as applicable, including but not limited to responding to any "Action Required" notices.

Under this waiver, HCOs may hire HCA applicants and HCO staff prior to HCA applicants and HCO staff showing as "cleared" or "registered" in Guardian, **provided ALL of the following criteria are met prior to the individual having contact with clients, prospective clients, or confidential client information:**

- The Request for Live Scan Service ([LIC 9163](#)) for the HCA applicant or HCO staff has been submitted; AND
- The HCO has proof of active DOJ fingerprint clearance, including a clearance letter issued by DOJ to the HCO that corresponds to the HCA applicant or HCO staff; AND
- The applicant or HCO staff has indicated on the [Criminal Record Statement & Out-of-State Disclosure \(LIC 508 – 7/20\)](#) that they have no criminal history; AND
- The HCO has a signed LIC 508 from the HCA applicant or HCO staff, and the HCO will submit the LIC 508 into Guardian; AND
- The HCA applicant has submitted an application for Home Care Aide Registration ([HCS 100](#) or has completed the HCA application in the Guardian system) and paid the \$35 application fee.

This waiver applies to criminal record clearance requirements under Health and Safety Code sections 1796.24 and 1796.43.

TERMS AND CONDITIONS FOR WAIVER

HCOs may only implement the waivers described in this PIN on an as-needed basis, in a reasonable manner, and in accordance with guidance or instructions from CDSS.

HCOs 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.

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

Requirements for Ongoing Compliance with Waiver; Rescission, or Modification

Continued use of a statewide waiver will be based on each HCO's compliance with the following terms and conditions:

1. The HCO shall notify the HCSB, in writing at HCSB@dss.ca.gov, as soon as possible when a waiver is implemented pursuant to this PIN.
2. HCOs who use this waiver must notify the HCSB and email a list of affiliated HCAs and HCO staff hired under this process to HCSB@dss.ca.gov on a weekly basis, which includes the HCA's name, date of birth, hire date, and PER ID or driver's license number.
3. An HCO's revised policies that are impacted by the waiver shall be developed in compliance with the most recent CDSS guidance; be readily available for the public's review; and a copy shall be provided to the HCSB, as applicable. The policy must include a justification for the need of a waiver.
4. An HCO must inform clients served and their responsible party, if applicable, of any revised policy impacted by the waiver.
5. An HCO shall advise and monitor an HCA for compliance with infection control practices and directives of the [California Department of Public Health \(CDPH\)](#) and local health department. In the event the most current guidance or instructions from the [Centers for Disease Control and Prevention \(CDC\)](#), CDPH, CDSS, or the local health department are contradictory, HCOs should advise HCAs to follow the strictest requirements.
6. The licensee shall not restrict CDSS, local health department officials, or essential government authorities, as applicable, from entering or conducting investigations at the HCO. HCOs should accommodate the use of video conferencing, teleconferencing, or other technology to support oversight that is conducted remotely.

CDSS may rescind or modify an HCO's authorization for use of a waiver based upon new federal, state, or local directives or guidance, or if it determines an HCO does not meet the terms and conditions of the statewide waiver, or an individual waiver, as applicable.

Effective Dates of Statewide Waiver

The statewide waiver in this PIN shall expire upon the termination of the Proclamation of the State of Emergency, or when otherwise specified by CDSS. Once a waiver expires or is rescinded by CDSS, all licensing requirements shall be reinstated.

RESOURCES

The following resources are available online:

Federal Resources

- Centers for Disease Control and Prevention (CDC)
 - [Coronavirus Disease 2019](#)

State Resources

- CDSS
 - [Community Care Licensing Division homepage](#) (includes all COVID-19 related materials including PINs and other resources)
- CDPH
 - [All COVID-19 Guidance](#)

Local Health Resources

- [Local County Health Departments](#)

If you have questions regarding this PIN, please contact the [Home Care Services Bureau](#).