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GAVIN NEWSOM
GOVERNOR

May 3, 2021

PIN 21-25-ASC

TO: ALL ADULT AND SENIOR CARE PROGRAM LICENSEES

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

SUBJECT: **ANNUAL INSPECTIONS UTILIZING THE INFECTION CONTROL DOMAIN**

Provider Information Notice (PIN) Summary

PIN 21-25-ASC announces the resumption of onsite inspections during the COVID-19 state of emergency pursuant to Governor Newsom's [Proclamation of a State of Emergency](#). These inspections will focus on supporting compliance that has the maximum effect of mitigating and preventing the spread of COVID-19. This PIN supersedes [PIN 20-07-CCLD](#), only as it pertains to the suspension of all community care licensing mandated inspections in adult and senior care facilities, also known as "annual inspections."

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/or, if applicable, their authorized representative.

On March 21, 2020, the California Department of Social Services (CDSS) issued [PIN 20-07-CCLD](#), which announced the suspension of all community care licensing annual inspections to focus CDSS resources on providing technical assistance to facilities to prevent, contain and mitigate COVID-19 impacts via tele-visits.

The purpose of this PIN is to provide notice that annual inspections utilizing the infection control domain will be conducted onsite in adult and senior care facilities beginning May 10, 2021. Consistent with the goals of the Governor's [Executive Order N-27-20](#) dated March 15, 2020, CDSS annual inspections will focus on supporting compliance with health and safety requirements that have the maximum effect of mitigating and preventing the spread of COVID-19. Annual inspections will verify licensee compliance with statutes, regulations and other written requirements that are most relevant to protecting the health of persons in care and staff, including in the area of infection control practices.

CDSS OVERSIGHT AND ENFORCEMENT OF HEALTH AND SAFETY REQUIREMENTS, INCLUDING THOSE RELATED TO COVID-19

If during the course of the annual inspection, the Licensing Program Analyst (LPA) identifies problem areas related to infection control practices and requirements, a different licensing requirement, or any other noncompliance issue, the LPA will appropriately respond and, if necessary, take the actions described below.

Through existing licensing requirements related to infection control, guidance issued to licensees via PINs, and technical and other assistance from Community Care Licensing Division (CCLD) regional offices, licensees have been given the information, tools and equipment necessary to comply with infection control practices. CCLD is committed to working with licensees who are attempting in good faith to comply with and implement infection control practices. Licensees should be aware, however, that failure to comply with infection control practices that results in a risk or threat to the health or safety of persons in care is subject to action by CCLD. CCLD intends to utilize the full spectrum of oversight and compliance activities currently available.

Examples of existing requirements for some facility types (not all examples provided will apply to every facility category), related to infection control requirements and practices described in CDSS COVID-19 PINs are set forth in the following areas of Title 22 of the California Code of Regulations, and other written standards issued by CDSS:

- Buildings and Grounds (the facility shall be clean, safe, sanitary at all times)
- Care and Supervision (the care and supervision provided shall be as necessary to meet the needs of persons in care)
- Conduct Inimical (licensee engaged in conduct that is harmful to the health or safety of an individual in the facility; licensee's failure to comply with health officer orders or government agency requirements that creates a significant health and safety risk pursuant to CDSS statutes and regulations)
- Fixture, Furniture, Equipment and Supplies (handwashing areas and bathrooms shall be maintained in a safe and sanitary condition; use of common towels and washcloths is prohibited)
- Health Related Services and Observation of the Client (licensee shall ensure each person in care receives needed medical care; a person in care suspected of having a contagious disease shall be isolated; licensee shall regularly observe persons in

care for changes in physical functioning and bring deterioration of health to the attention of the person's in care doctor)

- Personal Rights (each person in care shall have personal rights which includes the right to be accorded safe, healthful and comfortable accommodations; the right to receive or reject medical care or health-related services; the right to have visitors)
- Personnel Requirements (staff shall be employed in numbers necessary to meet the needs of persons in care; staff shall be trained and have experience/knowledge/skill in sanitation principles, universal precautions, recognition of early signs of illness and the need for professional assistance; all staff shall be in good health; staff with evidence of any illness that poses a threat to the health and safety of persons in care shall be relieved of their duties)
- Plan of Operation (policies, procedures and plan to prevent disease and control infection, or caring for someone with a health condition such as a communicable infection)
- Reporting Requirements (reports required to CCLD, the authorized representative of the person in care and the local health officer if a communicable disease outbreak; also related to reports CDSS may require such as a COVID-19 mitigation plan)

Licensees should continue to follow requirements and 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 \(CDPH\)](#), [Department of Developmental Services \(DDS\)](#), [California Department of Industrial Relations Division of Occupational Safety & Health \(Cal/OSHA\)](#), and [local public health departments](#), as applicable to the particular facility category.

If there are differing requirements between the most current CDC, CDPH, CDSS, DDS, Cal/OSHA, and local health department guidance or health orders, licensees and providers should follow the strictest requirements. However, there may be times where a licensee or provider 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.

WAIVER OF ANNUAL INSPECTION REQUIREMENTS

As described in [PIN 20-04-CCLD](#), on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency ("Proclamation") for California that permits CDSS, to the extent the CDSS deems necessary to respond to the threat of COVID-19, to waive any provisions of the Health and Safety Code or Welfare and Institutions Code, accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within its jurisdiction.

During the implementation of in-person annual inspections, the CDSS temporarily waives the statutory requirement that an annual inspection be unannounced, to the extent CDSS deems necessary to implement in-person annual inspections. This

waiver is related to the requirements set forth in Health and Safety Code sections [1534](#), [1568.07](#) and [1569.33](#).

ANNUAL INSPECTION PROCESSES

As the situation during the current State of Emergency continues to evolve, CDSS remains committed to taking actions that protect the health, safety, and welfare of the people in California. The infection control procedures that LPAs will maintain for conducting annual inspections are outlined below.

Facility Risk Assessment

Prior to initiating an annual inspection, an LPA will call the licensee to complete a facility risk assessment which will include, but is not limited to, the following:

The LPA will ask if anyone who is regularly present in the facility, including persons in care or staff, has:

- Tested positive for COVID-19 with a laboratory confirmed test in the past 10 days;
- Been in close contact (within six feet for cumulative total of 15 minutes or more over a 24-hour period) with someone who tested positive for COVID-19;
- Been diagnosed with a respiratory infection (e.g. flu, bronchitis) or have any respiratory symptoms, such as sinus congestion or runny nose;
- Developed any of the following COVID-19 [symptoms](#) in the past 14 days:
 - Fever or chills
 - Cough
 - Shortness of breath or difficulty breathing
 - Fatigue
 - Muscle or body aches
 - Headache
 - New loss of taste or smell
 - Sore Throat
 - Congestion or runny nose
 - Nausea or vomiting
 - Diarrhea

Based on the licensee responses to the facility risk assessment questions, the LPA will determine the additional level of Personal Protective Equipment (PPE) needed for an onsite inspection.

Onsite Processes

Annual inspections will be conducted onsite and these inspections will satisfy the mandated annual inspections statutory requirement. The inspections will include assessing the strategies facilities are employing for the prevention, containment and mitigation of COVID-19, implementation of infection control practices, staff retention, and essential health and safety requirements. There may be more than one LPA that participates during an inspection.

NOTE: The licensee shall not restrict LPAs from entering or conducting inspections at the facility pursuant to Health and Safety Code (HSC) sections [1533](#) and [1569.32](#), the applicable sections of the Title 22 of the California Code of Regulations and other written standards, and COVID-19 Waiver terms and conditions. CDSS will exercise its statutory authority to issue citations and take other disciplinary actions for failure to comply with CDSS inspection authority.

For annual inspections, the LPA will use a facility Infection Control domain in the facility [Inspection Tool](#) that is available on the CCLD website.

- A new “Infection Control” domain has been added to each tool prior to the commencement of these annual inspections. This domain serves as a checklist for specific infection control practices, including COVID-19 specific guidance, field staff will be required to observe onsite.
- LPAs are required to address any violation of health and safety requirements, regardless of whether the requirement is on the Infection Control domain being used for these inspections.
- Licensees should be aware the domain and/or inspection tool may not represent a complete list of all requirements, and use of the domain and inspection tool does not limit CDSS inspection or enforcement authority or the ability of CDSS to cite Health and Safety Code, Title 22 of the California Code of Regulations and other written standards if appropriate.

Prior to any onsite inspections, an LPA will have:

- completed required COVID-19 testing protocols, and a daily self-screening questionnaire for symptoms of COVID-19 infection to affirm no COVID-19 related symptoms;
NOTE: While the Department encourages COVID-19 vaccinations in general, it does not have a vaccination mandate for LPAs.
- ensured that they have adequate supplies for inspections;
- been fitted for an N-95 respirator;
- completed the Respirator Protection training required by Cal/OSHA;
- been trained on the proper use of PPE; and
- disinfected their vehicle and equipment to be used during the inspection.

Prior to entering a facility, an LPA will:

- apply hand sanitizer;
- put on an appropriate face covering (e.g., surgical mask, N-95 respirator, powered air purifying respirator (PAPR), etc.);
- follow facility screening procedures;

- follow appropriate procedure when putting on and taking off PPE and when disposing of PPE; and
- wear any other PPE based on exposure risks present at the facility.

Inside the facility, an LPA:

- will wear an appropriate face covering throughout the inspection;
- may request the licensee to make provisions for private interviews and inspections procedures pursuant to the California Code of Regulations (CCR), Title 22, Division 6, sections [80044\(b\)\(1\)](#), [81044\(b\)\(1\)](#), [82087\(h\)](#), [85087\(d\)\(2\)](#), [87844\(c\)\(1\)](#);
- may sit or stand quietly during observations and may ask staff questions during an inspection, as is typical;
- will maintain appropriate physical distance with staff and persons in care;
- review electronic records, if applicable; and
- may conduct interviews outdoors or by phone, as deemed necessary.

ADDITIONAL INFORMATION

More information regarding COVID-19 can be found at the [CDSS COVID-19 information page](#). If you have any questions regarding this PIN, please contact your [Adult and Senior Care Regional Offices](#).

PIN Summary for Persons in Care

A Companion Guide for Provider information Notice (PIN) 21-25-ASC, Resumption of In-Person Annual Inspections,

We prepared this **Summary for Persons in Care** as a companion to **PIN 21-25-ASC** to inform you of guidance we provided to your care providers concerning your care.

In the near future, the Community Care Licensing Division (CCLD) will be conducting an in-person inspections of your facility. During the COVID-19 emergency, these inspections will be considered annual inspections. The focus will be to verify that your facility is following specific infection control practices that have the effect of mitigating and preventing the spread of COVID-19; however, the Licensing Program Analyst (LPA) will continue to address other health and safety requirements as necessary. Please be assured that CCLD has instituted requirements for LPAs including but not limited to weekly COVID-19 testing, daily symptom screenings, and use of Personal Protective Equipment (PPE) for LPAs to safely conduct the in-person annual inspections.

Your licensee or care provider is required to allow the LPA to enter your facility for an onsite inspection. During the onsite inspection, the LPA will follow infection control procedures and minimize their movement in and around the facility. Your licensee or care provider may be asked to create a space for private interviews and inspections procedures. Other means for accomplishing the inspection, such as conducting interviews outdoors with appropriate physical distance, may also be used.

If you have any questions, please reach out to your licensee or care provider. Below is additional information on how to obtain support or to file a complaint:

- **Adults and Seniors:** Long Term Care [Ombudsman](#) (call 1-800-510-2020) and the Statewide CRISIS line at 1-800-231-4024.

You may also file a complaint regarding a licensed community care provider by using the CCLD Complaints Hotline at 1-844-538-8766 (1-844-LET-US-NO) or email: letusno@dss.ca.gov.