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September 28, 2021

PIN 21-44-ASC

TO: ALL ADULT AND SENIOR CARE PROGRAM LICENSEES

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

SUBJECT: **ADULT AND SENIOR CARE FACILITY WORKER CORONAVIRUS
DISEASE 2019 (COVID-19) VACCINATION REQUIREMENT**

Provider Information Notice (PIN) Summary

PIN 21-44-ASC notifies all Adult and Senior Care (ASC) licensees of the COVID-19 vaccination requirement for all workers of ASC facilities, pursuant to the [State Public Health Officer Order of September 28, 2021](#). This PIN also provides guidance related to exemptions from the vaccination requirement and recordkeeping requirements of worker vaccination status and exemption status.

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, if applicable, their representatives.

According to the California Department of Public Health (CDPH) and the State Public Health Officer, the Delta variant of COVID-19 is currently the most common variant causing new infections in California. California continues to experience a high-level of COVID-19 cases, and the vast majority of 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 contracting COVID-19 and exposing persons in care and staff of ASC facilities to the virus.

In an ongoing effort to ensure safety of persons in care, and to minimize the spread of

COVID-19 among vulnerable individuals, a [State Public Health Officer Order](#) was issued on September 28, 2021, pursuant to the authority in Health and Safety Code sections 120125, 120140, 120175, 120195 and 131080. The State Public Health Officer Order requires all workers who provide services or work in ASC facilities have their first dose of a one-dose regimen or their second dose of a two-dose regimen by **November 30, 2021**. The [State Public Health Officer Order of July 26, 2021](#) regarding worker protections in high-risk settings supplements the vaccination requirement.

With a significant proportion of Californians throughout the state not yet fully vaccinated, it remains important that people, especially in high-risk congregate care settings, wear a mask correctly to protect themselves and others. As a reminder, vaccination is in addition to other key measures such as mask wearing, testing, improved ventilation, physical distancing, and respiratory and hand hygiene.

Licensees should continue to follow 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 \(CDPH\)](#);
- [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 persons in care.*

VACCINATION REQUIREMENT FOR ALL WORKERS OF ASC FACILITIES

Pursuant to the State Public Health Officer Order of September 28, 2021, all workers who provide services or work in ASC facilities licensed by CDSS and are not otherwise exempt are required to have the first dose of a one-dose regimen or the second dose of a two-dose regimen by **November 30, 2021**.

Two-dose vaccines include Pfizer-BioNTech or Moderna or vaccines authorized by the World Health Organization (WHO). The one-dose vaccine is Johnson and Johnson [J&J]/Janssen. All COVID-19 vaccines that are currently authorized for emergency use or FDA-approved can be found at the following links:

- [Vaccines by the U.S. Food and Drug Administration \(FDA\)](#)
- [Vaccines by the World Health Organization \(WHO\)](#)

"Worker" refers to all paid and unpaid individuals who work in indoor settings where (1) care is provided to individuals, or (2) persons in care have access for any purpose. This includes workers serving in residential care or other direct care settings who have the potential for direct or indirect exposure to persons in care or COVID-19 airborne aerosols. Workers include, but are not limited to, direct supportive services staff, hospice providers, nurses, nursing assistants, physicians, technicians, therapists, waiver personal care services (WPCS) providers, in-home supportive services (IHSS) providers, registered home care aides, certified home health aides, students and trainees, contractual staff not employed by the residential facility, and persons not directly involved in providing care or services, but who could be exposed to infectious agents that can be transmitted in the care setting (e.g., clerical, clergy, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, cosmetology, personal training and volunteer personnel).

EXEMPTIONS TO VACCINATION REQUIREMENT

Workers may be exempt from the vaccination requirements only upon providing the licensee a declination form, signed by the individual stating either of the following:

- (1) The worker is declining vaccination based on Religious Beliefs, or
- (2) The worker is excused from receiving any COVID-19 vaccine due to Qualifying Medical Reasons.

To be eligible for a Qualified Medical Reasons exemption, the worker must also provide to their employer a written statement signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician stating that the individual qualifies for the exemption (but the statement should not describe the underlying medical condition or disability) and indicating the probable duration of the worker's inability to receive the vaccine (or if the duration is unknown or permanent, so indicate).

If the licensee deems a worker to have met the requirements of an exemption pursuant to this section, the unvaccinated exempt worker must meet the following requirements when entering or working in such facility:

- Test for COVID-19 with either a PCR or antigen test that either has Emergency Use Authorization by the U.S. Food and Drug Administration or be operating per the Clinical Laboratory Improvement Amendments of 1988 (CLIA) waiver allowing for antigen testing by facilities participating in the CDPH Antigen Testing Pilot. Testing must occur once weekly for such workers.
 - Consistent with testing guidance for residential care workers in [PIN 21-32.1-ASC](#) and Adult Day Program workers in [PIN 21-33-ASC](#), diagnostic screening testing must occur at least once weekly for unvaccinated exempt workers, and unvaccinated exempt workers must participate in response testing, if warranted.

- Unvaccinated or incompletely vaccinated workers must observe all other infection control requirements, including masking, and are not exempted from the testing requirement even if they have a medical contraindication to vaccination, since they are still potentially able to spread the illness.
- Wear a surgical mask or higher-level respirator approved by the National Institute of Occupational Safety and Health (NIOSH), such as an N95 filtering facepiece respirator, at all times while in the facility.

RECORDKEEPING OF WORKER VACCINATION AND EXEMPTION STATUS

Consistent with applicable privacy laws and regulations, the licensee must maintain records of workers' vaccination or exemption status. Licensees must have a plan in place for tracking verified facility staff vaccination status. Licensees must provide such records to the local or state Public Health Officer, the California Department of Social Services, or their designee promptly upon request, and in any event no later than the next business day after receiving the request.

Facility staff who are not fully vaccinated, or for whom vaccine status is unknown or documentation is not provided, must be considered unvaccinated.

For more information regarding recordkeeping see PINs 21-32.1-ASC for residential facilities and 21-33-ASC for Adult Day Programs.

Vaccinated Workers

Pursuant to the [CDPH Guidance for Vaccine Records Guidelines & Standards](#), licensees must maintain records with the following information:

- (1) Full name and date of birth
- (2) Vaccine manufacturer; and
- (3) Date of vaccine administration (for first dose and, if applicable, second dose).

Important! [Options for Providing Proof of COVID-19 Vaccination:](#)

- COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers for Disease Control & Prevention or WHO Yellow Card); OR
- A photo of a vaccination card as a separate document; OR
- A photo of the client's vaccine card stored on a phone or electronic device; OR
- Documentation of 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.

Exempt Workers

If the worker is exempt as described in the *Exemptions to Vaccination Requirement* section above, the licensee then also must maintain records of the workers' testing results. Licensees must also maintain signed declination forms of unvaccinated workers with a written health care provider's statement where applicable, as described in *Exemptions to Vaccination Requirement* section above.

OTHER INFORMATION

Nothing in the State Public Health Officer Order limits other applicable requirements related to Personal Protective Equipment, training and infection control practices.

Licensees are encouraged to provide easy access to nearby vaccinations, and education and outreach on vaccinations.

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](#).

PIN Summary for Persons in Care

A Companion Guide for Provider Information Notice (PIN) 21-44-ASC, Adult and Senior Care Facility Worker Coronavirus Disease 2019 (COVID-19) Vaccination Requirement

The California Department of Social Services (CDSS) has prepared this **PIN Summary for Persons in Care** as a companion to **PIN 21-44-ASC** to inform you of guidance we have provided to your care providers concerning your care.

PIN 21-44-ASC notifies the licensee of your facility of the COVID-19 vaccination requirement for all workers of Adult and Senior Care (ASC) facilities licensed by CDSS, pursuant to the [State Public Health Officer Order of September 28, 2021](#). This PIN also provides guidance related to exemptions from the vaccination requirement and recordkeeping requirements of worker vaccination status and exemption status.

According to the California Department of Public Health (CDPH) and the State Public Health Officer, the Delta variant of COVID-19 is currently the most common variant causing new infections in California. California continues to experience a high-level of COVID-19 cases, and the vast majority of 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 contracting COVID-19 and exposing persons in care and staff of ASC facilities to the virus.

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EXEMPTIONS TO VACCINATION REQUIREMENT

Workers may be exempt from the vaccination requirements only if they provide a signed form to the licensee of your facility stating either of the following:

- (1) The worker is declining vaccination based on Religious Beliefs, or
- (2) The worker is excused from receiving any COVID-19 vaccine due to Qualifying Medical Reasons.

The unvaccinated exempt worker must test for COVID-19 once weekly in order to enter or work in the facility and wear a surgical mask or higher-level respirator at all times while in the facility.

Your care providers, the licensee of your facility, and your [local Long-Term Care Ombudsman](#) (call 1-800-510-2020) are available to answer your questions.