



CBAS Updates

March 2, 2022

Today's Presenters

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Housekeeping

- We welcome your questions – please submit via the webinar “Questions” box
- This webinar is being recorded and will be posted on the CDA website:
https://www.aging.ca.gov/Providers_and_Partners/Community-Based_Adult_Services/#pp-tr
- Please encourage staff and providers who are not able to join us today to listen to the webinar once posted

AGENDA



- California Department of Public Health (CDPH) All Facility Letter (AFL) 20-34.5
- Flexibilities and Timeline in CBAS All Center Letters (ACLs)
- 1115 "CalAIM" Waiver Approval - CBAS Emergency Remote Services (ERS)
- CBAS Provider Sharing
- Questions & Answers

[AFL 20-34.5 Suspension of Regulatory Enforcement of Specified ADHC Requirements \(2/8/22\)-Supersedes AFL 20-34.4](#)

What we know today:

- CDPH issued AFL 20-34.5 on February 8, 2022
- The AFL notifies ADHC licensees that:
 - ✓ Flexibility of regulatory requirements for ADHC licensing in effect during the COVID-19 pandemic will end on March 31, 2022
 - ✓ Effective April 1, 2022, all ADHC licensees (meaning All CBAS Providers) must again meet all ADHC licensing requirements specified in the [California Code of Regulations \(CCR\), Title 22, Division 5, Chapter 10](#)

What specifically does this mean for CBAS providers?

Effective April 1, 2022, all CBAS providers must meet requirements pursuant to your ADHC license, including:

- ✓ Be **open** and **operating** within your centers on the days and hours of operation printed on your license
- ✓ Be **staffed** and **providing basic services** within your centers per licensing requirements [including Title 22 California Code of Regulations (CCR) Sections [78301](#), [78305](#), [78307](#), [78309](#), [78311](#), [78313](#), [78319](#), [78337](#), [78339](#), [78341](#)]

What specifically does this mean for CBAS providers?

- ❖ If you are unable to operate within your center per licensing requirements by April 1, 2022, you may: change your days of center operation or close temporarily by making written request to CDPH to place your license in temporary suspension.
- ❖ Refer to [Section 78233](#) for more specific information regarding placing your license in voluntary suspension
- ❖ Contact your [Licensing District Office](#) for further instructions

What specifically does this mean for CBAS providers?

- ❖ If you choose to change your days of operation or close – either temporarily or permanently:
 - ✓ Notify your Licensing District Office of CDPH
 - ✓ Notify CDA and your contracting managed care plans
 - ✓ Coordinate closure and discharge responsibilities per CDA [CBAS Center Closure Requirements](#).

NOTE: Closed centers may not provide any ADHC or CBAS services

CBAS ACL 22-01 - PENDING

CDA is awaiting review and approval of further guidance to CBAS providers regarding the ongoing transition to full in-center services and the end of remaining Temporary Alternative Services (TAS) flexibilities.

Governor Newsom recently released [Executive Order N-04-22](#), which we believe may allow some CBAS TAS flexibilities, including delivery of remote services, to remain in place through June 30, 2022.

NOTE: All Licensing requirements must be met by April 1, 2022.

Existing Flexibilities in CBAS ACLs

Meanwhile, until ACL 22-01 is issued, all requirements specified in the following ACLs continue to apply:

- ✓ [ACL 21-04 Transition to Congregate Center Services](#)
 apply - e.g., full MDTs, assessments and evaluations, IPCs, ...
- ✓ [ACL 21-10 Postponement of Deadline for CBAS Transition of All Participants to In-Center Services and Other Planning Updates](#)
- ✓ [ACL 21-13 CBAS Temporary Alternative Services \(TAS\): Remote Services Standards and Documentation Requirements](#)

CBAS Provider Action List

- Prepare your CBAS staff and center for operating April 1, 2022, per ADHC licensing requirements
- Communicate with participants and caregivers about transitioning to in-center services April 1, 2022
- Modify participant schedules and care plans to accommodate participants who are ready to transition to in-center services and those who may have continuing need for remote services at this time
- Ensure that services provided under CBAS TAS meet requirements and continue to address participants' needs
- Plan and prepare for the full return to CBAS program requirements when TAS flexibilities end - STAY TUNED for release of ACL 22-01

1115 “CaAIM” Waiver Approval

- The Centers for Medicare & Medicaid Services (CMS) renewed the Medi-Cal 2020 Section 1115 Demonstration, now entitled the “California Advancing and Innovating Medi-Cal (CaAIM)” initiative, effective January 1, 2022, through December 31, 2026.

Reference:

- [CMS Approval Letter and Special Terms and Conditions \(STCs\) and Standards of Participation \(SOPs\)](#).
 - [DHCS CaAIM 1115 Demonstration & 1915\(b\) Waiver](#) and [DHCS CaAIM](#)
 - CBAS STCs (beginning on page 16) and SOPs (beginning on page 127) in the [CMS Approval Letter](#).
- The 1115 “CaAIM” Waiver includes the provision of CBAS Emergency Remote Services (ERS) under specified emergency conditions. **Note: CBAS TAS and CBAS ERS are distinctive services.**
 - CDA is drafting policy for CBAS ERS in coordination with stakeholders on the Vision Team, DHCS and managed care plan partners.

CBAS Provider Sharing - CBAS In-Center Transition

Sharing their center's responses to recent developments and the current state of the pandemic:

**Kawon Lee, Vice President -
Commonwealth ADHC**

**Raenika Butler, Program
Director - Bayview Hunters
Point ADHC**

Kay and Raenika are members of the California Association for Adult Day Services (CAADS) and Alliance for Leadership and Education (ALE) Vision Team which meets weekly with CDA CBAS leadership to discuss and provide recommendations on CDA policy guidance to address the needs of CBAS providers and their participants.



Questions?

Relevant State and Federal Authorities

State Authorities for ADHC Flexibilities

- **Governor's Executive Orders**

 - [N-35-20](#) (3/21/20)

 - [N-08-21](#) (6/22/21)

 - [N-17-21](#) (10/4/21)

 - [N-21-21](#) (11/10/21)

 - [N-04-22](#) (2/25/22)

- **California Department of Public Health (CDPH) All Facilities Letter** [AFL 20-34.5](#)

 - [Suspension of Regulatory Enforcement of Specified ADHC Requirements \(Issued 2/8/22\)](#) - *Supercedes AFL 20-34.4.*

- **Federal Authority for CBAS TAS - Centers for Medicare & Medicaid Services (CMS)**

 - **1135 Attachment K** - *Allows approved flexibilities up to six months post federal Public Health Emergency (PHE)*

CDPH Guidance for ADHCs

➤ [AFL 21-29.3 Coronavirus Disease 2019 \(COVID-19\) Testing, Vaccination Verification and Personal Protective Equipment for Health Care Personnel \(HCP\) at Health Care Facilities \(Issued 2/22/22\)](#)

- Notifies all facilities of the February 22, 2022, [Public Health Order](#).
- Requires HCP to be current with vaccinations and receive boosters by March 1, 2022, unless exempt.
- Allows HCP who completed their primary vaccination series and provide proof of subsequent COVID-19 infection to defer booster administration for up to 90 days from the date of clinical diagnosis or first positive test, which may extend the booster dose requirement beyond March 1st.
- Updates testing requirements to require at least weekly COVID-19 testing for unvaccinated exempt HCP and booster-eligible HCP who have not yet received their booster. *Facilities must begin testing all booster-eligible HCP who have not yet received their booster by December 27, 2021, and be in full compliance by January 7, 2022.*

➤ Questions about this AFL or about infection prevention and control of COVID-19?

Contact the CDPH Healthcare-Associated Infections Program at HAIProgram@cdph.ca.gov or novelvirus@cdph.ca.gov.

➤ Questions about state testing program?

Contact the Testing Taskforce at testing.taskforce@state.ca.gov.

All ADHC/CBAS providers must comply with this public health policy guidance.

CDPH Guidance for ADHCs

➤ [CDPH Guidance for the Use of Face Masks \(Issued 2/28/22\)](#) and [CDPH Face Coverings Q&A \(Issued 2/16/22\)](#)

- Effective March 1, 2022 , the requirement that unvaccinated individuals mask in indoor public settings will move to a strong recommendation that all persons, regardless of vaccine status, continue indoor masking.
- Universal masking shall remain required in specified high-risk settings. *Refer to referenced guidance.*
- Masks are required for all individuals in specified indoor settings, regardless of vaccination status, which includes [all healthcare settings](#) including those not covered by the [State Health Officer Order issued on July 26, 2021](#). *Surgical masks or higher-level respirators (e.g., N95s, KN95s, KF94s) with good fit are highly recommended.*

➤ Questions about this AFL or about infection prevention and control of COVID-19?

Contact the CDPH Healthcare-Associated Infections Program at HAIProgram@cdph.ca.gov or novelvirus@cdph.ca.gov.

All ADHC/CBAS providers must comply with the public health guidance for healthcare settings.

CDPH Guidance for ADHCs

➤ [AFL 21-35 Guidance for In-Center Services and Operation of ADHCs during the Coronavirus Disease 2019 \(COVID-19\) Pandemic \(Issued 9/17/21\)](#)

- This AFL provides guidance for ADHCs to operate and safely return to in-center services during the COVID-19 pandemic. This guidance includes the following:
 - Safety Protocols
 - Isolation
 - Participants Rights
 - Transportation
 - Vaccination
 - Testing

➤ Questions about this AFL or about infection prevention and control of COVID-19?

Contact the CDPH Healthcare-Associated Infections Program at HAIProgram@cdph.ca.gov or novelvirus@cdph.ca.gov.

All ADHC/CBAS providers must comply with this public health policy guidance.

Resources: COVID-19 Information

California Department of Aging (CDA)

- [COVID-19 Information and Resources](#)

California Department of Developmental Services (DDS)

- [Coronavirus Information and Resources](#)

California Department of Health Care Services (DHCS)

- [DHCS COVID-19 Response](#)

California Department of Industrial Relations

- [Cal/OSHA COVID-19 Emergency Temporary Standards—What Employers Need To Know \(Effective January 14, 2022\)](#)

California Department of Public Health (CDPH)

- [CDPH All Facilities Letters \(AFLs\)](#)
- [CDPH COVID-19 Home](#)
- [CDPH Find All Guidance](#)
- [CDPH AFL 21-35 Guidance for In-Center Services and Operation of ADHCs during the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#)

California Department of Social Services (DSS)

- [COVID-19 Information and Resources](#)

Refer to Provider Information Notices (PINS) for Adult and Senior Care (ASC) Programs

Centers for Disease Control and Prevention (CDC)

- [COVID-19](#)
- [COVID-19 Quarantine and Isolation](#)
- [Use and Care of Masks](#)
- [COVID-19 Stay Up To Date with Your Vaccines](#)
- [People with Certain Medical Conditions](#)

State of California

- [California COVID-19 Website](#)
- [Office of Governor Gavin Newsom – Executive Orders](#)



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