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ACL 21-10

Date: August 31, 2021
To: Adult Day Health Care (ADHC) / Community-Based Adult Services (CBAS)
Center Administrators and Program Directors
From: California Department of Aging (CDA) CBAS Bureau
Subject: Postponement of Deadline for CBAS Transition of All Participants to In-Center Services and Other Planning Updates

Purpose

This All Center Letter (ACL) specifies that until further notice, the requirement for in-center attendance of all participants by October 31, 2021, will not apply. Postponement of the deadline will allow time for the State and providers to respond to the changing environment, including the new public health requirements for staff vaccination and implementation of protocols for screening and testing to mitigate infection risks. Additionally, this ACL addresses CDA's current plans for developing policy to address the next phases of the transition to traditional CBAS program requirements.

Background

In April 2021, during a time of increasing vaccination levels, decreasing COVID-19 infections, and growing optimism about the state of the Public Health Emergency (PHE), CDA released ACL 21-04 outlining a phased transition to CBAS in-center services, including a deadline to transition all participants to in-center services at least once per week by October 31, 2021. Since April 2021 and the release of ACL 21-04, conditions with the COVID pandemic have changed. Vaccination levels failed to reach anticipated numbers, and infections and hospitalizations are increasing around the state with the spread of the Delta variant.

Additionally, the California Department of Public Health (CDPH) has issued new public health orders which mandate testing and full vaccination of all ADHC/CBAS center staff.^{1 2}

¹ [CDPH State Public Health Officer Order of July 26, 2021: "Health Care Worker Protections in High-Risk Settings"](#)

² [CDPH State Public Health Officer Order of August 5, 2021: "Health Care Worker Vaccine Requirement"](#)

Due to the current conditions and ongoing risk to providers, participants, families, and caregivers, CDA determined it is appropriate to postpone the transition back to in-center services.

CBAS Temporary Alternative Services (TAS) Flexibility Changes and Timeline

Authority granted by the Centers for Medicare & Medicaid Services (CMS) for the flexibility of California's Home and Community-Based Services programs, including CBAS, extends through the end of the PHE, and allows for a six-month timeframe for full return to pre-PHE requirements. For the CBAS program, that means return to requirements under the 1115 Waiver, state law, and regulations.

At this time, the state has not received a directive from CMS specifying a definitive date for the end of the federal PHE designation. With changing conditions and no known end date to the PHE, CDA plans the following changes to the timeline set in ACL 21-04, as well as changes to flexibility allowances under TAS that we anticipate as the PHE concludes:

1. In-Center Attendance

The phased transition specified in ACL 21-04 set the following attendance deadline:

“All participants who will be continuing with the CBAS program and returning to the center in 2021 must be receiving regularly scheduled services at the center at least one day per week by October 31, 2021.”

Until further notice, the requirement for in-center attendance of all participants by October 31, 2021, will not apply.

All other requirements specified in ACL 21-04 continue to apply, including but not limited to: staffing with the full CBAS multidisciplinary team; conducting assessments and evaluations; and developing Individual Plans of Care (IPCs) that are person-centered and address transition to in-center services as well as any continuing remote services that may be necessary at this time.

CDA recommends that providers continue to transition participants to in-center services to the extent providers determine, based on conditions in their individual communities and centers, that it is safe and feasible. Providers must meet all requirements for the provision of in-center services specified in their approved [CBAS Congregate Center Services Checklist \(CDA 7027\)](#) and those requirements referenced in this ACL.

2. Remote Services

Provision of remotely delivered services – either via telehealth or in-person at participant homes or in the community as defined in ACLs 20-06 and 20-07 – continue to be allowed at this time. CDA is currently working with the Department of Health Care Services (DHCS), managed care plans (MCPs), and stakeholders to define narrower criteria for reimbursable remote services to support participants during the PHE. CDA anticipates these criteria will be effective in January 2022 and will release guidance at a later date outlining the revised requirements.

3. Discontinuation of TAS Flexibilities as PHE Concludes

As CBAS returns to full program requirements as the PHE concludes, CDA will provide further guidance regarding discontinuation of flexibilities. Providers should anticipate and plan for changes in the following areas:

- Transition of all participants to in-center services for their authorized days
- Conclusion of remote service delivery as defined under TAS
- Core service delivery each day of participant attendance
- Four-hour minimum stay for each day of attendance at the center
- Daily billing tied to license capacity
- Staffing, therapy, and dietary hour requirements tied to quarterly average daily attendance

Summary

CDA will continue to provide guidance and training, including on revisions to requirements for delivery of remote services, to ensure that providers have the flexibility, time, and support needed to address participants' needs at this time and through the resumption of full CBAS program requirements. CDA will make further changes to transition requirements as data regarding the state of the pandemic indicates or if state partners and/or CMS issue new guidance. CDA's goal, as always, is to ensure that the transition to in-center services is safe and orderly.

References

[Cal/OSHA COVID-19 Guidance and Resources](#)

[CDA All Center Letters](#)

[CDPH All Facilities Letters - 2021](#)

[CDPH "Find All Guidance" – State Public Health Officer Orders, Employees & Workplaces Guidance, Health Care Guidance, Testing Guidance & More](#)

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Questions

Please contact the CBAS Bureau if you have any questions at (916) 419-7545 or via email to cbascda@aging.ca.gov.