



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



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December 28, 2021

PIN 21-52-ASC

TO: ALL ADULT AND SENIOR CARE PROGRAM LICENSEES

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

SUBJECT: **2021 CHAPTERED LEGISLATION AFFECTING ADULT AND SENIOR CARE FACILITIES: SUMMARY AND IMPLEMENTATION**

Provider Information Notice (PIN) Summary

PIN 21-52-ASC provides a summary of and implementation information for legislation chaptered in 2021 affecting licensed Adult and Senior Care facilities. The changes to the statutes referenced in this PIN become operative January 1, 2022.

Please distribute this PIN to persons in care and/or, if applicable, their authorized representatives.

Action Required

The following implementation information requires action by a facility licensee. Licensees should be aware that beginning January 1, 2022, CCLD intends to utilize the full spectrum of oversight and compliance activities currently available to ensure compliance with the statutes below. In addition to a citation, CDSS may take other disciplinary actions for non-compliance which may include:

- Issuing civil penalties;
- Suspending or revoking a license or certificate;
- Excluding an individual from a facility; or

- Imposing other disciplinary action as specified in the Health and Safety Code or Title 22 of the California Code of Regulations.

Assembly Bill (AB) 665 (Garcia), Chapter 469, Statutes of 2021

Note: Applies to Adult Residential Facilities, Adult Residential Facilities for Persons with Special Health Care Needs, Community Crisis Homes or Enhanced Behavioral Support Facilities Licensed as an Adult Residential Facility, Residential Care Facilities for the Chronically Ill, Residential Care Facilities for the Elderly, and Social Rehabilitation Facilities.

Care Facilities: Internet Access.

AB 665 adds Sections 1537.1, 1568.074, and 1569.319 to the Health and Safety Code to require a licensee of any adult or senior care residential facility that has internet service to provide at least one internet access device, such as a computer, smart phone, tablet, or other device, that:

- can support real-time interactive applications;
- is equipped with videoconferencing technology, including microphone and camera functions; and
- is dedicated for client or resident use.

Requirements for Providing Internet Access Device

A licensee of a residential facility must ensure the following requirements are met in providing any internet access device for client or resident use. The device must be:

- available in a manner that allows a client or resident to access it for discussion of personal or confidential information with a reasonable level of personal privacy, and made available in a manner that permits shared access among all clients or residents in the facility during reasonable hours.

Senate Bill (SB) 434 (Bates), Chapter 447, Statutes of 2021

Note: Applies to Social Rehabilitation Facilities licensed by the California Department of Social Services (CDSS).

Substance abuse and mental health services: advertising and marketing.

SB 434, in part, adds Chapter 4, commencing with Section 4097, to the Welfare and Institutions Code to prohibit an operator of a licensed Social Rehabilitation Facility (SRF) from doing any of the following:

- Making or providing a false or misleading statement or information about the entity's products, goods, services, or geographical locations in its marketing, advertising materials, or media, or on its internet website or on a third-party internet website;
- Including on its internet website a picture, description, staff information, or the location of an entity, along with false contact information that surreptitiously directs the reader to a business that does not have a contract with the entity; or

- Including on its internet website false information or an electronic link that provides false information or surreptitiously directs the reader to another internet website.

Additionally, SB 434 permits CDSS, under its authority, to investigate an allegation of a violation of WIC Section 4097 and to impose an administrative action and/or civil penalty pursuant to [Section 1548](#) of the Health and Safety Code against SRFs.

Information Only

The following summaries are provided for informational purposes only. Licensees are advised there may also be other legislation and requirements outside of those included in this section which may apply to their facilities. It is important to continue to be aware of and follow all requirements that may apply.

[AB 654 \(Reyes\), Chapter 522, Statutes of 2021](#)

***Note:** Applies to Adult Day Programs, Adult Residential Facilities, Adult Residential Facilities for Persons with Special Health Care Needs, Community Crisis Homes, Enhanced Behavioral Supports Homes, Residential Care Facilities for the Chronically III, Residential Care Facilities for the Elderly, and Social Rehabilitation Facilities.*

COVID-19: Exposure: notification.

AB 654 amends Section 6325 of the Labor Code, and amends and repeals Section 6409.6 of the Labor Code, relating to occupational safety and COVID-19 exposure. AB 654 updates requirements for reporting and notification of COVID-19 exposure in the workplace that were established in AB 685 (Chapter 84, Statutes of 2020). AB 654 exempts **all adult and senior care facilities licensed** by CDSS from the requirement to report and provide information to the Department of Public Health when the number of COVID-19 cases at a facility meets the definition of an outbreak.

This bill does not exempt or waive the licensee from their reporting responsibilities under the applicable reporting requirements listed in the California Code of Regulations, Title 22, sections [80061](#), [81061](#), [82061](#), [87211](#), [87861](#), or any other related reporting requirement in statute or regulation. Licensees are still required to follow other reporting and notification requirements for COVID-19 from the Labor Code including:

- Notifying employees of potential exposure within one business day;
- Providing information to employees regarding COVID-19 related benefits and options;
- Notifying employees of the cleaning and disinfection plan that the employer is implementing; and
- Maintaining records of notifications for at least 3 years

If you have questions regarding this PIN, please contact your local [Adult and Senior Care Regional Office](#).