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**Information Notice 21-01**

**Date:** September 30, 2021

**To:** Assisted Living Waiver (ALW) Care Coordination Agencies (CCA)

**Subject:** New COVID-19 vaccination requirements for Adult Care Facilities and Direct Care Worker and information regarding the Pfizer COVID-19 Vaccine Booster

**Reference:** State Public Health Officer Order of September 28, 2021

Dear ALW CCA Partners:

On September 28, 2021, the California Department of Public Health (CDPH) issued [new vaccination requirements for Adult Care Facilities and Direct Care Workers](#) in order to prevent further spread of COVID-19 in adult and senior care facilities and in-home direct care settings. DHCS requires all ALW CCAs to follow CDPH State Public Health Officer orders. This ALW CCA Information Notice provides additional information to ALW CCAs for operationalizing this new public health order and information regarding the Pfizer COVID-19 Vaccine Booster.

**New vaccination requirements**

1. All individuals in subdivisions (a) through (e) must have their first doses of a one-dose regimen or their second dose of a two-dose regimen by November 30, 2021.
  - a. All workers who provide services or work in Adult and Senior Care Facilities licensed by the California Department of Social Services;
  - b. All in-home direct care services workers, including registered home care aides and certified home health aides, except for those workers who only provide services to a recipient with whom they live or who are a family member of the recipient for whom they provide services;

- c. All waiver personal care services (WPCS) providers, as defined by the California Department of Health Care Services, and in-home supportive services (IHSS) providers, as defined by the California Department of Social Services, except for those workers who only provide services to a recipient with whom they live with or who are a family member of the recipient for whom they provide services;
  - d. All hospice workers who are providing services in the home or in a licensed facility;
  - e. All regional center employees, as well as service provider workers, who provide services to a consumer through the network of Regional Centers serving individuals with developmental and intellectual disabilities, except for those workers who only provide services to a recipient with whom they live or who are a family member of the recipient for whom they provide services.
2. All workers who are eligible for the exceptions outlined in subdivisions (b), (c), and (e) of section (1) must only provide services to a single household. If the worker provides services across multiple households, then the exception does not apply, and the worker must adhere to the provisions of this Order.
  3. Two-dose vaccines include: Pfizer-BioNTech or Moderna or vaccine authorized by the World Health Organization. The one-dose vaccine is: Johnson and Johnson [J&J]/Janssen. All COVID-19 vaccines that are currently authorized for emergency use can be found at the following links:
    - a. By the US Food and Drug Administration (FDA), are listed at the FDA COVID-19 Vaccines webpage.
    - b. By the World Health Organization (WHO), are listed at the WHO COVID-19 Vaccines webpage.

### **Vaccine Exemptions**

1. Workers may be exempt from the vaccination requirements under section (1) only upon providing the employer or employer-recipient 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.
  - a. To be eligible for a Qualified Medical Reasons exemption the worker must also provide to their employer or employer-recipient 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).
2. If an employer or employer-recipient deems a worker listed above under section (1) to have met the requirements of an exemption pursuant to section (7), the unvaccinated exempt worker must meet the following requirements when entering or working in such facility or home:
    - a. Test for COVID-19 with either PCR or antigen test that either has Emergency Use Authorization by the U.S. Food and Drug Administration or be operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services. Testing must occur once weekly for such workers.
    - b. 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 or home.

### **Employer Requirements**

1. Consistent with applicable privacy laws and regulations, an employer must maintain records of workers' vaccination or exemption status. If the worker is exempt pursuant to section (7), the employer as applicable also must maintain records of the workers' testing results pursuant to section (8). For IHSS workers, WPCS workers, and independent registered home care aides, the worker must maintain relevant records as provided in this section.
  - a. The employer 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.
  - b. Employers and workers subject to the requirement under section (1) must maintain records pursuant to the CDPH Guidance for Vaccine Records Guidelines & Standards 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).
  - c. For unvaccinated workers: signed declination forms with written health care provider's statement where applicable, as described in section (6) above. Testing records pursuant to section (8) must be maintained.

### **Definitions**

1. "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 SARS-CoV-2 airborne aerosols. Workers include, but are not limited to, direct supportive services staff, hospice providers, nurses, nursing assistants, physicians, technicians, therapists, WPCS providers, 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).

2. “Employer” refers to an organization that employs and directs the worker in providing services. In the case of workers in a facility, the facility is the employer. In the case of certified home health aides, the home care organizations are the employer.
3. “Employer-Recipient” refers to the person receiving services from IHSS workers, WPCS workers, and independent registered home care aides.

### **Terms of Public Health Order**

The Public Health Order on [new vaccination requirements for Adult Care Facilities and Direct Care Workers](#) went into effect on September 28, 2021, and facilities and providers must be in full compliance with the Order by November 30, 2021. This Order is issued pursuant to Health and Safety Code sections 120125, 120140, 120175, 120195 and 131080 and other applicable law. Additionally, the July 26 Public Health Order will continue to apply.

### **Third Dose of Vaccine for Persons Considered Moderately or Severely Immunosuppressed**

The FDA has authorized, and the CDC recommends, that persons with certain medical conditions<sup>1</sup> that suppress the immune system get a third dose of the mRNA COVID-19 vaccines (Pfizer or Moderna, whichever they initially received) at least 28 days after the second dose. This third dose can help protect people with weakened immune systems who may not have had a strong enough response to the first two doses of one of the mRNA vaccines.

### **Pfizer COVID-19 Vaccine Booster**

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<sup>1</sup> The CDC guidelines on COVID-19 vaccines for people with moderately to severely immunocompromised immune systems can be accessed at the following link: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/immuno.html>

The Pfizer-BioNTech COVID-19 booster vaccine is recommended six months or later following the primary vaccination series for certain individuals, outlined below.

People previously vaccinated with Pfizer BioNTech who **SHOULD** receive a booster include:

- Age 65 years and older;
- Long term care residents; and
- Age 50 through 64 years with [underlying medical conditions](#) or at [increased risk of social inequities](#) (including communities of color and others at risk of inequities).

People who **MAY CONSIDER** receiving a booster based on their individual benefits and risks include:

- Age 18 through 49 years with [underlying medical conditions](#); and
- Age 18 through 64 who are at increased risk of exposure to COVID-19 due to their occupation or institutional setting. The CDC currently defines [occupations at increased risk](#) for COVID-19 as:
  - First responders (healthcare workers, firefighters, police, congregate care staff)
  - Education staff (teachers, support staff, daycare workers)
  - Food and agriculture workers
  - Manufacturing workers
  - Corrections workers
  - U.S. Postal Service workers
  - Public transit workers
  - Grocery store workers

COVID-19 Booster doses are meant to boost immunity that may have waned over time and are the same dose of vaccine that were given as part of the primary series. Those that **should** receive a booster dose are at highest risk of hospitalization or death and need to be prioritized for booster doses.

Booster doses can be received at least six months after completion of the initial vaccine series. California is ready to administer boosters to those that are recommended for boosters immediately.

Boosters are available through all current channels, including healthcare providers, clinics and neighborhood pharmacies. Californians can visit [MyTurn.ca.gov](https://myturn.ca.gov) or call 833-422-4255 to make an appointment or find a nearby vaccine clinic.

All COVID-19 vaccines continue to provide significant protection against severe illness, hospitalization, and death. However, certain populations are seeing a slight decrease in

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vaccine effectiveness against infection. Booster doses of vaccines are very common. They are part of most childhood and adult vaccine series to ensure a person maintains optimal immunity against infection from a disease.

Should you have any questions about the content of this letter, please contact the ALW Program at [ALW.IR@dhcs.ca.gov](mailto:ALW.IR@dhcs.ca.gov).

Thank you,

Department of Health Care Services

Resources:

- [State Public Health Order - Health Care Worker Vaccine Requirement](#)
- [State Public Health Order - Health Care Worker Protections in High-Risk Settings](#)
- [Food and Drug Administration COVID-19 Vaccines webpage](#)
- [World Health Organization COVID-19 Vaccines webpage](#)
- Center for Disease Control's [Find Vaccines webpage](#)
- CDPH's [My Turn webpage](#)
- [CDPH Guidance for Vaccine Records Guidelines & Standards](#)
- [Pfizer COVID-19 Vaccine Boosters \(ca.gov\)](#)