



Michelle Baass | Director

DATE: January 23, 2025

Behavioral Health Information Notice No: 25-002

TO: California Alliance of Child and Family Services
California Association for Alcohol/Drug Educators
California Association of Alcohol & Drug Program Executives, Inc.
California Association of DUI Treatment Programs
California Consortium of Addiction Programs and Professionals
California Council of Community Behavioral Health Agencies
California Opioid Maintenance Providers
California State Association of Counties
Coalition of Alcohol and Drug Associations
County Behavioral Health Directors
County Behavioral Health Directors Association of California
County Drug & Alcohol Administrators

SUBJECT: Guidance on Temporary Waivers and Flexibilities for Behavioral Health Programs Impacted by Southern California Wildfires

PURPOSE: To provide guidance to behavioral health programs and facilities regarding temporary waivers and flexibilities for licensing and certification requirements that may be requested during the Southern California wildfire emergency.

REFERENCE: [Executive Order N-2-25](#), Item 10

BACKGROUND:

The Department of Health Care Services (DHCS) recognizes the severe impact of the recent wildfires in Southern California and is deeply committed to supporting licensed and/or certified behavioral health programs and facilities during this challenging time. Pursuant to the Governor's State of Emergency proclamation on January 7, 2025, and [Executive Order N-2-25](#) issued on January 8, 2025, DHCS is providing guidance on temporary flexibilities to ensure uninterrupted access to care for those in Los Angeles and Ventura Counties.

California Department of Health Care Services

Deputy Director's Office, Behavioral Health

P.O. Box 997413 | Sacramento, CA | 95899-7413

MS Code 2710 | Phone (916) 440-7800 | www.dhcs.ca.gov

State of California

Gavin Newsom, Governor



California Health and Human Services Agency

POLICY:

The flexibilities described herein are effective immediately and will terminate thirty (30) calendar days following the expiration of Governor Newsom's State of Emergency proclamation and any subsequent similar emergency orders that may be issued.

Flexibilities for Alcohol or Other Drug Recovery or Treatment Facilities and Programs

A licensed and/or certified Alcohol or Other Drug (AOD) Recovery or Treatment Facility (AOD Facility), certified AOD outpatient program, or licensed Driving-Under-the-Influence (DUI) program may request an extension of any of the application deadlines in [Chapters 3 and 5 of Division 4 of Title 9 of the California Code of Regulations](#) or other DHCS guidance, including the AOD Certification Standards. DHCS will determine whether to grant extensions on a case-by-case basis to programs and facilities that request additional time to submit an application, or required information or documentation, in order to comply with regulatory and certification standard requirements. The assigned DHCS Licensing Analyst will work with the program or facility to address any outstanding and/or needed documentation to complete the application.

Additionally, DHCS may offer other flexibilities such as temporary waivers of certain regulatory requirements, as requested by the facility or program and deemed necessary and appropriate by DHCS, and expedited processing of initial and relocation applications to support compliance and continued operations.

Requests for AOD or Other Drug Recovery or Treatment Facilities and Program flexibilities shall include: 1) a description of the flexibility requested; 2) justification to support the request; 3) a narrative explaining how the health and safety of persons receiving treatment will be maintained; and 4) how SUD treatment services will continue to be available during the period in which the facility or program will be operating with the flexibility.

Requests can be submitted directly to your Licensing Analyst or through email at LCDQuestions@dhcs.ca.gov (for residential and outpatient facilities) or DUIProviders@dhcs.ca.gov (for DUI programs).

Alternatively, hardcopy requests can be submitted to the following appropriate sections:

Department of Health Care Services
Licensing and Certification Section
P.O. Box 997413, MS 2602
Sacramento, CA 95899-7413

or

Department of Health Care Services
Driving-Under-the-Influence Unit
P.O. Box 997413, MS 2601
Sacramento, CA 95899-7413

Narcotic Treatment Program Exceptions

In accordance with [Executive Order N-2-25](#), a Narcotic Treatment Program (NTP) may request an exception for any requirement in [Chapter 4 of Division 4 of Title 9 of the California Code of Regulations](#); [Chapter 10 of Part 2 of Division 10.5 of the Health and Safety Code \(HSC\)](#); [Section 11215 of the HSC](#), or other DHCS guidance. DHCS will determine whether to grant an exception on a case-by-case basis.

An NTP in need of a facility-wide exception shall submit a written request that includes: 1) a description of the exception requested; 2) sufficient information to support the request; 3) a narrative explaining how the health and safety of persons in care will be maintained; and 4) how NTP treatment services will continue to be available during the period in which the program will be operating with the exception.

Requests can be submitted directly to your Licensing Analyst or through email at: dhcsntp@dhcs.ca.gov. Alternatively, hardcopy requests can be submitted to:

Department of Health Care Services
Counselor & Medication Assisted Treatment Section
P.O. Box 997413, MS 2603
Sacramento, CA 95899-7413

NTPs shall submit requests for exceptions that require federal approval via the [Substance Abuse and Mental Health Services Administration's Opioid Treatment Reporting System](#) by completing a [SMA 168](#).

Mental Health Programs and Facilities

For mental health programs and facilities that hold DHCS licenses or mental health program certifications, DHCS may grant waivers for specific state standards and regulatory requirements pursuant to [Executive Order N-2-25](#). DHCS will determine whether to grant a waiver on a case-by-case basis for Mental Health Rehabilitation Centers (MHRCs), Psychiatric Health Facilities (PHFs), Special Treatment Programs (STPs), Social Rehabilitation Programs (SRPs), Community Treatment Facilities (CTFs), and Short-Term Therapeutic Residential Treatment Programs (STRTPs).

Mental health certified programs operating in SRPs, STPs, CTFs, and STRTPs may need to submit waiver requests to respond to changes in staffing and onsite delivery of services, or the mode of service (i.e., face-to-face, telephonically, or virtual).

Additionally, if certified programs are unable to participate in onsite reviews and/or meet current notification timeframes, such as notifying DHCS via e-mail or telephonically of administrative or program changes and submitting program changes and requesting DHCS approval within 30 days, programs may request a waiver.¹

Licensed MHRCs and PHFs may have similar needs and may also submit requests for waivers for administrative and operational needs related to licensure requirements.²

Therefore, licensed or certified providers may submit a waiver request to DHCS for programmatic and administrative requirements, including the following:

- Increasing client length of stay;
- Adjusting mental health program staff scheduling;
- Changing mental health program staffing ratios;
- Altering socialization and group programming within the program and in the community;

¹ DHCS may waive regulatory mental health program requirements to allow program flexibility for CRTS/SRPs, CTFs, and STPs. For SRP programs, oversight and annual review requirements specified in Welfare and Institutions Code (WIC) sections [4090](#) and [4091](#), and [Title 9, California Code of Regulations \(CCR\) §§ 531-535](#) requirements pertaining to staffing, capacity, and socialization requirements may be waived. CTF requirements pertaining to annual reviews and program changes for CTFs specified in WIC section [4094](#) and Title 9, CCR §§ [1905-06](#), and [1918-1938](#) requirements pertaining to staffing and capacity and program operation requirements may be waived. STP requirements related to annual reviews and requirements specified in Title 22, CCR §§ [72445\(d\)\(3\)](#) and [§ 72465\(f\)\(3\)\(A-D\)](#) regarding group socialization and staffing hours may be waived. Lastly, annual onsite review and program compliance requirements specified in HSC section [15062.01](#) and [WIC section 4096.5](#), along with notification and staffing requirements specified in the STRTP interim [Mental Health Program Approval Regulations](#), Section 6 and Section 17 may be waived. [WIC section 5909](#) and requirements specified in Title 22, CCR §§ [72445\(d\)\(3\)](#) and [§ 72465\(f\)\(3\)\(A-D\)](#) regarding group socialization and staffing hours may also be waived.

² For MHRCs, waiver requests for program staff scheduling and ratios must be submitted by regulatory section for each staffing category. Staffing for each discipline is specified in [Title 9 of the CCR, as follows: § 785.15](#)– Nursing services staff, [§ 785.19](#) Dietary Staff, [§ 785.30](#) – Pharmaceutical Staff, [§ 786.12](#) – Program Staff, [§ 786.19](#) – Activity Staff, [§ 787.13](#) – Housekeeping Staff, and [§ 787.15](#) - Maintenance Staff. Requests for changes to length of stay, specified in [Title 9, CCR section 786.15\(g\)](#), and changes to socialization and group programming within the program and in the community under [Title 9, CCR sections 786.10](#) and [786.18](#) may be submitted. MHRCs can request a waiver regarding changes to notification timeframes as specified in Title 9, CCR section [783.17](#) and exemption from onsite review requirements specified in WIC section [5675](#). Additionally, PHFs may submit waiver requests for program staffing and ratios, as specified in [Title 22, CCR section 77061](#), changes to length of stay as described in [HSC section 1250](#), and changes to the operation of socialization and group programming within the community, as specified in [Title 22, CCR section 77069\(b\)](#). Moreover, PHFs can request a waiver related to notification requirements specified in Title 22, CCR Section [77047](#) and exemption from onsite reviews specified in WIC section [4080](#).

- Allowing initial facility certification through virtual review, while deferring initial on-site reviews;
- Allowing renewal of certification or approval while deferring annual on-site reviews; and
- Submission of documentation as part of a facility's certification or approval in lieu of on-site reviews.

Requests shall be submitted in writing and shall include: 1) a description of the waiver requested; 2) sufficient information to support the request; 3) a narrative explaining how the health and safety of persons in care will be maintained; and 4) how mental health services will continue to be available during the period in which the program or facility will be operating with the waiver. Additionally, DHCS may require copies of approved licensing waivers that have been granted by the California Department of Social Services (CDSS).

Certified programs and facilities shall submit their requests for waivers to the following e-mail addresses:

- STRTPs and CTFs submit to: childrensmhpa@dhcs.ca.gov
- CRTS/SRP and STP submit to: adultmhcertainment@dhcs.ca.gov

Requests for specific operational waivers, including the need to operate above the licensed capacity, or for the use of alternate concepts, methods, procedures, techniques, equipment, or personnel qualifications for MHRCs and PHFs may be submitted by email to: MHLC@dhcs.ca.gov.

Lanterman-Petris-Short (LPS) Act Data Reporting

Pursuant to [Welfare and Institutions Code \(W&I Code\) section 5402](#), subdivision (b)(1)(A): *“Each county behavioral health director shall provide accurate and complete data to the department in a form and manner, and in accordance with timelines, prescribed by the department.”* For a current list of data collection requirements and further guidance pursuant to W&I Code section 5402, please see [BHIN 24-043](#).

Counties may request an extension to report LPS data as required by W&I Code section 5402. DHCS will determine whether to grant an extension on a case-by-case basis. Counties shall submit their requests for a data reporting extension to the following e-mail: MHData@dhcs.ca.gov.

Process to Request Fee Reductions or Waivers

In accordance with [Government Code section 11009.5](#), DHCS has established a process to reduce or waive fees required to obtain, renew, or replace a physical license

when a business has been displaced or experiences economic hardship as a result of an emergency.

MHRCs, PHFs, STRTPs, NTPs, DUI programs, licensed AOD Facilities or Certified AOD Programs that have a license or certification issued by DHCS may submit a written request to DHCS for a fee reduction or waiver. The request shall include:

1. A description of the type of fee requested to be reduced or waived (i.e., initial, renewal, relocation, etc.) and the specific amount to be waived if seeking a fee reduction;
2. The reason for the request, including how the wildfire emergency has impacted the facility or program; and,
3. Details about the facility or program, including the:
 - Provider number and legal entity/program (DBA) name;
 - Program or facility type (MHRC, PHF, NTP, DUI, AOD Residential or Outpatient);
 - Physical and mailing addresses; and
 - Name and contact information of the program director and primary contact person (if different).

Facilities or programs shall email electronic fee reduction or waiver requests to LCDQuestions@dhcs.ca.gov. Alternatively, hardcopy submissions may be sent to:

Department of Health Care Services
Licensing and Certification Division
P.O. Box 997413, MS 2600
Sacramento, CA 95899-7413

DHCS is available to answer questions about this guidance and available disaster flexibilities and will continue to closely monitor the emergency and issue further guidance as appropriate.

If you have questions about this Information Notice, please contact the Licensing and Certification Officer of the Day at (916) 322-2911 or LCDQuestions@dhcs.ca.gov.

Sincerely,

Original signed by

Paula Wilhelm
Deputy Director
Behavioral Health