



TOMÁS J. ARAGÓN, M.D., Dr.P.H.
State Public Health Officer & Director



GAVIN NEWSOM
Governor

State of California—Health and Human Services Agency **California Department of Public Health**

AFL 20-72.1
July 16, 2021

TO:
Home Health Agencies

SUBJECT:
Suspension of Regulatory Enforcement of Home Health Agency Requirements
(This AFL supersedes AFL 20-72)

AUTHORITY: [Executive Order N-75-20](#) (PDF)

All Facilities Letter (AFL) Summary

- This AFL notifies home health agencies of a temporary waiver of specified regulatory requirements due to the state of emergency related to the Coronavirus Disease 2019 (COVID-19) outbreak.
- Effective July 17, 2021, waivers permitting a home health agency to provide care prior to obtaining approval from CDPH will expire. All home health agencies with an existing waiver must be licensed prior to July 17, 2021, to continue providing care.
- This AFL notifies home health agencies that the temporary waiver of specified regulatory requirements for services, staffing, and supervision contained in this AFL will expire September 30, 2021, and this AFL will be rescinded.

Pursuant to Governor Newsom's Executive Order [N-75-20](#) (PDF), and consistent with federal guidance issued by the Centers for Medicare and Medicaid Services (CMS), the Director of the California Department of Public Health (CDPH) may waive any of the licensing and staffing requirements of Chapter 8 of Division 2 of the Health and Safety Code (HSC) and the accompanying regulations with respect to home health agencies. CDPH is temporarily waiving specified licensing requirements and regulatory enforcement as specified in this AFL.

California has made significant progress in the response to COVID-19 as a result of the collective efforts taken by Californians and the widespread availability of COVID-19 vaccines. With stable case rates and hospitalizations and widespread availability of vaccines, California moved beyond the Blueprint for a Safer Economy on June 15, 2021.

As a result and in compliance with [Executive Order N-08-21](#) (PDF), the temporary waivers contained in this AFL will expire September 30, 2021.

Licensure

1. [HSC section 1726\(a\)\(b\)](#)

A home health agency that has submitted an application for any of the following may begin providing care prior to obtaining approval and licensure by CDPH:

- Additional location
- Change of Service

2. [HSC section 1730](#)

Any licensee that has applied to CDPH for renewal of a license, or for reinstatement of a license that has been voluntarily suspended within the previous 12 months, may begin or continue providing care prior to obtaining approval of the renewal or reinstatement by CDPH.

Effective July 17, 2021, these licensure waiver requirements allowing a home health agency to provide care prior to obtaining approval from CDPH will expire. All home health agencies with an existing waiver must be licensed prior to July 17, 2021 to continue providing care.

Services and Staffing

3. [HSC section 1727.1](#) and Title 22 California Code of Regulations (CCR) sections [74701](#) and [74697 \(a\) \(4\)](#)

Home health agencies will have flexibility in how they provide therapeutic services to patients. Therapeutic services include, but are not limited to, physical, speech, or occupational therapy, medical social services, and home health aide services. Services may be provided via telehealth or other remote methods. This includes initial and monitoring assessment visits. This will allow for, but is not limited to, check-in calls, health screening calls, and video conferencing.

Effective September 30, 2021, the waiver allowing a home health agency to have flexibility in how they provide therapeutic services via telehealth or other remote methods will expire.

4. Title 22 CCR sections [74697 \(a\) \(4\)](#) and [74701 \(a\)](#)

Home health agency patients may be under the care of a nurse practitioner, clinical nurse specialist, or a physician's assistant regulated under [Division 2 of the Business and Professions Code](#) and authorized by the Department of Consumer Affairs and the applicable licensing boards to provide services for the duration of the declared emergency.

Effective September 30, 2021 this services and staffing waiver requirement allowing a home health flexibility in provision of care will expire.

5. Title 22 CCR section [74707 \(a\)\(2\)](#)

Home health agencies may allow an occupational therapist to conduct an initial assessment of a home health patient if the assessment is limited to therapy needs which may be conducted within the occupational therapist scope of practice.

Please note that CDPH provided suspension of specified home health aide certification requirements in [AFL 20-49.1](#) to allow home health aides to continue providing care during the COVID-19 pandemic.

Effective September 30, 2021 the waiver allowing a home health agency to have flexibility in how they provide basic services via telehealth or other remote methods will expire.

Supervision

6. [HSC 1727.5 \(c\) and \(d\), Title 22 CCR section 74709](#)

Supervision of licensed and unlicensed personnel may be conducted via virtual means, within the scope of practice of the supervising registered nurse.

Effective September 30, 2021 the supervision waiver requirement allowing a home health agency to conduct supervision of personnel via virtual means will expire.

CMS is providing temporary regulatory waivers to home health agencies, allowing maximum flexibility to respond to the COVID-19 pandemic. Home health agencies may apply for them via the CMS [Coronavirus Waiver and Flexibilities](#) webpage.

If you have any questions about this AFL, please contact your [local district office](#).

Sincerely,

Original signed by Cassie Dunham

Cassie Dunham

Acting Deputy Director