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January 15, 2008

AFL 08-01

**TO:** Adult Day Health Care (ADHC) Centers

**SUBJECT:** Program Flexibility Requests for Adult Day Health Care (ADHC) Center  
Staff Qualifications and Documentation

**Staff Qualifications and Documentation**

To maintain compliance with requirements for licensure and Medi-Cal certification, ADHC centers must deliver required services as specified in Section 78301, Basic Services General, Title 22, California Code of Regulations (CCR). ADHC centers must maintain required staff to deliver those services as specified in Sections 78419, Title 22, CCR. Failure to maintain required staff to provide and/or supervise ADHC-required services directly impacts a center's ability to deliver such services and may create a potential risk to participants' health and safety.

For the Department of Public Health (CDPH) and the California Department of Aging (CDA) to fairly evaluate a center's compliance with ADHC staffing requirements, centers should make documents that substantiate staff qualifications available for review, during survey or upon request. Documents which demonstrate staff qualifications may include one or more of the following:

- 1) Professional licenses and certificates
- 2) Diplomas
- 3) Transcripts
- 4) Translation of non-English degrees and transcripts
- 5) The name, address, phone number, and website of school or learning institution

Centers with staff who have non-U.S. academic credentials from institutions that do not print academic credentials in English may be able to avoid obtaining a translation by asking the school to generate an English language version of the diploma and transcript.

Centers with staff with academic credentials that are not written in English may obtain information regarding translation of these credentials from the following sources:

- 1) Translator accredited by the American Translators Association (ATA) – 703) 683-6100 or [www.atanet.org](http://www.atanet.org).
- 2) Certified or registered court interpreter – Judicial Council at (415) 865-7530 [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov) or for a master list of Certified Administrative Hearing and Medical Interpreters go to [www.cps.ca.gov](http://www.cps.ca.gov)

### **Program Flexibility Requests for Required Professional Staff**

ADHC centers must maintain compliance with all licensing and certification laws and regulations at all times. ADHC center compliance includes retaining the required number of qualified staff, and ensuring participants receive safe and adequate care appropriate to their needs.

Health and Safety Code Section 1574.5, and California Code of Regulation, Title 22, Section 78217, authorize CDPH to approve requests for program flexibility in order to meet ADHC requirements for the provision of safe and adequate care. The Center must obtain from CDPH written approval of requests for program flexibility **prior** to ADHC centers implementing them.

CDPH receives numerous requests to approve program flexibility of requirements for professional staff. In order for CDPH to determine whether a program flexibility request can be approved, centers must submit documentation that validates the individual's qualifications and supports the request.

Supporting documentation shall include:

- Any evidence of education and experience related to the professional position that the individual would fill, including:
  - Professional licenses and certificates
  - Diplomas
  - Transcripts
  - Translation of degrees and transcripts that are not written in English
  - Evaluations of non-U.S. academic credentials by accredited education evaluation services (e.g., Council on Social Work Education, National Association of Credential Evaluation Services (NACES), Association of International Credentials and Educators (AICE) and the Council on Social Work Education)
  - Resumes, including names, addresses, and phone numbers of educational institutions and previous employers

- Evidence of the center's attempts to recruit qualified professional staff. Evidence may include newspaper advertisements and other recruitment materials which demonstrate that the center has attempted to fill the position over time and offered competitive salary/benefits.
- Current Staffing/Services Arrangement form (ADH 0006)

CDPH will consider the following most commonly requested program flexibilities for ADHC center staff as indicated:

1. **Social Worker** – One program flexibility, for the master's level social worker may be considered if there is no qualified social worker, when appropriate. California Code of Regulations, Title 22, Section 78339(d), requires the social worker be a full-time employee of the ADHC center.
2. **Program Director** – Candidate must have education/experience (State license and/or professional status) in a field related to those identified in California Code of Regulations, Title 22, Section 78417(b).
3. **Administrator** – Candidate must have a bachelor's degree or higher in a related field with applicable work experience in a health or social services setting per California Code of Regulations, Title 22, Section 78415(6)(A)(B).

All program flexibility requests must be submitted on the Adult Day Health Care Program Flexibility Request Form (ADH 0014). CDPH will review and approve requests on a case-by-case basis. Per California Code of Regulations, Title 22, Section 78217, a program flexibility request will be considered approved only when the center receives written notice of approval. Centers receiving program flexibility approval must meet all terms and conditions specified by CDPH in the approval letter and must post the approval letter adjacent to the center's license.

**Note: Centers that allow an unqualified person to perform the duties of required ADHC staff prior to receiving program flexibility approval or after a program flexibility request has been denied, violate Medi-Cal certification and licensing requirements for ADHC centers and may be subject to adverse action.**

Sincerely,

**Original Signed by Kathleen Billingsley, R.N.**

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