

Frequently Asked Questions – Home Care Services Consumer Protection Act

The following is a list of questions and/or answers that were amended:

- In October 2015
 - A6, B4, C2, D2, F1, and J1

The following is a list of questions and answers that have been added:

- In October 2015
 - C3, C4, C5, C6, C7, C8, D5, E2, F6, F9, D11, J9, and J10

This list of Frequently Asked Questions (FAQs) will be updated on a regular basis.

A. General Questions

A1. What is the implementation date for the Home Care Services Consumer Protection Act?

The implementation date for the Home Care Consumer Protection Act is January 1, 2016.

A2. What is the Home Care Aide Registry?

The Home Care Aide Registry is an Internet Web site of registered Home Care Aides and Home Care Aide applicants that is established and maintained by the California Department of Social Services. The Registry will include the following information: the individual's name, registration number, registration status, registration expiration date, and, if applicable, the home care organization to which the affiliated home care aide or affiliated home care aide applicant is associated with.

A3. What services are considered home care services?

Home care services are nonmedical services and assistance provided by a registered home care aide to a client who, because of advanced age or physical or mental disability needs assistance with activities of daily living. These services allow the client to remain in his or her residence and include, but are not limited to, assistance with the following:

- bathing
- dressing
- feeding
- exercising
- personal hygiene and grooming
- transferring
- ambulating
- positioning
- toileting and incontinence care
- housekeeping
- assisting with medication that the client self-administers
- meal planning and preparation
- laundry
- transportation
- correspondence
- making telephone calls
- shopping for personal care items or groceries
- companionship

A4. What is a Home Care Organization?

A Home Care Organization is an entity that arranges for home care services by an affiliated home care aide to a client. This entity can be an individual who is 18 years of age or older, firm, partnership, corporation, Limited Liability Company, joint venture, association, etc.

A5. What is the difference between an affiliated Home Care Aide and an independent Home Care Aide?

An affiliated Home Care Aide is employed by a Home Care Organization to provide home care services to a client and is listed on the Home Care Aide Registry. An independent Home Care Aide is not employed by a home care organization; however, independent Home Care Aide can be listed on the Home Care Aide Registry and provide home care services through a direct agreement with a client.

A6. Who do I contact if I have additional questions about the Home Care Services Consumer Protection Act?

For more information regarding the Home Care Services Consumer Protection Act, please contact the Home Care Services Bureau by e-mail at HCSB@dss.ca.gov or by telephone at (916) 657-3570, or for information on the Home Care Aide Registry or the background check process please contact the Caregiver Background Check Bureau by telephone at (916) 653-1923.

A7. Will you have any local offices throughout the state?

Not at this time; the Home Care Services Bureau and the Caregiver Background Check Bureau will be stationed in Sacramento, California.

A8. Can you please clarify when the Department will be providing written directives?

The Department anticipates releasing the written directives in November 2015.

B. Background Check Questions

B1. What is a criminal record exemption?

If the California Department of Social Services finds that an individual has been convicted of a crime other than a minor traffic violation, the individual cannot work for or be present in any community care facility unless they receive a criminal record exemption from the Community Care Licensing Division, Caregiver Background Check Bureau. Simply defined, an exemption is a Department authorized written document that "exempts" the individual from the requirement of having a criminal record clearance. CBCB also examines arrest records to determine if there is a possible danger to clients [Health & Safety Code Sections 1522, 1568.08, 1569.17, and 1596.871].

B2. What convictions require a criminal record exemption?

All convictions other than minor traffic violations, including misdemeanors, felonies and convictions that occurred a long time ago require an exemption. However, individuals convicted of serious crimes such as robbery, sexual battery, child abuse, elder or dependent adult abuse, rape, arson or kidnapping are not eligible for an exemption. For a complete list of convictions for which the Department is prohibited from granting an exemption you may [click here](#).

B3. How much does the criminal background check cost?

While fingerprint rolling fees vary throughout the state, the only background check fees are the fingerprint fees. The California Department of Justice fee is currently \$32 and the Federal Bureau of Investigations fee is currently \$17. There is no California Department of Social Services fee for

the criminal record exemption process. There will be an application fee which has not yet been determined.

B4. Who pays for the background check and the application fee for Home Care Aides?

Either the Home Care Aide or their affiliated Home Care Organization will pay the required application and fingerprint fees. (please see response to question B3 above)

B5. How often do you need to run a background check for a caregiver and can it transfer from company to company?

The background check process is only completed once, during the initial application process. The California Department of Social Services receives subsequent reports of arrests and convictions in California from the California Department of Justice. Once a Home Care Aide has received a criminal record clearance or criminal record exemption, the Home Care Organization may submit a request to transfer the aide's clearance or exemption.

Individuals remain active in the Community Care Licensing Division database for three years after the date of their last association to a Community Care Licensing Division licensed facility, TrustLine, the Home Care Services Program, or the Home Care Aide Registry. After three years of inactivity the individual would need to submit new fingerprints.

Additionally, if an individual does not complete the application process or complete the exemption process if necessary, the Community Care Licensing Division notifies the California Department of Justice to stop sending criminal history information for that individual. These individuals would be required to submit new fingerprints if they choose to apply at a later date.

B6. Does CDSS check misdemeanors as well as felonies and does the check go back seven years if the person resided in another state?

Affiliated and independent Home Care Aides must submit fingerprints for both the DOJ and the FBI. There is no seven year limit. The criminal history information the Community Care Licensing Division receives includes any criminal history the individual may have, including arrests, misdemeanors, and felonies [Penal Code 11105(m)]. Individuals with misdemeanors or felonies are required to go through the Community Care Licensing Division criminal record exemption process.

B7. Given the number of owners, office staff, and caregivers that will need to be background checked, how do you plan to manage probably over 100,000 in California?

The California Department of Social Services has authority to hire additional staff to assist to process both the home care aide applications and the criminal record background checks for the Home Care Services Program. Home Care Organization staff and licensees and aides who submit completed applications prior to January 1, 2016, are authorized to provide home care services pending the application approval process and the criminal record background check process provided all requirements are met by July 1, 2016 [Health & Safety Code Section 1796.61(b)]

B8. As a home care agency, will I have to get all my existing caregivers run through the background check process?

Yes, home care aides affiliated with a home care organization must be listed on the Home Care Aide Registry prior to providing home care services [Health & Safety Code Section 1796.14(b)].

B9. How can we apply for an exemption if we do not know what the restrictive offensive is?

The Home Care Aides must self-disclose their convictions on the Criminal Record Statement (LIC 508) during the initial application process. In addition, the Home Care Aide will receive a notice that he or she must obtain a criminal record exemption. This written notice will include all criminal history received from the California Department of Justice and/or the Federal Bureau of Investigations. Penal Code 11505(b)(9) prohibits the California Department of Social Services from sharing criminal history information received from the California Department of Justice with a third party, including the applicant's employer.

B10. Can we get a waiver from the employee so we might review the information?

Affiliated Home Care Aides will be required to provide their Home Care Organization with a criminal record statement (LIC 508).

B11. Is a motor vehicle report included in the State's background check; and is that a separate cost per worker?

No, a California Department of Motor Vehicles report is not included in the background check process.

B12. How does this apply to Live Scan? Are they going to be universal now so we don't all have to have various Live Scan numbers?

All Home Care Organizations and Home Care Aides will use the Community Care Licensing Division LiveScan form which has one California Department of Justice billing code for the Community Care Licensing Division.

B13. Do current home care aides that we have run through DOJ upon hire need to be run through again?

Yes, current Home Care Aides who are affiliated with a Home Care Organization or who choose to be registered as independent Home Care Aides are required to complete the application process which includes submitting new fingerprints for the Community Care Licensing Division. Home Care Aides with existing clearances for the Community Care Licensing Division licensed facilities or TrustLine and Home Care Aides with the Community Care Licensing Division criminal record exemptions will not be required to submit new fingerprints. The clearance or criminal record exemption may be transferred to the Home Care Organization or the registry.

B14. We have over 200 per diem home care aides, who have undergone expensive and comprehensive criminal histories, and motor vehicle checks. Having to redo everyone at once for licensure will cost our company thousands. Therefore, is there a way to grandfather these folks in in such a fashion to save us money?

There is no mechanism in the law to "grandfather" existing Home Care Aides and Home Care Organization staff. New fingerprints must be submitted for the Community Care Licensing Division to receive the criminal record information and to receive subsequent criminal record information. Statute requires a review of the criminal offender record information by the Community Care Licensing Division for independent and affiliated home care aides, home care organization licensee and any staff who have access to confidential information. [Health & Safety Code Section 1796.19(a)(2)]

C. Home Care Organization Application Process

- C1. During the February 2015 stakeholder meeting, it was stated that for applications submitted before January 1, 2016 there would be six months to comply. Assuming the majority of home care companies submit applications, what is the department doing to process the influx in a timely manner?**

The California Department of Social Services has authority to hire additional staff to assist to process both the Home Care Organization applications and issue licenses, where applicable. Home Care Organizations that submit applications prior to January 1, 2016, may continue providing services pending the application process provided all requirements are met by July 1, 2016.

- C2. When will the Department release Home Care Organization employee forms to include in personnel files and will there be a checklist of items that must be included in the personnel and administrative files?**

The Personnel Record (HCS 501) will be released in October 2015. The Home Care Services Bureau will also be releasing a checklist of documents that are required to be in administrative and personnel files. Home Care Organization applicants may use this checklist in preparation for licensure.

In addition, the Home Care Organization application package was released in August 2015. However, please note that the Department will begin accepting applications in October 2015 to ensure that the application fees are included with the application package.

- C3. What are the required application forms and where do I locate them?**

Please refer to the HCS 281 Application Instructions for A Home Care Organization License for a list of application forms and the supplemental documents required to apply for a Home Care Organization license. Application forms are located on the Community Care Licensing website at: http://www.dss.cahwnet.gov/cdssweb/FormsandPu_271.htm

- C4. The application instructions state that I must put my Home Care Organization number on my check or money order. How do I get that number?**

This instruction will be revised. Please indicate the Home Care Organization name on your check to guarantee proper credit of your payment. After an application has been accepted, the applicant will receive a letter that will include a Home Care Organization number as well as instructions to register for an orientation and to being the background check process.

- C5. Who sends the employee dishonesty Bond to the Home Care Services Bureau?**

The original HCS 402- Employee Dishonesty Bond may be sent to the Home Care Services Bureau by either the bonding agency or the applicant. A copy of the HCS 402 must be retained in the HCOs administrative files. If the bonding agency is submitting the HCS 402 to the Home Care Services Bureau, the applicant must indicate in the application package of such, and provide the name and contact information of the bonding agency.

- C6. Can we email some of the Section B – Supplemental Documents to prevent the need to mail hundreds of pages?**

Yes, Section B documents (as indicated on the HCS 281, B1-B6) can be emailed to the Home Care Services Bureau at hcsbapplications@dss.ca.gov. The email subject title should read <Your

Home Care Organization Name- Application Section B documents>. The body of the email should indicate the date you have submitted your application. The applicant must include a copy of the email in the application package

C7. If the applicant is a corporation, do all of the owners/officers of the corporation have to fill out the HCS 215 form?

If the applicant is a corporation, the CEO or authorized representative completes the HCS 215 Applicant Information. Owners and officers do not need to fill out the HCS 215.

C7. If our company is a corporation, when we are completing the application who do we put as the applicant?

If a corporation is applying for a license, the corporation is the applicant/licensee. The CEO or authorized representative signs the application documents and completes the HCS 215.

C8. Do we have to fill out HCS 215 for those who own more than 10% beneficial ownership of the agency?

No, individuals who own 10% or more beneficial interest do not need to complete the HCS 215. However, these individuals are required to go through the criminal background check process [Health and Safety Code 1796.33].

D. Home Care Organization Inspections/On-Site Visits

D1. Will you do an initial pre-licensing inspection (on-site visit) during the licensure process?

Pre-licensure on-site inspections are not a requirement of initial licensure; however, this does not preclude the Department from conducting an on-site inspection for application purposes. An administrative review will be conducted on all applications for licensure.

D2. When will inspections begin and what will the Department be looking for during the visits?

The Department may conduct inspections during the application process. In addition, all Home Care Organizations will receive an unannounced inspection prior to the license renewal date and this inspection can occur any time after licensure. During these inspections, the Department will be verifying compliance with all applicable laws (statute, regulations, and written directives).

D3. What personnel and administrative records are required to be available for review for on-site inspections?

The following is a list of the personnel records that the Department will be reviewing:

1. Personnel Record (HCS 501)
2. TB Clearance
3. For employees that are required to be fingerprinted (employees with access to clients or client information):
 - a. A signed statement regarding their criminal record history (LIC 508)
 - b. Documentation of a criminal record clearance, exemption, or transfer received from the Caregiver Background Check Bureau.
 - c. All communication received from the Caregiver Background Check Bureau including denials, exemptions needed requests, renewal letters, closures, revocations, forfeitures, and renewal letters
4. Verification of training hours

5. A signed statement acknowledging requirement to report suspected abuse of dependent adults and elders (SOC 341A)

Administrative records that the Department will be reviewing are as follows:

1. Verification of a valid workers compensation policy
2. Verification of a valid employee dishonesty bond, including third-party coverage, with a minimum of ten thousand dollars (\$10,000)
3. Verification of a general and professional liability insurance policy in the amount of at least one million dollars (\$1,000,000) per occurrence and three million dollars (\$3,000,000) in the aggregate
4. Program Description- a general overview of the program and services provided
5. Documentation from the Department of any waivers and exceptions (if applicable)
6. Proof of completion of the Department orientation
7. Suspected abuse reports (SOC 341)
8. Application documents submitted to the Department
9. Board of Directors Statement (HCS 9165) for all members of the board of directors

D4. Can the personnel and administrative files be electronic files?

At this time, all documents required by the Department are to be maintained in administrative and personnel files must be in hard copy form (which includes scanned or printed documents). This does not preclude licensees from also maintaining electronic files.

D5. Can I operate my Home Care Organization out of my home?

Yes, a Home Care Organization can operate as a home based business; however, the licensee must be aware that inspections and investigations will be conducted in their home.

E. Home Care Organization License

E1. Are agencies contracted with Regional Centers, providing respite care, also exempt from this license?

Home Care Organizations that contract with Regional Centers to provide services for individuals with developmental disabilities and receive funding from the Department of Developmental Services for more than 50 percent of their clientele who receive home care services are exempt from acquiring a Home Care Organization license. [Health and Safety Code 1796.17(b)(6)]

E2. Can my Affiliated Home Care Aides be independent contractors (1099 employees)?

No, Affiliated Home Care Aides cannot be independent contractors as the Home Care Services Consumer Protection Act establishes an employer/employee relationship, not an independent contractor relationship. This is because the statute requires the Home Care Organization to direct the actions of an Affiliated Home Care Aide with requirements such as TB testing, training, background check and registration.

E3. Where do the license and business hours have to be posted?

The license and business hours must be posted in the place of business in an obvious location that is visible both to clients and affiliated Home Care Aides. [Health and Safety Code Section 1796.42(a)]

E4. Can you clearly explain how this law applies to Domestic Referral Agencies?

Referral/employment/domestic agencies governed by Section 1812.5095 of the Civil Code are exempt from licensure as a Home Care Organization. [Health and Safety Code Section 1796.17]

E5. If our company is a licensed Home Health Agency providing skilled nursing care with a Home Care Organization component do we need a Home Care Organization license as well?

Home Health Agencies (including those who provide personal care services) are exempt from licensure under the Home Care Services Consumer Protection Act. [Health and Safety Code Section 1796.17]

The Department is currently working with the California Department of Public Health to determine if further clarification to the definition of Home Health Agencies is necessary in regulations.

F. Home Care Organization Requirements

F1. Do you require a two-step TB test to show free of active TB?

A two-step TB test is not required nor prohibited. Affiliated Home Care Aides will be required to show documentation from a licensed medical professional that they are negative for TB and every two years thereafter. If documentation shows positive for TB they will be required to complete a chest x-ray indicating the aide is free from TB. The Home Care Organization will keep this documentation on file. Aides may not work as affiliated Home Care Aides unless documentation is provided. For Home Care Aides submitting this information after January 1, 2016, documentation must be dated no more than 90 days prior to employment and no more than seven days after employment.

F2. If a TB test is required within 90 days before being hired by an agency (or seven (7) days after), this seems to indicate that they could be required to get up to four TB tests per year, depending on how many agencies they may sign up with. Is this accurate?

No, an affiliated Home Care Aide who transfers employment from one Home Care Organization to another shall be deemed to meet the TB examination requirements if 1) the affiliated Home Care Aide can produce a certificate showing that he/she submitted to the examination within the past two years and was found to be free of active tuberculosis disease, or 2) if it is verified by the previous Home Care Organization that there is a certificate on file for that Home Care Aide and the previous Home Care Organization provides a copy to the new Home Care Organization prior to the affiliated Home Care Aide having contact with clients. [Health and Safety Code Section 1796.45]

F3. Section 1796.36 states out of state providers must maintain all pertinent records of operation in California. How does the department define those pertinent records?

The Home Care Services Bureau is currently drafting regulations which will include a definition of "Pertinent Records".

F4. Can a Home Care Organization hire an independent Home Care Aide and be in compliance?

An independent Home Care Aide is defined as an individual, 18 years of age or older, who is not employed by a home care organization, but who is listed on the home care aide registry and is providing home care services through a direct agreement with a client.

Yes, Home Care Organizations may hire independent Home Care Aides; however, once the independent Home Care Aide is hired by the Home Care Organization and associates to that Home Care Organization by submitting a transfer request or submitting fingerprints, he/she will become an affiliated Home Care Aide and the Home Care Organization must ensure that prior to presence with clients the affiliated Home Care Aide meets the TB and training requirements.

F5. How does the Department intend to conduct the required orientation?

Home Care Organization licensee applicants are required to complete an orientation prior to receiving their license. The Department anticipates providing the required orientation to all Home Care Organizations licensee applicants through an on-line format with the anticipated released date in November 2015.

F6. Does every employee of the Home Care Organization have to do the Department orientation?

No, only the Home Care Organization applicant(s) must complete the orientation. If the Home Care Organization applicant is a corporation, the orientation is required to be completed by the CEO or authorized representative. If the Home Care Organization is a Limited Liability Company, the managing member(s) must complete the orientation and if the Home Care Organization is a partnership, the general partner(s) must complete the orientation.

F7. Do Home Care Organizations report suspected abuse to you or to Adult Protective Services?

Home Care Organizations do not need to report suspected or known dependent adult or elder abuse to the Department. Per Health and Safety Code Section 1796.42(e), Home Care Organizations shall report suspected or known dependent adult or elder abuse in accordance with the Welfare and Institutions Code and Penal Code. A copy of each suspected abuse report shall be maintained in the administrative files and available for review by the Department during normal business hours. [Health and Safety Code Section 1796.42(e)]

F8. Home Care Organizations are required to post our business hours - does "hours" mean office hours, hours we offer home care service, or hours we answer the phone?

For the purposes of the Home Care Services Consumer Protection Act, business hours are defined as hours that the Home Care Organization is open to the public.

F9. What if we're only open to the public by appointment?

If the Home Care Organization is not open to the public more than eight (8) consecutive hours per month then the Home Care Organization must make itself available for inspection or investigation by the Department within two (2) hours' notice by the Department, Monday through Friday, between the hours of 8:00 am and 5:00 pm.

F10. What are the insurance requirements?

Health and Safety Code Sections 1796.42(b) – 1976.42(d) defines the minimum insurance requirements for Home Care Organizations. The requirements are listed below:

- Workers' compensation policy covering its affiliated Home Care Aides;
- General and professional liability insurance in the amount of at least one million dollars (\$1,000,000) per occurrence and three million dollars (\$3,000,000) in the aggregate; and
- Employee dishonesty bond including third-party coverage, with a minimum limit of ten thousand dollars (\$10,000).

F11. Our office is inside another group of offices. We can post our hours on our door, but not outside where public will first enter the main door. Is that OK?

Yes, the license and business hours must be posted in the place of business in an obvious location that is visible both to clients and Affiliated Home Care Aides not the general public. [Health and Safety Code Section 1796.42(a)]

G. Home Care Aide Requirements

G1. What are Home Care Aides, Certified Nursing Assistants, Home Health Aides, and Personal Care Attendants? Can a Certified Nursing Assistant get a job as a Home care Aide?

A registered Home Care Aide is an individual authorized to provide nonmedical services and assistance to an elderly or disabled client. These home care services are included, but not limited to assistance with the following: bathing, dressing, feeding, exercising, personal hygiene and grooming, transferring, ambulating, positioning, toileting and incontinence care, assisting with medication that the client self-administers, housekeeping, meal planning and preparation, laundry, transportation, correspondence, making telephone calls, shopping for personal care items or groceries, and companionship [Health and Safety Code Section 1796.12(n)]. Please visit <http://www.cdph.ca.gov> for additional information regarding Certified Nursing Assistants, Home Health Aides, and Personal Care Attendants. Certified Nursing Assistants may apply to become registered Home Care Aides.

G2. Is a home care aide just for personal care or for both personal and companion care?

A Home Care Aide may perform personal or companion care duties, or both.

G3. How do you plan to get applications to home care aides? How will they know they need to apply?

The Community Care Licensing Division will be participating in the outreach efforts to educate the community of the new requirements. The Home Care Aide application will be available on the California Department of Social Services website. The California Department of Social Services is also developing a web-based application. Home Care Organizations are responsible for ensuring all its affiliated Home Care Aides are registered. [Health and Safety Code Section 1796.14(a)]

G4. Do independent home care aides have the same insurance requirements including workers comp?

Independent Home Care Aides do not have insurance requirements under current Health and Safety statute.

H. Home Care Aide Registry

H1. Will all of our current home care aides have to be registered by January 1, 2016 in order to work legally for us on January 1, 2016?

Home Care Organizations and Home Care Aides must submit applications prior to January 1, 2016, to be authorized to provide home care services provided all statutory and regulatory requirements are met by July 1, 2016 [Health and Safety Code Section 1796.61(b)].

H2. When will caregivers be able to begin registering?

The California Department of Social Services is in the process of developing the applications and forms as well as the on-line web application. As soon as the application and forms are available, Home Care Aides will be able to submit the application to the California Department of Social Services.

H3. Since caregivers are concerned with privacy we wanted to know if the caregiver contact information be utilized for any other purposes besides licensure (i.e. direct marketing company)?

Information deemed “public” is available through the Public Records Act. Private information will be utilized for licensing and registry purposes. The Community Care Licensing Division may, however, be legally required to share private information on occasion, e.g., compliance with a subpoena.

H4. Will complaints against the caregiver be listed on the website?

No, complaints against Home Care Aides will not be listed on the registry website. All complaints will be received and handled appropriately by the Home Care Organizations.

H5. Is the expectation that each home care aide will register themselves and then each Home Care Organization will affiliate them when they are hired?

Home Care Organizations may assist the Home Care Aides with the application process. Alternatively, a Home Care Aide may apply as an independent Home Care Aide initially and the Home Care Organization may request a transfer of the Home Care Aide’s clearance or criminal record exemption once the Home Care Aide is registered on the Home Care Aide Registry.

H6. How long will it take you to clear a home care aide and list him or her on the registry?

Home Care Aide applicants who submit applications prior to January 1, 2016, are authorized to provide home care services provided all requirements are met by July 1, 2016. [Health and Safety Code Section 1796.61(b)]

If the home care aide does not have any criminal history, the California Department of Justice results are usually received within a week. If a criminal record exemption is necessary, all documents must be received by the Community Care Licensing Division no later than 45 days from the date of the exemption notification letter. If an exemption is requested, it may take up to 75 days to process once all required information is received. Once an application is approved, the Home Care Aide will be automatically added to the registry.

H7. How long is the registration period? What is the renewal process?

The registration period is two years. To remain on the Home Care Aide Registry after the initial two-year registration, Home Care Aides are required to renew their registration every two years by submitting a completed Home Care Aide renewal application and renewal fee only – a new fingerprint submission is not required. [Health and Safety Code Section 1796.31]

H8. Would it be possible for your CDSS to set up the registry to ping listed/affiliated home care organizations if a home care aide's registration is revoked?

Each Home Care Organization will be notified of any action taken against a Home Care Aide affiliated with its organization. It is the intent of the California Department of Social Services to display registration status information on the Home Care Aide Registry.

I. Transfers

I1. Many home care aides work simultaneously for many agencies. If a Home Care Aide has already fingerprinted, can they be easily associated with any Home Care Organization without having to resubmit fingerprints?

Once a Home Care Aide has received a criminal record clearance or a criminal record exemption from the California Department of Social Services for facilities licensed by the Community Care Licensing Division, TrustLine, or the Home Care Services Program, the Home Care Organization is eligible to transfer the Home Care Aide's clearance or exemption to its organization without the aide resubmitting fingerprints. A signed criminal record clearance transfer request or a criminal record exemption transfer request must be submitted to the California Department of Social Services and must include a copy of the aide's driver's license or valid identification card issued by the DMV, or a valid photo identification issued by another state or the US government if the person is not a California resident. [Health and Safety Code Section 1796.24(b)(2)]

I2. If a home care organization is currently using the CDSS clearance with our home care aides who are working private duty on Continuing Care Retirement Community campuses, can that clearance be transferred to our agency?

Yes, the Community Care Licensing Division issues the licenses for Continuing Care Retirement Communities; therefore, clearances or criminal record exemptions issued for these facilities can be transferred.

I3. Can we transfer the background check to Skilled Nursing Facilities if they request a caregiver?

Organizations cannot request a transfer for Home Care Aides associated to Skilled Nursing Facilities because Skilled Nursing Facilities are licensed by the California Department of Public Health, which requires a different criminal record background check process. Home Care Organizations may request clearance and criminal record exemption transfers of Home Care Aides who are associated to Community Care Licensing Division licensed facilities, TrustLine, the Home Care Services Program, or the Home Care Aide Registry.

14. If a home care aide is deemed eligible as an "affiliated Home Care Aide" can they use that eligibility to qualify as an "independent Home Care Aide"?

Yes, when Home Care Aides are placed on the Home Care Aide Registry, they are able to use that registration to be affiliated with a Home Care Organization and will also be able to work as an independent Home Care Aide.

J. Training Requirements

J1. What are the training requirements for an affiliated Home Care Aide?

A Home Care Organization must ensure that an Affiliated Home Care Aide receives a minimum 5 hours of entry level training prior to client contact which must include but not limited to: (1) Two hours of orientation regarding his/her role as a caregiver and terms of employment; (2) Three hours of training focused on basic safety precautions, emergency procedures, and infection control. The Home Care Organization is also required to ensure Affiliated Home Care Aides maintain ongoing training requirements which are: 5 hours annually to include but not limited to topics such as: Client's rights and safety, providing for and responding to client's needs, reporting, detecting, preventing abuse and neglect, assisting clients with personal hygiene and other home care services, and how to properly transport a client (if this is an applicable service). Additionally, training may be completed online.

J2. How do we verify training?

Home Care Organizations will be required to maintain a training verification log, which shall include the employee name, hire date, position title, training title, month/day/year training was completed, training hours received, instructor/trainers (if in person), organization providing training, and location of training. Documentation of successful completion of training must be attached to log (e.g. certificate, sign-in sheet, etc.).

J3. Can our Home Care Aides complete training through video courses or online?

At this time, the Health and Safety Code does not limit the means by which an affiliated Home Care Aide receives training; therefore, affiliated Home Care Aides may receive training through a variety of training sources. [Health and Safety Code Section 1796.44]

J4. Is online first aid training valid?

Based on comments from the May 2015 Stakeholders meeting, the Home Care Services Bureau has re-examined the requirements around first aid certification. The Home Care Services Bureau has determined that, at this time, entry level training requires three (3) hours of safety training, including basic safety precautions, emergency procedures, and infection control. This *can* include a first aid certificate (online or in person) if the Home Care Aide or Home Care Organization chooses; however, a first aid certificate is not a requirement.

J5. If I train my Home Care Aides now, will this apply for annual training?

For Home Care Aides that apply for registration prior to January 1, 2016, the two (2) hour orientation requirement will be waived. The Home Care Services Bureau will accept verification of the additional three (3) hours of basic safety training if completed within the last year from the Home Care Aide's registration date. In addition, for those Home Care Aides that apply prior to January 1, 2016, annual training hours will be accepted if completed within the last year from the Home Care Aides registration date. For example, if a Home Care Aide is registered on

February 2, 2016, verifiable training received from February 2, 2015 through February 1, 2016 will be accepted and count towards this requirement.

J6. Can we place Home Care Aides and then do training?

Home Care Aides must complete five (5) hours of entry level training hours prior to presence with clients. [Health and Safety Code 1796.44(b)]

J7. Can the three hours of basic training transfer between Home Care Organizations?

Yes, training that an affiliated Home Care Aide receives may be transferred between Home Care Organizations if it is verified by the Home Care Organization where the training occurred and that Home Care Organization provides documentation of successful completion to the new Home Care Organization.

J8. Will there be qualification standards for WHO can conduct the caregiver training?

At this time, there is no requirement for Home Care Aides to receive training from approved providers/educators. Therefore, courses offered do not need to be approved by the Department; however, training must comply with the law. Health and Safety Code Section 1796.44 outlines training requirements and the content that must be covered. Home Care Aides and/or Home Care Organizations can utilize any type of training program (online, in-person, video etc.) to meet these requirements. Home Care Organizations will be required to document training hours, content covered, trainer/instructor, location of training and provide verification of successful completion of the training.

J9. What does the statute mean by Emergency Procedure Training?

The emergency procedures training topic referenced in the Health and Safety Code 1796.44(a)(2) **may** include but is not limited to the following training examples: choking; CPR (if the HCO requires it), trips, slips, and falls; when to call 911; safe evacuation of the home; who to contact during and directly after an emergency event; natural disasters; fire; earthquake; severe weather; power outage; or missing clients.

J10. Do our training titles in the training plan have to have the specific titles listed in the Health and Safety code? For example, Emergency Procedures or Clients Rights?

It is not necessary for trainings to have the specific titles mentioned in the Health and Safety Code 1796.44. The Home Care Services Bureau will verify that content requirements are met within the training information that is submitted on the training plan.

List of Acronyms

The following table contains a list of commonly used acronyms.

Acronym	Term
AB	Assembly Bill
CBCB	Caregiver Background Check Bureau
CCLD	Community Care Licensing Division
CDSS	California Department of Social Services
DOJ	Department of Justice
DRA	Domestic Referral Agency
EM	Evaluator Manual
FAQ	Frequently Asked Questions
H&S	Health and Safety Code
HCA	Home Care Aide
HCO	Home Care Organization
HCS	Home Care Services
HCSB	Home Care Services Bureau
HCSP	Home Care Services Program
HCSCPA	Home Care Services Consumer Protection Act
LPA	Licensing Program Analyst
RO	Regional Office
TL	TrustLine