



Special Legislative Update ■ March 30, 2020

Today's Executive Order Addresses Health Care Workforce Issues

This afternoon, the Governor released Executive Order [N-39-20](#) intended to address workforce issues. During a noon press event, Governor Newsom specifically talked about scope of practice reforms, specifically for nurse practitioners and EMTs, and temporarily relaxing nurse staffing ratios. The order will provide flexibility to maximize the number of medical and health care workers and is directly related to the health emergency created by COVID-19. The order contains a number of provisions, including the following:

- Allows the California Department of Public Health (CDPH) to waive any of the licensing and staffing requirements for hospitals or health facilities. CDPH will grant waivers to facilities. To the extent the facility maintains a disaster and mass casualty plan, the facility granted a waiver shall be established and operate in accordance with that plan.
- Allows CDPH to waive any professional and licensing certification requirements and amend scope of practice and accompanying regulations with respect to: certified nursing assistants, home health aides, and nursing home administrators. CDPH will provide guidance to facilities regarding the appropriate qualifications and scope of practice for each classification operating under a waiver.
- Suspends the verification and permitting requirements of the Radiologic Technology Act. Does not apply to persons whose certification, permit or authorization has been revoked or suspended for cause.
- Allows CDPH to temporarily waive licensing requirements that pertain to credentialing and privileging of physicians. A waiver shall include alternative measures that ensure competency of physicians.
- Allows the Department of Consumer Affairs (DCA) to waive any of the professional licensing requirements and amend scopes of practices, including the examination, education, experience and training requirements necessary to obtain and maintain licensure. DCA will provide additional guidance.
- Allows the Emergency Medical Services Authority (EMSA) to suspend any licensing, certification, or training requirements for EMS personnel. EMSA will provide additional guidance to local EMS authorities.
- Allows the Department of Developmental Services (DDS) to enter into a lease, lease-purchase, lease with option to purchase any real or personal property, or any other agreement to procure residences or facilities and necessary equipment, goods or services to serve those individuals with development disabilities.

- Allows the Department of Social Services (DSS) to allow any state monthly face-to-face caseworker visitation requirement, standard, or criteria for child welfare services to be accomplished through videoconferencing, instead of in-person contact. This flexibility shall only be utilized by caseworkers after a child-specific decision based on the training and experience of the social worker, considering all available information, that an in-person visit is not necessary to ensure the child's safety and well-being.

Newsom's New Health Care Workforce Initiative Aims to Expand Capacity

In recognition of California's health care workforce shortages, Governor Newsom announced a new initiative today to expand California's health care workforce to address the COVID-19 surge. Health care professionals with an active license, public health professionals, medical retirees, medical and nursing students, or members of medical disaster response teams in California are all encouraged to join the new California Health Corps. The Newsom Administration is hoping to recruit 37,000 medical professionals for the Health Corps. More details can be found [here](#).

The state is looking specifically for the following providers:

- Physicians (MD, DO), including medical students
- Pharmacists
- Dentists
- Nurse practitioners
- Physician assistants
- Nurses (RN, LVN, CNA), including nursing students
- Behavioral health professionals (psychiatrist, psychologist, psychiatric nurse practitioner, LCSW, LMFT, LPCC)
- Respiratory therapists
- Paramedics
- Medical assistants
- Emergency medical technicians

Providers will be paid and given malpractice insurance coverage.

Governor Commits to Daily Updates at Noon

The Newsom Administration indicated today that the Governor will – beginning today – be providing *daily updates at noon* on the state's COVID-19 response and recovery. These briefings can be viewed live on the Governor's Facebook [page](#) or Twitter [account](#). The Governor has been offering very regular live updates, but this action would set a regular time for his announcements.

CMS Accelerates Provider Payments

This weekend the Centers for Medicare and Medicaid Services (CMS) announced it is expanding advanced and accelerated Medicare payments for providers and suppliers to support response efforts during COVID-19. These expedited payments can be offered during a national emergency or natural disaster to accelerate cash flow to impacted providers. A fact sheet on the payments can be accessed [here](#).

DOL Releases FAQ on Families First Employee/Employer Changes

In light of the significant federal changes for employees and employers associated with the Families First Coronavirus Response Act, the U.S. Department of Labor (DOL) has released a Frequently Asked Questions [website](#) with information about the application of emergency family and medical leave and paid sick leave. While it appears at this time that only private sector employers benefit from payroll and other tax relief, public sector advocates in DC and beyond are working to ensure public sector employers are given similar benefits. We will report more information as it becomes available.

Assembly Budget Chair Resets Expectations on 2020-21 Budget Process

Capturing much the same essence as the Department of Finance [letter](#) released last week advising state departments to plan for a workload budget given resource constraints resulting from the pandemic-related economic slowdown, Assembly Budget Committee Chair Phil Ting issued a letter today to Assembly Members outlining a revised budget approach. He withdrew a previous request for individual member budget priorities and asked members to lower their expectations about the budget “to reflect our new reality.” Additionally, Chair Ting indicates that he believes that any available state resources likely will be dedicated to a narrow set of priorities focused on COVID-19 response and recovery. With this new context in mind, Assembly Member Ting nevertheless encourages members to submit any budget ideas directly tied to COVID-19 on a flow basis. He promised members more information on a budget timeline as the Legislature determines how it will refine the state budget process to meet its June 15 constitutional deadline in what likely will be a very compressed timeframe. We will share more as we learn it on how the pandemic will affect the Legislature’s budget and policy activities.

Judicial Council Approves Temporary Emergency Measures

As reported Friday, the Judicial Council met in an [emergency session](#) on Saturday and approved a set of temporary emergency measures to ensure provision of essential court services while protecting the health of the public, court employees, judges, attorneys, law enforcement, inmates, and all others involved in local court proceedings. Details on the Council’s actions – which (1) extend various court deadlines and timeframes specified in statute and (2) permit superior courts to expand their use of technology – can be found in recommendations A and B of this [report](#). The Council may find it necessary to schedule other emergency meetings to address other aspects of court operations in the context of the ongoing COVID-19 response.

BSCC Issues Guidance on Juvenile Detention Facilities and Other Topics

In [communication](#) sent to probation chiefs statewide today, the Board of State and Community Corrections (BSCC) encouraged communication and collaboration among chiefs, detention facility managers, and local public health officials regarding specific health care policies and protocols (Section 1410 of Title 15 of the California Code of Regulations, found [here](#)) in the context of the ongoing public health crisis. BSCC recommends that the local review of this section should take into account [interim guidance](#) issued last week by the Centers for Disease Control and Prevention.

Today's BSCC correspondence also references the Judicial Council's action over the weekend – as described above – that likely will, because of extensions of certain court deadlines, affect local detention population and capacity. Consideration of alternatives to detention may be in order to address local circumstances. Further, the BSCC provides links to previous guidance provided to the field in mid-March related to suspension of in-person visitation ([here](#), with additional clarification provide [here](#)). The BSCC remains available to provide technical assistance to counties as they work to adapt operations in the face of the COVID-19 outbreak.