

Summary of Department of Health Care Services (DHCS) COVID-19 Flexibilities Sunset Dates  
 See DHCS Information Notices (IN) and Frequently Asked Questions (FAQ) Applicable to Counties and Contract Providers  
 Updated: 12/31/21

**Background**

During the COVID-19 Public Health Emergency, the State Department of Health Care Services (DHCS) allowed various regulatory flexibilities to ensure access to specialty substance use disorder (SUD) services. With the improvement of the COVID-19 situation, many of these flexibilities will be sunsetting. Please visit [DHCS' Information for Providers & Partners](#) page for additional details. Below is a summary of the flexibilities and sunset dates. See DHCS IN [20-016 \(DUI\)](#), [20-017](#), [NTP FAQ](#) for more information.

**Behavioral Health Services – BH-IN 20-009 Updated**

Flexibility Topic	Flexibility Description	Expiration Date		
		6/30/21	9/30/21	Other
Meetings, gatherings, and events	<ul style="list-style-type: none"> <li><u>Expired Flexibility</u>: Meetings, gatherings, and events were modified/suspended during COVID-19 emergency.</li> </ul> <p><b><i>The executive order is no longer in effect, however, there are a subset of provisions that facilitate ongoing recovery. See <a href="#">Safely Reopening California</a> and <a href="#">CDPH-State Public Health Order June 11, 2021</a>.</i></b></p>			X (06/15/21)
Administrative penalties not imposed for non-compliance with safeguards of health information	<ul style="list-style-type: none"> <li><u>Extended Flexibility</u>: The federal Department of Health and Human Services Office of Civil Rights (HHS-OCR) guidelines for telehealth exercised discretion during COVID-19 to not impose administrative penalties for non-compliance with the HIPAA rules in connection with good faith provision of telehealth in using non-public facing audio or video communication products.</li> <li><u>Extended Flexibility</u>: Allowable platforms were expanded to include popular communication applications for video chats such as Apple FaceTime, Facebook Messenger Video Chat, Google Hangouts, Skype, and Zoom.</li> </ul> <p><b><i>Health and Safety Code section 1280.17 administrative penalties for non-compliance related to safeguards of health information of unauthorized access or inadvertent disclosure. Only HIPAA-compliant communication applications may be used to provide telehealth services.</i></b></p>			X (Until further notice)

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	<p><b>Specific guidance for providers regarding HIPAA and telehealth is available from the external resources listed on DHCS' <a href="#">Telehealth Resources</a> page.</b></p> <p><b>For technical assistance related to a HIPAA-compliant platform of service delivery, contact California Institute of Behavioral Health Solutions (CIBHS) Amy McIlvaine <a href="mailto:amcilvaine@cibhs.org">amcilvaine@cibhs.org</a>.</b></p>							
Provider consent and documentation requirements waived	<ul style="list-style-type: none"> <li><b>Expired Flexibility:</b> Waived the responsibility of a provider to obtain and document verbal or written consent before the use of telehealth services.</li> </ul> <p><b>Business Professions Code section 2290.5 (b) provider must obtain and document verbal or written consent before use of telehealth services.</b></p>	X						
Allowed treatment and recovery services outside the facility service location	<ul style="list-style-type: none"> <li><b>Expired Flexibility:</b> DHCS allowed facilities to provide in-person treatment or recovery services off-site for any concerns related to COVID-19.</li> </ul> <p><b>In-person treatment and recovery services to be provided inside the facility service location.</b></p>	X						
Additional time to complete counselor certification requirements	<ul style="list-style-type: none"> <li><b>Expiring Flexibility:</b> Alcohol and other drug (AOD) registered counselors were given three (3) additional months to complete certification requirements.</li> </ul> <p><b>California Code of Regulations, Title 9, §13035(f)(1) requires AOD Certification completion within 5-years of registration by one of the DHCS recognized certification organizations.</b></p>		X					
No additional billing code (e.g., modifier) required Updated 1/1/22	<ul style="list-style-type: none"> <li><b>Expiring Flexibility:</b> Did not require a billing code (modifier) for claims of services rendered via telehealth or telephone.</li> </ul> <p><b>Use of modifiers for claim reimbursement of telehealth and telephone services is mandatory for DMC-ODS counties as of November 1, 2021 in accordance with BH-IN 21-047.</b>  <b>NOTE: Updated expiration date was announced after BH-IN-047 was published.</b></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>Televideo Service</td> <td>02 GT</td> </tr> <tr> <td>Telephone Service</td> <td>02 SC</td> </tr> </table>	Televideo Service	02 GT	Telephone Service	02 SC			X (01/01/22)
Televideo Service	02 GT							
Telephone Service	02 SC							

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Telehealth and telephonic service provisions extended <i>Updated 1/1/22</i>	<ul style="list-style-type: none"> <li>• <b>Extended Flexibility:</b> <ul style="list-style-type: none"> <li>○ Assessments allowed via telephone or telehealth.</li> <li>○ Telephone and telehealth services, including group counseling, allowed in SUD residential, SUD outpatient, and Driving Under the Influence (DUI) programs.</li> <li>○ Payment parity for telephone and telehealth services.</li> </ul> </li> </ul> <p><b>See DHCS <a href="#">BHIN 21-047</a> for additional telehealth guidance.</b>  <b>Note: Updated expiration date of December 31, 2022 was announced after BHIN 21-047 was published.</b></p>			<b>X</b> <b>(12/31/22)</b>
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**Opioid Treatment Programs (OTP) Also Known As: Narcotic Treatment Programs (NTP)**

Flexibility Topic	Flexibility Description	Expiration Date		
		6/30/21	9/30/21	Other
Obtaining criminal background checks (CBC)	<ul style="list-style-type: none"> <li>• <b>Expired Flexibility:</b> Allowed Narcotic Treatment Programs (NTP) and Alcohol and Other Drug (AOD) Residential Treatment facilities with an adolescent treatment waiver the ability to request alternatives to criminal background checks (CBC), such as online criminal justice checks and/or exemption of telehealth only staff (those with no direct contact) from obtaining CBC.</li> </ul> <p><b>Resume criminal background checks including fingerprinting pursuant to state and federal statutes and regulations.</b></p>	<b>X</b>		
Provider consent and documentation requirements waived	<ul style="list-style-type: none"> <li>• <b>Expired Flexibility:</b> Waived the responsibility of a provider to obtain and document verbal or written consent before the use of telehealth services.</li> </ul> <p><b>Per Business Professions Code section 2290.5 (b), a provider must obtain and document verbal or written consent before use of telehealth services.</b></p>	<b>X</b>		

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Additional time to complete counselor certification requirements	<ul style="list-style-type: none"> <li><u>Expiring Flexibility</u>: Alcohol and other drug (AOD) registered counselors were given three (3) additional months to complete certification requirements.</li> </ul> <p><b>California Code of Regulations, Title 9, §13035(f)(1) requires AOD Certification completion within 5-years of registration by one of the DHCS recognized certification organizations.</b></p>		X	
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**Alcohol & Other Drug (AOD) Facilities – BH-IN 20-017 Updated**

Flexibility Topic	Flexibility Description	Expiration Date		
		6/30/21	9/30/21	Other
License or certified AOD Residential & Outpatient facility application extensions	<ul style="list-style-type: none"> <li><u>Expired Flexibility</u>: DHCS Licensing Analysts will grant application extensions to licensed or certified AOD Residential and Outpatient treatment facilities to address any outstanding and/or needed documentation of regulatory and certification standard requirements.</li> </ul> <p><b>Providers must adhere to DHCS regulatory and certification requirements within application deadline timeframes.</b></p>	X		
Expedited review and approval process for AOD residential increased treatment bed capacity requests	<ul style="list-style-type: none"> <li><u>Expired Flexibility</u>: DHCS initiated an expedited review and approval process for requests to increase treatment bed capacities for AOD residential treatment facilities by electronic submissions of DHCS Supplemental and Facility Data Staffing Form.</li> </ul> <p><b>DHCS will resume normal review and approval of AOD increased bed capacity requests.</b></p>	X		
Suspension of DHCS on-site licensing inspections	<ul style="list-style-type: none"> <li><u>Expired Flexibility</u>: DHCS suspended inspection requirements of on-site initial and biennial licensing inspections instead conducting inspections virtually (video conferencing, photographs, and/or conference calls).</li> </ul> <p><b>DHCS will resume on-site initial and biennial licensing inspections.</b></p>	X		
Expedited AOD Residential Licensing review and processing	<ul style="list-style-type: none"> <li><u>Expired Flexibility</u>: DHCS was granted authority to expedite review/process and streamline the application process for an entity applying for licensure as an AOD residential treatment facility by:</li> </ul>	X		

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	<ul style="list-style-type: none"> <li>○ Allowing entity to submit requirement information after DHCS issuance of incomplete application;</li> <li>○ Conducting virtual inspections of facility(ies);</li> <li>○ Approving a one-year provisional license period in accordance with Health and Safety Code 11834.09(d).</li> </ul> <p><b><i>DHCS will resume normal AOD Residential Licensing review process.</i></b></p>			
Criminal background check (CBC) alternative options.	<ul style="list-style-type: none"> <li>● <b><u>Expired Flexibility:</u></b> Allowed Narcotic Treatment Programs (NTP) and Alcohol and Other Drug (AOD) Residential Treatment facilities with an adolescent treatment waiver the ability to request alternatives to criminal background checks (CBC), such as online criminal justice checks and/or exemption of telehealth only staff (those with no direct contact) from obtaining CBC.</li> </ul> <p><b><i>Resume criminal background checks including fingerprinting pursuant to State and federal statutes and regulations.</i></b></p>	<b>X</b>		

**Driving Under the Influence (DUI) Program – BH-IN 20-016 Updated**

Flexibility Topic	Flexibility Description	Expiration Date		
		6/30/21	9/30/21	Other
Provided affected participants with blanket Leaves of Absence (LOA)	<ul style="list-style-type: none"> <li>● <b><u>Expired Flexibility:</u></b> Blanket LOA were available for: <ul style="list-style-type: none"> <li>○ Each participant affected by COVID-19 to be placed on LOA.</li> <li>○ Programs that temporarily closed due to COVID-19 to impose a blanket LOA for all enrolled participants.</li> </ul> </li> </ul> <p><b><i>Resume LOA procedures stipulated in California Code of Regulations (CCR) Title 9, Division 4, Chapter 3, §9876.5.</i></b></p>	<b>X</b>		
Suspension of DHCS on-site inspections	<ul style="list-style-type: none"> <li>● <b><u>Expired Flexibility:</u></b> During the pandemic, on-site inspections were suspended, and virtual sessions were implemented. These inspections documented virtually that the facility was clean, safe and free of alcohol or illicit drug use, and required files sent via secure email.</li> </ul> <p><i>On-site inspections will resume.</i></p>	<b>X</b>		

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<p>Alternate DUI program funding mechanisms</p>	<ul style="list-style-type: none"> <li><u>Expired Flexibility</u>: During the pandemic DUI providers were permitted to receive funding from other sources. <i>Per regulation, DUI providers must be self-supported from participant fees.</i></li> </ul>	<p><b>X</b></p>		
<p>Additional time to complete counselor certification requirements</p>	<ul style="list-style-type: none"> <li><u>Expiring Flexibility</u>: Alcohol and other drug (AOD) registered counselors were given three (3) additional months to complete certification requirements. <b><i>California Code of Regulations, Title 9, §13035(f)(1) requires AOD Certification completion within 5-years of registration by one of the DHCS recognized certification organizations</i></b></li> </ul>		<p><b>X</b></p>	
<p>Process to request fee reductions or waivers</p>	<ul style="list-style-type: none"> <li><u>Expired Flexibility</u>: Alcohol DHCS allowed DUI providers to submit requests to waive State fees. <i>State fee process will resume.</i></li> </ul>	<p><b>X</b></p>		
<p>DUI services via telephone and telehealth <i>Updated 1/1/22</i></p>	<ul style="list-style-type: none"> <li><u>Extended Flexibility</u>: DUI programs may utilize telehealth services (i.e., video conferencing for counseling, groups, and education requirements) if participant identities are verified.</li> </ul>			<p><b>X</b> <b>(12/31/22)</b></p>