

# **EXHIBIT 1**

**Operating Standards  
YWC and CWC**

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## Article 1. GENERAL DEFINITIONS

### GENERAL

#### General Licensing Requirements 80000

- (a) The licensee shall ensure compliance with all applicable law and regulations.

### DEFINITIONS

#### General Licensing Requirements 80001

The following general definitions shall apply wherever the terms are used throughout these regulations except where specifically noted otherwise. Additional definitions found at the beginning of each chapter in this division shall apply only to such specific facility category.

- (a) (1) "Activities of Daily Living" (ADLs) mean the following six activities:
- (A) Bathing: Cleaning the body using a tub, shower or sponge bath, including getting a basin of water, managing faucets, getting in and out of tub or shower, and reaching head and body parts for soaping, rinsing and drying.
  - (B) Dressing: Putting on and taking off, fastening and unfastening garments and undergarments and special devices such as back or leg braces, corsets, elastic stockings/garments and artificial limbs or splints.
  - (C) Toileting: Getting on and off a toilet or commode, emptying a commode, managing clothes, wiping and cleaning the body after toileting, and using and emptying a bedpan and urinal.
  - (D) Transferring: Moving from one sitting or lying position to another sitting or lying position (e.g., from bed to or from a wheelchair, or sofa, coming to a standing position and/or repositioning to promote circulation and to prevent skin breakdown).
  - (E) Continence: Ability to control bowel and bladder as well as to use ostomy and/or catheter receptacles, and to apply diapers and disposable barrier pads.
  - (F) Eating: Reaching for, picking up, grasping a utensil and cup; getting food on a utensil; bringing food, utensil, and cup to mouth; manipulating food on plate; and cleaning face and hands as necessary following meal.

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HANDBOOK BEGINS HERE

See also the definition of "Client Who Relies Upon Others to Perform All Activities of Daily Living" in Section 80001(c)

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HANDBOOK ENDS HERE

- (2) "Administrator" means the licensee, or the adult designated by the licensee to act in his/her behalf in the overall management of the facility.
  - (3) "Adult" means a person who is 18 years of age or older.
  - (4) "Applicant" means any individual, firm, partnership, association, corporation, county, city, public agency or other government entity that has made application for community care facility license, administrator certificate, or special permit.
  - (5) "Authorized Representative" means any person or entity authorized by law to act on behalf of any client. Such person or entity may include but not be limited to a minor's parent, a legal guardian, a conservator or a public placement agency.
  - (6) "Automated External Defibrillator" (AED) means a light-weight, portable device used to administer an electric shock through the chest wall to the heart. Built-in computers assess the patient's heart rhythm, determine whether defibrillation (electrical shock) is needed and then administer the shock. Audible and/or visual prompts guide the user through the process.
- (b) (1) "Basic Rate" means the rate charged by a facility to provide basic services. For SSI/SSP recipients, the basic rate means the established nonmedical out-of-home care rate which includes any exempt income allowance but does not include that amount allocated for the recipient's personal and incidental needs.
  - (2) "Basic Services" means those services required by applicable law and regulation to be provided by the licensee in order to obtain and maintain a community care facility license.
- (c) (1) "California Clearance" means an individual has no felony or misdemeanor convictions reported by the California Department of Justice. However, the individual may have been arrested with no criminal conviction, convicted of a minor traffic offense or adjudicated as a juvenile.
  - (2) "Capacity" means the maximum number of persons authorized to be provided care and supervision at any one time in any licensed facility.
  - (3) "Care and Supervision" means any one or more of the following activities provided by a person or facility to meet the needs of the clients:
    - (A) Assistance in dressing, grooming, bathing and other personal hygiene.
    - (B) Assistance with taking medication, as specified in Section 80075.
    - (C) Central storing and/or distribution of medications, as specified in Section 80075.
    - (D) Arrangement of and assistance with medical and dental care.
    - (E) Maintenance of house rules for the protection of clients.
    - (F) Supervision of client schedules and activities.

- (G) Maintenance and/or supervision of client cash resources or property.
  - (H) Monitoring food intake or special diets.
  - (I) Providing basic services as defined in Section 80001b.(2).
- (4) "Cash Resources" means:
- (A) Monetary gifts.
  - (B) Tax credits and/or refunds.
  - (C) Earnings from employment or workshops.
  - (D) Personal and incidental need allowances from funding sources including but not limited to SSI/SSP.
  - (E) Allowances paid to children.
  - (F) Any other similar resources as determined by the licensing agency.
- (5) "Certified administrator" means an administrator who has been issued a group home or adult residential facility certificate by the Department and whose certificate is current.
- (6) "Child Abuse Central Index" means the California Department of Justice maintained statewide, multi-jurisdictional, centralized index of child abuse investigation reports. These reports pertain to alleged incidents of physical abuse, sexual abuse, mental/emotional abuse and/or severe neglect. Each child protection agency (police, sheriff, county welfare and probation departments) is required by law to forward to the California Department of Justice a report of every child abuse incident it investigates, unless an incident is determined to be unfounded.
- (7) "Child Abuse Central Index Clearance" means that the California Department of Justice has conducted a name search of the index and the search did not result in a match or the search resulted in a match but the California Department of Social Services determined after an investigation that the allegation of child abuse or neglect was not substantiated.
- (8) "Client" means a child or adult who is receiving care and supervision in a community care facility. Client includes "resident" as used in the Community Care Facility Act.
- (9) "Client Who Relies Upon Others To Perform All Activities of Daily Living" means a client who is unable to perform all six activities of daily living without physical assistance.

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(See also the definition of Activities of Daily Living in Section 80001a(1).)

## HANDBOOK ENDS HERE

- (11) Close friend. "Close friend" means a person who is attached to another by feelings of personal regard as indicated by both parties involved.
- (12) "Community Care Facility" means any facility, place or building where nonmedical care and supervision, as defined in Section 80001(c)(3) are provided.
- (13) "Community Treatment Facility" means any residential facility that provides mental health treatment services to children in a group setting which has the capacity to provide secure containment. The facility's program components shall be subject to program standards developed and enforced by the State Department of Mental Health pursuant to Section 4094 of the Welfare and Institutions Code.
- (14) "Completed Application" means:
  - (A) The applicant has submitted and the licensing agency has received all required materials including: an approved fire clearance, if appropriate, from the State Fire Marshal; and a criminal record clearance on the applicant and any other individuals specified in Section 80019.
  - (B) The licensing agency has completed a site visit to the facility.
- (15) "Conservator" means a person appointed by the Superior Court pursuant to the provisions of Section 1800 et seq. of the Probate Code or Section 5350 of the Welfare and Institutions Code, to care for the person, or estate, or person and estate, of another.
- (16) "Consultant" means a person professionally qualified by training or experience to provide expert information on a particular subject.
- (17) "Control of Property" means the right to enter, occupy, and maintain the operation of the facility property within regulatory requirements. Evidence of control of property may include, but is not limited to the following:
  - (A) a Grant Deed showing ownership; or
  - (B) the lease agreement or rental agreement; or
  - (C) a court order or similar document which shows the authority to control the property pending outcome of a probate proceeding or an estate settlement.
- (18) "Conviction" means:
  - (A) A criminal conviction in California; or
  - (B) Any criminal conviction of another state, federal, military or other jurisdiction, which if committed or attempted in California, would have been punishable as a crime in California.
- (19) "Criminal Record Clearance" means an individual has a California clearance and an FBI clearance.

- (d) (1) "Day" means calendar day unless otherwise specified.
- (2) "Deficiency" means any failure to comply with any provision of the Community Care Facilities Act (Health and Safety Code, Section 1500 et seq.) and/or regulations adopted by the Department pursuant to the Act.
- (3) "Delayed-Egress Device" means a special time-delay, egress-control device as specified in Health and Safety Code Sections 1531.1(b), (e), and 1569.699(a).

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**HANDBOOK BEGINS HERE**

- (A) Health and Safety Code Section 1531.1(b) is paraphrased in pertinent part:

As used in this section, "delayed-egress device" means a device that precludes the use of exits for a predetermined period of time. These devices shall not delay any resident's departure from the facility for longer than 30 seconds.

- (B) Health and Safety Code Section 1531.1(e) is paraphrased in pertinent part:

The facility shall be subject to all fire and building codes, regulations, and standards applicable to residential care facilities for the elderly utilizing delayed egress devices and shall receive approval by the county or city fire department, the local fire prevention district, or the State Fire Marshal for the installed delayed egress devices.

- (C) Health and Safety Code Section 1569.699(a) is paraphrased in pertinent part:

When approved by the person responsible for enforcement as described in Section 13146, exit doors in facilities classified as Group R, Division 2 facilities under the California Building Standards Code, licensed as residential care facilities for the elderly, and housing clients with Alzheimer's disease or dementia, may be equipped with approved listed special egress-control devices of the time-delay type, provided the building is protected throughout by an approved automatic sprinkler system and an approved automatic smoke-detection system. The devices shall conform to all of the following requirements:

1. Automatic deactivation of the egress-control device upon activation of either the sprinkler system or the detection system.
2. Automatic deactivation of the egress-control device upon loss of electrical power to any one of the following: The egress-control device; the smoke-detection system; or exit illumination as required by Section 1012 of the California Building Code.
3. Be capable of being deactivated by a signal from a switch located in an approved location.
4. Initiate an irreversible process that will deactivate the egress-control device whenever a manual force of not more than 15 pounds (66.72N) is applied for two seconds to the panic bar or other door-latching hardware. The egress-control device shall deactivate within an approved time period not to exceed

a total of 15 seconds, except that the person responsible for enforcement as described in Section 13146 may approve a delay not to exceed 30 seconds in residential care facilities, for the elderly serving patients with Alzheimer's disease. The time delay established for each egress-control device shall not be field adjustable.

5. Actuation of the panic bar or other door-latching hardware shall activate an audible signal at the door.
6. The unlatching shall not require more than one operation.
7. A sign shall be provided on the door located above and within 12 inches (305mm) of the panic bar or other door-latching hardware reading:

KEEP PUSHING. THIS DOOR WILL OPEN IN .....SECONDS.  
ALARM WILL SOUND.

Sign letters shall be at least one inch (25 mm) in height and shall have a stroke of not less than 1/8 inch (3.3 mm).

8. Regardless of the means of deactivation, relocking of the egress-control device shall be by manual means only at the door.

#### **HANDBOOK ENDS HERE**

- (4) "Dementia" means a deterioration of intellectual function and other cognitive skills, leading to a decline in one's ability to perform activities of daily living.
- (5) "Department" is defined in Health and Safety Code Section 1502(b).

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#### **HANDBOOK BEGINS HERE**

- (A) Department means the California Department of Social Services.

#### **HANDBOOK ENDS HERE**

- (6) "Developmental Disability" means a disability as defined in Welfare and Institutions Code Section 4512(a).

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#### **HANDBOOK BEGINS HERE**

- (A) Welfare and Institutions Code Section 4512(a) provides in part: "Developmental disability" means a disability which originates before an individual attains age 18, continues, or can be expected to continue, indefinitely and constitutes a substantial handicap for such individual.

This term shall include mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include handicapping conditions found to be closely related to mental

retardation or to require treatment similar to that required for mentally retarded individuals, but shall not include other handicapping conditions that are solely physical in nature.

HANDBOOK ENDS HERE

- (7) "Dietitian" means a person who is a member of or registered by the American Dietetics Association.
- (8) "Director" is defined in Health and Safety Code Section 1502(c).

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HANDBOOK BEGINS HERE

- (A) Director means the director of the California Department of Social Services.

HANDBOOK ENDS HERE

- (e)
  - (1) "Egress-Alert Device" means a wrist band or other device, that may be worn by a client or carried on a client's person that triggers a visual or auditory alarm when the client leaves the facility building or grounds.
  - (2) "Elderly Person" means any person who is 60 years of age or older.
  - (3) "Emergency Approval to Operate" (LIC 9117 4/93) (EAO) means a temporary approval to operate a facility for no more than 60 days pending the Department's decision on whether to approve or deny a provisional license.
  - (4) "Evaluator" means any person who is a duly authorized officer, employee or agent of the Department, including any officer, employee or agent of a county or other public agency authorized by the Department to license community care facilities.
  - (5) "Evidence of Licensee's Death" shall include, but is not limited to, a copy of the death certificate, obituary notice, certification of death from the decedent's mortuary or a letter from the attending physician or coroner's office verifying the licensee's death.
  - (6) "Exception" means a written authorization issued by the licensing agency to use alternative means which meet the intent of a specific regulation(s) and which are based on the unique needs or circumstances of a specific client(s) or staff person(s). Exceptions are granted for particular client(s) or staff person(s) and are not transferable or applicable to other client(s), staff person(s), facilities or licensees.

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HANDBOOK BEGINS HERE

- (A) Health and Safety Code Section 1522(g) reads in part:

After review of the record, the director may grant an exemption from disqualification for a license or special permit pursuant to subdivision (a), or for a license, special permit, or certificate of approval pursuant to subdivision (d), or for employment, residence, or presence in a community care facility as specified in subdivision (c), if the director has substantial and convincing evidence to support a reasonable belief

that the applicant and the person convicted of the crime, if other than the applicant, are of such good character as to justify issuance of the license or special permit or granting an exemption for purposes of subdivision (c).

HANDBOOK ENDS HERE

- (7) "Existing Facility" means any community care facility operating under a valid, unexpired license on the date this chapter becomes effective.
- (f) (1) "Federal Bureau of Investigation (FBI) Clearance" means an individual has no felony or misdemeanor convictions reported by the FBI. However, the individual may have been arrested with no criminal conviction, convicted of a minor traffic offense or adjudicated as a juvenile.
- (g) (1) "Group Home" means any facility of any capacity which provides 24-hour care and supervision to children in a structured environment, with such services provided at least in part by staff employed by the licensee. The care and supervision provided by a group home shall be nonmedical except as permitted by Welfare and Institutions Code Section 17736(b).

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HANDBOOK BEGINS HERE

- (A) Welfare and Institutions Code Section 17736(b) reads in pertinent part:

Counties, regional centers and foster family agencies shall permit...the licensee and other personnel meeting the requirements of paragraphs (3), (5), and (6) of subdivision (c) of Section 17731 to provide, in a group home, specialized in-home health care to a child, as described in his or her individualized health care plan provided that the child was placed as of November 1, 1993.

HANDBOOK ENDS HERE

- (2) "Guardian" means a person appointed by the Superior Court pursuant to the provisions of Sections 1500 et seq. of the Probate Code to care for the person, or estate, or the person and estate of another.
- (h) (1) "Health Condition Relocation Order" means written notice by the Department to a licensee requiring the relocation of a client from a CCF because either the licensee is not providing adequate care for a client's health condition as required by the regulations or the client cannot be cared for within the limits of the license or the client requires in-patient care in a health facility or has a prohibited health condition.
- (2) "Home Economist" means a person who holds a baccalaureate degree in home economics with a specialization in either foods and nutrition or dietetics.
- (i) (1) "Infant" means a child under two years of age.
- (2) "Inhalation-assistive device" means any equipment that assists a client to breath, including, but not limited to, aerosol delivery devices, nebulizers, humidifiers, incentive spirometry devices, positive airway pressure devices, positive expiratory pressure devices, and intermittent positive pressure breathing (IPPB) machines.

- (3) "Interdisciplinary Team" (IDT) means a team that assists the Department in evaluating the need for relocating a client of an ARF or an SRF when the client requests a review of the Department's Health Condition Relocation Order. This team consists of a nurse practitioner and a social worker, designated by the Department, with experience in the needs of the client population. Persons selected for an IDT shall not have been involved in the initial decision to issue a relocation order for the client in question.
- (j) (Reserved)
- (k) (Reserved)
- (l) (1) "License" means authorization to operate a community care facility and to provide care and supervision. The license is not transferable.
- (2) "Licensed professional" means a person who is licensed in California to provide medical care or therapy. This includes physicians and surgeons, physician assistants, nurse practitioners, registered nurses, licensed vocational nurses, psychiatric technicians, physical therapists, occupational therapists and respiratory therapists, who are operating within his/her scope of practice.
- (3) "Licensee" means the adult, firm, partnership, association, corporation, county, city, public agency, or other governmental entity having the authority and responsibility for the operation of a licensed community care facility.
- (4) "Licensing Agency" means the California Department of Social Services or any state, county or other public agency authorized by the Department to assume specified licensing responsibilities pursuant to Section 1511 of the Health and Safety Code.
- (m) (1) "Medical Professional" means an individual who is licensed or certified in California to perform the necessary medical procedures within his/her scope of practice. This includes, but is not limited to, Medical Doctor (MD), Registered Nurse (RN) and Licensed Vocational Nurse (LVN).
- (2) "Mental Disorder" means any of the disorders set forth in the Diagnostic and Statistical Manual of Mental Disorders (Fourth Edition) of the American Psychiatric Association and a degree of functional impairment which renders a person eligible for the services enumerated under the Lanterman-Petris-Short Act, commencing with Section 5000 of the Welfare and Institutions Code.
- (n) (1) "Needs and Services Plan" means a written plan that identifies the specific needs of an individual client, and delineates those services necessary to meet the client's identified needs.
- (2) "Nonambulatory Person" means a person as defined in Health and Safety Code Section 13131.
- (A) A person who uses postural supports is deemed nonambulatory.
- (B) A person is not deemed nonambulatory solely because he/she is deaf, blind, or prefers to use a mechanical aid.

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HANDBOOK BEGINS HERE

- (C) Health and Safety Code Section 13131 provides:

"Nonambulatory persons" means persons unable to leave a building unassisted under emergency conditions. It includes any person who is unable, or likely to be unable, to physically and mentally respond to a sensory signal approved by the State Fire Marshal, or an oral instruction relating to fire danger, and persons who depend upon mechanical aids such as crutches, walkers, and wheelchairs. The determination of ambulatory or nonambulatory status of persons with developmental disabilities shall be made by the Director of Social Services or his or her designated representative, in consultation with the Director of Developmental Services or his or her designated representative. The determination of ambulatory or nonambulatory status of all other disabled persons placed after January 1, 1984 who are not developmentally disabled shall be made by the Director of Social Services or his or her designated representative.

HANDBOOK ENDS HERE

- (3) "Nutritionist" means a person who holds a master's degree in food and nutrition, dietetics, or public health nutrition, or who is employed as a nutritionist by a county health department.
- (o) (Reserved)
- (p) (1) "Physician" means a person licensed as a physician and surgeon by the California Board of Medical Examiners or by the California Board of Osteopathic Examiners.
- (2) "Placement agency" is defined in Health and Safety Code Sections 1536.1 and 1569.47(a).

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HANDBOOK BEGINS HERE

- (A) Health and Safety Code Sections 1536.1 and 1569.47(a) are combined and paraphrased in pertinent part:

"Placement agency" means any county welfare department, county social service department, county mental health department, county public guardian, general acute care hospital discharge planner or coordinator, conservator pursuant to Part 3 (commencing with Section 1800) of Division 4 of the Probate Code, conservator pursuant to Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 of the Welfare and Institutions Code, and Regional Center for persons with developmental disabilities, which is engaged in finding homes or other places for the placement of persons of any age for temporary or permanent care.

HANDBOOK ENDS HERE

- (3) "PRN Medication" (pro re nata) means any nonprescription or prescription medication which is to be taken as needed.

- (4) "Provision" or "Provide" means whenever any regulation requires that provisions be made for or that there be provided any service, personnel, or other requirement, the licensee shall do so directly or present evidence to the licensing agency that the requirement has been met by some other means.
- (5) "Provisional License" means a license which is temporary, nonrenewable and issued for a period not to exceed twelve months. A provisional license is issued in accordance with the criteria specified in Section 80030.
- (q) (Reserved)
- (r) (1) "Rehabilitation" means the effort to reestablish good character since the date of the last conviction, including, but not limited to, education, counseling or therapy, training, stable employment, restitution, remorse, changes in lifestyle, or community service.
- (2) "Relative" means spouse, parent, stepparent, son, daughter, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or such person denoted by the prefix "grand" or "great" or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
- (3) "Responsible person" means that individual or individuals, including a relative, health care surrogate decision maker, or placement agency, who assists the client or prospective client in placement or assumes varying degrees of responsibility for the client's well-being. A responsible person cannot act on behalf of a client unless authorized by law.
- (s) (1) "Serious Deficiency" means any deficiency that presents an immediate or substantial threat to the physical health, mental health or safety of the clients of a community care facility.
- (2) "Simplified Exemption" means an exemption granted on the Department's own motion, as authorized in Health and Safety Code Section 1522(c)(4), if the individual's criminal history meets specific criteria established by Department regulation.

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HANDBOOK BEGINS HERE

- (A) See Section 80051 and other applicable sections in Chapters 2, 4 through 7, and Chapter 9, for examples of violations which commonly result in serious deficiencies.

HANDBOOK ENDS HERE

- (3) "Small Family Home" means any residential facility in the licensee's family residence providing 24-hour a day care for six or fewer children who are mentally disordered, developmentally disabled or physically handicapped and who require special care and supervision as a result of such disabilities.
- (4) "Social Rehabilitation Facility" means any facility which provides 24-hour-a-day nonmedical care and supervision in a group setting to adults recovering from mental illness who temporarily need assistance, guidance or counseling.
- (5) "Social Worker" means a person who has a graduate degree from an accredited school of social work.

- (6) "SSI/SSP" means the Supplemental Security Income/State Supplemental Program which is a federal/state program that provides financial assistance to aged, blind and/or disabled residents of California.
- (7) "Substantial Compliance" means the absence of any serious deficiencies.
- (8) "Substantiated Complaint" means a complaint which has been investigated by the licensing agency, and as a result, a violation of regulations has been found.
- (t) (1) "Transfer Trauma" means the consequences of the stress and emotional shock caused by an abrupt, involuntary relocation of a client or resident from one facility to another.
- (u) (1) "Universal Precautions" means an approach to infection control that treats all human blood and body fluids as if they are infectious. Generally, Universal Precautions consist of regular hand-washing after coming into contact with another person's body fluids (mucuous, saliva, urine, etc.) and includes the use of gloves when handling blood or body fluids that contain blood. Specifically, Universal Precautions consist of the following four basic infection guidelines:
  - (A) Hand-washing - Staff should wash their hands:
    1. After assisting with incontinent care or wiping a client's nose.
    2. Before preparing or eating foods.
    3. After using the toilet.
    4. Before and after treating or bandaging a cut.
    5. After wiping down surfaces, cleaning spills, or any other housekeeping.
    6. After being in contact with any body fluids from another person.
    7. Even if they wore gloves during contact with body fluids.
  - (B) Gloves - Staff should always wear gloves:
    1. When they come into contact with blood or body fluids that contain blood.
    2. When they have cuts or scratches on their hands.
    3. When assisting with incontinent care or when cleaning up urine, stool, or vomit.
    4. When administering first aid for a cut, a bleeding wound, or a bloody nose.
    5. Use gloves only one time, for one incident or client.
      - a. Staff must air dry their hands prior to putting on a new pair of gloves.

6. And dispose of used gloves immediately after use.
- (C) Cleaning with a disinfectant - Staff should clean with a disinfectant:
1. On all surfaces and in the client's room and on an "as needed" basis on any surface that has come into contact with blood.
  2. Such as a basic bleach solution, made fresh daily by mixing:
    - a. 1/4 cup household liquid chlorine bleach in one gallon of tap water, or one tablespoon bleach in one quart of water.
- (D) Proper disposal of infectious materials - Staff should dispose of infectious materials by:
1. Placing it in a plastic trash bag, tying it with a secure tie, and disposing of it out of reach of clients and children.
- (2) "Unlicensed Community Care Facility" means a facility as defined in Health and Safety Code Section 1503.5.

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**HANDBOOK BEGINS HERE**

- (A) Health and Safety Code Section 1503.5 provides:
- A facility shall be deemed to be an "unlicensed community care facility" and "maintained and operated to provide nonmedical care" if it is unlicensed and not exempt from licensure and any one of the following conditions is satisfied:
- (1) The facility is providing care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
  - (2) The facility is held out as or represented as providing care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
  - (3) The facility accepts or retains residents who demonstrate the need for care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
  - (4) The facility represents itself as a licensed community care facility.

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**HANDBOOK ENDS HERE**

- (B) A facility which is "providing care and supervision" as defined in Section 80001(c)(3) includes, but is not limited to, one in which an individual has been placed by a placement agency or family members for temporary or permanent care.
- (C) A facility which is "held out as or represented as providing care or supervision" includes, but is not limited to:

- (1) A facility whose license has been revoked or denied, but the individual continues to provide care for the same or different clients with similar needs.
  - (2) A facility where a change of ownership has occurred and the same clients are retained.
  - (3) A licensed facility that moves to a new location.
  - (4) A facility which advertises as providing care and/or supervision.
- (D) A facility which "accepts or retains residents who demonstrate the need for care or supervision" includes, but is not limited to:
- (1) A facility with residents requiring care and/or supervision, even though the facility is providing board and room only, or board only, or room only.
  - (2) A facility which houses unemancipated minors, even though the facility is providing board and room only, or board only, or room only.
  - (3) A facility where it is apparent that care and/or supervision are being provided by virtue of the client's needs being met.
- (3) "Urgent Need" means a situation where prohibiting the operation of the facility would be detrimental to a client's physical health, mental health, safety, or welfare. Circumstances constituting urgent need include but are not limited to the following:
- (A) A change in facility location when clients are in need of services from the same operator at the new location.
  - (B) A change of facility ownership when clients are in need of services from a new operator.
- (v) (Reserved)
- (w) (1) "Waiver" means a nontransferable written authorization issued by the licensing agency to use alternative means which meet the intent of a specific regulation and which are based on a facility-wide need or circumstance.

## **Group Homes      84001**

In addition to Section 80001, the following shall apply:

- (a) (1) "Approved schools, colleges or universities, including correspondence courses offered by the same," means those approved/authorized by the U.S. Department of Education, Office of Postsecondary Education or by the California Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education, pursuant to Education Code Sections 94900 or 94915.

- (2) "Accredited schools, colleges or universities, including correspondence courses offered by the same," means those educational institutions or programs granted public recognition as meeting established standards and requirements of an accrediting agency authorized by the U.S. Secretary of Education.

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**HANDBOOK BEGINS HERE**

Authorized accrediting agencies include the Accrediting Commission, National Home Study, the Accrediting Bureau of Health Education Schools, the Association of Independent Colleges and Schools, the National Association of Trade and Technical Schools, and the Western Association of Schools and Colleges.

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**HANDBOOK ENDS HERE**

- (3) "Affiliated with licensee" means members of board of directors, executive director, officers and individuals paid by the group home licensee as staff, consultant or contractor used to fulfill the plan of operation.
- (4) "Assaultive Behavior" means violent, physical actions which are likely to cause immediate physical harm or danger to an individual or others.
- (A) Verbal Assault is not considered a form of assaultive behavior.
- (b) (1) "Behavior Management Consultant", for the purpose of this chapter, means a person who designs and/or implements behavior modification intervention services and meets one of the following requirements as specified in California Code of Regulations, Title 17, Sections 54344(d).

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**HANDBOOK BEGINS HERE**

Section 54344(d) of the California Code of Regulations, Title 17 says in part:

(d)(1)

- (A) Possesses a valid license as a psychologist from the Medical Board of California or Psychology Examining Board;
- (B) Is a licensed clinical social worker pursuant to Business and Professions Code, Sections 4996 through 4998.7;
- (C) Is a licensed marriage family and child counselor pursuant to Business and Professions Code, Sections 4980 through 4984.7; or
- (D) Is any other licensed professional whose California licensure permits the design and/or implementation of behavior modification intervention services.

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**HANDBOOK ENDS HERE**

- (c) (1) "Certificate holder" means a person who has a current administrator's certificate issued by the Department regardless of whether the person is employed as an administrator in a group home.

- (2) "Child" means a person who is under 18 placed in a licensed group home by a regional center, a parent or guardian, or a public child placement agency with or without a court order. "Child" also means a person who is:
- (A) 18 or 19, meets the requirements of Welfare and Institutions Code section 11403, and continues to be provided with care and supervision by the group home, or
  - (B) 18-22 as specified in the definition for "child with special health care needs" under subsection (c)(3) and continues to be provided with care and supervision by the group home.

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**HANDBOOK BEGINS HERE**

Welfare and Institutions Code section 11403 provides:

"...(b)...Effective January 1, 2012, a nonminor former dependent child or ward of the juvenile court who is receiving AFDC-FC benefits pursuant to Section 11405 shall be eligible to continue to receive aid up to 19 years of age, effective January 1, 2013, up to 20 years of age, and effective January 1, 2014, up to 21 years of age, as long as the nonminor is otherwise eligible for AFDC-FC benefits under this subdivision. This subdivision shall apply when one or more of the following conditions exist:

- (1) The nonminor is completing secondary education or a program leading to an equivalent credential.
- (2) The nonminor is enrolled in an institution which provides postsecondary or vocational education.
- (3) The nonminor is participating in a program or activity designed to promote, or remove barriers to, employment.
- (4) The nonminor is employed for at least 80 hours per month.
- (5) The nonminor is incapable of doing any of the activities described in subparagraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor. The requirement to update the case plan under this paragraph shall not apply to nonminor former dependents or wards in receipt of Kin-GAP program or Adoption Assistance Program payments."

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**HANDBOOK ENDS HERE**

- (3) "Complete Request" means the vendor applicant has submitted and the Department has received all required information and materials necessary to approve or deny the request for certification program and/or course approval.
- (4) "Continuing Education Training Program Vendor" means a vendor approved by the Department to provide Continuing Education training courses to group home administrators and certificate holders to qualify them for renewal of their group home administrator certificate.

- (d) (1) "Discipline" means a penalty assessed by the facility against a child for his/her violation of the group home's rules, commitment of illegal actions or damage to property.
- (e) (1) "Early Intervention" means the use of non-physical, de-escalation interventions to control injurious behavior. Techniques include, but are not limited to, suggesting alternative behavior, crisis communication and evasive techniques.
  - (2) "Emergency Intervention" means the justified use of early interventions and/or otherwise prohibited manual restraints to protect the child or others from harm.
  - (3) "Emergency Intervention Plan" means a written plan which addresses how emergency intervention techniques will be implemented by the licensee in compliance with the requirements specified in Section 84322.
  - (4) "Emergency Intervention Staff Training Plan" means a written plan which specifies the training provided to group home personnel regarding the use of emergency interventions, as specified in Section 84322 (g). The emergency intervention staff training plan is a component of the Emergency Intervention Plan.
- (f) (1) "Facility Manager" as defined in Health and Safety Code Section 1522.4(a)(1).

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**HANDBOOK BEGINS HERE**

- (A) Section 1522.4(a)(1) defines a "facility manager" as "a person on the premises with the authority and responsibility necessary to manage and control the day-to-day operation of a community care facility and supervise the clients." The facility manager, licensee, and administrator, or any combination thereof, may be the same person provided he or she meets all applicable requirements. If the administrator is also the facility manager for the same facility, this person shall be limited to the administration and management of only one facility.

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**HANDBOOK ENDS HERE**

- (g) (1) "Group Home" means a facility which provides 24-hour care and supervision to children, provides services specified in this chapter to a specific client group, and maintains a structured environment, with such services provided at least in part by staff employed by the licensee. The care and supervision provided by a group home shall be nonmedical except as permitted by Welfare and Institutions Code Section 17736(b). Since small family and foster family homes, by definition, care for six or fewer children only, any facility providing 24-hour care for seven or more children must be licensed as a group home.
  - (2) "Group Home Program Statement" means a written plan which identifies the client population, program structure and supervision, and provides specific program information. The group home program statement must contain all the elements required in the plan of operation, as specified in Section 84022.

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**HANDBOOK BEGINS HERE**

- (A) Welfare and Institutions Code Section 17736(b) reads in pertinent part:

Counties, regional centers and foster family agencies shall permit...the licensee and other personnel meeting and requirements of paragraphs (3), (5), and (6) of subdivision (c) of Section 17731 to provide, in a group home, specialized in-home health care to a child, as described in his or her individualized health care plan, provided that the child was placed as of November 1, 1993.

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**HANDBOOK ENDS HERE**

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- (h) (1) "Health Care Professional" means a physician or an individual who is licensed or certified under Division 2 of the Business and Professions Code to perform the necessary client care procedures prescribed by a physician. Such health care professionals include the following: Registered Nurse, Public Health Nurse, Licensed Vocational Nurse, Psychiatric Technician, Physical Therapist, Occupational Therapist and Respiratory Therapist.
- (i) (1) "Incident Report" means a written report required by the Department to report incidents as specified in Sections 80061 and 84061.
- (2) "Individualized Health Care Plan" means the written plan developed by an individualized health care plan team and approved by the team physician, or other health care professional designated by the physician to serve on the team, for the provision of specialized in-home health care.
- (3) "Individualized Health Care Plan Team" means those individuals who develop an individualized health care plan for a child with special health care needs. This team must include the child's primary care physician or other health care professional designated by the physician, any involved medical team, the county social worker or regional center caseworker, and any health care professional designated to monitor the specialized in-home health care provided to the child as stated in the child's individualized health care plan. The individualized health care plan team may include, but shall not be limited to, a public health nurse, representatives from the California Children's Services Program or the Child Health and Disability Prevention Program, regional centers, the county mental health department and where reunification is the goal, the parent or parents, if available. In addition, the individualized health care plan team may include the prospective specialized group home licensee who shall not participate in any team determination required by Sections 84065.1(a)(1)(B) and (b)(2).
- (4) "Initial Certification Training Program Vendor" means a vendor approved by the Department to provide the initial forty (40) hour certification training program to persons who do not possess a valid group home administrator certificate.
- (j) (Reserved)
- (k) (Reserved)
- (l) (Reserved)
- (m) (1) "Manual Restraint" means the use of a hands-on or other physically applied technique to physically limit the freedom of movement of a child. Techniques include, but are not limited to, forced escorts; holding; prone restraints; or other containment techniques, including protective separation.

- (2) "Manual Restraint Plan" means a written plan which addresses how manual restraints will or will not be implemented by the licensee in compliance with the requirements specified in Sections 84322(e) and (f). The manual restraint plan is a component of the emergency intervention plan.
- (3) "Mechanical Restraint" means any physical device or equipment which restricts the movement of the whole or a portion of a child's body, including, but not limited to, handcuffs, restraining sheets, restraining chairs, leather cuffs and belts or any other similar method.
- (4) "Medical Conditions Requiring Specialized In-Home Health Care" means, provided that care may be safely and adequately administered in the home:
  - (A) A dependency upon one or more of the following: enteral feeding tube, total parenteral feeding, a cardiorespiratory monitor, intravenous therapy, a ventilator, oxygen support, urinary catheterization, renal dialysis, ministrations imposed by tracheostomy, colostomy, ileostomy, ileal conduit, or other medical or surgical procedures or special medication regimens, including injection, and intravenous medication; or
  - (B) Conditions such as AIDS, premature birth, congenital defects, severe seizure disorders, severe asthma, bronchopulmonary dysplasia, and severe gastroesophageal reflux when his/her condition could rapidly deteriorate causing permanent injury or death.
- (5) "Minor parent program" means a group home program that serves pregnant minors and minor parents with children younger than six years of age, who are dependents of the court, nondependents, voluntary and/or regional center placements, and reside in the group home with the minor parent, who is the primary caregiver of the young child.
- (n) (1) "Needs and Services Plan" means a time-limited, goal-oriented written plan, implemented by the licensee, which identifies the specific needs of an individual child, including those items specified in Section 84068.2; and delineates those services necessary in order to meet the child's identified needs.
- (o) (Reserved)
- (p) (1) "Physical Restraining Device" means any physical or mechanical device, material, or equipment attached or adjacent to a child's body which the child cannot remove easily and which restricts the child's freedom of movement. Restraining devices include leg restraints, arm restraints, soft ties or vests, wheel chair safety bars, and full length bedrails.
  - (2) "Protective Separation" means the voluntary or involuntary removal of a child for the purpose of protecting the child from injuring himself, herself or others.
  - (3) "Protective Separation Room" means an unlocked room specifically designated and designed for the involuntary separation of a child from other children for a limited time period for the purpose of protecting the child from injuring or endangering himself, herself or others.
- (q) (1) "Qualified Mental Retardation Professional" means a person described in Title 22, Division 5, Chapter 8, Section 76830.

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**HANDBOOK BEGINS HERE**

Section 76830 defines a "qualified mental retardation professional" as "a person who has specialized training or one (1) year of experience in treating or working with the developmentally disabled and is one of the following:

- (A) A person with a master's degree in psychology.
- (B) A physician.
- (C) An educator with a degree in education.
- (D) A Social Worker with a bachelor's degree in:
  - (1) Social work from an accredited program; or
  - (2) A field other than social work and at least three (3) years of social work experience under the supervision of a social worker with a master's degree.
- (E) A physical therapist.
- (F) An occupational therapist.
- (G) A speech pathologist.
- (H) An audiologist.

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**HANDBOOK CONTINUES**

- (I) A registered nurse.
- (J) A recreation therapist.
- (K) A rehabilitation counselor.

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**HANDBOOK ENDS HERE**

- (r) (1) "Reasonable and Prudent Parent Standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interest, that an administrator or facility manager, or his or her responsible designee, shall use when determining whether to allow a child in care to participate in extracurricular, enrichment and social activities.
- (2) "Runaway" means a child who absents himself or herself from the facility without permission from facility personnel.
- (3) "Runaway Plan" means a written plan which addresses how the licensee will respond to runaway situations.

- (s) (1) "Satellite Home" means a facility which is owned by, contracted with, or otherwise controlled by the licensee of another group home. The primary function of the satellite home is to provide residential services to children who are former clients of the primary group home and/or to children who receive direct services from the primary group home.
- (2) "Social Work Staff" means at least one social worker or other professional person trained in the behavioral sciences who provides, either through employment or alternative means, those services specified in this chapter.
  - (A) Such alternative means shall include services provided by the social work staff of placement agencies only when such services are within the scope of the duties assigned to the worker by his/her agency.

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**HANDBOOK BEGINS HERE**

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- (B) Placement agencies include but are not limited to regional centers, county welfare departments, and probation departments.

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**HANDBOOK ENDS HERE**

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- (3) "Specialized Group Home" means a licensed group home which provides specialized in-home health care to children.
- (4) "Specialized In-Home Health Care" means health care identified by the child's physician as appropriately administered in the facility by a health care professional or by a licensee or staff trained by health care professionals pursuant to the child's individualized health care plan. For a child with special health care needs placed in a group home after November 1, 1993, these services must be provided by a health care professional.
- (t) (Reserved)
- (u) (Reserved)
- (v) (1) "Vendor" means a Department-approved institution, association, individual(s), or other entity that assumes full responsibility or control over a Department-approved Initial Certification Training Program and/or a Continuing Education Training Program.
- (2) "Vendor Applicant" means any institution, association, individual(s), or other entity that submits a request for approval of an Initial Certification Training Program and/or a Continuing Education Training Program.
- (w) (Reserved)
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)

## **Transitional Shelter Care Facilities 84401**

In addition to Sections 80001 and 84001, the following shall apply:

(a) through (l) (Reserved)

(m)(1) "Maximum Occupancy" means the total number of persons, determined by the fire authority having jurisdiction, who may safely occupy a facility for a specified purpose.

(n) through (s) (Reserved)

(t) (1) "Transitional Care Children" or "Children in Transition" means children as defined in Section 1502.3(c) of the Health and Safety Code who have been placed in a transitional shelter care facility. These children include but are not limited to children who have been placed in the facility from another community care facility and are awaiting placement appropriate to their needs. All children in the facility are to receive the assessments and services as detailed in this subchapter to facilitate successful subsequent placement.

(2) "Transitional Shelter Care Facility" means a licensed county group care facility whose sole purpose is to provide care in a short term residential program for children who have been removed from their homes as a result of abuse or neglect, or both; for children who have been adjudged wards of the court; and, for children who are seriously emotionally disturbed children, as defined in Health and Safety Code Section 1502.3.

(A) For purposes of this definition, "county group care facility" is a group home that provides 24-hour nonmedical care for children up to the age of 18, except as provided in Welfare and Institutions Code Section 11403, who require personal services, supervision, protection, or assistance essential for sustaining activities of daily living, and that is owned by the county and is operated either by the county or a nonprofit agency contracted with the county.

### **HANDBOOK BEGINS HERE**

1. Welfare and Institutions Code Section 11403 provides:

"A child who is in foster care and receiving aid pursuant to this chapter and who is attending high school or the equivalent level of vocational or technical training on a full-time basis prior to his or her 18th birthday, may continue to receive aid following his or her 18th birthday so long as the child continues to reside in foster care placement, remains otherwise eligible for AFDC-FC payments, and continues to attend high school or the equivalent level of vocational or technical training on a full-time basis and the child may reasonably be expected to complete the educational or training program before his or her 19th birthday. Aid shall be provided such an individual pursuant to this section provided both the individual and the agency responsible for the foster care placement have signed a mutual agreement, if the individual is capable of making an informed agreement, which documents the continued need for out-of-home placement."

2. Health and Safety Code Section 1502.3 provides:

“For purposes of this chapter, a ‘community care facility,’ pursuant to Section 1502, includes a transitional shelter care facility. A ‘transitional shelter care facility’ means a short-term residential care program that meets all of the following requirements:

“(a) It is owned by the county, and operated by the county or by a private nonprofit organization under contract to the county.

“(b) It is a group care facility that provides for 24-hour nonmedical care of persons, under 18 years of age, who are in need of personal services, supervision, or assistance that is essential for sustaining the activities of daily living, or for the protection of the individual on a short-term basis.

“(c) It is for the sole purpose of providing care for children who have been removed from their homes as a result of abuse or neglect, or both; for children who have been adjudged wards of the court; and, for children who are seriously emotionally disturbed children. For purposes of this subdivision, ‘abuse or neglect’ means the same as defined in Section 300 of the Welfare and Institutions Code. For purposes of this subdivision, ‘wards of the court’ means the same as defined in Section 602 of the Welfare and Institutions Code. For purposes of this subdivision, ‘seriously emotionally disturbed children’ means the same as defined in subdivision (a) of Section 5600.3 of the Welfare and Institutions Code. 21

“(d) It primarily serves children who have previously been placed in a community care facility and are awaiting placement into a different community care facility that is appropriate to their needs. Children residing in transitional shelter care facilities may include children who are very difficult to place in appropriate community care facilities because of factors which may be present in combination, including: threatening, aggressive, suicide, runaway or destructive behaviors and behaviors as defined in Section 5600.3 of the Welfare and Institutions Code.

“(e) The licensee shall not discharge any child without the permission of the county, except when a child:

“(1) Commits an unlawful act and the child must be detained in a juvenile institution.

“(2) Requires either of the following:

“(A) Physical health care in an acute care hospital.

“(B) Mental health services in an acute psychiatric hospital.

“(f) The licensee shall provide a program that is designed to be flexible enough to care for a highly variable population size and shall allow for the special needs of sibling groups.”

HANDBOOK ENDS HERE

## DEFINITIONS – FORMS

### Group Homes      84002

The following forms are incorporated by reference:

(a) LIC 9165 (2/99), Board of Directors Statement.

- (b) PUB 326 (4/99), Facts You Need to Know, Group Home Board of Directors.

## **LICENSE REQUIRED**

### **General Licensing Requirements 80005**

- (a) Unless a facility is exempt from licensure as specified in California Code of Regulations, General Licensing Requirements, Title 22, Division 6, Chapter 1, Section 80007, no adult, firm, partnership, association, corporation, county, city, public agency or other governmental entity shall operate, establish, manage, conduct or maintain a community care facility, or hold out, advertise or represent by any means to do so, without first obtaining a current valid license from the licensing agency.

## **Article 2. LICENSING**

### **General Licensing Requirements**

#### **Group Homes 84009**

- (a) The license shall be posted in a prominent, publicly accessible location in the facility.

## **LIMITATIONS ON LICENSE, CAPACITY, AND AMBULATORY STATUS**

### **General Licensing Requirements 80010**

- (a) A licensee shall not operate a facility beyond the conditions and limitations specified on the license, including the capacity limitation.
- (1) Subject to Section 84468.4(b)(4), the facilities' license shall include a condition that children may only stay at the Children's Welcome Center (CWC) or Youth Welcome Center (YWC) for a maximum duration of 72 hours and that the clock commences upon initial entry at the CWC or YWC. The 72-hour clock only stops upon a child's placement in an approved or licensed home or facility. The 72-hour clock shall pause if the child runs away from the facility, and shall resume if the child returns within a period of 30 days. The 72-hour clock shall stop and reset to zero if a child who runs away from the facility does not return to the facility within a 30-day period. The 72-hour clock shall stop and reset to zero upon a child's acceptance of placement in an approved or licensed home or facility.
  - (2) The licenses for the CWC and the YWC shall expire no later than three years after the date the department grants the licensee a provisional license to operate these facilities. The three year expiration date may be extended in 3-month increments upon the written agreement of the Los Angeles County Department of Family Services (County) and the CDSS.

- (b) Facilities or rooms approved by the fire marshal for ambulatory clients only shall not be used by nonambulatory clients.
  - (1) Clients whose condition becomes non-ambulatory shall not use rooms or areas restricted to ambulatory clients.
  - (2) The licensing agency shall have the authority to require clients who use ambulatory sections of the facility to demonstrate that they are ambulatory.
- (c) The licensee shall obtain a fire clearance for non-ambulatory clients as a condition to admitting a non-ambulatory child into placement.

### **Transitional Shelter Care Facilities      84410**

The following shall apply to Transitional Shelter Care Facilities:

- (a) If the facility admits clients in excess of the maximum occupancy established by the fire authority having jurisdiction, the licensee is operating in violation of its fire clearance. Operation in excess of maximum occupancy constitutes imminent health and safety risks and the licensee shall immediately reduce the census to the maximum occupancy.
- (b) If the facility exceeds the capacity as set forth on the license, the licensee is operating in violation of its license.
  - (1) If over capacity, the facility must do the following:
    - (A) Utilize satisfactory fire and life safety measures that are currently approved by the fire authority having jurisdiction;
    - (B) Provide a sufficient number of staff to meet the care and supervision needs of all children in care;
    - (C) Provide sufficient living space and accommodations to the needs of all children in care; and
    - (D) Submit a written Plan of Correction consistent with the Contingency Plan as described in Section 84422(b) within 24 hours of exceeding licensed capacity, that includes the number by which the facility is over capacity, and explains how the facility will correct the overcapacity.
  - (2) When the facility is operating over capacity and then admits another child, the facility shall transmit an addendum to its Plan of Correction in writing to the Department within 24 hours.
- (c) When the Department determines that children are in imminent danger because the facility is over capacity and has not complied with these standards, the Department shall have the authority to order the licensee to immediately relocate children in excess of the licensed capacity.

- (d) When children must be relocated pursuant to these standards, the licensee shall not obstruct the relocation process and shall cooperate with the Department in the relocation process. Such cooperation shall include, but not be limited to, the following:
- (1) Identifying and preparing for removal of the medications, Medi-Cal or other medical insurance documents, clothing, safeguarded cash resources, valuables and other belongings of the child;
  - (2) Contacting the authorized representative of the child to assist in transporting the child, if necessary;
  - (3) Contacting other suitable facilities for placement, if necessary; and
  - (4) Providing access to the child's files when required by the Department.

### **TERM LIMITS FOR SPECIALIZED GROUP HOMES**

#### **Group Homes            84010.1**

- (a) The licensee may provide care and supervision to children with special health care needs pursuant to its approved Plan of Operation that describes how the County will provide or coordinate the provision of pre-admission medical and mental health screenings and ongoing supportive services identified during the pre-admission screenings as needed by the child during their placement in the CWC or YWC.

### **ADVERTISEMENTS AND LICENSE NUMBER**

#### **General Licensing Requirements            80011**

- (a) Licensees shall reveal each facility license number in all advertisements in accordance with Health and Safety Code Section 1514.

### **FALSE CLAIMS**

#### **General Licensing Requirements            80012**

- (a) No licensee, officer, or employee of a licensee shall make or disseminate any false or misleading statement regarding the facility or any of the services provided by the facility.
- (b) No licensee, officer, or employee of a licensee shall alter a license, or disseminate an altered license.

## **Article 3. APPLICATION PROCEDURES**

### **APPLICATION FOR LICENSE**

#### **General Licensing Requirements      80018**

- (a) Any adult, firm, partnership, association, corporation, county, city, public agency or other governmental entity desiring to obtain a license shall file with the licensing agency a verified application on forms furnished by the licensing agency.
- (b) Prior to filing an application, the applicant shall attend an orientation designed for the specific facility type and provided by the licensing agency.
  - (1) The orientation shall cover, but not be limited to, the following areas:
    - (A) Completion of the application for license.
    - (B) Scope of operation subject to regulation by the department.
  - (2) An applicant, who is already licensed for a facility in the same category, shall not be required to attend an orientation if the last orientation attended was for the same facility type and within two (2) years of the next scheduled orientation.
  - (3) An applicant applying for more than one facility license, in the same facility type, shall be required to attend only one orientation.
- (c) The applicant/licensee shall cooperate with the licensing agency in providing verification and/or documentation as requested by the licensing agency.
- (d) The application and supporting documents shall contain the following:
  - (1) Name or proposed name and address of facility.
  - (2) Name, and residence and mailing addresses of applicant.
  - (3) The category of facility to be operated.
  - (3) Maximum number of persons to be served during daytime and nighttime.
  - (5) Age range, sex and the categories of persons to be served, including but not limited to persons with developmental disabilities, mental disorders, physically handicapped and/or nonambulatory persons.
  - (6) Hours or periods of facility operation.
  - (7) Name of administrator, if applicable.

- (8) Name, address and telephone number of the city or county fire department, the district providing fire protection services, or the State Fire Marshal's Office having jurisdiction in the area where the facility is located.
- (9) A plan of operation as specified in Section 80022.
- (10) Fingerprint cards as specified in Section 80019.
- (11) Information required by Health and Safety Code Section 1522.1.

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**HANDBOOK BEGINS HERE**

- (A) Prior to granting a license to, or otherwise approving, any individual to care for children, the Department shall check the Child Abuse Registry pursuant to paragraph (3) of subdivision (b) of Section 11170 of the Penal Code. The Department shall investigate any reports received from the Child Abuse Registry. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency which investigated the child abuse report. The Department shall not deny a license based upon a report from the Child Abuse Registry unless child abuse is substantiated.

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- (12) The bonding affidavit specified in Section 80025(a).
- (13) A health screening report on the applicant as specified in Section 80065(g).
- (14) Such other information as may be required pursuant to Section 1520(g) of the Health and Safety Code.

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- (A) Health and Safety Code Section 1520(g) provides:

Any other information which may be required by the department for the proper administration and enforcement of this chapter.

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- (e) The application shall be signed by the applicant.
  - (1) If the applicant is a firm, association, corporation, county, city, public agency or other governmental entity, the application shall be signed by the chief executive officer or authorized representative.
- (f) The application shall be filed with the licensing agency which serves the geographical area in which the facility is located.
- (g) Subject to Section 84468.4(b)(4), the application shall provide that children may only stay at the CWC or YWC for a maximum duration of 72 hours and that the clock commences upon initial entry at the CWC or YWC. The 72-hour clock only stops upon a child's placement in an approved

or licensed home or facility. The 72-hour clock shall pause if the child runs away from the facility, and shall resume if the child returns within a period of 30 days. The 72-hour clock shall stop and reset to zero if a child who runs away from the facility does not return to the facility within a 30-day period. The 72-hour clock shall stop and reset to zero upon a child's acceptance of placement in an approved or licensed home or facility.

## **Group Homes            84018**

- (a) In addition to Section 80018, the following shall apply:
  - (1) A written plan for training of child care staff, as specified in Section 84065(f), and facility managers, as specified in Section 84065(k).
  - (2) A written plan for activities as specified in Sections 84079(a) through (a)(3).
  - (3) The name and residence and mailing addresses of the facility administrator, a description of the administrator's background and qualifications, and documentation verifying required education and administrator certification.
- (b) Each applicant shall obtain a signed form, LIC 9165, from each member of the board of directors. A copy of each signed LIC 9165 shall be submitted to the Department.

## **CRIMINAL RECORD CLEARANCE**

### **General Licensing Requirements            80019**

- (a) The Department shall conduct a criminal record review of all individuals specified in Health and Safety Code Section 1522(b) and shall have the authority to approve or deny a facility license, or employment, residence, or presence in the facility, based upon the results of such review.

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- (1) Section 1522(a) of the Health and Safety Code provides in part:

Before issuing a license or special permit to any person or persons to operate or manage a community care facility, the state department shall secure from an appropriate law enforcement agency a criminal record to determine whether the applicant or any other person specified in subdivision (b) has ever been convicted of, or, after having been arrested and released on bail or on his or her own recognizance, is currently awaiting trial for, a crime other than a minor traffic violation, or arrested for any crime specified in Section 290 of the Penal Code or arrested for violating Section 245, 273.5 subdivision (b) of Section 273a, or prior to January 1, 1994, paragraph (2) of Section 273a of the Penal Code, or for any crime for which the department cannot grant an exemption if the person was convicted and the person has not been exonerated. That criminal history information shall include the full criminal record, if any, of those persons. No fee shall be charged by the Department of Justice or the state department for the fingerprinting of an applicant for a license or special permit to operate a facility providing nonmedical board, room, and care for six or less children or for obtaining a criminal record of the applicant pursuant to this section. If it is found that the

applicant, or any other person specified in subdivision (b), has been convicted of, or is awaiting trial for, a crime, other than a minor traffic violation, the Department of Justice shall notify the State Department of Social Services of the fact and the application shall be denied unless the director grants an exemption pursuant to subdivision (f). If no criminal record information has been recorded, the Department of Justice shall provide the applicant and the California Department of Social Services with a statement of that fact.

(2) Section 1522(b) of the Health and Safety Code provides in part:

In addition to the applicant, the provisions of this section shall be applicable to criminal convictions of the following persons:

- (A) Adults responsible for administration or direct supervision of staff.
- (B) Any person, other than a client, residing in the facility.
- (C) Any person who provides client assistance in dressing, grooming, bathing, or personal hygiene. Any nurse assistant or home health aide meeting the requirements of 1338.5 or 1736.6, respectively, who is not employed, retained or contracted by the licensee, and who has been certified or recertified on or after July 1, 1998, shall be deemed to meet the criminal record clearance requirements of this section. A certified nurse assistant and certified home health aide who will be providing client assistance and who fall under this exemption shall provide one copy of his or her current certification, prior to providing care, to the adult community care facility. Nothing in this paragraph restricts the right of the department to exclude a certified nurse assistant or certified home health aide from a licensed community care facility pursuant to Section 1558.
- (D) Any staff person, volunteer, or employee who has contact with the clients.
- (E) Additional officers of the governing body of the applicant, or other persons with a financial interest in the applicant, as determined necessary by the department by regulation. The criteria used in the development of these regulations shall be based on the person's capability to exercise substantial influence over the operation of the facility.

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(b) The following persons are exempt from the requirement to submit fingerprints:

- (1) A medical professional, as defined by the Department in regulations, who holds a valid license or certification from the individual's governing California medical care regulatory entity and who is not employed, retained, or contracted by the licensee, if all of the following apply:
  - (A) The criminal record of the individual has been cleared as a condition of licensure or certification by the individual's California medical care regulatory entity.
  - (B) The individual is providing time-limited specialized clinical care or services.
  - (C) The individual is providing care or services within the individual's scope of practice.

- (D) The individual is not a community care facility licensee or an employee of the facility.
- (2) A third-party repair person, or similar retained contractor, if all of the following apply:
    - (A) The individual is hired for a defined, time-limited job.
    - (B) The individual is not left alone with clients.
    - (C) When clients are present in the room in which the repairperson or contractor is working, a staff person who has a criminal record clearance or exemption is also present.
  - (3) Clergy and other spiritual caregivers who are performing services in common areas of the residential care facility, or who are advising an individual client at the request of, or with the permission of, the client.
    - (A) This exemption shall not apply to a person who is a community care facility licensee or an employee of the facility.
  - (4) Members of fraternal, service and similar organizations who conduct group activities for clients, if all of the following apply:
    - (A) Members are not left alone with the clients.
    - (B) Members do not transport clients off the facility premises.
    - (C) The same group does not conduct such activities more often than once a month.
  - (5) The following persons in homes certified by licensed Foster Family Agencies:
    - (A) Adult friends and family of the certified foster parent, who come into the home to visit for a length of time no longer than one month, provided they are not left alone with the foster children. However, the certified foster parent, acting as a reasonable and prudent parent, as defined in paragraph (2) of subdivision (a) of Section 362.04 of the Welfare and Institutions Code, may allow his or her adult friends and family to provide short-term care to the foster child and act as an appropriate occasional short-term babysitter for the child.
    - (B) Parents of a foster child's friends when the child is visiting the friend's home and the friend, certified foster parent or both are also present. However, the certified foster parent, acting as a reasonable and prudent parent, may allow the parent of the foster child's friends to act as an appropriate short-term babysitter for the child without the friend being present.
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- (C) Individuals who are engaged by any certified foster parent to provide short-term babysitting to the child for periods not to exceed 24 hours. Certified foster parents shall use a reasonable and prudent parent standard in selecting appropriate individuals to act as appropriate occasional short-term babysitters.

- (6) The following persons in small family homes:
  - (A) Adult friends and family of the licensee who come into the home to visit, for a length of time no longer than one month, provided they are not left alone with the children.
  - (B) Parents of a child's friends when the child is visiting the friend's home and the friend, foster parent or both are also present.
- (7) The following persons in adult residential and social rehabilitation facilities unless contraindicated by the client's individualized program plan (IPP), or needs and services plan:
  - (A) A spouse, significant other, relative, or close friend of a client., or the attendant or facilitator who is not employed, retained or contracted by the licensee for a client with a developmental disability, as long as the person is visiting the resident or providing direct care and supervision to that client only.
  - (B) An attendant or facilitator for a client with a developmental disability if the attendant or facilitator is not employed, retained or contracted by the licensee.
  - (C) The exemptions in Section 80019(b)(7)(A) or (B) apply only if the person is visiting the client or providing direct care and supervision to the client.
- (8) Nothing in this paragraph shall prevent a licensee from requiring a criminal record clearance of any individual exempt from the requirements of this section, provided that the individual has client contact.
- (c) Prior to the Department issuing a license, the applicant, administrator and any adult other than a client, residing in the facility shall obtain a California criminal record clearance or exemption as specified in Health and Safety Code Section 1522(a)(5).

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**HANDBOOK BEGINS HERE**

- (1) Health and Safety Code Section 1522(a)(5) provides in part:

An applicant and any other person specified in subdivision (b) of the Health and Safety Code Section 1522 shall submit a second set of fingerprints to the Department of Justice for the purpose of searching the criminal records of the Federal Bureau of Investigation, in addition to the criminal records search required by this subdivision. If an applicant and all other persons described in subdivision (b) of Health and Safety Code Section 1522 meet all of the conditions for licensure, except the receipt of the Federal Bureau of Investigation's criminal history information for the applicant or any of the persons described in subdivision (b) of Health and Safety Code Section 1522, the Department may issue a license if the applicant and each person described in subdivision (b) of Health and Safety Code Section 1522 has signed and submitted a statement that he or she has never been convicted of a crime in the United States, other than a traffic infraction, as defined in paragraph (1) of subdivision (a) of Section 42001 of the Vehicle Code. If, after licensure, the Department determines that the licensee or person described in subdivision (b) of Health and Safety Code Section 1522 has a criminal record, the license may be revoked pursuant to Health and Safety Code Section 1550. The Department may also suspend the license pending an administrative hearing pursuant to Health and Safety Code Section 1550.5.

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- (d) All individuals subject to criminal record review shall be fingerprinted and sign a Criminal Record Statement (LIC 508 [Rev. 1/03]) under penalty of perjury.
- (1) A person signing the LIC 508 must:
- (A) Declare whether he/she has been convicted of a crime, other than a minor traffic violation as specified in Section 80019 regardless of whether the individual was granted a pardon for the conviction, received an expungement pursuant to Penal Code 1203.4 or the individual's record was sealed as a result of a court order.
- (B) If convicted of a crime other than a minor traffic violation, provide information regarding the conviction.
- (2) The licensee shall submit these fingerprints to the California Department of Justice, along with a second set of fingerprints for the purpose of searching the records of the Federal Bureau of Investigation, or to comply with the requirements of Section 80019(e), prior to the individual's employment, residence, or initial presence in the community care facility.
- (A) Fingerprints shall be submitted to the California Department of Justice by the licensee, or sent by electronic transmission to the California Department of Justice by a fingerprinting entity approved by the Department.
- (e) All individuals subject to a criminal record review pursuant to Health and Safety Code Section 1522 shall prior to working, residing or volunteering in a licensed facility:
- (1) Obtain a California clearance or a criminal record exemption as required by the Department or
- (2) Request a transfer of a criminal record clearance as specified in Section 80019(f) or
- (3) Request and be approved for a transfer of a criminal record exemption, as specified in Section 80019.1(r), unless, upon request for the transfer, the Department permits the individual to be employed, reside or be present at the facility.
- (f) A licensee or applicant for a license may request a transfer of a criminal record clearance from one state licensed facility to another, or from TrustLine to a state licensed facility by providing the following documents to the Department:
- (1) A signed Criminal Background Clearance Transfer Request, LIC 9182 (Rev. 4/02).
- (2) A copy of the individual's:
- (A) Driver's license, or
- (B) Valid identification card issued by the Department of Motor Vehicles, or
- (C) Valid photo identification issued by another state or the United States government if the individual is not a California resident.

- (3) Any other documentation required by the Department [e.g., Criminal Record Statement - LIC 508, (Rev. 1/03) or for Foster Family Homes, Small Family Homes and Certified Family Homes an LIC 508D (Rev. 1/03) which are incorporated by reference, and job description].

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- (4) Health and Safety Code Section 1522(h) provides:
- (A) The California Department of Social Services shall hold criminal record clearances in its active files for a minimum of two years after an employee is no longer employed at a licensed facility in order for the criminal record clearances to be transferred.

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- (g) Violation of Section 80019(e) may result in a denial of the license application or suspension and/or revocation of the license.
- (h) If the criminal record transcript of any of the individuals specified in Health and Safety Code Section 1522(b) discloses a plea or verdict of guilty or a conviction following a plea of nolo contendere for any crime other than a minor traffic violation for which the fine was less than \$300, and an exemption pursuant to Section 80019.1(a) has not been granted, the Department shall take the following actions:
- (1) For initial applicants, denial of the application.
  - (2) For current licensees, the Department may institute an administrative action, including, but not limited to, revocation of the license.
  - (3) For current employees, exclude the affected individual pursuant to Health and Safety Code Section 1558, and deny the application or revoke the license, if the individual continues to provide services and/or reside at the facility.
  - (4) For convicted individuals residing in the facility, exclusion of the affected individual pursuant to Health and Safety Code Section 1558, and denial of the application or revocation of the license, if the individual continues to provide services and/or reside at the facility.
- (i) The licensee shall maintain documentation of criminal record clearances or criminal record exemptions of employees in the individual's personnel file as required in Section 80066.
- (j) The licensee shall maintain documentation of criminal record clearances or criminal record exemptions of volunteers that require fingerprinting and non-client adults residing in the facility.
- (1) Documentation shall be available for inspection by the Department.
- (k) The Department may seek verification from a law enforcement agency or court of an individual's criminal record as reported to the Department from any member of the public or affected individual.
- (1) Upon obtaining confirmation from a law enforcement agency or court of the offense, the Department shall proceed as if this criminal record information was provided by the

## CRIMINAL RECORD EXEMPTION

### General Licensing Requirements 80019.1

- (a) The Department will notify a licensee to act immediately to remove from the facility or bar from entering the facility any person described in Sections 80019.1(a)(1) through (5) below while the Department considers granting or denying an exemption. Upon notification, the licensee shall comply with the notice.
- (1) Any person who has been convicted of, or is awaiting trial for, a sex offense against a minor;
  - (2) Any person who has been convicted of a felony;
  - (3) Any person who has been convicted of an offense specified in Sections 243.4, 273a, 273d, 273g, or 368 of the Penal Code or any other crime specified in Health and Safety Code Section 1522(c)(3);
  - (4) Any person who has been convicted of any crime specified below:
    - (A) Battery
    - (B) Shooting at Inhabited Dwelling
    - (C) Corporal Injury on Spouse/Cohabitant
    - (D) Discharging Firearm with Gross Negligence
    - (E) Exhibiting Weapon/Firearm
    - (F) Threat to Commit a Crime Resulting in Gross Bodily Injury or Death
    - (G) Criminal Threat to Harm or Injure Another Person
    - (H) Cruelty to Animals
    - (I) Willful Harm or Injury to Child; or
  - (5) Any other person ordered to be removed by the Department.
- (b) In addition to the requirements of Section 80019.1(a), the licensee must return the confirmation of removal form that is sent by the Department, within five (5) days of the date of the form, that confirms under penalty of perjury that the individual has been removed from the facility.
- (1) Confirmation must be made on either a Removal Confirmation – Exemption Needed, LIC 300A (Rev. 9/03), Removal Confirmation - Denial, LIC 300B (Rev. 9/03), Removal Confirmation - Rescinded, LIC 300C (Rev. 9/03), or Removal Confirmation –

Nonexemptible, LIC 300D (Rev. 9/03).

- (c) After a review of the criminal record transcript, the Department may grant an exemption if:
- (1) The applicant/licensee requests an exemption in writing for himself or herself, or
  - (2) The applicant/licensee requests an exemption in writing for an individual associated with the facility, or
  - (3) The applicant/licensee chooses not to seek an exemption on the affected individual's behalf, the affected individual requests an individual exemption in writing, and
  - (4) The affected individual presents substantial and convincing evidence satisfactory to the Department that he/she has been rehabilitated and presently is of such good character as to justify being issued or maintaining a license, employment, presence, or residence in a licensed facility.
- (d) To request a criminal record exemption, a licensee or license applicant must submit information that indicates that the individual meets the requirements of Section 80019.1(c)(4). The Department will notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.
- (1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.
  - (2) The notice will list the information that must be submitted to request a criminal record exemption.
  - (3) The information must be submitted within forty five (45) days of the date of the Department's notice.
    - (A) Individuals who submit a criminal record exemption request shall cooperate with the Department by providing any information requested by the Department, including, but not limited to, police reports and certified court documents to process the exemption request, pursuant to Section 80019.1(e).
    - (B) If the individual for whom the criminal record exemption is requested is an employee or resident other than a spouse or a dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within 45 days of the date of the notice, the
    - (C) If the individual for whom the criminal record exemption is requested is an applicant, licensee, spouse or dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within 45 days of the date of the notice, the Department may deny the exemption request.
    - (D) Individuals may request a criminal record exemption on their own behalf if the licensee or license applicant:

1. Chooses not to request the exemption and
  2. Chooses not to employ or terminates the individual's employment after receiving notice of the individual's criminal history, or
  3. Removes the individual who resides in the facility after receiving notice of the individual's criminal history.
- (e) The Department shall consider factors including, but not limited to, the following as evidence of good character and rehabilitation:
- (1) The nature of the crime including, but not limited to, whether it involved violence or a threat of violence to others.
  - (2) Period of time since the crime was committed and number of offenses.
  - (3) Circumstances surrounding the commission of the crime that would demonstrate the unlikelihood of repetition.
  - (4) Activities since conviction, including employment or participation in therapy or education, that would indicate changed behavior.
  - (5) Granting by the Governor of a full and unconditional pardon.
  - (6) Character references.
    - (A) All character references shall be on a Reference Request form (LIC 301E – Exemptions [Rev. 7/03]).
  - (7) A certificate of rehabilitation from a superior court.
  - (8) Evidence of honesty and truthfulness as revealed in exemption application documents.
    - (A) Documents include, but are not limited to:
      1. A Criminal Record Statement (LIC 508, [Rev. 1/03]) or for Foster Family Homes, Small Family Homes and Certified Family Homes an LIC 508D [Rev. 1/03]) and
      2. The individual's written statement/explanation of the conviction and the circumstances about the arrest.
  - (9) Evidence of honesty and truthfulness as revealed in exemption application interviews and conversations with the Department.
- (f) The Department shall also consider the following factors in evaluating a request for an exemption:
- (1) Facility and type of association.
  - (2) The individual's age at the time the crime was committed.

- (g) The Department may deny an exemption request if:
  - (1) The licensee and/or the affected individual fails to provide documents requested by the Department, or
  - (2) The licensee and/or the affected individual fails to cooperate with the Department in the exemption process.
- (h) The reasons for any exemption granted or denied shall be in writing and kept by the Department.
  - (1) Exemption denial notices shall specify the reason the exemption was denied.
- (i) The Department has the authority to grant a criminal record exemption that places conditions on the individual's continued licensure, and employment or presence in a licensed facility.
- (j) It shall be conclusive evidence that the individual is not of such good character as to justify issuance of an exemption if the individual:
  - (1) Makes a knowingly false or misleading statement regarding:
    - (A) Material relevant to their application for a criminal record clearance or exemption,
    - (B) His or her criminal record clearance or exemption status to obtain employment or permission to be present in a licensed facility, after the Department has ordered that they be excluded from any or all licensed facilities, or
    - (C) His or her criminal record clearance or exemption status in order to obtain a position with duties that are prohibited to him/her by a conditional exemption; or
  - (2) Is on probation or parole.
    - (A) If the individual is currently on probation, and provides sufficient proof that the probationary period(s) is informal, unsupervised and no probation officer is assigned, the Department may, in its discretion, grant a criminal record exemption notwithstanding Section 80019.1(j)(2).
    - (B) Section 80019.1(j)(2) does not apply to Certified Family Homes.
- (k) The Department shall consider granting a criminal record exemption if the individual's criminal history meets all of the applicable criteria specified in Sections 80019.1(k)(1) through (6) and the individual provides the Department with substantial and convincing evidence of good character as specified in Section 80019.1(c)(4). For purposes of this section, a violent crime is a crime that, upon evaluation of the code section violated or the reports regarding the underlying offense, presents a risk of harm or violence.
  - (1) The individual has been convicted of one nonviolent misdemeanor, and one year has lapsed since completing the most recent period of incarceration or probation.

- (2) The individual has been convicted of two or more nonviolent misdemeanors and four consecutive years have lapsed since completing the most recent period of incarceration, probation or parole, whichever is latest.
  - (3) The individual has been convicted of one or more violent misdemeanors and 15 consecutive years have lapsed since completing the most recent period of incarceration, probation or parole, whichever is latest.
  - (4) The individual has been convicted of one nonviolent felony and four consecutive years have lapsed since completing the most recent period of incarceration, probation or parole, whichever is latest.
  - (5) The individual has been convicted of two or more nonviolent felonies and ten consecutive years have lapsed since completing the most recent period of incarceration, probation or parole, whichever is latest.
  - (6) The individual has not been convicted of a violent felony.
  - (7) If the individual is currently on probation, and provides sufficient proof that the probationary period(s) is informal, unsupervised and no probation officer is assigned, the period of lapsed time required in Sections 80019.1(k)(1) through (5) above shall begin from the last date of conviction(s).
- (l) It shall be a rebuttable presumption that an individual is not of such good character as to justify the issuance of an exemption if the individual fails to meet the requirements specified in Sections 80019.1(k)(1) through (6).
- (m) The Department shall not grant an exemption if the individual has a conviction for any offense specified in Section 1522(g)(1) of the Health and Safety Code.

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1522(g)(1) provides that no exemption shall be granted if an individual has been convicted of any of the following offenses:

- (1) Penal Code Sections 136.1 and 186.22 – Gang related/Intimidation of witnesses or victims.
- (2) Penal Code Sections 187, 190 through 190.4 and 192(a) – Any murder/Attempted murder/Voluntary manslaughter.
- (3) Penal Code Section 203 – Any mayhem.
- (4) Penal Code Section 206 - Felony torture.
- (5) Penal Code Sections 207, 208, 209, 209.5, 210 – Kidnapping.
- (6) Penal Code Sections 211, 212.5, 213, 214 – Any robbery.

- (7) Penal Code Section 215 – Carjacking.
- (8) Penal Code Section 220 – Assault with intent to commit mayhem, rape, sodomy or oral copulation.
- (9) Penal Code Section 243.4 – Sexual battery.
- (10) Penal Code Section 261(a), (a)(1), (2), (3), (4) or (6) – Rape.
- (11) Penal Code Section 262(a)(1) or (4) – Rape of a spouse.
- (12) Penal Code Section 264.1 – Rape in concert.
- (13) Penal Code Section 266 – Enticing a minor into prostitution.
- (14) Penal Code Section 266c – Induce to sexual intercourse, etc. by fear or consent through fraud.
- (15) Penal Code Section 266h(b) – Pimping a minor.
- (16) Penal Code Section 266i(b) – Pandering a minor.
- (17) Penal Code Section 266j – Providing a minor under 16 for lewd or lascivious act.
- (18) Penal Code Section 267 – Abduction for prostitution.
- (19) Penal Code Section 269 – Aggravated assault of a child.
- (20) Penal Code Section 272 – Contributing to the delinquency of a minor (must involve lewd or lascivious conduct).
- (21) Penal Code Section 273a(a) [or 273a(1) if the conviction was prior to January 1, 1994] – Willfully causing or permitting any child to suffer under circumstances or conditions likely to produce great bodily harm or death.
- (22) Penal Code Section 273d – Willfully inflicting any cruel or inhuman corporal punishment or injury on a child.
- (23) Penal Code Section 285 – Incest.
- (24) Penal Code Section 286 – Sodomy.
- (25) Penal Code Section 288 – Lewd or lascivious act upon a child under 14.
- (26) Penal Code Section 288a – Oral copulation.
- (27) Penal Code Section 288.2 – Felony conviction for distributing lewd material to children.
- (28) Penal Code Section 288.5(a) – Continuous sexual abuse of a child.
- (29) Penal Code Section 289 – Genital or anal penetration or abuse by any foreign or

unknown object.

- (30) Penal Code Section 290(a) – All crimes for which one must register as a sex offender including attempts and not guilty by insanity.
- (31) Penal Code Section 311.2(b), (c) or (d) – Transporting or distributing child-related pornography.
- (32) Penal Code Section 311.3 – Sexual exploitation of a child.
- (33) Penal Code Section 311.4 – Using a minor to assist in making or distributing child pornography.
- (34) Penal Code Section 311.10 – Advertising or distributing child pornography.
- (35) Penal Code Section 311.11 – Possessing child pornography.
- (36) Penal Code Section 314 paragraphs 1 or 2 – Lewd or obscene exposure of private parts.
- (37) Penal Code Section 347(a) – Poisoning or adulterating food, drink, medicine, pharmaceutical products, spring, well, reservoir or public water supply.
- (38) Penal Code Section 368 – Elder or dependent adult abuse.
- (39) Penal Code Section 417(b) – Drawing, exhibiting or using a loaded firearm.
- (40) Penal Code Section 451(a) or (b) – Arson.
- (41) Penal Code Section 460(a) – First degree burglary if it is charged and proved that a non-accomplice was present in the residence during the burglary.
- (42) Penal Code Sections 186.22 and 518 – Gang related/Extortion.
- (43) Penal Code Section 647.6 or prior to 1988 former Section 647a – Annoy or molest a child under 18.
- (44) Penal Code Section 653f(c) – Solicit another to commit rape, sodomy, etc.
- (45) Penal Code Sections 664/187 – Any attempted murder.
- (46) \* Penal Code Section 667.5(c)(7) – Any felony punishable by death or imprisonment in the state prison for life.
- (47) \* Penal Code Section 667.5(c)(8) – Enhancement for any felony which inflicts great bodily injury.
- (48) Penal Code Section 667.5(c)(13) – Enhancement for violation of Penal Code Section 12308, 12309 or 12310 – Exploding or igniting or attempting to explode or ignite any destructive device or explosive with intent to commit murder.
- (49) Penal Code Section 667.5(c)(14) - Any kidnapping – Penal Code Sections 207, 208, 209,

209.5 and 210.

- (50) Penal Code Section 667.5(c)(22) - Any violation of Penal Code Section 12022.53 – Enhancement for listed felonies where use of a firearm.
- (51) Penal Code Section 667.5(c)(23) – Use of weapon of mass destruction.
- (52) Business and Professions Code Section 729 – Felony sexual exploitation by a physician, psychotherapist, counselor, etc.

\* See Health and Safety Code Section 1522(g)(1) for exception.

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**HANDBOOK ENDS HERE**

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- (n) The Department shall consider granting a simplified criminal record exemption only if the individual has the criminal history profile outlined in Sections 80019.1(n)(1) through (4) below:
  - (1) The individual does not have a demonstrated pattern of criminal activity;
  - (2) The individual has no more than one conviction;
  - (3) The conviction is a misdemeanor and is a crime that is nonviolent and does not pose a risk of harm to an individual; and
  - (4) It has been at least five consecutive years since the completion of the most recent period of incarceration or supervised probation.
- (o) At the Department's discretion, an individual who is otherwise eligible for a simplified exemption may be required to go through the standard exemption process if the Department determines such action will help to protect the health and safety of clients.
- (p) If the Department denies or cannot grant a criminal record exemption the Department shall:
  - (1) For initial applicants, deny the application.
  - (2) For current licensees, the Department may institute an administrative action, including, but not limited to, revocation of the license.
  - (3) For current employees, exclude the affected individual pursuant to Health and Safety Code Section 1558, deny the application or revoke the license, if the individual continues to provide services and/or reside at the facility.
  - (4) For individuals residing in the facility or the licensee, exclude the affected individual pursuant to Health and Safety Code Section 1558, deny the application or revoke the license, if the individual continues to provide services and/or reside at the facility.
- (q) If a request for an exemption has been denied, the individual shall be excluded for a period of two years unless the individual has been convicted of a crime for which no exemption may be granted pursuant to Section 80019.1(m). If a request for an exemption has been denied based on a conviction of a crime for which no exemption may be granted, the individual shall be excluded for the remainder of the individual's life.

- (1) If the Department determines during the review of an exemption request, that the individual was denied an exemption for a conviction of a crime for which an exemption may be granted within the preceding two years, the Department shall cease any further review of the request until two years have elapsed from the date of the denial. In cases where the individual requested a hearing on an exemption denial, the Department shall cease review of the request for an exemption until two years from the effective date of the decision and order of the Department upholding the denial. In cases where the individual submitted a petition for reinstatement or reduction in penalty pursuant to Government Code Section 11522 that was denied, the Department shall cease review of the request for an exemption until two years from the effective date of the decision and order of the Department denying the petition.
  - (2) An exclusion order based solely upon a denied exemption shall remain in effect and the individual shall not be employed in or present in a licensed facility or certified home, unless either a petition or an exemption is granted.
  - (3) If an individual who has previously been denied an exemption re-applies after the relevant time period described in Section 80019.1(q)(1) above, the Department may, according to the provisions in Section 80019.1 et seq., grant or deny the subsequent request for an exemption.
  - (4) If an individual submits a petition pursuant to Government Code Section 11522 for reinstatement or reduction of penalty for an exclusion, an individual must submit his/her fingerprints through an electronic fingerprinting system approved by the Department and submit to the Department a statement of the reason why the individual should be permitted to work or be present in a facility, along with all information required of an individual requesting a criminal record exemption as provided in Section 80019.1. If it is determined, based upon information provided by the Department of Justice, that the individual has been convicted of a crime for which no exemption may be granted, the petition shall be denied. An individual's failure to submit fingerprints or other information as requested by the Department, shall be grounds for denial of the petition. The burden shall be on the petitioner to prove sufficient rehabilitation and good character to justify the granting of the petition.
- (r) A licensee or applicant for a license may request a transfer of a criminal record exemption from one state licensed facility to another by providing the following documents to the Department:
- (1) A signed Criminal Record Exemption Transfer Request, LIC 9188 (Rev. 9/03).
  - (2) A copy of the individual's:
    - (A) Driver's license, or
    - (B) Valid identification card issued by the Department of Motor Vehicles, or
    - (C) Valid photo identification issued by another state or the United States Government if the individual is not a California resident.
  - (3) Any other documentation required by the Department (e.g., Criminal Record Statement - LIC 508, [Rev.1/03] or for Foster Family Homes, Small Family Homes and Certified

Family Homes an LIC 508D [Rev. 1/03] and job description).

- (s) The Department may consider factors including, but not limited to, the following in determining whether or not to approve an exemption transfer:
  - (1) The basis on which the Department granted the exemption;
  - (2) The nature and frequency of client contact in the new position;
  - (3) The category of facility where the individual wishes to transfer;
  - (4) The type of clients in the facility where the individual wishes to transfer;
  - (5) Whether the exemption was appropriately evaluated and granted in accordance with existing exemption laws or regulations; or
  - (6) Whether the exemption meets current exemption laws or regulations.
- (t) If the Department denies the individual's request to transfer a criminal record exemption, the Department shall provide the individual and the licensee with written notification that states the Department's decision and informs the affected individual of their right to an administrative hearing to contest the Department's decision.
- (u) At the Department's discretion, an exemption may be rescinded if it is determined that:
  - (1) The exemption was granted in error, or
  - (2) The exemption does not meet current exemption laws or regulations, or
  - (3) The conviction for which an exemption was granted subsequently becomes non-exemptible by law.
- (v) The Department may rescind an individual's criminal record exemption if the Department obtains evidence showing that the individual engaged in conduct that is inconsistent with the good character requirement of a criminal record exemption, as evidenced by factors including, but not limited to, the following:
  - (1) Violations of licensing laws or regulations;
  - (2) Any conduct by the individual that indicates that the individual may pose a risk to the health and safety of any individual who is or may be a client;
  - (3) Nondisclosure of a conviction or evidence of lack of rehabilitation that the individual failed to disclose to the Department, even if it occurred before the exemption was issued; or
  - (4) The individual is convicted of a subsequent crime.
- (w) If the Department rescinds an exemption the Department shall:
  - (1) Notify the licensee and the affected individual in writing; and

- (2) Initiate an administrative action.
- (x) If the Department learns that an individual with a criminal record clearance or exemption has been convicted of a subsequent crime, the Department, at its sole discretion, may immediately initiate an administrative action to protect the health and safety of clients.

## **CHILD ABUSE CENTRAL INDEX**

### **General Licensing Requirements      80019.2**

- (a) Prior to issuing a license to care for children, the Department shall conduct a Child Abuse Central Index (CACI) review pursuant to Health and Safety Code Section 1522.1 and Penal Code Section 11170(b)(3). The Department shall check the CACI for the applicant(s), and all individuals subject to a criminal record review, pursuant to Health and Safety Code Section 1522(b) and shall approve or deny a facility license, employment, residence or presence in the facility based on the results of the review.
  - (1) The applicant shall submit the Child Abuse Central Index check (LIC 198A [3/99] which is incorporated by reference, for state licensed facilities and LIC 198 [4/99] which is incorporated by reference, for county licensed facilities) for all individuals required to be checked, directly to the California Department of Justice at the same time that the individual's fingerprints are submitted for a criminal background check as required by Section 80019(c).
    - (A) Individuals who have submitted the Child Abuse Central Index check (LIC 198A) with fingerprints on or after January 1, 1999 need not submit a new check if the individual can transfer their criminal record clearance or exemption pursuant to Section 80019(f) or Section 80019.1(r).
  - (2) The Department shall investigate any reports received from the CACI. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protection agency that investigated the child abuse report. The Department shall not deny a license based upon a report from the CACI unless the Department substantiates the allegation of child abuse.
- (b) Subsequent to licensure, all individuals subject to a criminal record review, pursuant to Health and Safety Code Section 1522(b), shall complete a Child Abuse Central Index check (LIC 198A [3/99]), prior to employment, residence or initial presence in the facility that cares for children.
  - (1) The licensee shall submit the Child Abuse Central Index checks (LIC 198A [3/99]), directly to the California Department of Justice at the same time that the individual's fingerprints are submitted for a criminal background check as required by Section 80019(d).
    - (A) Individuals who have submitted the Child Abuse Central Index check (LIC 198A) with fingerprints on or after January 1, 1999 need not submit a new check if the individual can transfer their criminal record clearance or exemption pursuant to Section 80019(f) or Section 80019.1(r).

- (2) The Department shall check the CACI pursuant to Penal Code Section 11170(b)(3), and shall investigate any reports received from the CACI. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency that investigated the child abuse report. The Department shall not deny a license or take any other administrative action based upon a report from the CACI unless the Department substantiates the allegation of child abuse.
- (3) The Department shall investigate any subsequent reports received from the CACI. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency that investigated the child abuse report. The Department shall not revoke a license or take any other administrative action based upon a report from the CACI unless the Department substantiates the allegation of child abuse.

## **FIRE CLEARANCE**

### **General Licensing Requirements      80020**

- (a) All facilities shall secure and maintain a fire clearance approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal.

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**HANDBOOK BEGINS HERE**

- (1) The request for fire clearance shall be made through and maintained by the licensing agency.

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- (b) The applicant shall notify the licensing agency if the facility plans to admit any of the following categories of clients so that an appropriate fire clearance, approved by the city or county, fire department, the district providing fire protection services, or the State Fire Marshal, can be obtained prior to the acceptance of such clients:
  - (1) Persons 65 years of age and over.
  - (2) Persons who are nonambulatory, as defined in Section 80001(n)(2).

## **PLAN OF OPERATION**

### **General Licensing Requirements      80022**

- (a) Each licensee shall have and maintain on file a current, written, definitive plan of operation.
- (b) The plan and related materials shall contain the following:
  - (1) Statement of purposes, and program methods and goals.

- (2) Statement of admission policies and procedures regarding acceptance of clients.
- (3) Administrative organization, if applicable.
- (4) Staffing plan, qualifications and duties, if applicable.
- (5) Plan for in-service education of staff if required by regulations governing the specific facility category.
- (6) A sketch of the building(s) to be occupied, including a floor plan which describes the capacities of the buildings for the uses intended, room dimensions, and a designation of the rooms to be used for nonambulatory clients, if any.
- (7) A sketch of the grounds showing buildings, driveways, fences, storage areas, pools, gardens, recreation areas and other space used by the clients.
  - (A) The sketch shall include the dimensions of all areas which will be used by the clients.
- (8) Sample menus and a schedule for one calendar week indicating the time of day that meals and snacks are to be served.
- (9) Transportation arrangements for clients who do not have independent arrangements.
- (10) A statement whether or not the licensee will handle the clients' money, personal property, and/or valuables. If money, personal property, and/or valuables will be handled, the method for safeguarding shall ensure compliance with Sections 80025 and 80026.
- (11) Consultant and community resources to be utilized by the facility as part of its program.
- (12) A statement of the facility's policy concerning family visits and other communications with the client pursuant to Health and Safety Code Section 1512.

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- (A) Section 1512 of the Health and Safety Code provides that:

This policy shall be designed to encourage regular family involvement with the client and shall provide ample opportunities for family participation in activities at the facility.

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- (c) If the licensee of an ARF, group home (GH), small family home (SFH), foster family home (FFH) or certified family home (CFH) certified by a foster family agency (FFA) plans to use delayed egress devices as specified in Health and Safety Code Section 1531.1(d), the plan must meet the requirements of Health and Safety Code Sections 1531.1(g) and (h).

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Health and Safety Code Sections 1531.1(g) and (h) are paraphrased in pertinent part:

- (g) The facility shall develop a plan of operation approved by the Department that includes a description of how the facility is to be equipped with egress control devices that are consistent with regulations adopted by the State Fire Marshal pursuant to Section 13143 of the Health and Safety Code.
- (h) The plan shall include, but shall not be limited to, all of the following:
  - (1) A description of how the facility will provide training for staff regarding the use and operation of the egress control devices utilized by the facility.
  - (2) A description of how the facility will ensure the protection of the residents' personal rights consistent with Sections 4502, 4503, and 4504 of the Welfare and Institutions Code.
  - (3) A description of how the facility will manage the person's lack of hazard awareness and impulse control behavior.
  - (4) A description of the facility's emergency evacuation procedures.

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**HANDBOOK ENDS HERE**

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- (d) If the licensee intends to admit or care for one or more clients who have a restricted health condition specified in California Code of Regulations, General Licensing Requirements, Title 22, Division 6, Chapter 1, Section 80092, the facility policies and a program description shall be included. At a minimum, the information related to those clients and their needs shall specify all of the following:
  - (1) The type of restricted health condition that the licensee plans to admit.
  - (2) The licensee's plans for serving that client.
    - (A) If the licensee plans to admit or care for one or more clients who have a staph or other serious, communicable infection, the plan must include:
      - 1. A statement that all staff will receive training in universal precautions within the first 10 days of employment, and before providing care to these clients.
      - 2. A statement of how the licensee will ensure that the training is obtained, and the name and qualifications of the person or organization that will provide the training.
  - (3) The services that will be provided.
  - (4) Staffing adjustments if needed in order to provide the proposed services.
    - (A) This may include increased staffing, hiring staff with additional or different qualifications, utilizing licensed professionals as consultants, or hiring licensed professionals.
- (e) If the licensee intends to admit and/or specialize in care for one or more clients who have a propensity for behaviors that result in harm to self or others, the facility plan of operation shall

include a description of precautions that will be taken to protect that client and all other clients.

- (f) Any changes in the plan of operation which affect the services to clients shall be subject to licensing agency approval and shall be reported as specified in Section 80061.
- (g) The facility shall operate in accordance with the terms specified in the plan of operation and may be cited for not doing so.

## **Group Homes**

### **84022**

- (a) In addition to Section 80022, the following shall apply.
- (b) The plan of operation shall include the following:
  - (1) A statement regarding the types of children to be served by the facility, including dependent, neglected, delinquent, predelinquent, physically handicapped, developmentally disabled, mentally disordered, or emotionally disturbed children.
  - (2) A description of services to be provided by the facility which shall include the following:
    - (A) How DCFS will provide or coordinate the provision of pre-admission medical and mental health screenings and ongoing supportive services identified during the pre-admission screenings as needed by the child during his or her placement in the CWC or YWC.
    - (B) Policy and procedures regarding participation of the child's placement social worker in identifying the child's needs and the services to meet those needs.
    - (C) Procedures for implementation and modification of the medical and mental health screening results.
    - (D) Policies and procedures for when it has been determined that the child's continued placement in the facility is detrimental to the child or other children in the facility.
    - (E) Policies and procedures for the child's discharge when the child has remained at the facility for 72 hours.
  - (3) The administrative policies and procedures to be used to implement the facility's plan of operation.
  - (4) A written Emergency Intervention Plan as specified in Section 84322.

## **Transitional Shelter Care Facilities**

### **84422**

- (a) In addition to Sections 80022 and 84022, and, when applicable, Section 84322, the Plan of Operation shall contain the following:
  - (1) A statement that one of the primary purposes of the facility is to provide a program of

Transitional Shelter Care services to children;

- (2) A description of the Transitional Shelter Care services to be provided;
  - (3) Protocols for the provision of individualized assessments of each child that focus on why each child was moved from his/her prior living arrangement(s) and the provision of services the child will need for transition to his/her next placement; and
  - (4) Protocols to ensure the safety of children in care.
- (b) The Plan of Operation must contain a Contingency Plan that describes how the facility will meet the needs of all children in care in the event that the facility exceeds its licensed capacity. The Contingency Plan shall include, but not be limited to, the following:
- (1) A process by which the facility will provide sufficient staff as required by Section 80065(a);
  - (2) The fire and life safety measures that will be used;
    - (A) This shall include a sketch, outlining the buildings, rooms, and beds where the facility proposes all children will sleep if the facility exceeds its licensed capacity.
  - (3) A description of the means to adapt the physical features of the facility to accommodate and provide sufficient living space for all children in care;
  - (4) The existence of any factor(s) that would preclude provision of the care required for all children in care;
  - (5) A description of alternative placement procedures and resources for locating available placement locations; and
  - (6) Designation of the staff responsible for writing and submitting to the licensing agency a Plan of Correction as required by Section 84410.
- (c) The Plan of Operation shall prohibit temporary removal of a client by a caseworker unless the client's presence is needed by the caseworker for placement in an approved or licensed home or facility, or to render services to the client, or is otherwise necessary to promote the best interests of the client.
- (d) The Plan of Operation shall include a plan describing how a child's educational progress will be maintained during the child's stay at the facilities. The Plan shall include how the licensee will facilitate the child's connection with his or her school if practical.
- (e) The Plan of Operation shall include a plan to ensure, to the extent possible, that the child will be able to attend important milestone events that cannot be rescheduled, if desired by the child and if after consultation with the child's caseworker it is determined that attendance is in the best interest of the child. Examples of milestone events include but are not limited to graduation ceremonies, junior and senior proms, funerals of close family members and friends, and significant religious events such as Bar or Bat Mitzvah, Holy Communion, Quinceañera, and Confirmation.
- (f) The Plan of Operation shall include a plan for the provision of safe indoor and outdoor activity space for both facilities.

- (g) The Plan of Operation shall provide that that children may only stay at the CWC or YWC for a maximum duration of 72 hours and that the clock commences upon initial entry at the CWC or YWC. The 72-hour clock only stops upon a child's placement in an approved or licensed home or facility. The 72-hour clock shall pause if the child runs away from the facility, and shall resume if the child returns within a period of 30 days. The 72-hour clock shall stop and reset to zero if a child who runs away from the facility does not return to the facility within a 30-day period. The 72-hour clock shall stop and reset to zero upon a child's acceptance of placement in an approved or licensed home or facility.
- (h) The licensee must obtain written approval from the Department before making any change to the facility's Plan of Operation.

## DISASTER AND MASS CASUALTY PLAN

### General Licensing Requirements 80023

- (a) Each licensee shall have and maintain on file a current, written disaster and mass casualty plan of action.
- (b) The plan shall be subject to review by the licensing agency and shall include:
  - (1) Designation of administrative authority and staff assignments.
  - (2) Contingency plans for action during fires, floods, and earthquakes, including but not limited to the following:
    - (A) Means of exiting.
    - (B) Transportation arrangements.
    - (C) Relocation sites which are equipped to provide safe temporary accommodation for clients.
    - (D) Arrangements for supervision of clients during evacuation or relocation, and for contact after relocation to ensure that relocation has been completed as planned.
    - (E) Means of contacting local agencies, including but not limited to the fire department, law enforcement agencies, and civil defense and other disaster authorities.
- (c) The licensee shall instruct all clients, age and abilities permitting, all staff, and/or members of the household in their duties and responsibilities under the plan.
- (d) Disaster drills shall be conducted at least every six months.
  - (1) Completion of such drills shall not require travel away from the facility grounds or contact with local disaster agencies.
  - (2) The drills shall be documented and the documentation maintained in the facility for at least one year.

## WAIVERS AND EXCEPTIONS

### General Licensing Requirements 80024

- (a) Unless prior written licensing agency approval is received as specified in (b) below, all licensees shall maintain continuous compliance with the licensing regulations.
- (b) The licensing agency shall have the authority to approve the use of alternate concepts, programs, services, procedures, techniques, equipment, space, personnel qualifications or staffing ratios, or the

contact of experimental or demonstration projects under the following circumstances:

- (1) Such alternatives shall be carried out with provisions for safe and adequate services, and shall in no instance be detrimental to the health and safety of any facility client.
- (2) The applicant or licensee shall submit to the licensing agency a written request for a waiver or exception, together with substantiating evidence supporting the request.

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**HANDBOOK BEGINS HERE**

- (3) In determining the merits of each request, the licensing agency shall use as guidelines the standards utilized or recommended by well-recognized state and national organizations, as available or determined appropriate by the licensing agency.

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- (4) The licensing agency shall provide written approval or denial of the request.
- (c) Within 30 days of receipt of a request for a waiver or an exception, the licensing agency shall notify the applicant or licensee, in writing, of one of the following:
- (1) The request with substantiating evidence has been received and accepted for consideration.
  - (2) The request is deficient, describing additional information required for the request to be acceptable and a time frame for submitting this information.
    - (A) Failure of the applicant or licensee to comply within the time specified in (2) above shall result in denial of the request.
- (d) Within 30 days of receipt of an acceptable request for a waiver or an exception, the licensing agency shall notify the applicant or licensee, in writing, whether the request has been approved or denied.

## **BONDING**

### **General Licensing Requirements      80025**

- (a) The licensee shall submit an affidavit, on a form provided by the licensing agency, stating whether he/she safeguards or will safeguard cash resources of clients and the maximum amount of cash resources to be safeguarded for all clients or each client in any month.
- (b) The licensee shall provide a statement of self-insurance in its applications for a license.

## **SAFEGUARDS FOR CASH RESOURCES, PERSONAL PROPERTY, AND VALUABLES**

### **General Licensing Requirements      80026**

- (a) A licensee shall not be required to accept for admission or continue to care for any client whose incapacities, as documented by the initial or subsequent needs appraisals, would require the licensee to handle such client's cash resources.
- (b) If such a client is accepted for or maintained in care, his/her cash resources, personal property, and valuables not handled by a person outside the facility who has been designated by the client or his/her authorized representative shall be handled by the licensee or facility staff, and shall be safeguarded in accordance with the requirements specified in (c) through (n) below.
- (c) No employee of a licensee shall:
  - (1) Accept appointment as a guardian or conservator of the person and/or estate of any client;
  - (2) Accept any general or special power of attorney except for Medi-Cal or Medicare claims for any client;
  - (3) Become the substitute payee for any payments made to any client.
    - (A) This requirement does not apply to a licensee who is appointed by the Social Security Administration as representative payee for the client.
  - (4) Become the joint tenant on any account specified in Section 80026(i) with a resident.
- (d) Cash resources, personal property, and valuables of clients handled by the licensee shall be free from any liability the licensee incurs.
- (e) Cash resources, personal property, and valuables of clients shall be separate and intact, and shall not be commingled with facility funds or petty cash.
- (f) The licensee or employee of a licensee shall not make expenditures from clients' cash resources for any basic services in these regulations, or for any basic services identified in a contract/admission agreement between the client and the licensee.

- (g) The licensee shall not commingle cash resources and valuables of clients with those of another community care facility of a different license number regardless of joint ownership.
- (h) Each licensee shall maintain accurate records of accounts of cash resources, personal property, and valuables entrusted to his/her care, including, but not limited to the following:
  - (1) Records of clients' cash resources maintained as a drawing account, which shall include a current ledger accounting, with columns for income, disbursements and balance, for each client. Supporting receipts for purchases shall be filed in chronological order.
    - (A) Receipts for cash provided to any client from his/her account(s) shall include the client's full signature or mark, or authorized representative's full signature or mark, and a statement acknowledging receipt of the amount and date received, as follows:  
  
 "(full signature of client) accepts (dollar amount) (amount written cursive), this date (date), from (payor)."
    - (B) The store receipt shall constitute the receipt for purchases made for the client from his/her account.
    - (C) The original receipt for cash resources, personal property or valuables entrusted to the licensee shall be provided to the client's authorized representative, if any, otherwise to the client.
- (i) Cash resources entrusted to the licensee and kept on the facility premises, shall be kept in a locked and secure location.
- (j) Upon discharge of a client, all cash resources, personal property, and valuables of that client which have been entrusted to the licensee shall be surrendered to the client, or his/her authorized representative, if any.
  - (1) The licensee shall obtain and retain a receipt signed by the client or his/her authorized representative.
- (k) Upon the death of a client, all cash resources, personal property and valuables of that client shall immediately be safeguarded in accordance with the following requirements:
  - (1) The executor or the administrator of the estate shall be notified by the licensee of the client's death, and the cash resources, personal property, and valuables shall be surrendered to said party in exchange for a signed, itemized receipt.
  - (2) If no executor or administrator has been appointed, the authorized representative, if any, shall be notified by the licensee of the client's death, and the cash resources, personal property, and valuables shall be surrendered to said person in exchange for a signed, itemized receipt.
  - (3) If the licensee is unable to notify a responsible party as specified in (2) or (3) above, the licensee shall give immediate written notice of the client's death to the public administrator of the county as provided in Section 7600.5 of the California Probate Code.
- (l) The following requirements shall be met whenever there is a proposed change of licensee:

- (1) The licensee shall notify the licensing agency of any pending change of licensee, and shall provide the licensing agency an accounting of each client's cash resources, personal property and valuables entrusted to his/her care.
  - (A) Such accounting shall be made on form provided or approved by the licensing agency.
- (2) Provided the licensing agency approves the application for the new licensee, the form specified in (1)(A) above shall be updated, signed by both the former and new licensee, and forwarded to the licensing agency.
- (m) The licensee shall maintain a record of all monetary gifts and of any other gift exceeding an estimated value of \$100, provided by or on behalf of a client to the licensee, administrator or staff.
  - (1) The record shall be attached to the account(s) specified in (h) above if the client's cash resources, personal property or valuables have been entrusted to the licensee.
  - (2) Monetary gifts or valuables given by the friends or relatives of a deceased client shall not be subject to the requirement specified in (n) and (n)(1) above.

**Group Homes      84026**

- (a) The licensee shall have written policies and procedures prohibiting fines applied to children in care.

**INITIAL APPLICATION REVIEW**

**General Licensing Requirements      80027**

- (a) Within 30 days of receipt of the application by the licensing agency, the licensing agency shall give written notice to the applicant of one of the following:
  - (1) The application is complete.
  - (2) The application is deficient, describing what documents are outstanding and/or inadequate, and informing the applicant that the information must be submitted within 30 days of the date of the notice.
    - (A) If the applicant does not submit the required information within the 30 days, the application shall be deemed withdrawn unless either the licensing agency has denied the application or the facility is under construction.
- (b) The licensing agency shall cease review of any application under the conditions specified in Section 1520.3 of the Health and Safety Code.
  - (1) If cessation of review occurs, the application shall be returned to the applicant. It shall be the responsibility of the applicant to request resumption of review as specified in Health and Safety Code Section 1520.3.

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**HANDBOOK BEGINS HERE**

(2) Health and Safety Code Section 1520.3 provides in part::

“(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years shall have elapsed from the date of such revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or any other provision of law.

“...

“(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

“(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

“(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

“(3) The department may continue to review the application if it has determined that the reasons for the denial of the application were due to circumstances and conditions which either have been corrected or are no longer in existence.”

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(c) The circumstances and conditions in which the licensing agency may continue to review a previously denied application shall include, but are not limited to, the following:

- (1) A fire clearance previously denied, but now approved;
- (2) An Administrator who did not meet the minimum qualifications, but now fulfills the qualifications; or
- (3) A person with a criminal record, which was the basis for license denial, is no longer associated with the facility.

(d) The application review shall not constitute approval of the application.

## **CAPACITY DETERMINATION**

### **General Licensing Requirements            80028**

- (a) A license shall be issued for a specific daytime and nighttime capacity.
- (b) The number of persons for whom the facility is licensed to provide care and supervision shall be determined on the basis of the application review by the licensing agency, which shall take into consideration the following:
  - (1) The fire clearance specified in Section 80020.
  - (2) The licensee's/administrator's ability to comply with applicable law and regulation.
  - (3) Facilities which accept minor parents and his/her child(ren) shall have such children included in the facility's licensed capacity.
  - (4) Physical features of the facility, including available living space, which are necessary in order to comply with regulations.
  - (5) Number of available staff to meet the care and supervision needs of the clients.
  - (7) Any restrictions pertaining to the specific category of facility.
- (c) The licensing agency shall be authorized to issue a license for fewer clients than is requested when the licensing agency determines that:
  - (1) The licensee's responsibilities to other persons in the home, including persons under guardianship and conservatorship, would preclude provision of the care required by these regulations.
- (d) When the license is issued for fewer clients than requested, the licensee shall be notified in writing of the reasons for the limitation and of the licensee's rights to appeal the decision as specified in Section 80040.
- (e) The licensing agency shall have the authority to decrease existing licensed capacity with the licensee's agreement, when there is a change in any of the factors specified in (b) above.
  - (1) If the licensee does not agree to the decrease in capacity, the licensing agency shall have the authority to take action as specified in Section 80042.
- (f) The licensing agency shall be authorized to restrict care to specific individuals.
  - (1) If care and supervision is limited to specific individuals, the licensing agency shall specify the

names of the individuals in a letter to the licensee.

- (2) Except where the limitation is requested by the licensee, the licensee shall be notified in writing of the reasons for such limitation and of the licensee's right to appeal the decision as specified in Section 80040.

## **PROVISIONAL LICENSE**

### **General Licensing Requirements      80030**

- (a) The licensing agency shall have the authority to issue a provisional license to an applicant, pending action under Section 80040 on a completed application for an initial license, if it determines that all of the following circumstances exist:
  - (1) The facility is in substantial compliance with applicable law and regulation.
  - (2) An urgent need for licensure exists.
  - (3) An applicant's board of directors, consistent with Section 84063, executive director and officer are eligible for licensure as specified in Health and Safety Code Section 1520.11(b).

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#### **HANDBOOK BEGINS HERE**

- (A) Health and Safety Code Section 1520.11(b) reads:

"(b) The department shall not issue a provisional license or license to any corporate applicant that has a member of the board of directors, an executive director, or an officer, who is not eligible for licensure pursuant to Section 1520.3 or Section 1558.2."

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#### **HANDBOOK ENDS HERE**

- (b) The licensing agency shall issue a provisional license for a period of up to 90 days when it determines that full compliance with licensing regulations will be achieved within that time period.
- (c) The licensing agency shall have the authority to extend the provisional license for up to 90 days when it determines that more than 90 days is required to achieve full compliance with licensing regulations due to circumstances beyond the control of the applicant.
- (d) If, during the provisional license period, the licensing agency discovers any serious deficiencies, the Department shall have the authority to take action as specified in Section 80042.
- (e) A provisional license shall not be renewable and shall terminate on the date specified on the license, or upon denial of the application, whichever is earlier.

## ISSUANCE OF LICENSE

### Group Homes 84031

- (a) All group home license applicants who complete an application and who meet the regulatory and statutory requirements shall receive a provisional license for the first 90 days of operation, which may be extended pursuant to Section 80030 and during that period shall be evaluated for a permanent license.

## ISSUANCE OF A PROVISIONAL LICENSE (GROUP HOME)

### Group Homes 84031.1

- (a) For the time frames of the initial review of the application for completeness, see Section 80027.
- (b) Within 30 days of the date that a completed application, as defined in Section 80001(c)(14), has been received, the licensing agency shall give written notice to the group home applicant of one of the following:
  - (1) A provisional license has been approved.
  - (2) The application has been denied.
- (c) In the event of a denied application the Department and the County will enter into dispute resolution for a period not to exceed three weeks. If the parties are unable to resolve the dispute, either party may seek appropriate remedies from the Superior Court.

## ISSUANCE OF A LICENSE (GROUP HOME)

### Group Homes 84031.2

- (a) Before the first business day after the effective date of the provisional license the licensing agency shall give written notice to the County of one of the following:
  - (1) A three year license has been approved, commencing on the date of issuance of the provisional license.
  - (2) The applicant has been denied.
- (b) In the event of a denied application the Department and the County will enter into dispute resolution for a period not to exceed three weeks. If the parties are unable to resolve the dispute, either party may seek appropriate remedies from the Superior Court.

## SUBMISSION OF NEW APPLICATION

### General Licensing Requirements 80034

- (a) A licensee shall file a new application as required by Section 80018 whenever there is a change in conditions or limitations described on the current license, or other changes including but not limited to the following:
  - (1) Any change in the location of the facility.
  - (2) Any increase in capacity.
    - (A) The licensing agency shall have the authority to grant capacity increases without resubmission of an application following a licensing agency review and the securing of an appropriate fire clearance.

## CONDITIONS FOR FORFEITURE OF A COMMUNITY CARE FACILITY LICENSE

### General Licensing Requirements 80035

- (a) Conditions for forfeiture of a community care facility license may be found in Section 1524 of the Health and Safety Code.

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#### HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1524 reads in part:

A license shall be forfeited by operation of law prior to its expiration date when one of the following occurs:

- (a) The licensee sells or otherwise transfers the facility or facility property, except when change of ownership applies to transferring of stock when the facility is owned by a corporation, and when such transfer of stock does not constitute a majority change of ownership.
- (b) The licensee surrenders the license to the department.
- (c) The licensee moves a facility from one location to another. The department shall develop regulations to ensure that such facilities are not charged a full licensing fee and do not have to complete the entire application process when applying for a license for the new location.

- (d) The licensee is convicted of an offense specified in Section 220.243.4 or 264.1, or paragraph (1) of Section 273a, Section 273d, 288, or 289 of the Penal Code, or is convicted of another crime specified in subdivision (c) of Section 667.5 of the Penal Code.
- (e) The licensee dies. If an adult relative notifies the department of his or her desire to continue operation of the facility and submits an application, the department shall expedite the application. The department shall promulgate regulations for expediting applications submitted pursuant to this subdivision.
- (f) The licensee abandons the facility.

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- (1) "Licensee abandons the facility" shall mean either of the following:
  - (A) The licensee informs the licensing agency that the licensee no longer accepts responsibility for the facility, or
  - (B) The licensing agency is unable to determine the licensee's whereabouts after the following:
    - 1. The licensing agency requests information of the licensee's whereabouts from the facility's staff if any staff can be contacted; and
    - 2. The licensing agency has made at least one (1) phone call per day, to the licensee's last telephone number of record, for five (5) consecutive workdays with no response; and
    - 3. The licensing agency has sent a certified letter, requesting the licensee to contact the licensing agency, to the licensee's last mailing address of record with no response within seven (7) calendar days.

## **Article 4. ADMINISTRATIVE ACTIONS**

### **DENIAL OF INITIAL LICENSE**

#### **General Licensing Requirements      80040**

- (a) Except as specified in Section 80030, which provides for issuance of a provisional license based upon substantial compliance and urgent need, the licensing agency shall deny an application for an initial license if it is determined that the applicant is not in compliance with applicable law and regulation.

### **REVOCAION OR SUSPENSION OF LICENSE**

#### **General Licensing Requirements      80042**

- (a) The Superior Court shall retain jurisdiction pursuant to a Stipulation and Order until such time as the Department issues a non-provisional license to the licensee. Notwithstanding Superior Court jurisdiction during the pendency of the provisional license, the Department shall have the authority to suspend the provisional license on any of the grounds specified in Health and Safety Code Section 1550.5. When a non-provisional license is issued to the County, the Department shall have the authority to suspend or revoke the license on any of the grounds specified in Health and Safety Code Sections 1550 and 1550.5.

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#### **HANDBOOK BEGINS HERE**

- (1) Health and Safety Code Section 1550 specifies the following grounds:

"The department may deny an application for, or suspend or revoke any license, or any administrator certificate, issued under this chapter upon any of the following grounds and in the manner provided in this chapter:

"(a) Violation by the licensee, or holder of a special permit of this chapter or of the rules and regulations promulgated under this chapter.

"(b) Aiding, abetting, or permitting the violation of this chapter or of the rules and regulations promulgated under this chapter.

"(c) Conduct which is inimical to the health, morals, welfare, or safety of either an individual in, or receiving services from, the facility or the people of the State of California.

"(d) The conviction of a licensee, or other person mentioned in Section 1522, at any time before or during licensure, of a crime as defined in Section 1522.

"(e) The licensee of any facility or the person providing direct care or supervision knowingly allows any child to have illegal drugs or alcohol.

"(f) Engaging in acts of financial malfeasance concerning the operation of a facility, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services."

- (2) Health and Safety Code Section 1550.5 provides in pertinent part:

"The director may temporarily suspend any license prior to any hearing when, in the opinion of the director, the action is urgent to protect residents or clients of the facility from physical or mental abuse, abandonment, or any other substantial threat to health or safety. The director shall serve the licensee with the temporary suspension order, a copy of available discovery and other relevant evidence in the possession of the department, including, but not limited to, affidavits, declarations, and any other evidence upon which the director relied in issuing the temporary suspension order, the names of the department's witnesses, and the effective date of the temporary suspension and at the same time shall serve the licensee with an accusation.

"(b) Upon receipt of a notice of defense to the accusation by the licensee, the director shall, within 15 days, set the matter for a full evidentiary hearing, and the hearing shall be held as soon as possible but not later than 30 days after receipt of such notice. The temporary suspension shall remain in effect until the time the hearing is completed and the director has made a final determination on the merits, unless it is earlier vacated by interim decision of the administrative law judge or a superior court judge. However, the temporary suspension shall be deemed vacated if the director fails to make a final determination on the merits within 30 days after the original hearing has been completed."

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- (b) Once the Department issues to the County a non-provisional license, proceedings to hear a revocation action or a revocation and temporary suspension action shall be conducted pursuant to the provisions of Health and Safety Code Sections 1550, 1550.5, and 1551.

**LICENSEE/APPLICANT COMPLAINTS**

**General Licensing Requirements      80043**

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- (a) Each licensee/applicant shall have the right, without prejudice, to bring to the attention of the Department or the licensing agency, or both, any alleged misapplication or capricious enforcement of regulations by any licensing representative, or any differences in opinion between the licensee and any licensing representative concerning the proper application of these regulations.

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## INSPECTION AUTHORITY OF THE LICENSING AGENCY

### General Licensing Requirements 80044

- (a) The licensing agency shall have the inspection authority specified in Health and Safety Code Sections 1526.5, 1533, 1534 and 1538.

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#### HANDBOOK BEGINS HERE

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- (1) Health and Safety Code Section 1526.5 provides in part:

Within 90 days after the date of issuance of a license or special permit pursuant to Section 1525, the department shall conduct an inspection of the facility for which the license or special permit was issued.

- (2) Health and Safety Code Section 1533 provides in part:

...any duly authorized officer, employee, or agent of the State Department of Social Services may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision, and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, any provision of this chapter.

- (3) Health and Safety Code Section 1534 provides in part:

"(a) (1) Every licensed community care facility shall be subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care provided.

"(A) The department shall conduct an annual unannounced visit to a facility under any of the following circumstances:

"(i) When a license is on probation.

"(ii) When the terms of agreement in a facility compliance plan require an annual evaluation.

"(iii) When an accusation against a licensee is pending.

"(iv) When a facility requires an annual visit as a condition of receiving federal financial participation.

"(v) In order to verify that a person who has been ordered out of a facility by the department is no longer at the facility.

"(B) The department shall conduct [random] annual unannounced visits to no less than 10 percent of facilities not subject to an evaluation under subparagraph (A)....

"(C) Under no circumstance shall the department visit a community care facility less often than once every five years."

(4) Health and Safety Code Section 1538(c) provides in part:

(c) Upon receipt of a complaint,... the state department shall make a preliminary review and,... it shall make an onsite inspection... within 10 days after receiving the complaint, except where a visit would adversely affect the licensing investigation or the investigation of other agencies.

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(b) The licensing agency shall have the authority to interview clients, including children, or staff members, without prior consent.

(1) The licensee shall ensure that provisions are made for private interviews with any clients, including children, or any staff members.

(c) The licensing agency shall have the authority to inspect, audit, and copy client or facility records upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the requirements specified in Sections 80066(c) and 80070(d).

(1) The licensee shall ensure that provisions are made for the examination of all records relating to the operation of the facility.

(d) The licensing agency shall have the authority to observe the physical condition of the client, including conditions that could indicate abuse, neglect, or inappropriate placement, and to have a licensed medical professional physically examine the client.

(e) While the facilities are operating pursuant to a provisional license, the licensing agency shall perform an inspection of the facilities no less than once per calendar month.

## **EVALUATION VISITS**

### **General Licensing Requirements                      80045**

(a) Community care facilities shall be evaluated as specified in Health and Safety Code Sections 1534 and 1548.

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(1) Health and Safety Code Section 1534(a) provides in part:

"(a) (1) Every licensed community care facility shall be subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care provided.

"(A) The department shall conduct an annual unannounced visit to a facility under any of the following circumstances:

"(i) When a license is on probation.

"(ii) When the terms of agreement in a facility compliance plan require an annual evaluation.

"(iii) When an accusation against a licensee is pending.

"(iv) When a facility requires an annual visit as a condition of receiving federal financial participation.

"(v) In order to verify that a person who has been ordered out of a facility by the department is no longer at the facility.

"(B) The department shall conduct [random] annual unannounced visits to no less than 10 percent of facilities not subject to an evaluation under subparagraph (A)...

"(C) Under no circumstance shall the department visit a community care facility less often than once every five years.

"(2) The department shall notify the community care facility in writing of all deficiencies in its compliance with the provisions of this chapter and the rules and regulations adopted pursuant to this chapter, and shall set a reasonable length of time for compliance by the facility.

"(3) Reports on the results of each inspection, evaluation, or consultation shall be kept on file in the department, and all inspection reports, consultation reports, lists of deficiencies, and plans of correction shall be open to public inspection in the county in which the facility is located."

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(b) The licensing agency shall have the authority to make any number of other visits to a facility in order to determine compliance with applicable law and regulation.

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**Group Homes                      84045**

(a) In addition to Section 80045, the following shall apply.

(b) The licensee shall maintain licensing reports as specified in Health and Safety Code Section 1538.5(a)(2).

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- (1) Health and Safety Code Section 1538.5(a)(2) states:

"(a)(2) A group home facility shall maintain, at the facility, a copy of all licensing reports for the past three years that would be accessible to the public through the department, for inspection by placement officials, current and prospective facility clients, and these clients' family members who visit the facility."

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**EXCLUSIONS**

**General Licensing Requirements            80046**

- (a) An individual can be prohibited from serving as a member of a board of directors, executive director, or officer; from being employed or allowing an individual in a licensed facility as specified in Health and Safety Code Sections 1558 and 1558.1.

**Article 5. ENFORCEMENT PROVISIONS**

**SERIOUS DEFICIENCIES**

**General Licensing Requirements            80051**

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- (a) The following are examples of regulations that, if not complied with, nearly always result in a serious deficiency.
- (1) Section 80010 relating to limitations on the capacity or ambulatory status of facility clients.
  - (2) Section 80019 relating to criminal record clearance.
  - (3) Section 80020 relating to fire clearance.
  - (4) Section 80021 relating to water supply.
  - (5) Section 84072 relating to client rights.
  - (6) Section 80073 relating to telephone service.
  - (7) Section 80075(h) through (j) relating to storing and dispensing medications.

- (8) Section 80076 relating to food storage, preparation and service.
- (9) Section 80087 relating to safety of client accommodations.
- (10) Section 80088(e)(1), (2), and (3) relating to hot water temperature and toilet facilities.
- (11) Section 80088(f) relating to storage and disposal of solid wastes.
- (12) Any other regulation, the violation of which is deemed by the licensing agency to constitute a serious deficiency as defined in Section 80001s.(1).

## **Group Homes**

**84051**

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- (a) In addition to Section 80051, the following are examples of regulations which, if not complied with, may result in a serious deficiency.
  - (1) Section 84010.1 relating to limitations on the capacity of specialized group homes.
  - (2) Section 84010.2 relating to dual licensure of specialized group homes.
  - (3) Section 84064 relating to the qualifications and duties of the administrator.
  - (4) Section 84065(b) relating to personnel requirements.
  - (5) Section 84065.1 relating to specialized in-home health care training and health screenings for staff in specialized group homes.
  - (6) Sections 84065.5 and .7 relating to staff/child ratios.
  - (7) Section 84068.2 relating to the needs and services plan for the child.
  - (8) Section 84075 - related to health-related services.
  - (9) Section 84072.1 relating to the discipline of children.
  - (10) Section 84072.2 relating to complaint procedures.
  - (11) Section 84087.1 relating to safety of accommodations for children with special health care needs.

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- (b) Failure to operate according to the plan of operation, as specified in Sections 80022, 84022 and 84422, may result in a citation for a serious deficiency.

## **DEFICIENCIES IN COMPLIANCE**

### **General Licensing Requirements      80052**

- (a) When a licensing evaluation is conducted and the evaluator determines that a deficiency exists the evaluator shall issue a notice of deficiency, unless the deficiency is not serious and is corrected during the visit.
- (b) Prior to completion of an evaluation or other licensing visit, the licensee, administrator, operator, or other person in charge of the facility shall meet with the evaluator to discuss any deficiencies noted, to jointly develop a plan for correcting each deficiency, and to acknowledge receipt of the notice of deficiency.
- (c) The evaluator shall provide notice of deficiency to the licensee by one of the following:
  - (1) Personal delivery to the licensee, at the completion of the visit.
  - (2) If the licensee is not at the facility site, leaving the notice with the person in charge of the facility at the completion of the visit.
    - (A) Under such circumstances, a copy of the notice shall also be mailed to the licensee.
  - (3) If the licensee or the person in charge of the facility refuses to accept the notice, a notation of the refusal shall be written on the notice and a copy left at the facility.
    - (A) Under such circumstances, a copy of the notice shall also be mailed to the licensee.
- (d) The notice of deficiency shall be in writing and shall include the following:
  - (1) Citation of the statute or regulation which has been violated.
  - (2) A description of the nature of the deficiency stating the manner in which the licensee failed to comply with a specified statute or regulation, and the particular place or area of the facility in which it occurred.
  - (3) The plan developed, as specified in (b) above, for correcting each deficiency.

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- (A) Section 1522(c) of the Health and Safety Code provides in part:

Fingerprints not submitted to the Department of Justice, as required in this section, shall result in the citation of a deficiency and the fingerprints shall then be submitted to the California Department of Social Services for processing.

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### **HANDBOOK ENDS HERE**

- (4) A date by which each deficiency shall be corrected.
  - (A) In determining the date for correcting a deficiency, the evaluator shall consider the

following factors:

1. The potential hazard presented by the deficiency.
  2. The number of clients affected.
  3. The availability of equipment or personnel necessary to correct the deficiency.
  4. The estimated time necessary for delivery, and for any installation, of necessary equipment.
- (B) The date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency, unless the evaluator determines that the deficiency cannot be completely corrected in 30 calendar days.
- (C) If the date for correcting the deficiency is more than 30 calendar days following service of the notice of deficiency, the notice shall specify the corrective actions which must be taken within 30 calendar days to begin correction.
- (D) The evaluator shall require correction of the deficiency within 24 hours.
- (5) The address and telephone number of the licensing office responsible for reviewing notices of deficiencies for the area in which the facility is located.

## **FOLLOW-UP VISITS TO DETERMINE COMPLIANCE**

### **General Licensing Requirements      80053**

- (a) A follow-up visit shall be conducted to determine compliance with the plan of correction specified in the notice of deficiency.
- (1) At a minimum, a follow-up visit shall be conducted within ten working days following the dates of corrections specified in the notice of deficiency, unless the licensee has demonstrated that the deficiency was corrected as required.

## **ADMINISTRATIVE REVIEW**

### **General Licensing Requirements 80055**

- (a) A licensee or his/her representative shall have the right to request a review of a notice of deficiency within 10 working days of receipt of such notice(s).
- (b) The review shall be conducted by a higher level staff person than the evaluator who issued the notice(s).
- (c) If the reviewer determines that a notice of deficiency was not issued or assessed in accordance with applicable statutes and regulations of the Department, or that other circumstances existed, he/she shall have the authority to amend or dismiss the notice.
- (d) The reviewer shall have the authority to extend the date specified for correction of a deficiency if warranted by the facts or circumstances presented to support a request for extension.

## **EXEMPTION FROM CIVIL PENALTIES**

### **General Licensing Requirements 80056**

- (a) Civil penalties shall not be assessed against the licensee.

## **Article 6. CONTINUING REQUIREMENTS**

### **REPORTING REQUIREMENTS**

#### **General Licensing Requirements 80061**

- (a) Each licensee or applicant shall furnish to the licensing agency reports as required by the Department, including, but not limited to, those specified in this section.
- (b) Upon the occurrence, during the operation of the facility, of any of the events specified in (1) below, a report shall be made to the licensing agency within the agency's next working day during its normal business hours. In addition, a written report containing the information specified in (2) below shall be submitted to the licensing agency within seven days following the occurrence of such event.
  - (1) Events reported shall include the following:

- (A) Death of any client from any cause.
  - (B) In a residential facility, death of any client as a result of injury, abuse, or other than natural causes, regardless of where the death occurred. This includes a death that occurred outside the facility such as at a day program, workshop, job, hospital, en route to or from a hospital, or visiting away from the facility.
    - 1. The licensee shall obtain a certified copy of the client's death certificate as soon as it is available, maintain it in the client's file, and shall send a copy to the Department as soon as it is obtained.
    - 2. For Regional Center clients, the licensee shall also send a copy of the death certificate to the Regional Center.
  - (C) Any complication to a medical condition or to an injury that existed prior to the client's admission which requires medical treatment.
  - (D) Any injury to any client that occurs in the facilities which requires medical treatment.
  - (E) Any unusual incident or client absence which threatens the physical or emotional health or safety of any client.
  - (F) Any suspected physical or psychological abuse of any client.
  - (G) Epidemic outbreaks.
  - (H) Poisonings.
  - (I) Catastrophes.
  - (J) Fires or explosions which occur in or on the premises.
- (2) Information provided shall include the following:
- (A) Client's name, age, sex, and date of admission.
  - (B) Date and nature of event.
  - (C) Attending physician's name, findings, and treatment, if any.
  - (D) Disposition of the case.
- (c) The items below shall be reported to the licensing agency within 10 working days following the occurrence.
- (1) The organizational changes specified in Section 80034(a)(2).
  - (2) Any change in the licensee's or applicant's mailing address.

- (3) Any changes in the plan of operation which affect the services to clients.
- (d) Repealed by Manual Letter No. CCL-98-05, effective 10/1/98.
- (e) The items specified in (b)(1)(A) through (H) above shall also be reported to the client's authorized representative, if any.
- (f) The items specified in (b)(1)(E) through (G) above shall also be reported to the local health officer when appropriate pursuant to Title 17, California Administrative Code, Sections 2500, 2502 and 2503.

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- (1) Title 17, California Administrative Code, Section 2500 requires:

It shall be the duty of every physician, practitioner, dentist, coroner, every superintendent or manager of a dispensary, hospital, clinic, or any other person knowing of or in attendance on a case or suspected case of any of the following diseases or conditions, to notify the local health authority immediately. A standard type report form has been adopted and is available for this purpose.

Amebiasis	Meningitis, Viral
Anthrax	Meningococcal Infections
Botulism	Mumps
Brucellosis (Undulant Fever)	Paratyphoid Fever, A, B and C (See Salmonella infections)
Chancroid	Pertussis (Whooping Cough)
Cholera	Plague
Coccidioidomycosis	Poliomyelitis, Paralytic
Conjunctivitis, Acute	Psittacosis
Infectious of the Newborn	Q Fever
(Gonorrheal Ophthalmia,	Rabies, Human or Animal
Ophthalmia Neonatorum,)	Relapsing Fever
and Babies' Sore Eyes in	Rheumatic Fever, Acute
first 21 days of life)	Rocky Mountain Spotted Fever
Dengue	Salmonella, Infectious (exclusive of Typhoid Fever)
Diarrhea of the Newborn	Scarlet Fever
Diphtheria	Shigella Infections
Disorders Characterized by	Smallpox (Variola)
Lapses of Consciousness	Streptococcal Infections, hemolytic (including Scarlet Fever, and Streptococcal Sore Throat)
Dysentery, Bacillary (See	Syphilis
Shigella infections)	Tetanus
Encephalitis, viral	Trachoma
Food poisoning (other	Trichinosis
than Botulism)	Tuberculosis
German Measles (Rubella)	Tularemia
Gonococcal Infections	Typhoid fever, cases and carriers
Granuloma Inguinale	
Hepatitis, Infectious (A)	
Hepatitis, Serum (B)	
Hepatitis, unspecified	
Hepatitis, Non-A, Non-B	

Leprosy (Hansen's Disease)	Typhus Fever
Leptospirosis (including Weil's Disease)	Viral Exanthem in Pregnant Women
Lymphogranuloma Venereum (Lymphogranuloma Inguinale)	Yellow Fever
Malaria	
Measles (Rubeola)	

For outbreak reporting and reporting of occurrence of unusual and rare diseases see Sections 2502 and 2503.

- (2) Title 17, California Administrative Code, Section 2502 requires:

Any person having knowledge of any outbreak or undue prevalence of infectious or parasitic disease or infestation whether or not listed in Section 2500, shall promptly report the facts to the local health officer, who shall investigate the circumstances and if he finds that an epidemic or undue prevalence does in fact exist, he shall report the outbreak to the Director of the State Department of Health Services. The following are examples of diseases, outbreaks of which are to be so reported:

Epidemic Gastroenteritis (other than food poisoning)	Influenza, Epidemic
Epidemic Keratoconjunctivitis	Pneumonia, Infectious
Fevers of unknown etiology	Ringworm
Infectious Mononucleosis	Staphylococcus Infections

- (3) Title 17, California Administrative Code, Section 2503 requires:

Any person having knowledge of a case of an unusual disease not listed in Section 2500 shall promptly convey the facts to the local health officer. Examples are: glanders, herpangina, histoplasmosis, toxoplasmosis, echinococcosis, listeriosis, cat scratch fever, and rickettsialpox.

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**HANDBOOK ENDS HERE**

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- (g) The item specified in (b)(1)(H) shall also be reported immediately to the local fire authority. In areas not having organized fire services a report shall be made to the State Fire Marshal within 24 hours.
- (h) Licensees shall send copies of all substantiated complaints to board of directors members of the licensed facility, and other persons, as designated in each client's placement agreement in accordance with Health and Safety Code Section 1538.5.

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- (1) Health and Safety Code Section 1538.5 reads in part:

"(a)(1) Not less than 30 days prior to the anniversary of the effective date of the license of any residential community care facility license, except licensed foster family homes, the department may transmit a copy to the board members of the licensed facility, parents, legal

guardians, conservators, client's rights advocate, or placement agency, as designated in each resident's placement agreement, of all inspection reports given to the facility by the state department during the past year as a result of a substantiated complaint regarding a violation of this chapter relating to resident abuse and neglect, food, sanitation, incidental medical care, and residential supervision. During that one -year period the copy of the notices transmitted and the proof of the transmittal shall be open for public inspection.

"(b) The facility operator, at the expense of the facility, shall transmit a copy of all substantiated complaints, by certified mail, to those persons described pursuant to paragraph (1) of subdivision (a) in the following cases:

"(1) In the case of any substantiated complaint relating to resident physical or sexual abuse, the facility shall have three days, from the date the facility receives the licensing report from the state department to comply.

"(2) In any case in which a facility has received three or more substantiated complaints relating to the same violation during the past 12 months, the facility shall have five days from the date the facility receives the licensing report to comply.

"(c) Each residential facility shall retain a copy of the notices transmitted pursuant to subdivision (b) and proof of their transmittal by certified mail for a period of one year after their transmittal.

"(d) If any residential facility to which this section applies fails to comply with the provisions of this section, as determined by the state department, the state department shall initiate civil penalty action against the facility in accordance with the provisions of Article 3 (commencing with Section 1530) and the related rules and regulations.

"(e) The department shall notify the residential community care facility of its obligation when it is required to comply with this section."

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**Group Homes      84061**

- (a) In addition to Section 80061, the following shall apply.
- (b) The licensee shall ensure that the child's caseworker is notified no later than the next working day if the following circumstances have occurred without the authorized representative's participation:
  - (1) The child has been removed from the facility.
  - (2) Each time the child has been placed in a manual restraint, to be reported as required in Section 84361.
- (c) Effective January 1, 2000, the licensee shall notify the Department, in writing, within ten (10) days of any change in the facility administrator.
- (d) The licensee shall notify the Department, in writing, within ten (10) days, of the hiring or

appointment of a new administrator. The notification shall include the following:

- (1) Name and residence and mailing addresses of the new administrator.
  - (2) Date he/she assumed his/her position.
  - (3) Description of his/her background and qualifications, including documentation of required education and administrator certification.
    - (A) A photocopy of the documentation shall be permitted.
- (e) The licensee shall notify the licensing agency in writing within ten working days of acquiring a new member of the board of directors. The notification shall include the following:
- (1) Name and mailing address of the new member of the board of directors;
  - (2) Date he or she joined the board of directors, and
  - (3) A copy of the LIC 9165 signed by the new member of the board of directors.
- (f) Incident Reports must include the following:
- (1) Date, time, duration and location of the incident.
  - (2) A detailed narrative, describing the incident and the events leading up to incident.
  - (3) Analysis of the incident:
    - (A) Other reportable incidents involving the same child in the preceding six months.
    - (B) Description of other incidents.
      1. Dates of previous incidents.
      2. Types of incidents.
      3. Action taken by facility personnel in response to incidents.
    - (C) Are there commonalities between this incident and other incidents involving the same child in the preceding six months.
  - (4) Description of the facility's plan for the child, in response to the incident.
  - (5) What action was taken by facility personnel to re-integrate the child into the general population after the incident.
  - (6) When the Incident Report is used to report the use of manual restraints, the report must include the following:
    - (A) Date and time of other manual restraints involving the same child in the past 24 hours.

- (B) A description of the child's behavior that required the use of manual restraints, and description of the precipitating factors which led to the intervention.
  - (C) Description of what manual restraints were used, and how long the child was restrained.
  - (D) Description of what non-physical interventions were utilized prior to the restraint; explanation of why more restrictive interventions were necessary.
  - (E) Description of injuries sustained by the child or facility personnel. What type of medical treatment was sought and where was child taken. Explanation if medical treatment not sought for injuries.
  - (F) Name(s) of facility personnel who provided the manual restraint.
  - (G) Name(s) of facility personnel who witnessed the child's behavior and the restraint.
  - (H) The child's verbal response and physical appearance, including a description of any injuries at the completion of the restraint.
  - (I) If it is determined by the post incident review, as required in Section 84368.3, that facility personnel did not attempt to prevent the manual restraint, a description of what action should have been taken by facility personnel to prevent the manual restraint incident. What corrective action will be taken or not taken and why.
  - (J) If law enforcement was involved, a detailed description of the incident.
  - (K) Documentation that the child's authorized representative has been notified of the incident.
- (7) When the Incident Report is used to report a runaway situation, the report must include the following:
- (A) When and how was the child's absence first noted.
  - (B) If known, child's last known activities.
  - (C) What were the circumstances surrounding the child's absence.
  - (D) What action did the facility personnel take to discourage the child from leaving; and what interventions were utilized, if any.
  - (E) What action was taken by facility personnel to locate the child.
  - (F) If a manual restraint was used, and if it is determined by the post incident review, as required in Section 84368.3, that facility personnel did not attempt to prevent the manual restraint, a description of what action should have been taken by facility personnel to prevent the manual restraint incident. What corrective action will be taken or not taken and why.

- (G) If law enforcement was involved in the incident, a detailed description of the incident.
- (H) Documentation that the child's authorized representative has been notified of the incident.

### **Transitional Shelter Care Facilities      84461**

- (a) In addition to the reporting requirements of Sections 80061, 80062, 80065, 84065, and 84361, the licensee who operates a Transitional Shelter Care Facility shall:
  - (1) Upon the occurrence of any of the events specified in Sections 84461(a)(1)(A) through (D), the licensee shall notify the Department by the end of the Department's next business day. In addition, a written report shall be submitted to the Department within seven (7) days.
    - (A) Facility staff violates the personal rights of a child.
    - (B) A child is assaulted by another child or another person at the facility.
    - (C) A child is detained in a juvenile institution.
    - (D) A child requires physical health care in an acute care hospital or mental health services in an acute psychiatric hospital or community treatment facility.
  - (2) Upon the occurrence of any of the events specified in Sections 84461(a)(1)(A) through (E), notification shall be made to the caseworker of each child mentioned in Sections 84461(a)(1)(A) through (E) by the end of the Department's next business day.
- (b) If the facility admits clients in excess of the capacity set forth on the license, the licensee shall notify the Department in writing within 24 hours, or by the end of the Department's next business day, whichever is sooner.
- (c) If the facility admits clients in excess of the maximum occupancy set by the fire authority having jurisdiction, the licensee shall notify in writing, either within four (4) hours during the Department's business hours or, if after hours, within the first four (4) hours of the Department's next business day;
  - (1) The fire authority having jurisdiction; and
  - (2) The Department.
    - (A) The notice to the Department shall include a copy of the notice sent to the fire authority having jurisdiction.

## FINANCES

### General Licensing Requirements 80062

- (a) The licensee shall meet the following financial requirements:
  - (1) Development and maintenance of a financial plan which describes the resources necessary to meet the facilities' operating costs for the care and supervision of children.
  - (2) Maintenance of financial records.
  - (3) Submission of financial reports as required upon the written request of the Department or licensing agency.
    - (A) Such request shall explain the necessity for disclosure.
    - (B) The licensing agency shall have the authority to reject any financial report, and to request and examine additional information including interim financial statements. The reason(s) for rejection of the report shall be in writing.

## ACCOUNTABILITY

### General Licensing Requirements 80063

- (a) The licensee, whether an individual or other entity, is accountable for the general supervision of the licensed facility, and for the establishment of policies concerning its operation.
  - (1) If the licensee is a corporation or an association, the governing body shall be active and functioning in order to ensure such accountability.

### Group Homes 84063

- (a) The Board of Supervisors of the County of Los Angeles shall serve as board of directors of the licensed facilities, or, at its election, may appoint no fewer than three individuals to serve as board of directors, who shall be active in ensuring accountability and shall perform, at a minimum, the following duties:
  - (1) Establish and approve policies and procedures governing the operation of the group home;
  - (2) Approve and monitor the facilities' operating budget;
  - (3) Assess and maintain the level of funds necessary to cover the costs of operating the facilities;
  - (4) Review and approve the facility's emergency intervention plan as specified in Section 84322(k);

- (5) Complete a written statement describing the duties delegated to the administrator. Provide a copy of this statement to the administrator and maintain a copy in the facility's file;
- (6) Require that the Chief Executive Officer, administrator, or a designee be present at all board of directors meetings during which the operation or the policies of the facilities are discussed;
- (7) Conduct board of directors meetings at least on a quarterly basis to review and discuss the group home's operation and documents as specified in Health and Safety Code Section 1520.1(f), and based upon the review, ensure that the facilities comply with all applicable regulations;

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- (A) Health and Safety Code Section 1520.1(f) states in pertinent part:

...During these quarterly meetings, the board of directors shall review and discuss licensing reports, financial and program audit reports of its facility operations, special incident reports, and any administrative action against the licensee or its employees. The minutes shall reflect the board's discussion of these documents and the group home's operation. The licensee shall make available the minutes of group home board of directors meetings to the department.

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**HANDBOOK ENDS HERE**

- (9) Ensure that minutes are kept for all board of directors meetings and retained as a permanent record. The minutes shall reflect the board's discussion of the documents specified in Health and Safety Code Section 1520.1(f);
  - (10) Ensure that all minutes of board of directors' meetings are available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Minutes may be removed if necessary for copying. Removal of minutes shall be subject to the following requirements:
    - (A) Prior to removing any minutes, a licensing representative shall prepare a list of the minutes to be removed, sign and date the list upon removal of the minutes, and leave a copy of the list with the administrator or designee.
    - (B) Licensing representatives shall return the minutes undamaged and in good order within three business days following the date the minutes were removed.
  - (11) Submit copies of all corporate documents to the licensing agency at the time documents are submitted to the Secretary of State.
- (b) The licensee shall provide each board of directors member with the "Facts You Need To Know, Group Home Board of Directors" (PUB 326) booklet furnished by the Department.
  - (c) The licensee shall require that each board of directors member sign and date the form, (LIC 9165) as specified in Section 84018(c). The signed original form shall be maintained in the facilities.
- (1) The signed form shall be obtained from each board of directors member by the next

scheduled board of directors meeting after July 1, 1999.

- (2) A signed form shall be obtained from a prospective board of directors member before joining the board of directors.
- (3) A permanent license shall not be issued until all members of the board of directors have signed the form.
- (4) The LIC 9165 specified in (c) above shall be made available for review by the Department upon request.

## **ADMINISTRATOR-QUALIFICATIONS AND DUTIES**

### **General Licensing Requirements      80064**

- (a) The administrator shall have the following qualifications:
  - (1) Attainment of at least 21 years of age.
  - (2) Knowledge of the requirements for providing the type of care and supervision needed by clients, including ability to communicate with such clients.
  - (3) Knowledge of and ability to comply with applicable law and regulation.
  - (4) Ability to maintain or supervise the maintenance of financial and other records.
  - (5) Ability to direct the work of others, when applicable.
  - (6) Ability to establish the facility's policy, program and budget.
  - (7) Ability to recruit, employ, train, and evaluate qualified staff, and to terminate employment of staff, if applicable to the facility.
- (b) Each licensee shall make provision for continuing operation and carrying out of the administrator's responsibilities during any absence of the administrator.
- (c) The licensee, if an individual, or any member of the governing board of the licensed corporation or association, shall be permitted to be the administrator provided that he/she meets the qualifications specified in this section, and in applicable regulations in Chapters 2 through 7.

### **Group Homes      84064**

- (a) In addition to Section 80064, the following shall apply.
- (b) Effective January 1, 2000, all group homes shall have a certified administrator.

- (1) In the event a certified administrator is not employed within fifteen (15) days of the departure of the former administrator, a written "Plan of Correction" shall be developed to bring the group home into compliance with the requirements of this section.
  - (2) In those cases where the individual is both the licensee and the administrator of a group home, the individual shall comply with all of the licensee and certified administrator requirements.
  - (3) In the event the licensee fails to comply with all requirements regarding certified administrators, the Department and the County will enter into dispute resolution for a period not to exceed three weeks. If the parties are unable to resolve the dispute, the department may exercise its authority under Section 80042.
  - (4) Unless otherwise provided, a certified administrator may administer more than one licensed group home.
- (c) The administrator shall be on the premises for the number of hours necessary to manage and administer the facility in compliance with applicable law and regulation.
- (d) When the administrator is absent, one of the following requirements shall be met:
- (1) In facilities with a licensed capacity of 12 or fewer children, there shall be coverage by a designated staff person.
  - (2) In facilities with a licensed capacity of 13 or more children, there shall be coverage by a designated substitute who has the following qualifications:
    - (A) Graduation from high school or equivalent.
    - (B) One year of administrative or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
- (e) The administrator shall meet the requirements specified below:
- (1) The administrator of a facility with a licensed capacity of 12 or fewer children shall meet one of the following requirements:
    - (A) Have a master's degree in a behavioral science from an accredited college or university, plus a minimum of one year of employment as a social worker, as defined in Section 80001s.(4), in an agency serving children or in a group residential program for children.
    - (B) Have a bachelor's degree from an accredited college or university, plus at least one year of administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
    - (C) Have completed at least two years at an accredited college or university, plus at least two years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in

a community care facility with a licensed capacity of seven or more.

- (D) Have completed high school, or equivalent, plus at least three years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
- (2) The administrator of a facility with a licensed capacity of 13 or more children shall meet one of the following requirements:
- (A) Have a master's degree in a behavioral science from an accredited college or university, plus at least one year of administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
  - (B) Have a master's degree in a behavioral science from an accredited college or university, plus two years of employment as a social worker, as defined in Section 80001s.(4), in an agency serving children or in a group residential program for children.
  - (C) Have a bachelor's degree from an accredited college or university, plus at least three years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
  - (D) Have completed at least two years at an accredited college or university, plus at least five years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
- (f) The administrator shall perform the following duties:
- (1) Direction and evaluation of a group home facility within the limits of the functions and policies established by the licensee.
  - (2) Assist in the preparation of the facility's budget and management of expenditures according to the facility's budget limitations.
  - (3) Organization of the work of the facility and delegation of responsibility to staff members.
  - (4) Assessment of the facility operations and program; and reporting to the licensee and making recommendations to address identified problems.
  - (5) Recruitment, appointment, evaluation and termination of staff.
  - (6) Development of a plan for the orientation, development and training of staff, as specified in Section 84065(g).
  - (7) Review of complaints made by children or their authorized representative(s) as specified in

Section 84072.2(a), and deciding upon the action to be taken to handle the complaint.

## **ADDITIONAL ADMINISTRATOR QUALIFICATIONS AND DUTIES IN SPECIALIZED GROUP HOMES**

### **Group Homes      84064.1**

- (a) The administrator shall ensure the provision of services to children with special health care needs with appropriate regard for the child's physical and mental well-being and needs, including those services identified in the child's individualized health care plan.

## **ADMINISTRATOR CERTIFICATION REQUIREMENTS**

### **Group Homes      84064.2**

- (a) An individual shall be a certificate holder prior to being employed as an administrator.
  
- (b) To receive his/her certificate an applicant shall:
  - (1) Successfully complete a Department-approved Initial Certification Training Program, except as specified in Section 84064.2(a)(1) above.
  - (2) Pass a written test administered by the Department within sixty (60) days of completion of an Initial Certification Training Program.
  - (3) Submit an application form to the Department's certification section within thirty (30) days of being notified of having passed the test. The application shall contain the following:
    - (A) Proof that the applicant has successfully completed a Department-approved Initial Certification Training Program or proof of employment as an administrator on December 31, 1999.
    - (B) A statement certifying that the applicant is at least twenty-one (21) years of age.
    - (C) Fingerprint cards, or evidence that the applicant has submitted fingerprints to the Department of Justice at a livescan facility, or a statement that the applicant has a current criminal record clearance on file with the Department.
    - (D) A one hundred dollar (\$100) processing fee.
  
- (c) The Department shall not issue a certificate until it receives notification from the Department of Justice that the applicant has a criminal record clearance pursuant to Health and Safety Code Section 1522 or is able to transfer a current criminal record clearance pursuant to Health and Safety Code Section 1522(b)(1).

- (d) It shall be unlawful for any person not certified under this section to misrepresent himself or herself as a certified administrator. Any person willfully making any false representation as being a certified group home administrator is guilty of a misdemeanor.
- (e) Certificates issued under this section shall be renewed every two (2) years provided the certificate holder has complied with all renewal requirements unless the certificate holder agrees in writing that the certificate holder will not seek or accept employment as an administrator for any licensed facility other than the YWC or the CWC for the duration of licensed operations at the YWC and the CWC.
- (f) Subject to paragraph (e), certificates shall be valid for the term of licensure.

## **ADMINISTRATOR TRAINING REQUIREMENTS**

### **Group Homes      84064.3**

- (a) Administrators shall complete at least fifteen (15) classroom hours of continuing education during each subsequent year of licensure following initial certification. Continuing education hours must relate to the Core of Knowledge and be completed through any combination of the following:
  - (1) Courses provided by vendors or providers approved by the Department, including but not limited to qualified County staff or contractors, or
  - (2) Accredited educational institutions offering courses that are consistent with the requirements of this section, or

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- (A) Examples of accredited educational institutions are Community and State colleges.

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- (3) Courses offered by vendors approved by other California State agencies provided that:
  - (A) The approval and enforcement procedures of the State agency are comparable to the approval and enforcement procedures of the Department, and

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- (B) Examples of other California State agencies that meet the requirements above are the Department of Developmental Services, the Department of Rehabilitation, the Board of Behavioral Science Examiners and the Board of Psychology.

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- (4) Continuing education hours must enhance the Core of Knowledge. Continuing education credit will not be provided for any Initial Certification Training Program course.
- (b) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting except that:
  - (1) The Department may approve courses where technology permits the simultaneous and interactive participation of the certificate holder, provided such participation is verifiable.
- (c) Whenever a certified administrator assumes or relinquishes responsibility for administering a group home facility, he or she shall provide written notice within ten (10) days to:
  - (1) The licensing Regional Office(s) responsible for receiving information regarding personnel changes at the licensed facilities with whom the certificate holder is or was associated, and
  - (2) The Department's administrator certification section.

## DENIAL OR REVOCATION OF A CERTIFICATE

### **Group Homes      84064.4**

- (a) The Department may deny or revoke any administrator certificate upon any of the grounds specified in Health and Safety Code Section 1550 and for any of the following:
  - (1) The certificate holder procured a certificate by fraud or misrepresentation.
  - (2) The certificate holder knowingly made or gave a false statement or information in conjunction with the application for a certificate.
  - (3) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58 or 1596.8897 after the Department issued the certificate, and:
    - (A) The certificate holder did not appeal the exclusion order or,
    - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
  - (4) The certificate holder does not have a current criminal record clearance.
  - (5) The certificate holder fails to comply with certificate renewal requirements.
    - (A) The Department may reinstate a certificate that has been revoked for failure to comply with certificate renewal requirements provided all conditions for recertification have been satisfied, including payment of all appropriate renewal and delinquency fees.

- (b) Any denial or revocation of an administrator certificate may be appealed as provided by Health and Safety Code Section 1551.
- (c) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a denial or revocation action shall be processed in accordance with the provisions of Health and Safety Code Section 1520.3.

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**HANDBOOK BEGINS HERE**

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Health and Safety Code Section 1520.3 in pertinent part provides that:

(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law....

(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.

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## FORFEITURE OF A CERTIFICATE

### Group Homes 84064.5

- (a) Unless otherwise ordered by the Department, the certificate shall be considered forfeited under any of the following conditions:
- (1) The Department has revoked any license held by the certificate holder after the Department issued the certificate.
  - (2) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58 or 1596.8897, after the Department issued the certificate, and:
    - (A) The certificate holder did not appeal the exclusion order or,
    - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
- (b) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a certificate has been forfeited shall be processed in accordance with the provisions of Health and Safety Code Sections 1520.3, 1558(h) and/or 1558.1.

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### HANDBOOK BEGINS HERE

Section 1520.3 in pertinent part provides:

- (a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law....
- (3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.
- (b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.

Section 1558(h) in pertinent part provides:

(h)(1)(A) In cases where the excluded person appealed the exclusion the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or from being a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement one year after the effective date of the decision and order of the department upholding the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the exclusion order.

(2)(A) In cases where the department informed the excluded person of his or her right to appeal the exclusion order and the excluded person did not appeal the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement after one year has elapsed from the date of the notification of the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the exclusion order.

Section 1558.1 in pertinent part provides:

(a)(1) If the department determines that a person was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.2 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter.

(b) If the department determines that the person had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall exclude the person from, and remove the person from the position

of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(e) The department may determine not to exclude the person from, or remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter if it has determined that the reasons for the denial of the application or revocation of the facility license or certificate of approval were due to circumstances and conditions that either have been corrected or are no longer in existence.

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**PERSONNEL REQUIREMENTS**

**General Licensing Requirements                      80065**

- (a) Facility personnel shall be competent to provide the services necessary to meet individual client needs and shall, at all times, be employed in numbers necessary to meet such needs.

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- (1) Section 1522(b)(2) of the Health and Safety Code provides:

Any person, other than a client, residing in the facility.

- (2) Section 1522(c)(3) of the Health and Safety Code provides in part:

Except for persons specified in paragraph (2) of subdivision (b), the licensee shall endeavor to ascertain the previous employment history of persons required to be fingerprinted under this subdivision.

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- (b) The licensing agency shall have the authority to require any licensee to provide additional staff whenever the licensing agency determines and documents that additional staff are required for the

provision of services necessary to meet client needs. The licensee shall be informed in writing of the reasons for the licensing agency's determination. The following factors shall be taken into consideration in determining the need for additional staff.

- (1) Needs of the particular clients.
  - (2) Extent of the services provided by the facility.
  - (3) Physical arrangements of the particular facility.
  - (4) Existence of a state of emergency or disaster.
- (c) The licensee shall be permitted to utilize volunteers provided that such volunteers are supervised, and are not included in the facility staff plan.
- (d) The following facility personnel staff shall be at least 21 years of age:
- (1) Persons who supervise employees and/or volunteers.
  - (2) Persons, including volunteers, who provide any element of care and supervision to clients, except for volunteer peer or youth mentors who shall be at least 18 years of age.
- (e) The licensee shall provide for direct supervision of clients during participation in or presence at potentially dangerous activities or areas in the facility.
- (f) All personnel shall be given on-the-job training or shall have related experience which provides knowledge of and skill in the following areas, as appropriate to the job assigned and as evidenced by safe and effective job performance.
- (1) Principles of nutrition, food preparation and storage and menu planning.
  - (2) Housekeeping and sanitation principles.
  - (3) Provision of client care and supervision, including communication.
  - (4) Assistance with prescribed medications which are self-administered.
  - (5) Recognition of early signs of illness and the need for professional assistance.
  - (6) Availability of community services and resources.
- (g) All personnel, including the administrator and volunteers, shall be in good health, and shall be physically, mentally, and occupationally capable of performing assigned tasks.
- (1) Except as specified in (3) below, good physical health shall be verified by a health screening, including a test for tuberculosis, performed by or under the supervision of a physician not more than one year prior to or seven days after employment or licensure.
  - (2) A health screening report signed by the person performing such screening shall be made on each person specified above, and shall indicate the following:

- (A) The person's physical qualifications to perform the duties to be assigned.
  - (B) The presence of any health condition that would create a hazard to the person, clients or other staff members.
- (3) The good physical health of each volunteer who works in the facility shall be verified by:
- (A) A statement signed by each volunteer affirming that he/she is in good health.
  - (B) A test for tuberculosis performed not more than one year prior to or seven days after initial presence in the facility.
- (h) Personnel with evidence of physical illness that poses a threat to the health and safety of clients shall be relieved of their duties.
- (i) Prior to employment or initial presence in the facility, all employees and volunteers subject to a criminal record review shall:
- (1) Obtain a California clearance or a criminal record exemption as required by law or Department regulations or
  - (2) Request a transfer of a criminal record clearance as specified in Section 80019(f) or
  - (3) Request and be approved for a transfer of a criminal record exemption, as specified in Section 80019.1(r), unless, upon request for the transfer, the Department permits the individual to be employed, reside or be present at the facility.
- (j) Clients shall not be used as substitutes for required staff but shall be permitted, as a voluntary part of their program of activities, to participate in household duties and other tasks suited to the client's needs and abilities.
- (k) When regular staff members are absent, there shall be coverage by personnel capable of performing assigned tasks as evidenced by on-the-job performance.
- (l) Personnel shall provide for the care and safety of persons without physical or verbal abuse, exploitation or prejudice.
- (m) All personnel shall be instructed to report observations or evidence of violations of any of the personal rights specified in Section 84072 and/or any of the personal rights provisions of Chapters 2 through 7.

**Group Homes            84065**

- (a) In addition to Section 80065, the following shall apply.
- (b) The licensee shall employ those administrative, child care, social work and support staff necessary to perform the assigned duties specified in applicable law and regulation.
- (c) The licensee shall ensure provision of the services specified in Section 84065.2(c)(1) through (4) by social work staff.

- (d) The licensee shall designate at least one facility manager to be present at the facility at all times when children are present:
  - (1) The facility manager shall meet one of the following requirements prior to employment.
    - (A) One year of full-time experience, or its equivalent, working with the client group to be served.
      - (1) Experience shall be verified as having been performed as a paid or volunteer staff person whose duties required direct supervision and care of the client group served.
    - (B) Two years experience as a member of the social work staff in a group home performing those duties specified in Section 84065.2(c).
    - (C) Completion with a passing grade, from an accredited or approved college or university, of 15 college semester or equivalent quarter units in behavioral science, 9 units of which must be in courses relating to children with behavioral problems which may be the result of abuse, neglect, or emotional trauma. The courses may include, but are not limited to curricula in Corrections, Psychology, Social Work, or Social Welfare.
  - (3) Prior to assuming the duties and responsibilities of the facility manager, the individual shall complete a minimum of one hour of training as specified in Section 84065(k), in addition to training required in Sections 84065(i) and (j).
  - (4) Any person willfully making any false representation as being a facility manager is guilty of a misdemeanor.
- (e) One employee shall be designated by the administrator to have primary responsibility for planned activities for both facilities, and shall be given assistance as necessary to ensure that all children can participate in accordance with their needs, interests, and abilities.
  - (1) Such employee shall develop, organize, implement, and evaluate the facility activity program, and shall possess the following qualifications:
    - (A) Experience in organizing and providing planned activities.
- (f) The licensee shall develop, maintain, and implement a written plan for the supervision, evaluation, and training of all child care staff, which may include training obtained through contract.
  - (1) The child care staff training plan, as specified in Sections 84065(i) and (j) shall be incorporated in the group home's program statement.
  - (2) The training plan shall address the initial 24-hour training for newly hired child care staff.
    - (A) When the training plan includes job shadowing activities as described in Section 84065(i)(l), the following shall be included in the training plan:

1. Specific activities;
  2. Job classification of the individual being shadowed;
  3. Time spent on each activity; and
  4. Skill to be developed through each job-shadowing activity.
- (3) The training plan shall address the annual training for newly hired and existing child care staff.
- (4) The training plan shall include for each training session the following:
- (A) Course title and subject matter;
  - (B) Learning objectives and activities;
  - (C) Number of hours per training session;
  - (D) Qualifications of the trainer; and
  - (E) Training evaluation.
    1. Each session shall include an evaluation of the trainer and course content to determine if the training is meeting the needs of facility staff.
- (5) The training plan shall be appropriate for the client population and the training needs and skill level of facility staff.
- (A) The licensee shall amend the training plan, when necessary, to meet the needs of facility staff and the client population.
- (6) Amendments to the staff training plan, shall be submitted to the Department within ten days following the occurrence.
- (g) Notwithstanding Sections 80065(f)(1) through (6), new child care staff shall complete a minimum of 24 hours of initial training comprised of the 8 and 16 hour training as specified in (1) and (2) below:
- (1) 8-Hour Training
    - (A) Training shall be completed before new child care staff are:
      - i. Responsible for supervising children,
      - ii. Left alone with children, and
      - iii. Counted in the staff-to-child ratio required in Sections 84065.5 and 84065.7.
    - (B) Until the 8 hours of training is completed, new child care staff shall be visually

supervised at all times by facility staff who meet the training requirements specified in this subsection and (2) below.

- (C) A maximum of 4 hours of the training requirement may be satisfied by successful completion of job shadowing.
    - 1. For the purpose of this regulation, job shadowing means a process whereby new facility staff follow and observe experienced facility personnel performing a specific job. The purpose of job shadowing is to gain information related to a specific job including, materials used, physical demands, necessary skills and knowledge.
    - 2. During shadowing, the experienced facility personnel being shadowed must be performing child care duties and counted in the staff-to-child ratios, as required in Sections 84065.5 and 84065.7.
    - 3. Job shadowing shall promote the development of specific skills, and shall consist of specific activities for a specific time period.
    - 4. Successful completion of job shadowing shall be verified by a statement completed by the experienced facility personnel being shadowed affirming: a) specific activity observed; b) dates and times of shadowing; and, c) training topic listed in Section 84065(i)(3)(A) through (R) that is satisfied by the job shadowing activity.
  - (D) Within 7 calendar days of completion of the 8-hour training, the administrator or administrator's designee shall assess if each facility staff understands and can apply the training.
    - 1. The assessment may include observation of performance, post-testing or demonstrated hands-on competency.
    - 2. The assessment shall be documented in each facility staff personnel record.
    - 3. When the administrator or administrator's designee determines a facility staff does not understand and cannot apply the training, re-training is required.
- (2) Sixteen hours of training shall be completed by new facility staff within 90 days of hire.
- (A) New facility staff who work a maximum of 20 hours per week shall complete the additional minimum 16 hours of training within 180 days of hire.
  - (B) Within 30 days of completion of the 16-hour training, the administrator or administrator's designee shall assess if each newly hired facility staff understands and can apply the training.
    - 1. The assessment may include observation of performance, post-testing or demonstrated hands-on competency.
    - 2. The assessment shall be documented in each facility staff personnel record.

3. When the administrator or administrator's designee determines a facility staff does not understand and cannot apply the training, re-training is required.
- (3) Training shall include, at a minimum, all of the following topics. The licensee shall determine how much time is spent on each topic, and shall ensure that facility staff have appropriate skills necessary to supervise the children in care.
- (A) Overview of the client population served by the group home;
  - (B) Facility's program and services, including program philosophy, activities and community resources;
  - (C) Facility's policies and procedures, including reporting requirements to the Department and as a mandated child abuse reporter;
  - (D) Facility workers' job description, including roles and responsibilities;
  - (E) Facility workers' self-awareness;
  - (F) Role of other facility personnel in service delivery, including case staffing;
  - (G) Discipline policies and procedures;
  - (H) Disaster response;
  - (I) Medical emergency response;
  - (J) Teamwork and interpersonal communication among facility personnel and clients and client family members;
  - (K) Teamwork and intra-facility communication;
  - (L) The role of placement workers;
  - (M) Medication procedures, assistance with medication, universal precautions, recognition of early signs of illness and the need for professional assistance, and other health related issues;
  - (N) Children's adjustment to group care;
  - (O) Housekeeping and sanitation principles; principles of nutrition, food preparation and storage and menu planning;
  - (P) California Code of Regulations, Title 22;
  - (Q) Availability of community services and resources;
  - (R) Recreation activities and resources; and
  - (S) The child's right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national

origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

- (4) The training requirement shall be satisfied by successful completion of course work conducted in a workshop, seminar, classroom setting, individual or small group setting.
  - (A) Proof of successful completion of course work shall be limited to official grade slips or transcripts from colleges or adult education departments; or certificates or signed documentation issued by bona fide educational institutions or organizations, or licensee associations, or courses offered or approved by accredited educational institutions, or qualified individuals who possess the necessary skills, knowledge and experience to train others in a particular subject area.
    1. A qualified individual shall possess: a) a master's degree in a behavioral science from an accredited college or university and one year experience as an administrator, social worker, child care staff, or independent contractor providing direct social work activities in a group home; or, b) a master's degree and one year of work experience with the client population or a bachelor's degree and two years of work experience with the client population; or, c) a licensed mental health professional, as defined in California Code of Regulations Title 9, Chapter 12, Section 1901(p) or, d) a certificate or credential from an accredited course of study or educational institution in the subject matter for which the individual will be providing training; e) or, an individual who has provided training to group home child care staff for three years and has at least three years work experience in the subject matter of the training.

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**HANDBOOK BEGINS HERE**

California Code of Regulations, Title 9, Chapter 12, Section 1901(p) reads:

- (p) "Licensed mental health professional" means any of the following:
  - (1) A psychiatrist;
  - (2) A clinical psychologist;
  - (3) A licensed marriage, family and child counselor;
  - (4) A licensed clinical social worker;
  - (5) A licensed registered nurse with a masters or doctorate degree in psychiatric nursing.

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**HANDBOOK ENDS HERE**

- (5) Documentation of successful completion of training shall be maintained in the personnel record for each facility staff.
- (6) The 24-hour initial training is in addition to first aid and CPR training, and other training as required in Sections 84065.1 and 84365.

(h) Annual Training

- (1) Notwithstanding Sections 80065(f)(1) through (6), all facility staff shall complete a minimum of 20 hours of annual training, except as specified in (2) below.
  - (A) At least 5 hours of the annual training shall consist of course work from an entity other than the group home such as an accredited educational institution, workshops, seminars, or other direct training provided by a qualified individual, who meets the requirements specified in Section 84065(i)(4)(A)1., who is not affiliated with the group home licensee.
- (2) Notwithstanding Sections 80065(f)(1) through (6), newly hired facility staff, hired on or after July 1, 1999, shall complete a minimum of 16 hours of annual training within the first 12 months of employment, for a total of 40 hours of initial and annual training. After the first 12 months of employment, facility staff shall comply with (1) above.
  - (A) At least 4 hours of the annual training shall consist of course work from an entity other than the group home such as an accredited educational institution, workshops, seminars, or other direct training provided by a qualified individual who meets the requirements specified in Section 84065(i)(4)(A)1., who is not affiliated with the group home licensee.
- (3) Training may include but is not limited to, the following topics:
  - (A) Neglect/abuse issues;
  - (B) Attachment issues;
  - (C) Behavior problems/psychological disorders;
  - (D) Mental health/behavioral interventions;
  - (E) Developmental disabilities;
  - (F) Substance abuse issues;
  - (G) Cultural diversity;
  - (H) Child and adolescent development;
  - (I) Child empowerment;
  - (J) Discharge and emancipation;
  - (K) Importance of sibling and family relationships;
  - (L) Placement agencies and the placement process;
  - (M) Treatment planning and review;

- (N) Employee training handbook; and
  - (O) Topics listed in Sections 84065(i)(3)(A) through (S).
- (4) Training topics shall be appropriate for the client population and services provided by the facility.
  - (5) The training requirement may be satisfied by successful completion of course work conducted in a workshop, seminar, or classroom setting, individual or small group setting.
    - (A) Proof of successful completion of course work shall be limited to official grade slips or transcripts; or, certificates or signed documentation issued by colleges, or adult education departments, bona fide educational institutions or organizations, or licensee associations, or courses offered or approved by accredited educational institutions, or qualified individuals who possess the necessary skills, knowledge and experience to train others in a particular subject area.
      1. The qualified individual shall meet the requirements specified in Section 84065(i)(4)(A)1.
  - (6) Documentation of successful completion of training shall be maintained in the personnel record for each facility staff.
  - (7) Annual training is in addition to first aid and CPR training, and other training as required in Sections 84065.1 and 84365.
- (i) The licensee shall develop, maintain and implement a written plan for the training of facility managers.
    - (1) The facility manager training plan shall be incorporated in the group home's program statement.
    - (2) The training plan shall include the following for each training session:
      - (A) Course title and subject matter;
      - (B) Learning objectives and activities;
      - (C) Number of hours per training session;
      - (D) Qualifications of the trainer; and
      - (E) Training evaluation.
        1. Each session shall include an evaluation of the trainer and course content to determine if the training is meeting the needs of facility personnel acting as facility managers.
    - (3) The training plan shall be appropriate for the client population and shall consider the training

needs and skill level of staff.

- (A) The licensee shall amend the training plan, as necessary, to meet the needs of facility personnel acting as facility managers and the client population.
- (4) Amendments to the staff training plan, shall be submitted to the Department within ten days.
- (5) Training shall include, but not be limited to, the following. The licensee may determine how much time is spent on each topic:
  - (A) Interaction with the Department, including inspection authority;
  - (B) Licensee appeal rights; and
  - (C) Interaction with placement agencies, neighbors, mental health agencies, law enforcement, medical/emergency personnel, client family members.
- (6) The training requirement may be satisfied by successful completion of course work conducted in a workshop, seminar, or classroom setting, individual or small group setting.
  - (A) Proof of successful completion of course work shall be limited to official grade slips or transcripts; or, certificates or signed documentation issued by colleges, or adult education departments, bona fide educational institutions or organizations, or licensee associations, or courses offered or approved by accredited educational institutions, or qualified individuals who possess the necessary skills, knowledge and experience to train others in a particular subject area.
    - 1. The qualified individual shall meet the requirements specified in Section 84065(i)(4)(A)1.
- (7) Documentation of successful completion of training shall be maintained in the personnel record for each staff member.
- (8) Facility manager training is in addition to first aid and CPR training, and other training as required in Sections 84065.1 and 84365.
- (j) All employees shall be given a copy of the job description specified in Section 84066(b)(1) which is relevant to their duties, and shall have access to all other job descriptions.
- (k) The staff assignment information specified in Section 84066(b)(2) shall be provided to all applicants during interviews for employment; to all staff during orientation or when changes are made which affect job assignments; and upon request to placement agencies.
- (l) Upon employment, the group home shall make available for review by all group home personnel, an employee training handbook that shall include the following: facility's program philosophy; facility's policies and procedures; disaster response procedures; lines of authority and communication; Title 22 regulations and reporting requirements.
  - (1) The employee training handbook shall be maintained at the facility and updated as needed.
- (m) Upon employment, staff shall receive copies of the child removal and/or discharge policies and

procedures specified in Section 84068.4(a); the discipline policies and procedures specified in Section 84072.1(a); and the complaint procedures specified in Section 84072.2(a).

- (n) Physician reports from general practitioners or specialists may be required after licensure if the licensing agency has reason to believe that a licensee's or staff member's physical and/or mental health is not adequate to carry out responsibilities under these regulations.
  - (1) The licensing agency shall provide the licensee with a written explanation of the need for any additional report.

### **Transitional Shelter Care Facilities      84465**

(a) In addition to all other training required in Sections 80022, 80065, 80075, 80077.3, 84065, 84065.1, 84065.2, 84065.3, 84065.5, 84065.6, 84065.7, and, when applicable, Section 84365, all administrators, facility managers, social work staff and direct care staff must receive four (4) hours of training on the specialized needs of children in transition on an annual basis.

(b) All administrators, facility managers, social work staff and direct care staff hired after the effective date of these regulations must receive four (4) hours of training on the specialized needs of children in transition before being responsible for supervising children, being left unsupervised with children or being counted in the staff-to-child ratio.

## **ADDITIONAL PERSONNEL REQUIREMENTS FOR SPECIALIZED GROUP HOMES**

### **Group Homes      84065.1**

- (a) Any person who provides specialized in-home health care to a child placed in the group home as of November 1, 1993, shall comply with the following requirements:
  - (1) Prior to caring for the child or when the child's needs change, the in-home health care provider shall complete training in specialized in-home health care provided by a health care professional as required by the child's individualized health care plan, except when
    - (A) The in-home health care provider is a licensed health care professional; and
    - (B) The child's individualized health care plan team determines that completion of specialized in-home health care training for the child is unnecessary on the basis of the in-home health care provider's medical qualifications and expertise.
- (b) No person shall provide specialized in-home health care to a child placed in the home after November 1, 1993, unless
  - (1) He/she is a licensed health care professional; and
  - (2) The child's individualized health care plan team determines that he/she has the necessary medical qualifications and expertise to meet the child's in-home health care needs.
    - (A) The child's individualized health care plan team shall make a new determination each time the child's in-home health care needs change.

- (c) Volunteers caring for children in a specialized group home shall meet the health screening requirements in Sections 80065(g)(1) and (g)(2).

## PERSONNEL DUTIES

### Group Homes

84065.2

- (a) The facility manager(s) shall:

- (1) Meet the requirements of Health and Safety Code Section 1522.4(a)(1) through (3).

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### HANDBOOK BEGINS HERE

- (A) Health and Safety Code Sections 1522.4(a)(1) through (a)(3) states:

- (1) The facility shall have one or more facility managers. "Facility manager," as used in this section, means a person on the premises with the authority and responsibility necessary to manage and control the day-to-day operation of a community care facility and supervise the clients. The facility manager, licensee, and administrator, or any combination thereof, may be the same person provided he or she meets all applicable requirements. If the administrator is also the facility manager for the same facility this person shall be limited to the administration and management of only one facility.
- (2) The facility manager shall have at least one year of experience working with the client group served, or equivalent education or experience, as determined by the Department.
- (3) A facility manager shall be at the facility at all times when one or more clients are present. To ensure adequate supervision of clients when clients are at the facility outside of their normal schedule, a current telephone number where the facility manager can be reached shall be provided to the clients, licensing agency, school, and any other agency or person as the Department determines is necessary. The facility manager shall instruct these agencies and individuals to notify him or her when clients will be returning to the facility outside of the normal hours.

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### HANDBOOK ENDS HERE

- (b) Facility staff shall perform the following duties:

- (1) Supervision, protection and care of children individually and in groups at all times.
- (2) Assistance to each child in working with a group and in handling individual problems.
- (3) Administration of discipline and setting of limits for behavior.
- (4) Notation of the child's progress; identification of the possible need for professional services;

and communication of such findings to professional staff.

- (5) Until they complete the 8 hours of training as required in Section 84065(i)(1), new facility staff shall perform the duties as defined in Subsections (1) through (4) above while under visual supervision.
- (c) Social work staff shall complete or assist in the completion of the following for each child:
    - (1) An intake assessment, as specified in Section 84068.1, in consideration of the child's health and mental health screenings.
    - (2) A transition plan.
    - (3) Obtaining, developing and recording of the information necessary for the completion of (1) and (2) above.
  - (d) The licensee shall ensure performance of the following duties:
    - (1) Office work.
    - (2) Cooking.
    - (3) Housecleaning.
    - (4) Laundering.
    - (5) Maintenance of facility buildings, grounds, fixtures, furniture, equipment and supplies.
  - (e) Household duties directed towards development of self-help skills may be performed by the children in placement. Participation in these duties shall be voluntary.
  - (f) No household duties shall go undone because a child refuses to participate.

## **STAFF/CHILD RATIOS**

### **Group Homes      84065.5**

- (a) For children ages 0-6 there shall be one on-duty facility staff person to each three children, or fraction thereof, present.
- (b) For children ages 7-18 there shall be one on-duty child facility person to each six children, or fraction thereof, present.
- (c) If the children require special care and supervision because of age, problem behavior or other factors, the number of on-duty facility staff shall be increased.

## PERSONNEL RECORDS

### General Licensing Requirements 80066

- (a) The licensee shall ensure that personnel records are maintained on the licensee, administrator and each employee. Each personnel record shall contain the following information:
- (1) Employee's full name.
  - (2) Driver's license number if the employee is to transport clients.
  - (3) Date of employment.
  - (4) A statement signed by the employee that he/she is at least 21 years of age.
  - (5) Home address and phone number.
  - (6) Documentation of the educational background, training and/or experience specified in licensing regulations for the type of facility in which the employee works.
  - (7) Past experience, including types of employment and former employers.
  - (8) Duties of the employee.
  - (9) Termination date if no longer employed by the facility.
  - (10) A health screening as specified in Section 80065(g).
  - (11) Tuberculosis test documents as specified in Section 80065(g).
  - (12) For employees that are required to be fingerprinted pursuant to Section 80019:
    - (A) A signed statement regarding their criminal record history as required by Section 80019(d).
    - (B) Documentation of either a criminal record clearance or exemption as required by Section 80019(e).
      1. For certified administrators, a copy of their current and valid administrator certification meets this requirement.
- (b) Personnel records shall be maintained for all volunteers and shall contain the following:
- (1) A health statement as specified in Section 80065(g)(3).
  - (2) Tuberculosis test documents as specified in Section 80065(g).
  - (3) For volunteers that are required to be fingerprinted pursuant to Section 80019:
    - (A) A signed statement regarding their criminal record history as required by Section

80019(d).

- (B) Documentation of either a criminal record clearance or exemption as required by Section 80019(e).
- (c) All personnel records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
  - (1) Licensing representatives shall not remove any current emergency and health-related information for current personnel unless the same information is otherwise readily available in another document or format.
  - (2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.
  - (3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (d) All personnel records shall be retained for at least three years following termination of employment.
- (e) All personnel records shall be maintained at the facility site.
  - (1) The licensee shall be permitted to retain such records in a central administrative location provided that they are readily available to the licensing agency at the facility site as specified in Section 80066(c).
- (f) In all cases, personnel records shall document the hours actually worked.

**Group Homes      84066**

- (a) In addition to Section 80066, the following shall apply.
- (b) The licensee shall maintain the following personnel records:
  - (1) Complete job descriptions on all positions within the facility.
  - (2) A description of all staff assignments, including information regarding lines of authority and staff responsibilities.
  - (3) A dated employee time schedule developed at least monthly; displayed conveniently for employee reference; and containing the following information for each employee:
    - (A) Name.
    - (B) Job title.

- (C) Hours of work.
- (D) Days off.
- (4) Documentation of the completion by each child care staff person and facility manager of the training specified in Sections 84065(h) through (k) inclusive.
- (5) Documentation that the administrator has met the certification requirements specified in Section 84064.2.
- (6) A record of each work performance evaluation and any correspondence with the employee.

## **REASONABLE AND PRUDENT PARENT STANDARD**

### **Group Homes      84067**

- (a) The licensee shall recognize that the best interests of children in transition are served by maintaining and promoting retention of the child's social connections and activities.
- (b) When applying the "Reasonable and Prudent Parent Standard," the administrator or facility manager, or his or her responsible designee, shall consider:
  - (1) The child's age, maturity, and developmental level to ensure the overall health and safety of the child is maintained.
  - (2) The potential risk factors and the appropriateness of the extracurricular, enrichment, and social activity.
  - (3) The best interest of the child based on information known by the administrator or facility manager, or his or her designee.
- (c) Application of the "Reasonable and Prudent Parent Standard" shall not result in the denial of the rights of a child as specified in Welfare and Institutions Code section 16001.9, or contradict court orders.

## **INTAKE PROCEDURES**

### **Group Homes      84068.1**

- (a) The licensee shall develop, maintain, and implement intake procedures which meet the requirements specified in this section.
  - (1) Placement of the child in the facility shall not result in the facility exceeding its licensed capacity.
  - (2) If it is determined, following placement of the child in the facility, that the facility cannot continue to provide necessary services or meet the needs of the child, applicable discharge/transfer procedures specified in Sections 84068.4(b), (c) and (e); and 84070(d) through (d)(3) shall be followed.

- (3) DCFS will provide or coordinate the provision of pre-admission medical and mental health screenings and ongoing supportive services identified during the pre-admission screenings as needed by the child during their placement in the CWC or YWC.

### **Transitional Shelter Care Facilities      84468.1**

- (a) In addition to all information required to be obtained and reviewed in Sections 80068, 84068.1, the facility shall obtain from the child's authorized representative the list of the child's prior community care facility placements and/or residences and the reasons why the child was removed from each of these living arrangements.
- (b) The facility shall also assess whether the child may represent a threat to self or to any other child in care, or whether the child may be at risk of harm from another child in care.

## **CHILD'S NEEDS AND SERVICES**

### **Group Homes                      84068.2**

- (a) A needs and services plan is not required for children who are placed in the facility.
- (b) The licensee shall consider the child's medical and mental health screening, observe and evaluate the child's behaviors, social interactions, and other important characteristics for the purpose of informing the child's caseworker about the child to facilitate appropriate and timely placement of the child in an approved or licensed home or facility.
- (c) If the licensee determines that it cannot meet the needs of a child, the licensee shall inform the child's caseworker and request that the child be relocated to a facility that can provide the needed services.

## **REMOVAL AND/OR DISCHARGE PROCEDURES**

### **Group Homes                      84068.4**

- (a) The licensee shall develop, maintain and implement written policies and procedures governing a child's removal and/or discharge from the facility.
- (b) The licensee shall ensure that the child's caseworker is developing placement options for the child.
- (c) If it is determined that the facility cannot meet the needs of the child, the licensee shall relocate the child to a placement that can provide appropriate care.

### **Transitional Shelter Care Facilities      84468.4**

- (a) The licensee shall discharge/transfer a child when the child:
  - (1) Commits an unlawful act and must be detained in a juvenile institution;

- (2) Requires physical health care in an acute care hospital; or
  - (3) Requires mental health services in an acute psychiatric hospital or community treatment facility.
- (b) For each licensed facility, the licensee shall maintain a written child intake and exit log for each child which contains the following information:
- (1) The date and time the child is admitted into placement;
  - (2) The date and time the child exits from placement;
  - (3) The location and type of placement made for the child after the child's exit from the facility;
  - (4) In every case where the duration of the child's placement in the facility exceeds 72 hours, a description of the reasons and circumstances for the child's overstay.

## **CLIENT MEDICAL ASSESSMENTS**

### **General Licensing Requirements            80069**

- (a) Prior to acceptance of a client, the licensee shall obtain a written medical and mental health screening of the child, which enables the licensee to determine his/her ability to provide necessary health-related services to the client.
  - (1) The screening shall be performed by a licensed physician or designee, who is also a licensed professional.
- (b) The licensee shall obtain and keep on file documentation of the client's medical and mental health screening.
- (c) The medical and mental health screening shall include the following:
  - (1) Identification of the client's exigent medical or mental health problems and needs.
  - (2) Identification of any prescribed medications being taken by the client, if available.
  - (3) Identification of physical restrictions, including any medically necessary diet restrictions, to determine the client's capacity to participate in the licensee's program, if available.
- (d) In addition to Section 80069(c), the medical and mental health screening for clients shall include the following:
  - (1) Identification of other medical conditions, including those described in California Code of Regulations, General Licensing Requirements, Title 22, Division 6, Chapter 1, Section 80092 which are restricted and Section 80091, which would preclude care of the person by the licensee.

- (2) Documentation of prior medical services and history if available.
  - (3) Current medical status including, but not limited to, height, weight, and blood pressure.
  - (4) Identification of the client's needs as a result of any medical information contained in the report.
- (e) The licensing agency shall have the authority to require the licensee to obtain a current written medical assessment, if such an assessment is necessary to verify the appropriateness of a client's placement.

## **CLIENT RECORDS**

### **General Licensing Requirements      80070**

- (a) The licensee shall ensure that a separate, complete, and current record is maintained in the facility for each client.
- (b) Each record must contain information including, but not limited to, the following:
  - (1) Name of client.
  - (2) Birthdate.
  - (3) Sex.
  - (4) Date of admission.
  - (5) Names, addresses, and telephone numbers of the authorized representative.
  - (6) Name, address and telephone number of physician and dentist, and other medical and mental health providers, if known.
  - (7) Medical and mental health screening.
  - (8) Record of any illness or injury requiring treatment by a physician or dentist and for which the facility provided assistance to the client in meeting his/her necessary medical and dental needs.
  - (9) Record of current medications, including the name of the prescribing physician, and instructions, if any, regarding control and custody of medications, if known.
  - (10) The licensee shall maintain a written log indicating the date and time of a child's admission to the facilities and the date and time the child is transferred from the facilities.
  - (11) An account of the client's cash resources, personal property, and valuables entrusted as specified in Section 80026.

- (c) All information and records obtained from or regarding clients shall be confidential.
  - (1) The licensee shall be responsible for safeguarding the confidentiality of record contents.
  - (2) Except as specified in (d) below, or as otherwise authorized by law, the licensee and all employees shall not reveal or make available confidential information.
- (d) All client records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
  - (1) Licensing representatives shall not remove the following current records for current clients unless the same information is otherwise readily available in another document or format:
    - (A) Name, address, and telephone number of the child's caseworker.
    - (B) Name, address, and telephone number of a client's physician and dentist, and any other medical and mental health providers, if known.
    - (C) Medical and mental health screenings, including ambulatory status, as specified in Section 80070(b)(8).
    - (D) Record of any current illness or injury as specified in Section 80070(b)(9).
    - (E) Record of current medications as specified in Section 80070(b)(10).
    - (F) Any other records containing current emergency or health-related information for current clients.
  - (2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.
  - (3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (e) A client's records shall be open to inspection by the client's authorized representative(s), if any.
- (f) Original client records or photographic reproductions shall be retained for at least three years following termination of service to the client.

**Group Homes      84070 (Children's Records)**

- (a) In addition to Section 80070, the following shall apply.
- (b) The following information regarding the child shall be obtained and maintained in the child's record:
  - (1) The name, address, and telephone number of all adults with whom the child was living immediately prior to the current placement, if known.

- (2) The name, address, and telephone number of the child's parent(s), if known.
  - (3) The name, address, and telephone number of the placement worker and placement agency.
  - (4) Dental and medical history, if available, including immunization records; and physician's orders for any medically necessary diet as specified in section 80076(a)(6), if available.
  - (5) The child's court status, if applicable, including a copy of any custody orders and agreements with parent(s) or person(s) having legal custody, if available.
  - (6) The placement agency's list of persons who should not be allowed to visit, if available.
  - (7) Medical, psychiatric and psychological reports that identify special needs of a child diagnosed as mentally disordered or developmentally disabled, if available.
  - (8) Medical and dental insurance coverage information, or information regarding the agency or person responsible for medical and dental costs, if known.
  - (9) Consent forms, completed by the child's authorized representative(s) or pursuant to an order by the Juvenile Court, to permit the facility to authorize medical care.
- (d) If it is determined that the child is to be removed or discharged from the facility for reasons other than the placement of the child in an approved or licensed home or facility, the reason for the child's removal or discharge shall be documented in the child's record:

## **REGISTER OF CLIENTS**

### **General Licensing Requirements            80071**

- (a) In all licensed facilities, the following shall apply:
  - (1) The licensee shall maintain in the facility a register of all clients. The register shall be immediately available to, and copied for, licensing staff upon request; and must contain current information on the following:
    - (A) Client's name and ambulatory status as specified in Section 80070(b)(1) and (8).
    - (B) Name, address and telephone number of client's attending physician.
    - (C) Authorized representative information as specified in Section 80070(b)(5).
    - (D) Client's restricted health condition(s) specified in California Code of Regulations, General Licensing Requirements, Title 22, Division 6, Chapter 1, Section 80092(b).
      1. The licensee may keep a separate client register with this information.
  - (2) The licensee shall keep the register in a central location at the facility.

- (A) Registers are confidential, as specified in Section 80070(c).

## PERSONAL RIGHTS

### Group Homes

### 84072

- (a) The licensee shall post a listing of a foster child's rights.
- (b) The licensee shall provide each school age child with an age and developmentally appropriate orientation that includes an explanation of the rights of the child and addresses the child's questions and concerns.
- (c) At admission, each child shall be personally advised of and given a copy of the child's rights, subject to paragraph (d), as specified below:
- (1) To file a complaint with the facility, as specified in Section 84072.2.
  - (2) To have the facility inform his/her caseworker of his/her progress at the facility.
  - (3) Subject to paragraph (d), and unless prohibited by court order or the child's caseworker, to have communications to the facility from his/her relatives and/or caseworker answered promptly and completely.
  - (4) Subject to paragraph (d), and unless prohibited by court order or the child's caseworker, to have visitors visit privately during waking hours.
    - (A) Rules regarding visitation hours, sign-in rules and visiting rooms can be established but shall apply to all visitors.
    - (B) Visits by the child's brothers and sisters may not be prohibited by the child's caseworker.
  - (5) To wear his/her own clothes.
  - (6) To possess and use his/her own toilet articles.
  - (7) To possess and use his/her own personal items that do not pose a risk to the child or others unless prohibited as part of a discipline program.
  - (8) To have access to storage space for his/her personal belongings.
  - (9) Subject to paragraph (d), to make and receive confidential telephone calls, unless prohibited by court order.
    - (A) Reasonable restrictions to telephone use may be imposed by the licensee. The licensee shall be permitted to:

- (i) Restrict the making of long distance calls upon documentation that requested reimbursement for previous long distance calls has not been received;
  - (ii) Restrict phone use in accordance with the facility's discipline program;
  - (iii) Impose restrictions to ensure that phone use does not infringe on the rights of others or restrict the availability of the phone during emergencies.
- (B) All restrictions shall be documented in the facility's discipline policies, and be signed by the child's caseworker.
- (C) Calls permitted to be restricted by subsections (A)1. and 2. above shall not include calls to the child's authorized representative, placement agency, family members (except by court order), social workers, attorneys, Court Appointed Special Advocates (CASA), probation officers, Community Care Licensing Division of the California Department of Social Services or the State Foster Care Ombudsperson.
- (10) Subject to paragraph (d), to send and receive unopened correspondence unless prohibited by court order.
- (11) To be accorded dignity in his or her personal relationships with staff and other persons.
- (12) To live in a safe, healthy, and comfortable home where he or she is treated with respect, in accordance with Section 84072(c)(16).
- (13) To be free from physical, sexual, emotional, or other abuse, and corporal punishment.
- (14) To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.
- (15) To receive adequate and healthy food and adequate clothing.
  - (A) Clothing and personal items provided shall be in accordance with Section 84072(c)(16).
- (16) To receive medical, mental health, and emergency dental services.
- (17) To be free of the administration of medication or chemical substances, unless authorized by a physician.
- (18) Subject to paragraph (d), to contact family members (including brothers and sisters), unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.
- (19) To contact the Community Care Licensing Division of the California Department of Social Services or the State Foster Care Ombudsperson regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.

- (20) To be informed, and to have his/her authorized representative, if any, informed, by the licensee of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency, and of information regarding confidentiality.
- (21) To not be locked in any room, building, or facility premises at any time.
  - (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of clients provided the clients are able to exit the facility.
  - (B) The licensee shall be permitted to utilize means other than those specified in (A) above for securing exterior doors and windows only provided the clients are able to exit the facility and with the prior approval of the licensing agency.
- (22) Subject to paragraph (d), to have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends, in accordance with Section 84072(c)(16).
- (23) To attend hearings and speak to the judge.
- (24) To be free of unreasonable searches of personal belongings.
- (25) To confidentiality of all juvenile court records consistent with existing law.
- (26) Not to be placed in any restraining device. Postural supports may be used if they are approved in advance by the licensing agency as specified in (A) through (F) below.
  - (A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties used to achieve proper body position and balance, to improve a client's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a client from falling out of bed, a chair, etc.
    - 1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports.
  - (B) All requests to use postural supports shall be in writing and include a written order of a physician indicating the need for such supports. The licensing agency shall be authorized to require other additional documentation in order to evaluate the request.
  - (C) Approved postural supports shall be fastened or tied in a manner which permits quick release by the child.
  - (D) The licensing agency shall approve the use of postural supports only after the appropriate fire clearance, as required by Section 80020(a) or (b), has been secured.
  - (E) The licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports.

- (F) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a child's hands or feet.
  - 1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited.
- (G) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below.
  - 1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request.
  - 2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.
- (H) Under no circumstances shall postural supports or protective devices be used for disciplinary purposes.
- (d) Notwithstanding a child's personal rights, the licensee shall take any reasonable action necessary to protect the health, safety, and well-being of children in placement, in the least restrictive manner possible, and do the following:
  - (1) The licensee shall maintain a written log of incidents where the licensee relied on subsection (d) to restrict a child in placement's personal rights listed in subsection (c). The written log shall be available for inspection by the department. The written log shall include the following information:
    - (A) The date and time of the incident.
    - (B) The name of the child or children, and staff members involved in the incident.
    - (C) A brief description of the incident, and why the action taken was necessary to protect the health, safety, or well-being of a child.

## DISCIPLINE POLICIES AND PROCEDURES

### Group Homes      84072.1

- (a) The licensee shall develop, maintain and implement written facility discipline policies and procedures meeting the requirements specified in (b) and (c) below.

- (1) Staff, children, and authorized representatives shall receive copies of such policies and procedures, as specified in Section 84065(o) and 84068.1(b)(4)(B).
  - (2) Signed copies of such policies and procedures shall be maintained in the child's record, as specified in Section 84070(c)(2).
- (b) Any form of discipline which violates a child's personal rights as specified in Sections 80072 and 84072 shall be prohibited.
- (c) Acceptable forms of discipline shall include the following:
- (1) Exclusion in an unlocked living, sleeping, or play area.
  - (2) Institution of fines as specified in Section 84026(b).
  - (3) Prohibition against attendance at, or participation in, planned activities.
  - (4) Prohibition against use of entertainment devices, including but not limited to, telephones, televisions, radios and other electronic devices.
  - (5) Any other form of discipline approved in writing, in advance by the licensing agency.

## **COMPLAINT PROCEDURES**

### **Group Homes**

### **84072.2**

- (a) The licensee of a group home shall develop, maintain and implement written complaint procedures by which children or their authorized representatives are permitted to file complaints, without fear of retaliation, with the facility administrator regarding facility staff or operations.

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#### **HANDBOOK BEGINS HERE**

Children and/or their authorized representatives may file complaints with the licensing agency.

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#### **HANDBOOK ENDS HERE**

- (1) Staff, children, and authorized representatives shall receive copies of such procedures, as specified in Sections 84065(o) and 84068.1(b)(4)(B).
- (2) Signed copies of such procedures shall be maintained in each child's record, as specified in Section 84070(c)(2).
- (3) Such procedures shall be posted in a location in the facility which is accessible to children and their authorized representatives.

## PERSONAL RIGHTS FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

### Group Homes

84072.3

- (a) A child with special health care needs has the right to be free from any restraining/postural support device imposed for purposes of discipline or convenience, and not required to treat the child's specific medical symptoms.
  - (1) Physical restraining devices may be used for the protection of a child with special health care needs during treatment and diagnostic procedures such as, but not limited to, intravenous therapy or catheterization procedures. The restraining device, which shall not have a locking device, shall be applied for no longer than the time required to complete the treatment and shall be applied in conformance with the child's individualized health care plan. The child's individualized health care plan shall include all of the following:
    - (A) The specific medical symptom(s) that require use of the restraining device.
    - (B) An evaluation of less restrictive therapeutic interventions and the reason(s) for ruling out these other practices as ineffective.
    - (C) A written order by the child's physician. The order must specify the duration and circumstances under which the restraining device is to be used.
  - (2) The use of a postural support or protective device and the method of application shall be specified in the child's individualized health care plan and approved in writing by the child's physician.

### TELEPHONES

#### General Licensing Requirements 80073

- (a) All facilities shall have telephone service on the premises.

### TRANSPORTATION

#### General Licensing Requirements 80074

- (a) Only drivers licensed for the type of vehicle operated shall be permitted to transport clients.

### YWC and CWC Operating Standards

- (b) The manufacturer's rated seating capacity of the vehicles shall not be exceeded.
- (c) Motor vehicles used to transport clients shall be maintained in a safe operating condition.

**Group Homes            84074**

- (a) In addition to Section 80074, the following shall apply:
  - (b) The licensee and his/her staff are prohibited from smoking, or permitting any person from smoking a pipe, cigar or cigarette containing tobacco or any other plant in a motor vehicle when minor children are present. This prohibition applies when the motor vehicle is moving or at rest.

**HEALTH-RELATED SERVICES**

**General Licensing Requirements            80075**

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This section does not apply to child care centers.

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- (a) The licensee shall ensure that each client receives necessary first aid and other needed medical or dental services, including arrangement for and/or provision of transportation to the nearest available services.
- (b) Clients shall be assisted as needed with self-administration of prescription and nonprescription medications.
  - (1) Facility staff, except those authorized by law, shall not administer injections but staff designated by the licensee shall be authorized to assist clients with self-administration of injections as needed.
  - (2) Assistance with self-administration does not include forcing a client to take medications, hiding or camouflaging medications in other substances without the client's knowledge and consent, or otherwise infringing upon a client's right to refuse to take a medication.
  - (3) If the client's physician has stated in writing that the client is able to determine and communicate his/her need for a prescription or nonprescription PRN medication, facility staff shall be permitted to assist the client with self-administration of their PRN medication.
  - (4) If the client's physician has stated in writing that the client is unable to determine his/her own need for nonprescription PRN medication, but can communicate his/her symptoms clearly, facility staff designated by the licensee shall be permitted to assist the client with self-administration, providing all of the following requirements are met:
    - (A) There is a written direction from a physician, on a prescription blank, specifying the

name of the client, the name of the medication, instructions regarding a time or circumstance (if any) when it should be discontinued, and an indication of when the physician should be contacted for a medication reevaluation.

- (B) Once ordered by the physician the medication is given according to the physician's directions.
  - (C) A record of each dose is maintained in the client's record. The record shall include the date and time the PRN medication was taken, the dosage taken, and the client's response.
- (5) If the client is unable to determine his/her own need for a prescription or nonprescription PRN medication, and is unable to communicate his/her symptoms clearly, facility staff designated by the licensee, shall be permitted to assist the client with self-administration, provided all of the following requirements are met:
- (A) Facility staff shall contact the client's physician prior to each dose, describe the client's symptoms, and receive direction to assist the client in self-administration of that dose of medication.
  - (B) The date and time of each contact with the physician, and the physician's directions, shall be documented and maintained in the client's facility record.
  - (C) The date and time the PRN medication was taken, the dosage taken, and the client's response, shall be documented and maintained in the client's facility record.
- (6) For every prescription and nonprescription PRN medication for which the licensee provides assistance, there shall be a signed, dated written order from a physician on a prescription blank, maintained in the client's file, and a label on the medication. Both the physician's order and the label shall contain at least all of the following information.
- (A) The specific symptoms which indicate the need for the use of the medication.
  - (B) The exact dosage.
  - (C) The minimum number of hours between doses.
  - (D) The maximum number of doses allowed in each 24-hour period.
- (c) The isolation room or area specified in Section 80087(d) shall be used where separation from others is required.
- (d) There shall be privacy for first aid treatment of minor injuries and for examination or treatment by a physician if required.
- (1) The licensee shall not accept into placement a child who requires oxygen equipment.
- (e) Staff responsible for providing direct care and supervision shall receive training in age appropriate CPR and first aid from persons qualified by agencies including but not limited to the American Red Cross.

- (f) First aid supplies shall be maintained and be readily available in a central location in the facility.
- (1) The supplies shall include at least the following:
    - (A) A current edition of a first aid manual approved by the American Red Cross, the American Medical Association or a state or federal health agency.
    - (B) Sterile first aid dressings.
    - (C) Bandages or roller bandages.
    - (D) Adhesive tape.
    - (E) Scissors.
    - (F) Tweezers.
    - (G) Thermometers.
    - (H) Antiseptic solution.
- (g) There shall be at least one person capable of and responsible for communicating with emergency personnel in the facility at all times. The following information shall be readily available:
- (1) The name, address and telephone number of each client's physician and dentist, and other medical and mental health providers, if known.
  - (2) The name, address and telephone number of each emergency agency, including but not limited, to the fire department, crisis center or paramedical unit. There shall be at least one medical resource available to be called at all times.
  - (3) The name and telephone number of an ambulance service.

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- (4) It is recommended that the licensee obtain consent forms to permit the authorization of medical care.

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- (h) When a client requires prosthetic devices, or vision or hearing aids, the staff shall be familiar with the use of these devices and aids and shall assist the client with their utilization as needed.
- (i) Medications shall be centrally stored under the following circumstances:
- (1) Preservation of the medication requires refrigeration.
  - (2) Any medication determined by the physician to be hazardous if kept in the personal possession of the client for whom it was prescribed.
  - (3) Because of physical arrangements and the condition or the habits of persons in the facility,

the medications are determined by either the administrator or by the licensing agency to be a safety hazard.

- (j) The following requirements shall apply to medications which are centrally stored:
- (1) Medication shall be kept in a safe and locked place that is not accessible to persons other than employees responsible for the supervision of the centrally stored medication.
  - (2) Each container shall identify the items specified in (7)(A) through (G) below.
  - (3) All medications shall be labeled and maintained in compliance with label instructions and state and federal laws.
  - (4) No person other than the dispensing pharmacist shall alter a prescription label.
  - (5) Each client's medication shall be stored in its originally received container.
  - (6) No medications shall be transferred between containers.
  - (7) The licensee shall ensure the maintenance, for each client, of a record of centrally stored prescription medications which is retained for at least one year and includes the following:
    - (A) The name of the client for whom prescribed.
    - (B) The name of the prescribing physician.
    - (C) The drug name, strength and quantity.
    - (D) The date filled.
    - (E) The prescription number and the name of the issuing pharmacy.
    - (F) Expiration date.
    - (G) Number of refills.
    - (H) Instructions, if any, regarding control and custody of the medication.
- (k) Prescription medications which are not taken with the client upon termination of services, or which are not to be retained shall be destroyed by the facility administrator, or a designated substitute, and one other adult who is not a client.
- (1) Both shall sign a record, to be retained for at least one year, which lists the following:
    - (A) Name of the client.
    - (B) The prescription number and the name of the pharmacy.
    - (C) The drug name, strength and quantity destroyed.
    - (D) The date of destruction.

**Group Homes****84075**

- (a) The licensee shall ensure that all prescribed medications are centrally stored.

**FOOD SERVICE****General Licensing Requirements****80076**

- (a) In facilities providing meals to clients, the following shall apply:

- (1) All food shall be safe and of the quality and in the quantity necessary to meet the needs of the clients. Each meal shall meet at least 1/3 of the servings recommended in the USDA Basic Food Group Plan - Daily Food Guide for the age group served. All food shall be selected, stored, prepared and served in a safe and healthful manner.
- (2) Where all food is provided by the facility, arrangements shall be made so that each client has available at least three meals per day.
  - (A) Not more than 15 hours shall elapse between the third meal of one day and first meal of the following day.
- (3) Where meal service within a facility is elective, arrangements shall be made to ensure availability of a daily food intake meeting the requirement of (a) (1) above for all clients who, in their admission agreement, elect meal service.
- (4) Between meal nourishment or snacks shall be available for all clients unless limited by dietary restrictions prescribed by a physician.
- (5) Modified diets prescribed by a client's physician as a medical necessity shall be provided.
  - (A) The licensee shall obtain and follow instructions from the physician or dietitian on the preparation of the modified diet.
- (6) Commercial foods shall be approved by appropriate federal, state and local authorities. All foods shall be selected, transported, stored, prepared and served so as to be free from contamination and spoilage and shall be fit for human consumption. Food in damaged containers shall not be accepted, used or retained.
- (7) Where indicated, food shall be cut, chopped or ground to meet individual needs.
- (8) Powdered milk shall not be used as a beverage but shall be allowed in cooking and baking. Raw milk, as defined in Division 15 of the California Food and Agricultural Code shall not be used. Milk shall be pasteurized.
- (9) Except upon written approval by the licensing agency, meat, poultry and meat food products shall be inspected by state or federal authorities. Written evidence of such inspection shall be

available for all products not obtained from commercial markets.

- (10) If food is prepared off the facility premises, the following shall apply:
  - (A) The preparation source shall meet all applicable requirements for commercial food services.
  - (B) The facility shall have the equipment and staff necessary to receive and serve the food and for cleanup.
  - (C) The facility shall maintain the equipment necessary for in-house preparation, or have an alternate source for food preparation, and service of food in emergencies.
- (12) All persons engaged in food preparation and service shall observe personal hygiene and food services sanitation practices which protect the food from contamination.
- (13) All foods or beverages capable of supporting rapid and progressive growth of microorganisms which can cause food infections or food intoxications shall be stored in covered containers at 45 degrees F (7.2 degrees C) or less.
- (14) Pesticides and other similar toxic substances shall not be stored in food storerooms, kitchen areas, food preparation areas, or areas where kitchen equipment or utensils are stored.
- (15) Soaps, detergents, cleaning compounds or similar substances shall be stored in areas separate from food supplies.
- (16) All kitchen, food preparation, and storage areas shall be kept clean, free of litter and rubbish, and measures shall be taken to keep all such areas free of rodents, and other vermin.
- (17) All food shall be protected against contamination. Contaminated food shall be discarded immediately.
- (18) All equipment, fixed or mobile, dishes, and utensils shall be kept clean and maintained in safe condition.
- (19) All dishes and utensils used for eating and drinking and in the preparation of food and drink, shall be cleaned and sanitized after each usage.
  - (A) Dishwashing machines shall reach a temperature of 165 degrees F (74 degrees C) during the washing and/or drying cycle to ensure that dishes and utensils are cleaned and sanitized.
  - (B) Facilities not using dishwashing machines shall clean and sanitize dishes and utensils by an alternative comparable method.
- (20) Equipment necessary for the storage, preparation and service of food shall be provided, and shall be well-maintained.
- (21) Tableware and tables, dishes, and utensils shall be provided in the quantity necessary to serve the clients.

- (22) Adaptive devices shall be provided for self-help in eating as needed by clients.
- (b) The licensing agency shall have the authority to require the facility to provide written information, including menus, regarding the food purchased and used over a given period when it is necessary to determine if the licensee is in compliance with the food service requirements in the regulations in this Division.
- (1) The licensing agency shall specify in writing the written information required from the licensee.

## **Group Homes**

### **84076**

- (a) In addition to Section 80076, the following shall apply.
- (b) The licensee shall meet the following food supply and storage requirements:
- (1) The Plan of Operation shall include an emergency nutrition plan.
- (2) Freezers shall be large enough to accommodate required perishables and shall be maintained at a temperature of zero degrees F (-17.7 degrees C).
- (3) Refrigerators shall be large enough to accommodate required perishables and shall maintain a maximum temperature of 45 degrees F (7.2 degrees C).
- (4) Freezers and refrigerators shall be kept clean, and food storage shall permit the air circulation necessary to maintain the temperatures specified in (2) and (3) above.
- (5) Kitchen appliances and utensils shall be made accessible to a child when he or she is participating in age-appropriate, and developmentally-appropriate activities related to food preparation, cooking, and other related kitchen and dining activities. The administrator or facility manager, or his or her responsible designee, shall:
- (A) Apply the "Reasonable and Prudent Parent Standard," as specified in Section 84067, when allowing a child to use kitchen appliances and utensils for food preparation and cooking.
- (B) Ensure that the child is properly trained to safely use the kitchen appliances and utensils.
- (C) Not require a child to participate in meal preparation.

## **PERSONAL SERVICES**

### **Group Homes**

#### **84077**

- (a) The Plan of Operation shall include a description of laundry services.

**Transitional Shelter Care Facilities      84478**

In addition to Sections 80078, the following shall apply to Transitional Shelter Care Facilities:

- (a) The facility shall not admit any child when his or her admission presents an imminent health and safety risk to any child.
- (b) When a child residing in the facility poses a threat to him/herself or others, the licensee must employ methods of protection that may include separation, closer monitoring, or increased and/or specialized staff.
  - (1) Staff who provide the additional protective measures shall not be included in the usual facility staffing and ratio requirements.

## PLANNED ACTIVITIES

### Group Homes 84079

- (a) The licensee shall develop, maintain, and implement a written plan to ensure that indoor and outdoor activities which include but are not limited to the following are provided for all children:
  - (1) Activities that require group interaction.
  - (2) Physical activities, including but not limited to games, sports and exercise.
  - (3) Leisure time.
- (b) The licensee shall promote inclusiveness with children in developing planned activities when feasible.
- (c) The administrator or facility manager, or his or her designee, shall:
  - (1) Allow a child to participate in age-appropriate and developmentally-appropriate extracurricular, enrichment, and social activities at the facilities.
  - (2) Apply the "Reasonable and Prudent Parent Standard" as specified in Section 84067, when determining whether to allow a child to participate in age-appropriate and developmentally-appropriate extracurricular, enrichment, and social activities at the facilities.

## Article 7. PHYSICAL ENVIRONMENT

### ALTERATIONS TO EXISTING BUILDINGS OR NEW FACILITIES

#### General Licensing Requirements 80086

- (a) Prior to construction or alterations, all licensees shall notify the licensing agency of the proposed change.
- (b) The licensing agency shall have the authority to require that the licensee have a building inspection by a local building inspector if the agency suspects that a hazard to the clients' health and safety exists.

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- (c) Prior to construction or alterations, state or local law requires that all facilities secure a building permit.

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## **BUILDINGS AND GROUNDS**

### **General Licensing Requirements 80087**

- (a) The facility shall be clean, safe, sanitary and in good repair at all times for the safety and well-being of clients, employees and visitors.
  - (1) The licensee shall take measures to keep the facility free of flies and other insects.
  - (2) The licensee shall provide for the safe disposal of water and other chemicals used for cleaning purposes.
- (b) All clients shall be protected against hazards within the facility through provision of the following:
  - (1) Protective devices including but not limited to nonslip material on rugs.
- (c) All outdoor and indoor passageways, stairways, inclines, ramps, open porches and other areas of potential hazard shall be kept free of obstruction.
- (d) General permanent or portable storage space shall be available for the storage of facility equipment and supplies.
  - (1) Facility equipment and supplies shall be stored in this space and shall not be stored in space used to meet other requirements specified in this chapter and Chapters 2, and 4 through 7.
- (e) Disinfectants, cleaning solutions, poisons, firearms and other items that could pose a danger if readily available to clients shall be stored where inaccessible to clients.
  - (1) Storage areas for poisons, and firearms and other dangerous weapons shall be locked.
  - (2) In lieu of locked storage of firearms, the licensee may use trigger locks or remove the firing pin.
    - (A) Firing pins shall be stored and locked separately from firearms.
  - (3) Ammunition shall be stored and locked separately from firearms.
- (f) Medicines shall be stored separately from other items specified in Section 80087(g) above.
- (g) The items specified in Section 80087(g) above shall not be stored in food storage areas or in storage areas used by or for clients.
- (h) The use of surveillance cameras in the facilities and in outdoor activity areas shall be prohibited.

### **Group Homes 84087**

- (a) In addition to Section 80087, the following bedtime requirements shall apply.
  - (1) At the CWC, the licensee shall make available to all children portable partitions to permit visual separation of mothers with infants, and sibling groups from other children in placement.
  - (2) At the YWC, the licensee shall have ceiling to floor accordion or room dividers to separate children by gender identity. Sibling groups shall have the right to sleep together, and the licensee shall make available to sibling groups portable partitions to permit visual separation between the sibling group and other children in placement.
- (b) The licensee shall prohibit smoking of any kind in the facility and on the grounds of the facility.

## **ADDITIONAL BUILDINGS AND GROUNDS REQUIREMENTS FOR SPECIALIZED GROUP HOMES**

### **Group Homes      84087.1**

- (a) Areas in the facility, including bathrooms, toilets, dining areas, passageways and recreational spaces used by a child with special health care needs shall be large enough to accommodate any medical equipment needed by the child therein.
  - (1) Bedrooms occupied by children with special health care needs shall be large enough to allow the storage of each child's personal items and any required medical equipment or assistive devices, including wheelchairs, adjacent to the child's bed.
    - (A) The bedroom shall be large enough to permit unobstructed bedside ministrations of medical procedures and medications.
- (b) Notwithstanding Section 84087(b)(1), a bedroom used by a child with special health care needs shall not be shared with another child residing in the facility if the child's need for medical services or the child's medical condition would be incompatible with the use and enjoyment of the bedroom by each minor.

## **OUTDOOR ACTIVITY SPACE**

### **Group Homes      84087.2**

- (a) Children shall have access to safe outdoor activity space.
- (b) As a condition of licensure, the areas around and under high climbing equipment, swings, slides and other similar equipment shall be cushioned with material which absorbs falls.
  - (1) Sand, woodchips, peagravel or rubber mats commercially produced for this purpose, shall be

permitted.

- (2) The use of cushioning material other than that specified in (1) above shall be approved by the licensing agency in advance of installation.

## **INDOOR ACTIVITY SPACE**

### **Group Homes      84087.3**

- (a) Adequate indoor space shall be available to children for relaxation and visitation with friends and/or relatives, subject to Section 84072(d).

## **FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES**

### **General Licensing Requirements      80088**

- (a) A comfortable temperature for clients shall be maintained at all times.
  - (1) The licensee shall maintain the temperature in rooms that clients occupy between a minimum of 68 degrees F (20 degrees C) and a maximum of 85 degrees F (30 degrees C).
    - (A) In areas of extreme heat the maximum shall be 30 degrees F (16.6 degrees C) less than the outside temperature.
- (b) All window screens shall be in good repair and be free of insects, dirt and other debris.
- (c) The licensee shall provide lamps or lights as necessary in all rooms and other areas to ensure the comfort and safety of all persons in the facility.
- (d) Faucets used by clients for personal care such as shaving and grooming shall deliver hot water.
  - (1) Hot water temperature controls shall be maintained to automatically regulate temperature of hot water delivered to plumbing fixtures used by clients to attain a hot water temperature of not less than 105 degrees F (40.5 degrees C) and not more than 120 degrees F (48.8 degrees C).
  - (2) Taps delivering water at 125 degrees F (51.6 degrees C) or above shall be prominently identified by warning signs.
  - (3) All toilets, hand washing and bathing facilities shall be maintained in safe and sanitary operating condition. Additional equipment, aids, and/or conveniences shall be provided in facilities accommodating physically handicapped clients who need such items.
- (e) Solid waste shall be stored, located and disposed of in a manner that will not transmit

communicable diseases or odors, create a nuisance, or provide a breeding place or food source for insects or rodents.

- (1) All containers, including movable bins, used for storage of solid wastes shall have tight-fitting covers kept on the containers; shall be in good repair, shall be leakproof and rodent-proof.
  - (2) Solid waste containers, including movable bins, receiving putrescible waste shall be emptied at least once per week or more often if necessary to comply with (f) above.
  - (3) Each movable bin shall provide for suitable access and a drainage device to allow complete cleaning at the storage area.
- (f) The licensee shall provide linens of various kinds necessary to meet the program of services being offered by the facility and the requirements specified in Chapters 2 through 7.

### **Group Homes      84088**

- (a) In addition to Section 80088, the following shall apply.
- (1) The YWC shall have two toilets and one shower for each gender.
  - (2) The CWC shall have one standard toilet, two toddler toilets, and one shower.
  - (3) Individual privacy shall be provided in all toilet, bath, and shower areas, except where supervision is needed.
- (c) The licensee shall provide and make readily available to each child the following furniture, equipment and supplies necessary for personal care and maintenance of personal hygiene:
- (1) An individual rollaway bed for each child maintained in good repair; equipped with a clean mattress; and supplied with pillow(s) which are clean and in good repair.
    - (A) Fillings and covers for mattresses and pillows shall be flame retardant.
    - (B) The use of cots, trundle, or bunk beds shall be prohibited, except cots may be used for napping.
  - (2) Clean linen in good repair, including lightweight, warm blankets and bedspreads; top and bottom bed sheets; pillow cases; mattress pads; and bath towels, hand towels and wash cloths.
    - (A) The quantity of linen provided shall permit changing the linen between children or more often when indicated to ensure that clean linen is in use by children at all times.
    - (B) Use of common towels and wash cloths shall be prohibited.

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- (C) Rubber or plastic sheeting or bed coverings should be provided when necessary.

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- (3) Items used to maintain basic personal hygiene practices, including but not limited to, shampoo, feminine napkins, nonmedicated soap, toilet paper, toothbrush, toothpaste, and comb.
- (d) The licensee shall provide and maintain the supplies, equipment and reading material necessary to implement the planned activities.
- (e) The licensee shall provide and make readily available to children well-lighted desk or table space and necessary supplies, for school-related study.
- (f) Construction or other equipment, including but not limited to, incinerators and air conditioning equipment, shall be made inaccessible to children.

**OUTDOOR ACTIVITY EQUIPMENT**

**Group Homes      84088.3**

- (a) Outdoor activity equipment shall be securely anchored to the ground unless it is portable by design.
  - (1) Equipment shall be maintained in a safe condition free of sharp, loose or pointed parts.

**SUBCHAPTER 3. EMERGENCY INTERVENTION IN GROUP HOMES**

**Article 1. GENERAL REQUIREMENTS**

**GENERAL PROVISIONS 84300**

- (a) Group homes, as defined in Section 80001g.(1) and 84001g.(1), which utilize or it is reasonably foreseeable that they will utilize, emergency interventions to prevent a child who exhibits assaultive behavior from injuring or endangering himself, herself or others, shall be governed by the provisions of this Article in addition to Chapter 1, General Licensing Requirements and Chapter 5, Group Homes, which prohibit the use of restraint.
- (b) Group home staff may be justified/excused in using emergency interventions which include restraint if:
  - (1) The restraint is reasonably applied to prevent a child exhibiting assaultive behavior from exposure to immediate injury or danger to himself, herself or others; and
  - (2) The force used does not exceed that reasonably necessary to avert the injury or danger; and
  - (3) The danger of the force applied does not exceed the danger being averted; and

(4) The duration of the restraint ceases as soon as the danger of harm has been averted.

(c) The licensee must use a continuum of interventions, starting with the least restrictive intervention. More restrictive interventions may be justified when less restrictive techniques have been attempted and were not effective and the child continues to present an imminent danger for injuring or endangering himself, herself or others.

(d) An emergency intervention plan as specified in Section 84322, is required for all group homes, and must be submitted to, and approved by the Department prior to use by the group home.

(1) The Department shall review and approve the emergency intervention plan as specified in Sections 84322(1) and 84322(1)(1).

### **EMERGENCY INTERVENTION PROHIBITION 84300.1**

(a) The following emergency interventions techniques must not be used on a child at any time.

(1) Mechanical Restraints, except as provided in Section 84322.

(2) Aversive behavior modification interventions including, but not limited to, body shaking, waterspray, slapping, pinching, ammonia vapors, sensory deprivation and electric shock.

(3) Intentionally producing pain to limit the child's movement, including but not limited to, arm twisting, finger bending, joint extensions and headlocks.

(4) Methods of restricting a child's breathing or circulation.

(5) Corporal punishment.

(6) Placing blankets, pillows, clothing or other items over the child's head or face; body wraps with sheets or blankets.

(A) Pillows or padding, placed under the head of a thrashing child to prevent injury, are permitted.

(7) The use of psychotherapeutic or behavior modifying drugs as punishment or for the convenience of facility personnel to control a child who is exhibiting assaultive behavior.

(8) Techniques that can reasonably be expected to cause serious injuries to the child that require medical treatment provided by a health practitioner, licensed under Division 2 of the Business and Professions Code. A health practitioner would include a physician, surgeon, osteopath, dentist, licensed nurse, optometrist, etc.

(9) Verbal abuse or physical threats by facility personnel.

(10) The isolation of a child in a room which is locked by means of: key lock; deadbolt; security chain; flush, edge or surface bolt; or similar hardware which is inoperable by the child inside the room.

(11) Manual restraints for more than 15 consecutive minutes in a 24-hour period, unless as specified in Section 84322.

(12) Manual restraints for more than four (4) cumulative hours in a 24-hour period.

(b) In addition to techniques specified in Section 84300.1(a), any emergency intervention technique not approved for use as part of the licensee's emergency intervention plan must not be used at any time.

(c) Manual restraints must never be used for the following purposes:

(1) Punishment or discipline.

(2) Replacement for on-duty child care staff.

(3) Convenience of facility personnel.

(4) As a substitute for, or as part of, a treatment program.

(5) As a substitute for, or as part of, a behavior modification program.

(6) Harassment or humiliation.

(7) To prevent a child from leaving the facility, except as specified in Section 84322.2.

(d) Manual restraints must not be used when a child's medical assessment, as specified in Section 80069, documents that he or she has a medical condition that would contraindicate the use of manual restraints; and when the child's current condition contraindicates the use of manual restraints.

#### **EMERGENCY INTERVENTION PLAN 84322**

(a) The emergency intervention plan is to be designed and approved, in conjunction with the licensee, by an individual with the qualifications of a behavior management consultant as defined in Section 84001(b)(1).

(1) The plan must be appropriate for the client population served by the group home; and

(2) The plan must be appropriate for the staff qualifications and staff emergency intervention training.

(b) The emergency intervention plan is to be included in the group home program statement.

(c) In addition to Sections 80022 and 84022, the written emergency intervention plan must be submitted to, and approved by the Department prior to implementation. The plan must include the requirements specified in Sections 84322(d) through (h).

(d) General Provisions:

(1) Name(s) of facility personnel including security personnel trained to use emergency interventions.

(2) A description of the continuum of emergency interventions, commencing with early interventions, specifying the emergency intervention techniques to be utilized. For each type of emergency intervention, the plan must include the following:

(A) A description of each emergency intervention technique to be used.

(B) Maximum time limits for each emergency intervention technique, not to exceed maximum time limits as specified in Sections 84322(f) (2) and 84300(b).

(C) In what situations each emergency intervention technique is not to be used.

(D) Expected outcome, benefits to the child.

(3) A statement specifying what emergency interventions will never be used.

(4) A description of the circumstances and the types of behaviors that may require the use of emergency intervention.

(5) Procedures for using age and size appropriate emergency intervention techniques.

(6) Procedures for using emergency interventions if more than one child requires the use of emergency intervention at the same time.

(7) Procedures for ensuring care and supervision is maintained in the facility when all available facility personnel are required for the use of emergency interventions.

(8) Procedures for re-integrating the child back into the facility routine after an emergency intervention technique has been used.

(9) Criteria for assessing when an emergency intervention plan needs to be modified or terminated.

(10) Criteria for assessing when the facility does not have adequate resources to meet the needs of a specific child.

(e) The manual restraint plan is to be included as a component of the emergency intervention plan. If the facility will not use manual restraints, the plan must include the following:

(1) Procedures for responding to a crisis situation to prevent a child who is exhibiting assaultive behavior from injuring or endangering himself, herself or others.

(A) The external community resources to be used to assist facility personnel must be identified and listed in the plan.

(f) The manual restraint plan is to be included as a component of the emergency intervention plan. If the facility will use, or it is reasonably foreseeable that the facility will use, manual restraints, the plan must include the following:

(1) Procedures for ensuring a child's safety when a manual restraint is being used including, but not limited to, the titles of facility personnel responsible for checking the child's breathing and circulation.

(A) Procedures for determining when a medical examination is needed during a manual restraint, as specified in Section 84369.

(2) Procedures for ensuring that: (a) the amount of time a child is restrained is limited to the amount of time when the child is presenting an immediate danger to himself/herself or others; (b) restraints will not cause injury to the child. Such procedures must include provisions that ensure the following:

(A) A child does not remain in a manual restraint for more than 15 consecutive minutes, unless written approval to continue the restraint after the initial 15 minutes is obtained from the administrator or administrator's designee.

1. The individual who approves the continuation of restraint must be a person other than the individual who restrained the child.
2. The individual who visually checks the child after 15 minutes to ensure the child is not injured and that the child's personal needs, such as access to toilet facilities, are being met, must be a person other than the individual restraining the child.
3. After the initial 15 minutes, the individual who approves the continuation of the manual restraint observes the child's behavior while the child is being restrained to determine whether continued use of the manual restraint is justified.
4. Written approval to continue a manual restraint beyond 15 consecutive minutes must be documented in the child's record.

(B) A child does not remain in a manual restraint for more than 30 consecutive minutes in a 24-hour period unless the child is still presenting a danger to himself, herself or others and written approval to continue the restraint after the initial 30 minutes is obtained from the administrator or administrator's designee and the facility social work staff. If facility social work staff are not onsite to provide written approval, the facility may obtain verbal approval. Written approval must be obtained within 24 hours of the verbal approval.

1. The individual who approves the continuation of the restraint must be a person other than the individual who restrained the child.
2. The child is visually checked after the initial 30 minutes, by persons other than the individuals who restrained the child, to ensure the child is not injured and that the child's personal needs, such as access to toilet facilities, are being met.
3. After the initial 30 minutes, the individuals who approve the continuation of the restraint observe the child's behavior while the child is being restrained to determine whether continued use of the manual restraint is justified.
4. Written approval to continue the use of the manual restraint must be documented in the child's record.

(C) After the initial 30 minutes, a child placed in a manual restraint must be visually checked every 15 minutes until the manual restraint is terminated, to ensure the child is not

injured, that personal needs are being met, and that the continued use of the manual restraint is justified.

1. This visual check must be documented in the child's record.
2. The person conducting the check must not be the individual who restrained the child.

(D) After the initial 30 minutes, and at 30 minute intervals, if the child is still presenting a danger to himself, herself or others, the administrator or administrator's designee and facility social work staff must evaluate whether the facility has adequate resources to meet the child's needs.

(E) Manual restraints used in excess of 60 consecutive minutes must be approved, every 30 minutes, in writing by the administrator or administrator's designee, facility social work staff and the child's authorized representative. If the child's authorized representative is not available to provide written approval, the facility may obtain verbal approval. Written approval must be obtained within 24 hours of the verbal approval. The continued use of a manual restraint shall be documented in the child's record.

(F) Manual restraints must not exceed four (4) cumulative hours in a 24-hour period.

1. If a child continues to present an immediate danger of injuring or endangering himself, herself or others, the facility must inform the child's authorized representative; and contact community emergency services to determine whether or not the child should be removed from the facility.

(G) If a manual restraint exceeds two (2) hours, at regular intervals not exceeding two (2) hours, the child must be allowed to access liquids, meals and toileting and range of motion exercises.

(H) Staff must make provisions for responding promptly and appropriately to a child's request for services and assistance and repositioning the child when appropriate.

(3) Procedures for documenting each use of manual restraints in the child's record.

(4) Procedures for reviewing each use of manual restraints with the child and authorized representative or parent.

(5) Procedures for accessing community emergency services, including, but not limited to, the police/sheriff departments if the use of emergency interventions is not effective or appropriate.

(6) Procedures for requiring a licensed professional, as defined in Section 80001(1)(2), to approve the initiation and continued use of manual restraints, if the licensee chooses to require this authorization.

(g) The Emergency Intervention Staff Training Plan is to be included as a component of the emergency intervention plan. The plan must include the following:

- (1) The type, title, and a brief description of the training that all facility personnel have completed.

- (2) Training requirements for new personnel.
  - (3) The ongoing training required for existing personnel.
  - (4) Training curriculum as specified in Section 84365(b).
  - (5) Training schedule which identifies when staff training will be offered and provided.
  - (6) The name(s) and qualification(s) of the instructor(s) who will provide the training.
- (h) Procedures for an internal biannual review of the use of emergency interventions must be developed. Such procedures must include at least the following:
- (1) A review is to be conducted by the administrator or the administrator's designee.
  - (2) Analysis of patterns/trends of use of emergency interventions in the previous six (6) month period, based on:
    - (A) Review of all records related to the use of emergency interventions for accuracy and completeness.
    - (B) Review of the use, effectiveness and duration of each emergency intervention including a determination of the effectiveness and appropriateness of the intervention technique used in each situation.
    - (C) Review of the frequency of emergency interventions in the previous six (6) month period.
  - (4) The biannual review and corrective action plan must be submitted to the Department no later than the fifth (5th) day of the month following the review.
  - (5) The licensee shall provide a copy of the biannual review and corrective action plan, if applicable, to the authorized representative upon request.
- (i) In addition to the requirements in Section 80068, the admission agreement must include a written statement regarding the type(s) of emergency interventions the licensee has been approved to use.
- (1) The facility's policy regarding the use of emergency intervention must be reviewed with the child and the authorized representative at the time of admission.
    - (A) The licensee shall provide a copy of the approved emergency intervention plan to the authorized representative, upon request.
- (j) Only trained facility personnel as specified in Section 84365 will be allowed to use emergency interventions on children.
- (k) Prior to using the emergency intervention plan, the licensee's Board of Directors must approve the plan, and any subsequent amendments. The approval must be documented in the minutes of the Board of Directors meeting. Each board member must receive a copy of the plan prior to its use and any modifications to it.

(l) The Department must review the emergency intervention plan, including any amendments, and notify the licensee within 30 days of the receipt of the plan, whether the plan has been approved or denied or if additional information is needed.

(m) If the Department determines that the licensee has not complied with the emergency intervention plan requirements as specified in Sections 84322(a) through (k), the licensee must discontinue the use of emergency interventions immediately upon written notice of deficiency by the Department.

(n) The County may retain security services solely for the protection of children placed in the licensed facilities and staff, subject to the following conditions:

- (1) Security staff must comply with the fingerprint requirements contained in Section 80019.
- (2) Security staff may not be stationed or located within the indoor or outdoor areas of the CWC. Security staff may be located on or about the outside perimeter of the CWC.
- (3) For the YWC, security staff may be stationed or located in the entry room, or on or about the outside perimeter of the YWC, only.
- (4) Security staff shall not perform child care or supervision activities.
- (5) Security staff shall not engage in behavior management of children in care.
- (6) In accordance with the facilities' emergency intervention plan and training requirements which shall include calling 911 for law enforcement assistance, security staff may participate in emergency interventions involving children in care as a last resort to protect the health and safety of children and staff, except that security staff shall not use or possess lethal weapons such as a firearm during performance of any emergency intervention involving a child in care.
- (7) Security staff may not inspect the person or belongings of a child in care unless reasonable cause exists based on observable factors as necessary to protect children in care.

(b) Audio and Video surveillance is prohibited in the YWC and CWC except as provided below:

- (1) Audio and Video surveillance shall be allowed in the entry room of the YWC and in and around the outside perimeter of the YWC and CWC.

#### **PROTECTIVE SEPARATION ROOM 84322.1**

(a) In addition to Section 84322, any licensee with an approved emergency intervention plan which includes the use of a protective separation room, must comply with the following requirements:

- (1) No protective separation room may be used for another purpose, e.g. bedroom, bathroom, storage.

(2) No protective separation room may be used without a fire clearance from the local fire authority.

(A) The request for the fire clearance must be made through and maintained by the Department.

(3) No protective separation room may be used without prior inspection and approval by the Department.

(4) Protective separation rooms must be safe and free of hazards such as objects or fixtures which can be broken or used by a child to inflict injury to himself, herself or others.

(5) Procedures regarding the use of the protective separation room must be included in the manual restraint plan component of the emergency intervention plan. These procedures must include the following to ensure a child's safety when placed in a protective separation room:

(A) Facility personnel must maintain direct visual contact with the child at all times, and be free from other responsibilities, to ensure the child's safety while in the room.

1. Facility personnel must remain in the room, when necessary, to prevent injury to the child.

(B) Facility personnel must ensure that there are no objects in the child's possession that could be used to inflict injury to himself/herself or others while in the protective separation room.

(C) No more than one child shall be placed in the protective separation room at any one time.

(D) Physical abuse, corporal punishment, threats or prohibited restraints may not be used as a method for placing a child in the protective separation room.

(6) A child placed in a protective separation room may not be deprived of eating, sleeping, toileting or other basic daily living functions.

(7) Exiting from a protective separation room may not be prevented by the use of locking or jamming devices.

(A) The door may be held shut in a manner that allows for immediate release upon removal of a staff member's foot, hand, and/or body.

## **RUNAWAY PLAN 84322.2**

(a) The licensee must develop and maintain a written runaway plan that describes how the facility will respond to the following:

(1) Runaway child(ren).

(2) Child(ren) outside of the facility property without permission, but within view of the facility personnel.

(b) The runaway plan must be appropriate for the age, size, emotional, behavioral and developmental level of the child(ren).

(c) The runaway plan must include the following:

(1) Time frames for determining when a child is absent without permission.

(2) Continuum of interventions.

(3) Actions taken by facility personnel to locate the child.

(4) Staff training plan, to include non-physical interventions, strategies to de-escalate a situation.

(5) Plan to include involvement of law enforcement, when appropriate.

(6) Plan to notify the child's authorized representative.

(d) The runaway plan must be included in the group home program statement.

(e) The runaway plan described in Section 84322.2(a), must be provided to, and discussed with each child and their authorized representative at the time of admission.

(1) If during the discussion, it is determined that the child has a history of running away from placement, then the following must occur:

(A) The facility social work personnel and the child's authorized representative must develop an individualized plan for that particular child.

(f) Manual restraints must only be used if the facility has an approved manual restraint plan, in accordance with Section 84322.

(g) The licensee is prohibited from preventing a child from leaving the facility by locking the child in a room or any part of the facility.

#### **DOCUMENTATION AND REPORTING REQUIREMENTS 84361**

(a) Each use of manual restraints must be reported to the Department and the child's authorized representative by telephone no later than the next working day following the incident. A written incident report must be submitted to the Department within seven (7) days, as required in Section 80061.

(1) If a child is restrained more than once in a 24-hour period, each use of manual restraints must be reported.

(b) Any report of the use of manual restraints must be reviewed, for accuracy and completeness, and signed by the administrator or administrator's designee no later than the next working day following the incident.

(c) A copy of the written incident report must be maintained in the child's record.

(d) The information required in Section 84361(a), must be documented immediately following the use of manual restraints or no later than the end of the working shift of the staff member(s) who participated in the manual restraint.

(e) The child's record must be available for review by the Department, as required in Section 80070.

(f) The licensee must maintain a monthly log of each use of manual restraints. The log must include:

- (1) Name of each child.
- (2) Date and time of the intervention.
- (3) Duration of the intervention.
- (4) Name(s) of facility staff member(s) who participated in the manual restraint.
- (5) Description of the intervention and type used.
- (6) Result of licensee review.

(g) The monthly log must be available for review, and subject to reproduction by the Department upon request during normal business hours.

#### **EMERGENCY INTERVENTION STAFF TRAINING 84365**

(a) No facility personnel must use emergency intervention techniques on a child unless the training instructor has certified in writing that the facility personnel have successfully completed the emergency intervention training required in Section 84365(b).

(1) All new and existing facility personnel who use or participate in emergency interventions, as well as the facility administrator and the administrator's designee must complete the training.

(b) The emergency intervention training curriculum must address the following areas:

(1) Techniques of group and individual behavior management, including, but not limited to, crisis prevention, precipitating factors leading to assaultive behavior and crisis intervention.

(2) Methods of de-escalating volatile situations, including non-physical intervention techniques such as crisis communication, evasive techniques, alternative behavior.

(3) Alternative methods of handling aggressive and assaultive behavior.

(4) If the licensee chooses to use manual restraints, the physical techniques of applying manual restraints in a safe and effective manner ranging from the least to most restrictive type(s) of restraints including, but not limited to, escorting, wall restraint, and prone containment.

(5) Techniques for returning the child to the planned activity following completion of the emergency intervention.

- (6) The training must include a written and hands-on competency test as part of the training program.
- (c) The training must be provided by an individual who holds a valid instructor certificate from a program of managing assaultive behavior, that is consistent with the regulations.
- (d) The licensee must maintain a written record of the facility staff training.
  - (1) Documentation of training received must be maintained in the personnel record for each staff member and must include:
    - (A) Dates, hours, and description of the training completed.
    - (B) Name and training certificate of the instructor who provided the training.
    - (C) Certification from the instructor that the staff member has successfully completed the competency test.
  - (2) The staff training record must be made available for review by the Department upon request.
- (e) Facility personnel must receive on-going training to maintain certification.
- (f) When an inappropriate manual restraint technique is used during an emergency intervention, the licensee must develop a corrective action plan, and as part of the plan may require facility personnel to repeat the appropriate emergency intervention training.

#### **STAFFING REQUIREMENTS 84365.5**

- (a) The administrator or administrator's designee must oversee the emergency intervention program.
- (b) All facility personnel who will use emergency interventions must be trained in the appropriate emergency intervention techniques approved to be used by the licensee.
- (c) A minimum of two (2) trained facility personnel must be available and responsible for using each manual restraint if the restraint technique requires the use of two people.
- (d) Additional facility personnel must be available to supervise the other children in placement when the trained facility personnel are required to use manual restraints as specified in Section 84322(d)(7).

#### **REVIEW OF MANUAL RESTRAINT USE 84368.3**

- (a) The administrator or administrator's designee must discuss the use of the manual restraints with the facility personnel involved no later than the next working day following the incident.
- (b) The administrator or administrator's designee must determine whether the emergency intervention action taken by the staff member(s) was consistent with the emergency intervention plan, and document the findings in the child's record and facility monthly log as specified in Section 84361. The manual restraint review must evaluate the following:

(1) Did the staff member(s) attempt to de-escalate the situation. What interventions were utilized. Did the staff member(s) attempt at least two non-physical interventions.

(A) If the use of any de-escalation technique causes an escalation of the child's behavior, the use of the technique must be evaluated for its effectiveness. De-escalation techniques which are ineffective or counter-productive must not be used.

(2) Were manual restraints utilized only after less restrictive techniques were utilized and proven to be unsuccessful.

(3) Was the child restrained for the minimum amount of time, limited to when the child is presenting an immediate danger to himself/herself or others.

### **MEDICAL EXAMINATION 84369**

(a) The administrator or the social work staff shall be responsible for obtaining a physical examination during or after an incidence of emergency intervention when it is determined that:

(1) There is physical injury to a child, or

(2) There is a suspected injury to a child.

(b) The administrator or the social work supervisor must see and talk with the child before a determination can be made.

(c) If no physical examination is necessary, this decision must be documented in the child's record.

(d) Any post emergency intervention injury or suspected injury observed by facility personnel, or any complaint of injury reported to facility personnel must be reported immediately to the administrator or social work staff.