

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 17, 2002

Regulation Packages 1200-24

CDSS MANUAL LETTER NO. CCL-01-17

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,
CHAPTER 8.8, FOSTER FAMILY AGENCIES

Regulation Package #1200-24**Effective 7/27/01****Section 88045.**

Senate Bill 933 (Chapter 311, Statutes of 1998) and AB 1659 (Chapter 881, Statutes of 1999) required that prior to an individual's presence or employment in a community care facility, a residential care facility for the elderly, a residential care facility for the chronically ill, or a child care facility, the individual have fingerprints submitted for purposes of a criminal background check. The Statutes provide for the imposition of an immediate civil penalty of \$100 per violation on a licensee who permits a person to be present in a facility who violates this requirement. These regulations implement this legislative requirement. It is necessary for the department to place clear criteria and procedures for the implementation of these civil penalties into regulation.

Since these regulations were nonsubstantive they did not require a public hearing.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-01-16. The latest prior manual letter containing Foster Family Agencies changes was Manual Letter No. CCL-00-24.

Page(s)Replace(s)

21 and 22

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Attachment

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FOSTER FAMILY AGENCIES

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Article 5. ADMINISTRATIVE ACTIONS**88044 INSPECTION AUTHORITY OF THE LICENSING AGENCY 88044**

- (a) The licensing agency has the authority to inspect foster family agencies in compliance with Health and Safety Code Sections 1526.5, 1533, 1534, and 1538.
- (b) The licensing agency has the authority to inspect certified family homes in compliance with Health and Safety Code Sections 1533, 1534, and 1538.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1526.5, 1533, 1534, and 1538, Health and Safety Code.

88044.5 DECERTIFICATION AUTHORITY OF THE LICENSING AGENCY 88044.5

- (a) If the licensing agency determines that a certified family home is out of compliance with applicable statutes and regulations, the licensing agency may require a foster family agency to decertify a certified family home.
- (1) The certified family home may appeal the decertification to the Department and be provided an administrative hearing pursuant to Section 1551 of the Health and Safety Code.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530, 1534 and 1551, Health and Safety Code.

88045 EVALUATION VISITS 88045

- (a) The licensing agency shall have the authority to inspect the certified family homes used by the foster family agency as often as necessary to ensure the quality of care being provided.
- (b) The licensing agency shall select the certified family homes to be inspected.
- (c) A representative of the foster family agency shall accompany the licensing evaluator on an evaluation inspection.

HANDBOOK BEGINS HERE

- (1) For complaint investigations, the licensing agency shall determine whether to have a foster family agency representative accompany the licensing evaluator.

HANDBOOK ENDS HERE

88045 EVALUATION VISITS (Continued)**88045**

- (d) The foster family agency shall inform the certified family homes at the time of certification of the licensing agency authority to conduct inspections of the certified family homes as provided by Health and Safety Code Section 1534.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530, 1530.5, 1533 and 1534, Health and Safety Code.

88046 DENIAL OR REVOCATION OF LICENSE FOR FAILURE TO PAY CIVIL PENALTIES**88046**

- (a) In addition to Section 80055.1(a), the Foster Family Agency licensee shall be responsible for paying civil penalties for violations cited against the agency's certified homes.

Authority cited: Sections 1530 and 1548, Health and Safety Code. Reference: Sections 1522, 1534, 1548, and 1551, Health and Safety Code.