

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



October 22, 2001

ALL-COUNTY LETTER NO.: 01-74

TO: ALL COUNTY WELFARE DIRECTORS  
ALL IHSS PROGRAM MANAGERS**REASON FOR THIS TRANSMITTAL**

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: CARE AND SUPERVISION BY A CLOSE FRIEND  
EXEMPTION FROM LICENSURE

The purpose of this All-County Letter is to inform counties of the effect of a Court of Appeals decision in *Grimes v. Anderson* that can impact eligibility for the In-Home Supportive Services/Personal Care Services Program (IHSS/PCSP.)

In this court decision it was determined that the Department's Community Care Licensing Division (CCLD) must exempt from licensing as a Residential Care Facility for the Elderly, or as an Adult Residential Facility, an arrangement where care and supervision of a person or persons from one family is provided by a close friend, if the close friend is not licensed. For your information, we have attached a CCLD Regional Managers/District Office Residential Managers letter that provides instructions to CCLD staff for investigating situations such as the Grimes case.

**County Responsibilities:**

When processing applications for IHSS/PCSP in situations that resemble the Grimes case where the applicant is living in the same residence with a close friend who is providing care and supervision for the applicant, the county IHSS/PCSP staff should refer these cases to a CCLD district office. The CCLD district office will then determine whether or not these living arrangements are subject to a CCLD license. We have attached a list of CCLD district offices for your information.

The CCLD will notify county IHSS/PCSP staff of their determination if they determine that the arrangements do not require a license. Then it becomes the responsibility of the county IHSS/PCSP staff to continue to process the recipient's application for program services. If CCLD determines that the arrangement does require a license,

then CCLD will notify the county of their decision, and the county IHSS/PCSP staff will then notify the applicant that they are not eligible for IHSS/PCSP program services.

If you have questions regarding this letter, you may contact your Operations and Technical Assistance Analyst, at (916) 229-4000.

Sincerely,



DONNA L. MANDELSTAM  
Deputy Director  
Disability and Adult Programs Division

Attachment

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



September 23, 1999

TO: REGIONAL MANAGERS  
DISTRICT OFFICE RESIDENTIAL MANAGERS

FROM: CAROLE JACOBI, Chief  
Policy Development Bureau

*Carole Jacobi*

SUBJECT: CARE AND SUPERVISION BY A CLOSE FRIEND  
EXEMPTION FROM LICENSURE

The purpose of this memo is to provide information about a Court of Appeal decision against the Department that will impact future decisions regarding exemption from licensure. Based on the decision, amendments to the Residential Care Facilities for the Elderly (RCFE) and Adult Residential Facilities (ARF) regulations are being developed.

In this case, a disabled woman (Tracy Grimes), who had been living at a licensed adult residential facility in Los Angeles, moved into the rented home of a family she described as close, loving friends (the Hannas), who were providing her care and supervision. Grimes' application for In-Home Support Services was denied by Community Care Licensing based on the finding that Grimes was living in an unlicensed care facility. The Hannas' request for an exemption from licensure was denied by the Department, based on the lack of blood or legal relationship between the parties. The trial court affirmed the Department's decision denying the request for exemption. The Court of Appeal reversed the decision. Since the Grimes decision, the case has been cited as a caselaw precedent in similar cases in the Department's Hearings Division

The regulations being proposed will allow any arrangement for the care and supervision of a person or persons from only one family by a close friend who is not a licensee of an RCFE or an ARF, and whose friendship pre-existed a provider/recipient relationship, as long as all of the following conditions are met:

1. The care and supervision is provided in a home or residence chosen by the recipient, regardless of who owns the home or residence.

Regional Managers  
District Office Residential Managers  
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2. The arrangement is not of a business nature, in that the provider does not represent himself or herself as being in the business of provision of care, and any compensation that may be paid to the provider is only for the value of the services rendered.
3. The arrangement occurs and continues only as long as the needs for care and supervision of the recipient are being met.

A definition of "close friend" is also being added to the RCFE and ARF regulations. This definition will describe a close friend as a person who is attached to another by feelings of personal regard as indicated by both parties involved.

Until the regulations are adopted, Licensing Program Analysts (LPAs) should use the criteria described above to determine whether the living arrangement is exempt from licensure. The determination of "close friend" will be established by asking both parties whether they consider their relationship to fit the definition of "close friend." The LPA should document the response on the Detailed Supportive Information form, LIC 812. No other documentation or verification of the relationship is needed.

If you have any questions regarding this policy memo, please contact Sharon Anderson, Policy Analyst, at (916) 324-4170.

Department of Social Services  
**Community Care Licensing**

Department of Social Services  
Community Care Licensing Division  
744 P Street Sacramento, CA 95814

**Community Care Licensing Field Offices**

<p><b>NORTHERN REGIONAL OFFICE</b>          Dave Dodds, Manager          8745 Folsom Blvd., Suite 130          Sacramento, CA 95826          (916) 229-4500 FAX (916) 229-4508</p>	<p><b>COASTAL REGIONAL OFFICE</b>          Martha Mills, Manager          801 Traeger Ave., Suite 105          San Bruno, CA 94066          (650) 266-8860 FAX (650) 266-8877</p>
<p><b>CHICO DISTRICT-          RESIDENTIAL AND CHILD CARE</b>          520 Cohasset Road, Suite 6          Chico, CA 95926          (530) 895-5033 FAX (530) 895-5934          Manager: Earl Nance</p> <p>Counties: Butte, Colusa, Del Norte, Glenn,          Humboldt, Lassen, Modoc, Plumas,          Shasta, Sierra, Siskiyou, Sutter, Tehama,          Trinity and Yuba</p>	<p><b>CENTRAL COAST AREA-          RESIDENTIAL AND CHILD CARE</b>          360 S. Hope Avenue, Suite C-105          Santa Barbara, CA 93105          (805) 682-7647 FAX (805) 682-8361          Manager: Joseph Brocato</p> <p>Counties: San Luis Obispo, Santa Barbara, and          Ventura</p>
<p><b>SACRAMENTO DISTRICT- RESIDENTIAL</b>          2525 Natomas Park Drive, Suite 270          Sacramento, CA 95833          (916) 263-4700 FAX (916) 263-4744          Manager: Gary Palmer</p> <p>Counties: Amador, Calaveras, El Dorado, Nevada,          Placer, Sacramento, San Joaquin, Sierra, Stanislaus,          Tuolumne and Yolo</p>	<p><b>BAY AREA DISTRICT-          CHILD CARE</b>          1515 Clay Street, Suite 1102          Oakland, CA 94612          (510) 622-2602 FAX (510) 622-2641          Manager: Melissa Miller</p> <p>Counties: Alameda and Contra Costa</p>
<p><b>SACRAMENTO DISTRICT-          CHILD CARE</b>          8745 Folsom Blvd., Suite 200          Sacramento, CA 95826          (916) 229-4530 FAX (916) 387-1933          Manager: Charles Boatman</p> <p>Counties: Amador, Calaveras, El Dorado, Nevada,          Placer, Sacramento, San Joaquin, Stanislaus,          Tuolumne and Yolo</p>	<p><b>PENINSULA DISTRICT-          CHILD CARE</b>          801 Traeger Avenue, Suite 100          San Bruno, CA 94066          (650) 266-8843 FAX (650) 266-8847          Manager: Fred Gill</p> <p>Counties: San Francisco and San Mateo</p>

<p><b>REDWOOD EMPIRE DISTRICT- RESIDENTIAL AND CHILD CARE</b> 101 Golf Course Drive, Suite A-230 Rohnert Park, CA 94928 (707) 588-5026 FAX (707) 588-5080 Manager: Wayne Wilson</p> <p>Counties: Lake, Marin, Mendocino, Napa, Solano, and Sonoma</p>	<p><b>SAN FRANCISCO BAY- RESIDENTIAL</b> 851 Traeger Avenue, Suite 360 San Bruno, CA 94066 (650) 266-8800 FAX (650) 266-8841 Manager: Stan Roman</p> <p>Counties: Alameda, Contra Costa, San Francisco, and San Mateo</p>
<p><b>FRESNO DISTRICT- RESIDENTIAL AND CHILD CARE</b> 770 E. Shaw Avenue, Suite 330 Fresno, CA 93710 (559) 445-5691 FAX (559) 445-5097 Manager: Dave Guinan</p> <p>Counties: Alpine, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono, and Tulare</p>	<p><b>SAN JOSE DISTRICT- CHILD CARE</b> 111 North Market Street, Suite 300 San Jose, CA 95113 (408) 277-1286 FAX (408) 277-2071 Manager: Paula Walsh</p> <p>Counties: Monterey, San Benito, Santa Clara and Santa Cruz</p>
<p><b>SOUTHERN REGIONAL OFFICE</b> Margie Davis, Manager 5900 Pasteur Court, Suite 125 Carlsbad, California 92008 (760) 929-2121 FAX (760) 929-2133</p>	<p><b>SAN JOSE DISTRICT- RESIDENTIAL</b> 111 North Market Street, Suite 350 San Jose, CA 95113 (408) 277-1289 FAX (408) 277-2045 Manager: Barbara Mordy</p> <p>Counties: Monterey, San Benito, Santa Clara and Santa Cruz</p>
<p><b>MISSION VALLEY DISTRICT- CHILD CARE</b> 7575 Metropolitan Drive, Suite 110 San Diego, CA 92108-4402 (619) 767-2200 FAX (619) 767-2202 and 767-2203 Manager: Terry Sutton</p> <p>Counties: Imperial and San Diego</p>	<p><b>LOS ANGELES REGIONAL OFFICE</b> Colleen Anderson, Manager 100 Corporate Pointe, Suite 350 Culver City, CA 90230 (310) 665-1940 FAX (310) 665-1979</p>
<p><b>SAN DIEGO DISTRICT- RESIDENTIAL</b> 7575 Metropolitan Drive, Suite 109 San Diego, CA 92108-4402 (619) 767-2300 FAX (619) 767-2252 Manager: Mary Delmast</p> <p>Counties: Imperial and San Diego</p>	<p><b>LOS ANGELES RESIDENTIAL EAST</b> 1000 Corporate Center Drive, Suite 200A Monterey Park, CA 91754 (213) 981-3300 FAX (213) 981-3425 Manager: Robert Pate</p>
<p><b>SAN GORGONIO OFFICE- CHILD CARE</b> 3737 Main Street, Suite 700 Riverside, CA 92501 (909) 782-4200 FAX (909) 782-4985 Manager: Robert Gomez</p> <p>Counties: Inyo, Mono, Riverside and San Bernardino</p>	<p><b>L.A. RESIDENTIAL- NORTHERN VALLEYS</b> 21731 Ventura Blvd., Suite 250 Woodland Hills, CA 91364 (818) 596-4334 FAX (818) 596-4376 Manager: Joann Hirai</p>

<p><b>INLAND EMPIRE OFFICE-RESIDENTIAL</b>  3737 Main Street, Suite 600  Riverside, CA 92501  (909) 782-4207 FAX (909) 782-4967  Manager: Robert Gonzalez</p> <p>Counties: Inyo, Mono, Riverside and San Bernardino</p>	<p><b>L.A. RESIDENTIAL WEST</b>  6167 Bristol Parkway, #210  Culver City, CA 90230  (310) 568-1807 FAX (310) 417-3680  Manager: Lydia Thomas</p>
<p><b>ORANGE COUNTY-CHILD CARE</b>  750 The City Drive, Suite 250  Orange, CA 92668  (714) 703-2800 FAX (714) 703-2831  Manager: Mary Kaarmaa</p> <p>Counties: Orange</p>	<p><b>L.A. NORTHWEST CHILD CARE</b>  6167 Bristol Parkway, #400  Culver City, CA 90230  (310) 337-4333 FAX (310) 337-4360  Manager: Sergio Ramirez</p>
<p><b>ORANGE COUNTY-RESIDENTIAL</b>  770 The City Drive, Suite 7100  Orange, CA 92668  (714) 703-2840 FAX (714) 703-2868  Manager: Arthur Carter</p> <p>Counties: Orange</p>	<p><b>L.A. CHILD CARE EAST</b>  1000 Corporate Center Dr., Suite 200B  Monterey Park, CA 91754  (323) 981-3350 (323) 981-3355  Manager: Lois Petzold</p>



County Licensing Agencies