

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



Regulation Package # 1009-10

CDSS MANUAL LETTER NO. CCL-09-06

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22,
DIVISION 6, CHAPTER 8.5, RESIDENTIAL CARE FACILITIES FOR THE
CHRONICALLY ILL

Regulation Package # 1009-10**Effective 11/1/09****Section 87836 (Handbook)**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG645.htm>

The regulation Handbook is updated to reflect the regulation amendments completed based on Assembly Bill No. X4, Statutes of 2009 that amended Health and Safety Code section 1568.05, which increases licensing fees by 10 percent. The increase in fees became effective July 28, 2009. This Handbook update specifically references the actual regulatory language from said section.

This regulation package is specifically updating the Handbook, which is quoted reference to other Code sections that are in effect. Therefore, no public hearing was necessary.

FILING INSTRUCTIONS

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-09-05. The latest prior manual letter containing Residential Care Facilities for the Chronically Ill regulation changes was Manual Letter No. CCL-06-03.

Page(s)

Replace(s)

54 through 55.2

Pages 54 through 55.2

Attachments

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87835	CONDITIONS FOR FORFEITURE OF A RESIDENTIAL CARE FACILITY FOR THE CHRONICALLY ILL LICENSE (Continued)	87835
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- (2) The relative files with the Department within five calendar days of the licensee's death an Application for License (LIC 200 7/91) and evidence of the licensee's death as defined in Section 87801(e)(3).
 - (A) Notwithstanding the instructions on the Application for License (LIC 200 7/91), the Department shall permit the relative to submit only the information on the front side of that form.
- (3) The relative files with the California Department of Justice within five calendar days of the licensee's death his/her fingerprint cards.
- (c) If the adult relative complies with (b)(1) and (2) above, he/she shall not be considered to be operating an unlicensed facility pending the Department decision on whether to approve a provisional license.
- (d) The Department shall make a decision within 60 days after the application is submitted on whether to issue a provisional license pursuant to Section 87830.
 - (1) A provisional license shall be granted only if the Department is satisfied that the conditions specified in (b) above and Section 87830 have been met and that the health and safety of the residents of the facility will not be jeopardized.

NOTE: Authority cited: Section 1568.072, Health and Safety Code. Reference: Sections 1568.061, 1568.061(e), 1568.064, and 1568.072, Health and Safety Code.

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- (a) The applicant or licensee shall pay fees charged by the Department as specified in Health and Safety code Section 1568.05.

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Health and Safety Code Section 1568.05 provides:

- (a) An application fee adjusted by facility and capacity, shall be charged by the department for a license to operate a residential care facility for persons with chronic life-threatening illness. After initial licensure, a fee shall be charged by the department annually, on each anniversary of the effective date of the license. The fees are for the purpose of financing the activities specified in this chapter. Fees shall be assessed as follows:

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Fee Schedule

Capacity	Initial Application	Annual
1-6	\$500	\$275 plus \$10 per bed
7-15	\$689	\$344 plus \$10 per bed
16-25	\$825	\$413 plus \$10 per bed
26+	\$964	\$482 plus \$10 per bed

(b) (1) In addition to fees set forth in subdivision (a), the department shall charge the following fees:

(A) A fee that represents 50 percent of an established application fee when an existing licensee moves the facility to a new physical address.

(B) A fee that represents 50 percent of the established application fee when a corporate licensee changes who has the authority to select a majority of the board of directors.

(C) A fee of twenty-five dollars (\$25) when an existing licensee seeks to either increase or decrease the licensed capacity of the facility.

(D) An orientation fee of fifty dollars (\$50) for attendance by any individual at a department-sponsored orientation session.

(E) A probation monitoring fee equal to the annual fee, in addition to the annual fee for that category and capacity for each year a license has been placed on probation as a result of a stipulation or decision and order pursuant to the administrative adjudication procedures of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(F) A late fee that represents an additional 50 percent of the established annual fee when any licensee fails to pay the annual licensing fee on or before the due date as indicated by postmark on the payment.

(G) A fee to cover any costs incurred by the department for processing payments including, but not limited to, bounced check charges, charges for credit and debit transactions, and postage due charges.

(H) A plan of correction fee of two hundred dollars (\$200) when any licensee does not implement a plan of correction on or prior to the date specified in the plan.

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(2) No local governmental entity shall impose any business license, fee, or tax for the privilege of operating a facility licensed under this chapter which serves six or fewer persons.

(c) All fees collected pursuant to subdivisions (a) and (b) shall be deposited in the Technical Assistance Fund.

(d) The revenues collected from licensing fees pursuant to this section shall be utilized by the department for the purpose of ensuring the health and safety of all individuals provided care and supervision by licensees and to support activities of the licensing program, including, but not limited to, monitoring facilities for compliance with licensing laws and regulations pursuant to this chapter, and other administrative activities in support of the licensing program, when appropriated for these purposes. The revenues collected shall be used in addition to any other funds appropriated in the Budget Act in support of the licensing program.

(e) The department shall not utilize any portion of the revenues collected pursuant to this section sooner than 30 days after notification in writing of the purpose and use of this revenue, as approved by the Director of Finance, to the Chairperson of the Joint Legislative Budget Committee, and the chairpersons of the committee in each house that considers appropriations for each fiscal year. The department shall submit a budget change proposal to justify any positions or any other related support costs on an ongoing basis.

(f) Fees established pursuant to this section shall not be effective unless licensing fees are established for all adult residential facilities licensed by the department.

(g) A residential care facility may use a bona fide business check to pay the license fee required under this section.

(h) The failure of an applicant for licensure or a licensee to pay all applicable and accrued fees and civil penalties shall constitute grounds for denial or forfeiture of a license.”

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- (b) A fee shall be charged at the time of application and annually thereafter according to capacity.
- (c) When a licensee moves a facility from one location to another, the relocation fee shall be as specified in Health and Safety Code Section 1568.05(b)(1)(A).
- (1) The relocation fee shall be charged under either of the following conditions:
- (A) The facility moves from one location to another and notifies the Department at least 30 calendar days before actual relocation.
- OR
- (B) The facility relocates due to an emergency.
- (2) The fee shall be based on requested capacity at the new location.
- (d) The fees shall be nonrefundable.

NOTE: Authority cited: Section 1568.072, Health and Safety Code. Reference: Sections 1568.05, 1568.061, and 1568.072, Health and Safety Code.