

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



## Regulation Package #0507-02

CDSS MANUAL LETTER NO. CCL-08-05

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22,  
DIVISION 6, CHAPTER 7, TRANSITIONAL HOUSING PLACEMENT PROGRAM

**Regulation Package #0507-02****Effective 8/8/08****Sections 86065 and 86068.2**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG649.htm>

Proposed regulatory amendments would incorporate provisions of AB 1412 into regulations for all Children's Residential facilities. Amendments have been made to the licensee duties and responsibilities section of small family home (SFH); needs and services plan sections of group home (GH), transitional housing placement program (THPP), and foster family agency (FFA); social work personnel section of FFA; and responsibility for providing care and supervision section of standalone foster family home (FFH) regulations.

Proposed regulatory amendments would incorporate AB 458 nondiscrimination training provisions into regulations for all Children's Residential facilities. Amendments have been made to the licensee duties and responsibilities section of SFH; initial certification training program approval requirements of GH; personnel requirements sections of all GH; plan of operation section of FFA; and training requirements section of standalone FFH regulations. Proposed regulatory amendments would incorporate the provider nondiscrimination provisions of AB 458 by amending the applicant qualifications sections of general licensing requirements, SFH, and standalone FFH regulations.

Proposed regulatory amendments would incorporate AB 2661 provisions by adding a definition of "placement hold" to the definitions section of FFA regulations. An Application for Certification section would be added to regulations to outline information that applicants for family home certification must provide to FFAs, information that FFAs must provide to applicants for family home certification, and reference checks that FFAs must make before an applicant is certified as a family home.

A Civil Penalties section would be added to FFA regulations to outline a schedule of immediate and repeat civil penalties that will apply when a FFA is cited for failing to provide the department with information about certified and decertified family homes. Immediate and daily civil penalties of \$50.00 would apply when an agency fails to provide the department with a log of certified and decertified family homes or fails to notify the department about its decision to decertify a family home, until it corrects the violation. An immediate civil penalty of \$150.00 and daily civil penalty of \$50.00 would apply when an agency repeats the same violation within 12 months.

These regulations were considered at the Public Hearing held on March 12, 2008

### **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-08-04. The latest prior manual letter containing General Licensing Requirements regulation changes was Manual Letter No. CCL-07-06.

Page(s)

26 and 26.1  
32 and 33

Replace(s)

Pages 26 and 26.1  
Pages 32 and 33

Attachments

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**86064****ADMINISTRATOR QUALIFICATIONS AND DUTIES**  
(Continued)**86064**

1. Knowledge of the THPP operations.
  2. Training in programs provided by the THPP.
  3. Authority to correct deficiencies that constitute immediate threats to the health and safety of children in the THPP.
- (3) Additional duties of the administrator shall include:
- (A) Appointing and dismissing staff.
  - (B) Organizing and administering a program of staff development for all staff.
- (4) The administrator may also serve in another personnel capacity, provided he or she meets the applicable qualifications of both positions.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1531, and 1559.115, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

**86065****PERSONNEL REQUIREMENTS****86065**

- (a) In addition to Section 80065, excluding Subsections 80065(c) and (e) the following shall apply:
- (1) All THPP personnel shall, at a minimum, receive training that provides knowledge of and skill in the following areas, as evidenced by safe and effective job performance:
    - (A) All THPP personnel shall complete a minimum of one-hour training in the area of child abuse identification and reporting.
  - (2) All THPP personnel shall, at a minimum, receive training about the characteristics of persons 16 - 21 years of age, placed in long-term foster care pursuant to Welfare and Institutions Code Section 16522.1(c).
  - (3) Training for all personnel shall address 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.

## 86065 PERSONNEL REQUIREMENTS (Continued)

86065

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**HANDBOOK BEGINS HERE**

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- (A) Welfare and Institutions Code Section 16522.1(c) states:

“A training program designed to educate employees who work directly with participants about the characteristics of persons in this age group placed on long-term care settings, and designed to ensure that these employees are able to adequately supervise and counsel participants and to provide them with training in independent living skills.”

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**HANDBOOK ENDS HERE**

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- (4) The THPP shall employ personnel necessary to perform the duties as follows:
- (A) An administrator as specified in Section 86064.
  - (B) A social work supervisor as specified in Section 86065.2.
  - (C) Social work personnel as specified in Section 86065.3.
- (5) The THPP shall have qualified social work personnel available on a 24-hour basis to respond to any emergency.
- (6) The THPP shall employ or retain qualified consultants necessary to implement the plan of operation.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Section 51, Civil Code; Sections 1501, 1506, 1531 and 1559.115, Health and Safety Code; and Sections 16001.9, and 16522.1, Welfare and Institutions Code.

**86068.2 NEEDS AND SERVICES AND TRANSITIONAL  
INDEPENDENT LIVING PLAN (TILP)****86068.2**

- (a) At the time of placement, the THPP social work personnel in consultation with the authorized representative shall commence a needs and services plan for each participant. The needs and services plan describes the following:
- (1) Participant's name;
  - (2) Age;
  - (3) Physical limitations;
  - (4) History of infections or contagious diseases;
  - (5) History of other medical, emotional, behavioral and physical problems;
  - (6) Ability of participant to manage his or her own cash resources;
  - (7) Visitation, including limitations on visits to the family residence and other visits inside and outside the transitional housing unit;
  - (8) Limitations on written and telephonic communication, if ordered by a court;
  - (9) Current service needs;
  - (10) Planned length of placement.
  - (11) Any applicable collateral needs appraisals or individualized program plans completed by the placement agency or consultant.
  - (12) Plans for providing services to meet the individual needs identified above.
  - (13) Signature of the participant's authorized representative.
  - (14) Signature of the participant.
- (b) Social work personnel shall obtain and utilize the TILP in completing the needs and services plan.
- (1) If the THPP is unable to obtain the TILP, the participant's file shall document the efforts to obtain the TILP.

**86068.2 NEEDS AND SERVICES AND TRANSITIONAL  
INDEPENDENT LIVING PLAN (TILP) (Continued)****86068.2**

- (c) The needs and services plan shall be completed within 30 calendar days from the date of placement in the transitional housing unit.
- (d) The THPP shall provide the participant and his/her authorized representative with a copy of the modified needs and services plan.
- (e) Unless restricted by the case plan adopted by the court or other court order, connections between the participant and the participant's family and non-relative extended family members shall be permitted. Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1507, 1531, and 1559.110, Health and Safety Code; Sections 366.1, 366.21, 16001.9 and 16522.1, Welfare and Institutions Code; and Sections 675 and 677, Title 42 United States Code.

**86068.3 MODIFICATIONS TO NEEDS AND SERVICES AND  
TRANSITIONAL INDEPENDENT LIVING PLANS****86068.3**

- (a) The needs and services plan and TILP specified in Section 80068.2 shall be reviewed at least every six months to determine the following:
  - (1) The participant's need for continuing services;
  - (2) The need for modification in services.
    - (A) All needs for modification shall be documented in writing.
    - (B) If it is determined that the TILP requires modification, THPP social work personnel shall contact the participant's authorized representative to request a new TILP.
- (b) The licensee shall ensure the participant and his or her authorized representative are offered the opportunity to participate in each review.
  - (1) Modifications of the needs and services plan shall not be implemented unless prior written approval of the plan has been obtained from the participant's authorized representative.
- (c) The THPP shall provide the participant and his/her authorized representative with a copy of the modified needs and services plan.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1507, 1531, and 1559.110, Health and Safety Code; Section 16522.1, Welfare and Institutions Code; and Title 42 USC Sections 675 and 677 of the Social Security Act.