

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 9, 2003

Regulation Package #0802-22

CDSS MANUAL LETTER NO. CCL-02-15

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,
CHAPTER 5, GROUP HOMES

Regulation Package # 0802-22**Effective 1/24/03**

Sections 84-001, 84-022, 84-061, 84-063, 84-065, 84-800, 84-801, 84-802, 84-802.1, 84-803, 84-804, 84-805, 84-806 and 84-807, 84-808

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/GroupHomes_631.htm.

These regulations renumber various sections in order to allow for the inclusion of future regulations. Other nonsubstantive changes are made for clarity

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-02-14. The latest prior manual letter containing Group Home regulation changes was Manual Letter No. CCL-01-25.

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6.1	Page 6.1
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Attachments

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Article 1. GENERAL REQUIREMENTS AND DEFINITIONS**84000 GENERAL 84000**

- (a) Group homes, as defined in Section 80001g.(1), shall be governed by the provisions specified in this chapter and in Chapter 1, General Requirements.
- (b) Group homes shall not accept for placement children who are under the age of six years, unless the facility is licensed for that age group and meets the requirements of Subchapter 2, beginning with Section 84200.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1530, 1530.8, and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

84001 DEFINITIONS 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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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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- (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.

84001 DEFINITIONS (Continued)**84001**

- (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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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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- (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 years of age and who is being provided care and supervision in a group home, except where specified otherwise in this chapter.
- (3) "Child with Special Health Care Needs" means a child who meets all of the following conditions:
- (A) Has a medical condition that requires specialized in-home health care and
- (B) Is one of the following:
1. A child who has been adjudged a dependent of the court under Section 300 of the Welfare and Institutions Code.

84001 **DEFINITIONS** (Continued)**84001**

2. A child who has not been adjudged a dependent of the court under Section 300 of the Welfare and Institutions Code but who is in the custody of the county welfare department.
3. A child with a developmental disability who is receiving services and case management from a regional center.
- (4) "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.
- (5) "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.

84001 DEFINITIONS (Continued)**84001**

- (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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- (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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- (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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- (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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- (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)

84001 DEFINITIONS (Continued)

84001

(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.
- (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 Sections 84068.2 and 84168.3; 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.

84001 DEFINITIONS (Continued)**84001**

- (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 76834.

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Section 76834 defines a "qualified mental retardation professional" as "a person who has specialized training or two (2) years of experience in treating or working with the developmentally disabled and is one of the following:

- (A) A psychologist with a master's degree from an accredited program.
- (B) A physician as defined in Section 76826.
- (C) An educator with a degree in education from an accredited program.
- (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 as defined in Section 76825.
- (F) An occupational therapist as defined in Section 76822.
- (G) A speech pathologist as defined in Section 76840.
- (H) An audiologist as defined in Section 76802.

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- (I) A registered nurse as defined in Section 76835.
- (J) A recreation therapist as defined in Section 76834.
- (K) A rehabilitation counselor as defined in Section 76836.

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- (r) (1) "Runaway" means a child who absents himself or herself from the facility without permission from facility personnel.
- (2) "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. As specified in Section 80008(b), each satellite home is required to independently meet regulations applicable to its licensed category.
- (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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- (B) Placement agencies include but are not limited to regional centers, county welfare departments, and probation departments.

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- (3) "Specialized Group Home" means a licensed group home which provides specialized in-home health care to children.

84001 **DEFINITIONS** (Continued)**84001**

- (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)

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Sections 1522.41(j), 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501, 1502, 1503, 1507, 1522.4, 1522.41, and 1531, Health and Safety Code; and Sections 11406(c), 17710(a), (d), (g), and (h), 17731 and 17736(a) and (b), Welfare and Institutions Code; and 45 CFR Section 1351.1(k).

84002 **DEFINITIONS - FORMS****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.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1520.1(b)(1) and (2), Health and Safety Code.

Article 3. APPLICATION PROCEDURES**84018 APPLICATION FOR LICENSE****84018**

- (a) In addition to Section 80018, the following shall apply.
- (b) Each applicant shall submit the following to the licensing agency:
- (1) A financial plan of operation on forms provided or approved by the department.
 - (A) Start-up funds shall be available and shall include funds for the first three months of operation.
 - (B) Start-up funds shall be independent of prospective client fees. In cases of a change of ownership, expected income from clients currently in placement shall be considered.
 - (C) Start-up funds shall not include funds designated for or used for construction costs.
 - (D) The licensing agency shall have the authority to require written verification of the availability of the funds specified in (A) above.
 - (2) A written plan for training of child care staff, as specified in Section 84065(h), and facility managers, as specified in Section 84065(k).
 - (3) A written plan for activities as specified in Sections 84079(a) through (a)(5).
 - (4) 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.
- (c) Each corporate 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.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1501, 1520, 1520.1(b)(1), 1522.41(b), 1531 and 1562, Health and Safety Code.

84022 PLAN OF OPERATION**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) Procedures for development of a needs and services plan which addresses each child's needs and the services required to meet such needs.
 - (B) Procedures for review and evaluation of the needs and services plan.
 - (C) Policy regarding participation of the child and his/her authorized representative(s) in the development of the needs and services plan.
 - (D) Procedures for implementation and modification of the needs and services plan.
 - (E) Policies and procedures for the child's discharge when he/she reaches age 18; after needs and services plan goals have been reached; when the needs and services plan has proven to be ineffective; or 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.
 - (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.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84061**REPORTING REQUIREMENTS****84061**

(Continued)

- (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.

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84061 REPORTING REQUIREMENTS 84061
(Continued)

- (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.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.1, 1522.41(b)(4), 1531, 1558.1, and 1562, Health and Safety Code; and Section 11406(c), Welfare and Institutions Code.

84063 ACCOUNTABILITY 84063

- (a) The board of directors shall be active in ensuring accountability and perform at a minimum, the following responsibilities:
 - (1) Establish and approve policies and procedures governing the operation of the group home;
 - (2) Approve and monitor the corporation's operating budget;
 - (3) Assess and maintain the level of funds necessary to cover the costs of operating the group home;
 - (4) Review and approve the facility's emergency intervention plan as specified in Section 84322(k);
 - (5) Employ an administrator who meets the requirements of Section 84064;
 - (6) 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;
 - (7) 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 group home(s) are discussed;

84063 ACCOUNTABILITY (Continued)**84063**

- (8) 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 group home complies 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.

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 for review by the licensing agency, and
- (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 corporation's principal California office.
- (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.

84065 PERSONNEL REQUIREMENTS (Continued)**84065**

- (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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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.

HANDBOOK ENDS HERE

- (5) Documentation of successful completion of training shall be maintained in the personnel record for each child care 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.

84065 PERSONNEL REQUIREMENTS (Continued)

84065

- (A) Initial 24 hour training does not apply to child care staff only working in community treatment facilities governed by Title 22, Division 6, Chapter 5, Subchapter 1 who have successfully completed the training required in Section 84165(f), and child care staff only working in group homes that care for children under the age of six years governed by Title 22, Division 6, Chapter 5, Subchapter 2 who have successfully completed training required in Section 84265(h).
- (j) Annual Training
- (1) Notwithstanding Sections 80065(f)(1) through (6), all child care 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 child care 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, child care 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;

84065 PERSONNEL REQUIREMENTS (Continued) 84065

- (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) Needs and service plan/treatment planning and review;
 - (N) Employee training handbook; and
 - (O) Topics listed in Sections 84065(i)(3)(A) through (R).
- (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 child care staff.
- (7) Annual training is in addition to first aid and CPR training, and other training as required in Sections 84065.1 and 84365.
- (A) Annual training does not apply to child care staff only working in community treatment facilities governed by Title 22, Division 6, Chapter 5, Subchapter 1 who have successfully completed the training required in Section 84165(f), and child care staff only working in group homes that care for children under the age of six years governed by Title 22, Division 6, Chapter 5, Subchapter 2 who have successfully completed the training required in Section 84265(h).

84065 PERSONNEL REQUIREMENTS (Continued)**84065**

- (k) 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
 - (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.

84065 PERSONNEL REQUIREMENTS (Continued)**84065**

- (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.
- (l) 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.
- (m) 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.
- (n) 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.
- (o) Upon employment, staff shall receive copies of the removal and/or discharge policies and procedures specified in Section 84068.4(a); of the discipline policies and procedures specified in Section 84072.1(a), and of the complaint procedures specified in Section 84072.2(a).
- (p) 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.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1501, 1522.4, 1522.41, 1531 and 1562, Health and Safety Code.

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SUBCHAPTER 3. EMERGENCY INTERVENTION IN GROUP HOMES**Article 1. GENERAL REQUIREMENTS****84300 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(l) and 84322(l)(1).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1522.41(c)(1)(I) and 1531, 1563(c)(4), Health and Safety Code.

84300.1 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 postural supports as specified in Section 80072(a)(8).
 - (2) Aversive behavior modification interventions including, but not limited to, body shaking, water spray, 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.

84300.1 EMERGENCY INTERVENTION PROHIBITION**84300.1**

(Continued)

- (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.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, and 1531, Health and Safety Code.

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Article 3. APPLICATION PROCEDURES**84322 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;
 - (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 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) 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.

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84322 EMERGENCY INTERVENTION PLAN
(Continued)**84322**

- (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:

84322 EMERGENCY INTERVENTION PLAN
(Continued)**84322**

- (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.

84322 EMERGENCY INTERVENTION PLAN
(Continued)**84322**

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) Within 48 hours of a manual restraint of 60 cumulative minutes or longer, in a 24-hour period, the child's needs and services plan must be reviewed by the facility administrator or administrator's designee, facility social work staff and the child's authorized representative, and modified as needed.
- (G) 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.

84322 EMERGENCY INTERVENTION PLAN
(Continued)**84322**

- (H) 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.
 - (I) 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.

84322 EMERGENCY INTERVENTION PLAN
(Continued)**84322**

- (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.
 - (3) Corrective action plan, if needed.
 - (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.

84322 EMERGENCY INTERVENTION PLAN
(Continued)**84322**

- (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.
 - (1) If the plan is disapproved, the licensee may appeal the decision using the procedures specified in Section 80040(d).
- (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.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84322.1 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.

84322.1 PROTECTIVE SEPARATION ROOM**84322.1**

(Continued)

- (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) In addition to Section 84322(i), facility social work personnel and the child's authorized representative must indicate, in writing, in the child's needs and services plan if the child may be placed in the protective separation room.
- (7) A child placed in a protective separation room may not be deprived of eating, sleeping, toileting or other basic daily living functions.
- (8) 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.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

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84322.2 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.
 - (B) The individualized plan must be included in the child's needs and services plan.
- (f) Manual restraints must only be used if the facility has an approved manual restraint plan, in accordance with Section 84322.

84322.2 RUNAWAY PLAN (Continued)**84322.2**

- (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.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

Article 6. CONTINUING REQUIREMENTS**84361 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.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84365 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.

84365 EMERGENCY INTERVENTION STAFF TRAINING
(Continued)**84365**

- (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.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531, and 1562, Health and Safety Code.

84365.5 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).

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531, and 1562, Health and Safety Code.

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84368.3 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.
- (c) The administrator or administrator's designee, the child's authorized representative or parent and facility social work staff must assess whether it is necessary to amend the child's needs and services plan.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84369 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.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.