

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 31, 2004

Regulation Package #0503-12

CDSS MANUAL LETTER NO. CCL-04-18

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,
CHAPTER 1, GENERAL LICENSING REQUIREMENTS

Regulation Package #0503-12**Effective 9/15/04****Section 80072**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/GeneralLic_630.htm.

These Community Care Licensing Division regulations incorporate certain provisions of Assembly Bill 899 (Chapter 683, Statutes of 2001) in all children's residential programs including group home, small family home and community treatment facility regulations by amending specific foster youth personal rights regulations in the California Code of Regulations, Title 22, Division 6, Chapter 1, General Licensing Requirements; Chapter 4, Small Family Home Regulations; Chapter 5, Group Home Regulations, Chapter 5, Subchapter 1 - Community Treatment Facility Regulations; and Chapter 5, Subchapter 2 - Care for Children Under the Age of Six Years.

These regulations were considered at the Department's public hearing held on September 17, 2003.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. 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-04-17. The latest prior manual letter containing General Licensing Requirements regulation changes was Manual Letter No. CCL-04-13.

Page(s)Replace(s)

119 and 120

Pages 119 and 120

Attachments

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80072 PERSONAL RIGHTS**80072**

- (a) Except for children's residential facilities, each client shall have personal rights which include, but are not limited to, the following:
- (1) To be accorded dignity in his/her personal relationships with staff and other persons.
 - (2) To be accorded safe, healthful and comfortable accommodations, furnishings and equipment to meet his/her needs.
 - (3) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature, including but not limited to: interference with the daily living functions, including eating, sleeping, or toileting; or withholding of shelter, clothing, medication or aids to physical functioning.
 - (4) To be informed, and to have his/her authorized representative, if any, informed, by the licensee of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency, and of information regarding confidentiality.

HANDBOOK BEGINS HERE

- (A) Provisions regarding inspection requests are found in Health and Safety Code Section 1538:
1. Any person may request an inspection of any community care facility in accordance with the provisions of this chapter by transmitting to the state department notice of an alleged violation of applicable requirements prescribed by statutes or regulations of this state....
 2. The substance of the complaint shall be provided to the licensee no earlier than at the time of the inspection....

HANDBOOK CONTINUES

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3. Upon receipt of a complaint, other than a complaint alleging denial of a statutory right of access to a community care facility, the state department shall make a preliminary review and, unless the state department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, it shall make an onsite inspection within 10 days after receiving the complaint. In either event, the complainant shall be promptly informed of the state department's proposed course of action.

HANDBOOK ENDS HERE

- (5) To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice.
- (A) Attendance at religious services, in or outside of the facility, shall be on a completely voluntary basis.
- (6) To leave or depart the facility at any time.
- (A) The licensee shall not be prohibited by this provision from setting curfews or other house rules for the protection of clients.
- (B) This provision shall not apply to minors and other clients for whom a guardian, conservator, or other legal authority has been appointed.
- (7) Not to be locked in any room, building, or facility premises by day or night.
- (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of clients provided the clients are able to exit the facility.
- (B) The licensee shall be permitted to utilize means other than those specified in (A) above for securing exterior doors and windows only with the prior approval of the licensing agency.