

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



Regulation Package # 0507-02

CDSS MANUAL LETTER NO. CCL-08-03

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22,
DIVISION 6, CHAPTER 4, SMALL FAMILY HOMES

Regulation Package # 0507-02**Effective 8/8/08****Sections 83017, 83064 and 83075**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG647.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

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-08-02. The latest prior manual letter containing Small Family Homes regulation changes was Manual Letter No. CCL-07-04.

| <u>Page(s)</u> | <u>Replace(s)</u> |
|----------------|-------------------|
| 12 and 13 | Pages 12 and 13 |
| 19 and 20 | Pages 19 and 20 |
| 31 and 32 | Pages 31 and 32 |

Attachments

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**83010.2 PROHIBITION OF DUAL LICENSURE FOR SPECIALIZED
SMALL FAMILY HOMES****83010.2**

- (a) A small family home licensee shall not hold any day care, other residential or health care home license for the same premises as the small family home while caring for children with special health care needs.
- (1) Any small family home licensee planning to care for a child with special health care needs who holds a license as specified in Section 83010.2(a) shall surrender the license to the licensing agency prior to accepting a child with special health care needs.
- (2) The provisions specified in Sections 83010.2(a) and (a)(1) shall not apply to existing licensed small family homes that meet both of the following:
- (A) All children with special health care needs were accepted prior to the effective date of this Section 83010.2(a)(2); and
- (B) No application for a day care, other residential or health care home license was approved for the premises on or after the effective date of this Section 83010.2(a)(2).

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Sections 1300 and 1530, Health and Safety Code. Reference: Section 17732, Welfare and Institutions Code and Section 1531, Health and Safety Code.

Article 3. APPLICATION PROCEDURES**83017 APPLICANT QUALIFICATIONS****83017**

- (a) An applicant for a license shall:
- (1) Attend and complete an orientation provided by the licensing agency.
 - (2) Be educated, trained, or experienced in providing family home care and supervision appropriate to the type of children to be served.
 - (A) Applicable education shall be documented through submission, to the licensing agency, of a copy of a certificate, transcript or credentials.
 - (B) Applicable training shall be documented through submission, to the licensing agency, of a copy of a certificate of training.
 - (C) Applicable experience shall be documented in writing, by a person other than the applicant, and submitted to the licensing agency.

HANDBOOK BEGINS HERE

- (b) The following are examples of course, seminar, conference or training topics which will be accepted by the licensing agency to meet the requirements in (b) above. Programs which can be shown to be similar will also be accepted.
- (1) Child development
 - (2) Recognizing and/or dealing with learning disabilities
 - (3) Infant care and stimulation
 - (4) Parenting skills

HANDBOOK ENDS HERE

83064 LICENSEE DUTIES AND RESPONSIBILITIES**83064**

- (a) The licensee shall be responsible for:
- (1) Participating with the child in activities.
 - (2) Participating with agencies and other responsible persons in planning for the needs of the child.
 - (3) Ensuring that the child is clean and providing the child with training in personal cleanliness and hygiene.
 - (4) Protecting the child from home accidents.
 - (5) Making provisions for the child to attend available community treatment or training programs when the child has needs which can be met by such programs.
 - (6) Participating in activities which increase the licensee's own understanding of, and skill in, caring for children.
 - (7) Providing for and meeting service needs of the child as identified in the needs and services plan required by Section 83068.2.
 - (8) Assisting the child in the development of goals and encouraging him/her to reach those goals.
 - (9) Supervising the provision of basic services within the home.
 - (10) Unless restricted by the case plan adopted by the court or other court order, the licensee shall permit and facilitate connections between the child and the child's family and non-relative extended family members. 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.
- (b) The licensee shall be regularly present in the home when children are in the home full time.
- (1) If all children are involved in out of home programs, such as school or day care, the licensee shall be permitted to be regularly absent during those hours.
 - (2) When the licensee is absent from the home while children are present he/she shall provide for supervision of the children by a responsible adult unless otherwise agreed to in advance by the licensing and placing agencies.
- (c) The licensee shall not hire or require a child in placement to baby-sit children residing in the facility, including children who are members of the licensee's family, guardianship children, and children in placement.

83064 LICENSEE DUTIES AND RESPONSIBILITIES (Continued.)**83064**

- (d) For children 16 years of age or older, the licensee shall allow access to existing information regarding available vocational and postsecondary educational options as specified in Section 83072(c)(29).
- (1) The information may include, but is not limited to:
- (A) Admission criteria for universities, community colleges, trade or vocational schools and financial aid information for these schools.
 - (B) Informational brochures on postsecondary or vocational schools/programs.
 - (C) Campus tours.
 - (D) Internet research on postsecondary or vocational schools/programs, sources of financial aid, independent living skills program offerings, and other local resources to assist youth.
 - (E) School-sponsored events promoting postsecondary or vocational schools/programs.
 - (F) Financial aid information, including information about federal, state and school-specific aid, state and school-specific scholarships, grants and loans, as well as aid available specifically to current or former foster youth and contact information for the Student Aid Commission.
- (e) The Licensee shall ensure that caregivers meet initial and ongoing training requirements regarding the child's right to nondiscriminatory care as outlined below:
- (1) Fair and equal access to all available services, placement, care, treatment, and benefits.
 - (2) To not be subject 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.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 51, Civil Code; Sections 1501, 1529.1, 1529.2, 1530.91, 1531, and 1562, Health and Safety Code; Sections 366.1, 366.21, and Section 16001.9, Welfare and Institutions Code.

83074 TRANSPORTATION**83074**

- (a) In addition to Section 80074, the following shall apply.
- (b) When transporting children in a private motor vehicle the licensee shall secure the children as specified below:
 - (1) Infants shall be secured in a car seat designed for infants.
 - (2) All children between two and four years of age and all children who weigh less than 40 pounds, or who have disabilities which prevent them from sitting unassisted, shall be secured in a car seat or harness designed for such children.
 - (3) Children over four years of age and who weigh over 40 pounds who are able to sit unassisted shall be secured in the vehicle's regular seat belt/harness.

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

83075 HEALTH RELATED SERVICES**83075**

- (a) In addition to Section 80075, the following shall apply.
- (b) When a child shows signs of serious illness or injury, the licensure shall have the nature of the illness or injury determined by a physician as quickly as possible.
- (c) Whenever a child is exposed to a serious communicable disease, or has any illness or injury which requires medical treatment or for which the cause is unknown, the licensee shall be responsible for ensuring that the child's immediate medical needs are met.
 - (1) As soon as the child's immediate needs are met, the licensee shall notify the child's authorized representative.
- (d) Notwithstanding the requirements of Section 80075(d), when a child is unable to determine and/or communicate his/her need for a prescription or nonprescription PRN medication, the licensee may assist the child without contacting the child's physician prior to each dose provided that all of the following conditions are met:

83075 HEALTH RELATED SERVICES
(Continued)**83075**

- (1) The child's physician has recommended or prescribed the medication and provided written instructions for its use in at least the level of detail specified in Sections 80075(c)(1) and (e).
 - (2) The date, time and content of the physician contact required in Section 83075(d)(1) shall be documented and maintained in the child's file.
 - (3) The date and time each PRN medication dosage was taken, the exact symptoms for which it was given, the dosage taken and the child's response shall be documented and maintained in the child's record.
 - (4) The medication is given according to the physician's directions.
- (e) When providing family health care, the licensee shall ensure that the child's physician or designated registered nurse has assigned the specific task(s) and has provided adequate practical and written instruction.
- (1) The date, time and content of the initial contact with the physician or nurse shall be documented and maintained in the child's file.
- (f) Any time a child is in the home, at least one of the persons providing regular and routine direct care and supervision to the child shall have received current training in First Aid and Cardio Pulmonary Resuscitation (CPR). Training shall be obtained from an agency offering such training including, but not limited to, the American Red Cross, and shall be appropriate to the child's age and needs.
- (1) The caregiver shall complete First Aid and CPR training in addition to training which increases understanding of, and skill in, caring for children.
 - (2) The licensee shall maintain copies of current First Aid and CPR certificates.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, 1530.6 and 1531, Health and Safety Code.