

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



Regulation Package #0507-02

CDSS MANUAL LETTER NO. CCL-08-06

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22,
DIVISION 6, CHAPTER 7.3, CRISIS NURSERIES

Regulation Package # 0507-02**Effective 8/8/08****Sections 86517**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG639.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-08-05. The latest prior manual letter containing Crisis Nurseries regulation changes was Manual Letter No. CCL-07-08.

Page(s)

Replace(s)

24 and 25

Pages 24 and 25

Attachments

NH

86512**FALSE CLAIMS****86512**

- (a) The licensee shall ensure that no officer or employee of the licensee makes or disseminates any false or misleading statement regarding the crisis nursery or any of the services provided by the crisis nursery.
 - (1) If a person is determined to have made, disseminated, participated in making, or caused to be made a false or misleading statement and that statement has resulted in a crisis nursery overpayment being assessed pursuant to the Manual of Policies and Procedures Section 11-402.6 et seq., then such person shall not be eligible to be a licensee, an officer, or an employee of, a new or subsequent licensee under Title 22, Division 6 or Division 12 until the crisis nursery overpayment is fully repaid or otherwise discharged.
- (b) The licensee shall ensure that no officer or employee of a licensee alters a license or disseminates an altered license.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1508, 1516, and 1531, Health and Safety Code.

Article 3. APPLICATION PROCEDURES**86517 NONDISCRIMINATION OF APPLICANT****86517**

Any adult shall be permitted to apply on the applicant's behalf for a license regardless of age, sex, race, religion, color, political affiliation, national origin, disability, marital status, actual or perceived sexual orientation, gender identity, HIV status, or ancestry.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Section 51, Civil Code; Sections 1516, 1520, and 1530, Health and Safety Code; Section 16013, Welfare and Institutions Code.

86518 APPLICATION FOR A LICENSE**86518**

- (a) Prior to filing an application, the applicant shall attend a crisis nursery orientation provided by the Department.
 - (1) The orientation shall cover, but not be limited to, the following areas:
 - (A) Completion of the application for license.
 - (B) Scope of operation subject to regulation by the Department.
 - (2) An applicant who is already licensed for a crisis nursery shall not be required to attend an orientation if the last orientation attended was for a crisis nursery and was within two (2) years of the next scheduled orientation.
 - (3) An applicant applying for more than one crisis nursery license shall be required to attend only one orientation.
- (b) An applicant desiring to obtain a license shall file with the Department a verified application on form LIC 200.
- (c) Additional documents supporting the application shall contain the following:
 - (1) A copy of the articles of incorporation, constitution and bylaws.
 - (2) The name, title and principal business address of each officer, executive director and member of the governing board.
 - (3) A signed form, LIC 165 from each member of the board of directors.