

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



Regulation Package # 0409-04

CDSS MANUAL LETTER NO. CCL-10-01

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

**Regulation Package #0409-04****Effective 3/6/10****Sections 83074 and 83087**

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

Currently, only two licensed children's residential facility categories, Group Homes that care for children under the age of six years and Crisis Nurseries prohibit smoking within the facility and on the facility grounds.

A Report of the United States (U.S.) Surgeon General entitled, "*The Health Consequences of Involuntary Exposure to Tobacco Smoke*" (2006), concluded that "there is no risk-free level of exposure to secondhand smoke." Also, the U.S. Environmental Protection Agency found that each year in the U.S., secondhand smoke exposure is responsible for 150,000 to 300,000 new cases of bronchitis and pneumonia in children aged less than 18 months resulting in 7,500 to 15,000 hospitalizations annually.

Senate Bill 7 (Oropeza) Statutes of 2007 added Health and Safety Code Section 118948 which made it unlawful to smoke a pipe, cigar or cigarette containing tobacco or any other plant material in a motor vehicle whether in motion or at rest in which there is a minor. These regulations implement this statute and make the nonsmoking requirement mandatory for all children's residential facilities' buildings and grounds.

These regulations, promulgated by the Department of Social Services ensure children in small family homes have the right to be accorded safe, healthful and comfortable home accommodations and be free of the risks and toxic exposure of secondhand smoke.

These regulations were considered at the Department's public hearing held on August 12, 2009.

## 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-09-08. The latest prior manual letter containing Small Family Homes regulation changes was Manual Letter No. CCL-08-03.

Page(s)

31 and 32  
35 and 36

Replace(s)

Pages 31 and 32  
Pages 35 and 36

Attachments

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**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.
- (c) The caregiver and his/her staff are prohibited from smoking, or permitting any person from smoking a pipe, cigar or cigarette containing tobacco or any other plant in a motor vehicle when minor children are present. This prohibition applies when the motor vehicle is moving or at rest.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531, and 118948, 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.

**Article 7. PHYSICAL ENVIRONMENT****83087 BUILDINGS AND GROUNDS****83087**

- (a) In addition to Section 80087, the following shall apply.
- (b) The licensee shall provide bedrooms in the home which shall meet, at a minimum, the following requirements:
- (1) No more than two children shall share a bedroom.
  - (2) Children of the opposite sex shall not share a bedroom unless each child is under five years of age.
  - (3) No room commonly used for other purposes shall be used as a bedroom, except as permitted pursuant to Section 80024.
    - (A) Such rooms shall include but not be limited to halls, stairways, unfinished attics or basements, garages, storage areas and sheds or similar detached buildings.
  - (4) No bedroom shall be used as a public or general passageway to another room.
  - (5) Except for infants, children shall not share a bedroom with an adult.
    - (A) In bedrooms shared by adults and infants, no more than one infant and no more than two adults shall share the room.
    - (B) If two children have been sharing a bedroom and one of them turns 18, they may continue to share the bedroom as long as they remain compatible and the licensing agency has granted an exception, pursuant to Section 80024.
  - (6) Subsections 83087(b)(1), (2), (3), (4), and (5) apply to all bedrooms used by all children residing in the facility, including children who are members of the licensee's family, guardianship children, and children in placement.
  - (7) Sections 83087(b)(3) and (4) apply to all bedrooms used by the licensee(s) and all other adults residing in the facility.
- (c) The licensee who accepts a child with a disability shall make necessary specific provisions including but not limited to changes to the buildings and grounds as required to protect and assist the child and maximize the child's potential for self-help.
- (d) The licensee shall prohibit smoking in the facility and on the grounds of the facility.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code and "*The Health Consequences of Involuntary Exposure to Tobacco Smoke*": A Report of the Surgeon General (2006).

**83087.1 ADDITIONAL BUILDINGS AND GROUNDS REQUIREMENTS  
FOR SPECIALIZED SMALL FAMILY HOMES****83087.1**

- (a) Areas in the home, including bedrooms, bathrooms, toilets, dining areas, passageways and recreational spaces used by a child with special health care needs shall be large enough to accommodate any medical equipment needed by the child therein.
- (1) Bedrooms occupied by children with special health care needs shall be large enough to allow the storage of each child's personal items and any required medical equipment or assistive devices, including wheelchairs, adjacent to the child's bed.
- (A) The bedroom shall be large enough to permit unobstructed bedside ministrations of medical procedures and medications.
- (b) Notwithstanding Section 83087(b)(1), a bedroom used by a child with special health care needs shall not be shared with another minor residing in the facility if the child's need for medical services or the child's medical condition would be incompatible with the use and enjoyment of the bedroom by each minor.
- (c) When required by the child's individualized health care plan, the licensee(s) or other adult caring for the child, shall sleep in a bedroom adjacent or in close proximity to the child's room.

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

**83087.2 OUTDOOR ACTIVITY SPACE****83087.2**

- (a) The licensee shall provide outdoor activity space which is free from hazards to life and health.
- (1) The outdoor activity space shall include, but not be limited to, activity centers and public parks where the licensee resides in an apartment, condominium, or similar housing arrangement which does not have separate yard space.
- (2) A sketch of the physical plant as required in the plan of operation, pursuant to Section 80022, shall include the location(s) of outdoor activity space.
- (3) The outdoor activity space shall not include any area made inaccessible by fencing pursuant to Section 80087(f).