

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



Regulation Package #0409-04

CDSS MANUAL LETTER NO. CCL-10-03

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22,
DIVISION 6, CHAPTER 7, TRANSITIONAL HOUSING PLACEMENT PROGRAM

Regulation Package #0409-04**Effective 3/6/10****Sections 86074 and 86087**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG649.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-10-02. The latest prior manual letter containing Transitional Housing Placement Program regulation changes was Manual Letter No. CCL-08-05.

Page(s)

Replace(s)

38 through 43

Pages 38 through 43

Attachments

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86074 TRANSPORTATION**86074**

(a) In addition to Section 80074 the following shall apply:

- (1) When transporting participants, the licensee shall ensure the participants and the participant's children are secured in a safety restraint system in accordance with Vehicle Code Sections 27315(e) and 27360(a).

HANDBOOK BEGINS HERE

(A) Vehicle Code Section 27315(e) provides in part:

No person 16 years of age or over shall be a passenger in a motor vehicle on a highway unless that person is properly restrained by a safety belt.

(B) Vehicle Code Section 27360(a) provides in part:

No parent or legal guardian, when present in a motor vehicle, as defined in Section 27315, shall permit his or her child or ward to be transported upon a highway in the motor vehicle without providing and properly securing the child or ward, in a passenger restraint system meeting applicable federal motor vehicle safety standards....

HANDBOOK ENDS HERE

- (2) The licensee 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: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1531, and 118948, Health and Safety Code; Section 16522.1, Welfare and Institutions Code; and Sections 27315 and 27360, Vehicle Code.

86075 HEALTH-RELATED SERVICES**86075**

- (a) THPP licensees are not subject to the provisions in Section 80075. Instead, THPP licensees are subject to the following and shall ensure that:
- (b) Each THPP participant shall receive all necessary medical, dental, vision and mental health services.

86075 HEALTH-RELATED SERVICES (Continued)**86075**

- (c) The THPP participant's physician has stated, in writing, that the THPP participant is able to determine and administer his/her own prescription or nonprescription PRN medication.
- (d) First aid supplies shall be maintained in the THPP participant living unit and staff residential unit.
 - (1) Supplies shall include at least the following:
 - (A) Current edition of a first aid manual approved by the American Red Cross, the American Medical Association or a state or federal health agency.
 - (B) Sterile first aid dressings.
 - (C) Bandages or roller bandages.
 - (D) Adhesive tape.
 - (E) Scissors.
 - (F) Tweezers.
 - (G) Thermometers.
 - (H) Antiseptic solution.
 - (2) THPP employees responsible for providing direct care and supervision of participants shall receive training in CPR and First Aid, and should maintain an age appropriate certification in CPR from persons qualified to provide such training.
 - (3) Participants with children residing in the living unit shall receive training in First Aid and an age appropriate CPR from persons qualified to provide such training.
 - (4) Proof of successful completion of training and current certification shall be maintained in the personnel and participants' records.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1507, 1522.42, and 1531, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

86078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION**86078**

- (a) THPP licensees are not subject to the provisions in Section 80078. Instead, THPP licensees are subject to the following and the following shall apply:
- (1) The licensee shall provide those services identified in the THPP participant's needs and services plan and transitional independent living plan as necessary to meet the participant's needs.
 - (2) The licensee is responsible for ensuring that the THPP participant provides care and supervision for the participant's child(ren).
 - (3) No social work staff shall have participants who are located more than two hours' travel by automobile from the THPP office in their caseload.
- (b) The licensing agency retains the authority to require additional staff, including social workers when the agency determines it is necessary to provide for the appropriate care and supervision of the participants.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1507, 1531, and 1559.110, Health and Safety Code; Section 16522.1, Welfare and Institutions Code; and Title 42 USC Sections 675 and 677 of the Social Security Act.

Article 7. Physical Environment**86087 BUILDINGS AND GROUNDS****86087**

- (a) THPP licensees are not subject to the provisions in Section 80087. Instead, THPP licensees are subject to the following and the following shall apply.
- (1) The licensee shall ensure the THPP participant living unit meets, at a minimum, the following requirements:
 - (A) No more than two THPP participants shall share a bedroom.
 - (B) THPP participants of the opposite sex shall not share a bedroom.
 - (C) No area commonly used for other purposes shall be used as a bedroom.
 - (1) Such areas include but are not limited to halls, stairways, unfinished attics or basements, garages, storage areas or sheds, or similar detached buildings.

86087 BUILDINGS AND GROUNDS (Continued)

86087

- (D) No bedroom shall be used as a public or general passageway to another room.
- (1) When the THPP participant living unit is a studio apartment, the licensing agency may grant an exception pursuant to Section 80024(b) only when the studio apartment is occupied exclusively by the THPP participant, or the participant and his or her own child(ren).
- (b) A THPP participant may share a bedroom with his or her own child(ren), regardless of the ages of the participant and his or her own child(ren).
- (1) THPP participants shall not share a bedroom with an adult who is not a THPP participant unless the adult is a THP-Plus participant.
- (2) The licensing agency may approve an exception when all of the following conditions are met:
- (A) Two minor THPP participants have been sharing a bedroom and one of the participants turns 18 years of age;
- (B) One of the participants otherwise meets all of the requirements of Welfare and Institutions Code Section 11403;
- (C) Both are participants;
- (D) The participants remain compatible.
- (3) Subsections 86087(a)(1)(A) through 86087(b)(4) apply to all bedrooms used by all persons residing in the THPP, including the participants in placement and their own children, and the THPP employees.
- (4) THPP employees shall not share a bedroom with THPP participants.
- (c) When a THPP participant has a disability, the licensee shall make necessary specific provisions, including but not limited to, alterations to the building and grounds as required to protect and to assist the participant and maximize the participant's potential for self sufficiency.
- (d) Notwithstanding Section 80087(h), firearms and other weapons shall not be stored in the THPP participant living units.

86087 BUILDINGS AND GROUNDS (Continued)**86087**

- (e) Notwithstanding Section 80087(h), disinfectants, cleaning solutions, poisons and other items that could pose a danger when accessible shall be stored where inaccessible when the following conditions exist:
- (1) The child(ren) of a THPP participant resides in the THPP participant living unit; or,
 - (2) When required by a participant's needs and services plan.
- (f) The licensee shall prohibit smoking in the facility and on the grounds of the facility.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1531, and 1559.110, Health and Safety Code; Section 16522.1, Welfare and Institutions Code, and *"The Health Consequences of Involuntary Exposure to Tobacco Smoke": A Report of the Surgeon General (2006)*.

86087.1 ADMINISTRATIVE OFFICE/SUB-ADMINISTRATIVE OFFICES**86087.1**

- (a) The THPP licensee shall maintain an administrative office that provides privacy for confidential interviews.
- (1) All participant records shall be maintained in a secure area or locked file cabinets in the administrative office.
 - (2) Copies of confidential records maintained in a THPP staff residential unit shall be kept in a secure area or in a locked file cabinet.
- (b) The administrative office shall maintain the following records:
- (1) Participant records;
 - (2) Personnel records; and
 - (3) Listing of all THPP participants and living units.
- (c) The administrative office shall not be located more than two hours' travel by automobile from the THPP participant living units.
- (d) A sub-administrative office shall meet all of the same requirements of Sections 86087.1(a) through (c) above.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.