

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



Regulation Package #0409-04

CDSS MANUAL LETTER NO. CCL-10-04

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

Regulation Package # 0409-04**Effective 3/6/10****Sections 86574**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG639.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-10-03. The latest prior manual letter containing Crisis Nurseries regulation changes was Manual Letter No. CCL-08-06.

Page(s)

Replace(s)

118 and 119

Pages 118 and 119

Attachments

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86572.1 DISCIPLINE POLICIES AND PROCEDURES**86572.1**

- (a) The licensee shall ensure that a written discipline policies and procedures plan is developed, maintained and implemented.
- (b) The licensee shall ensure that a copy of the discipline policies and procedures is provided to parents, staff, legal guardians, and authorized representatives.
- (c) Discipline for children shall be education-based, consistent among caregivers, and include the following:
 - (1) Redirecting the child's attention.
 - (2) Focusing on the rule to learn and the reason for the rule.
 - (3) Providing acceptable alternatives.
 - (4) Providing time away from the precipitating situation.
 - (5) Arranging the environment to allow safe testing of limits.
- (d) Discipline shall not include confinement to cribs, high chairs, playpens or other similar furniture or equipment.
- (e) The licensee shall prohibit any form of discipline that violates a child's personal rights as specified in Section 86572, Personal Rights.

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

86572.2 COMPLAINT PROCEDURES**86572.2**

- (a) The licensee shall ensure that written complaint procedures by which children, parents, legal guardians, or authorized representatives are permitted to file complaints, without fear of retaliation, with the crisis nursery regarding crisis nursery staff or operations are developed, maintained, and implemented.
 - (1) Parents, staff, legal guardian, or authorized representatives shall receive copies of such procedures.
 - (2) Signed copies of such procedures shall be maintained in each child's record.

86572.2 COMPLAINT PROCEDURES (Continued)**86572.2**

- (3) Such procedures shall be posted in a location in the crisis nursery that is accessible to children, their parents, legal guardians or authorized representatives.

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

86574 TRANSPORTATION**86574**

- (a) The licensee shall ensure that all transportation provided for children in their care is provided in vehicles that are in safe operating condition and that drivers comply with all applicable laws.
- (b) No child shall be left unattended in a vehicle.
- (c) The licensee shall ensure that children are secured in the vehicle in an appropriate restraint device according to the California Vehicle Code and, if applicable, the manufacturers' instructions for the infant car seat(s).
- (1) The licensee shall ensure the use of other restraint or protective devices that are required due to the child's disabilities or physical and medical condition.
- (2) The licensee shall ensure that children are secured in the vehicle so that the child is not in danger of being injured by the vehicle's airbag.
- (d) 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: Section 1530, Health and Safety Code. Reference: Sections 1501, 1516, 1531, and 118948, Health and Safety Code.