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Handbook Package # 0115-02

CDSS MANUAL LETTER NO. CCL-15-06

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

Handbook Package # 0115-02

Effective 5/18/2015

Handbook Section 86536

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG639.htm>.

This manual letter is updating a handbook section which includes quoted material relevant to the Crisis Nurseries regulations.

Since these corrections are nonsubstantive, a public hearing was not necessary.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. 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-15-05. The latest prior manual letter containing Crisis Nurseries regulation changes was Manual Letter No. CCL-11-01.

Page(s)
62 through 65

Replace(s) Pages
62 through 65

Attachments

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86535**CONDITIONS FOR FORFEITURE OF A CRISIS NURSERY
LICENSE****86535**

- (a) Conditions for forfeiture of a crisis nursery license may be found in Health and Safety Code Section 1524.
- (1) "Licensee abandons the crisis nursery" shall mean the licensee informs the Department that the licensee no longer accepts responsibility for the crisis nursery, or the Department is unable to determine the licensee's whereabouts after making at least one (1) phone call per day, to the licensee's last telephone number of record, for five (5) consecutive workdays with no response; and sending a certified letter, requesting the licensee to contact the Department, to the licensee's last mailing address of record with no response within seven (7) calendar days.

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- (2) Health and Safety Code Section 1524 provides in part:

"A license shall be forfeited by operation of law prior to its expiration date when one of the following occurs:

- (a) The licensee sells or otherwise transfers the facility or facility property, except when change of ownership applies to transferring of stock when the facility is owned by a corporation, and when such transfer of stock does not constitute a majority change of ownership.
- (b) The licensee surrenders the license to the department.
- (c) The licensee moves a facility from one location to another....
- (f) The licensee abandons the facility...."

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NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1516, 1524, and 1524(e), Health and Safety Code.

86536 LICENSING FEES**86536**

- (a) The Department shall charge applicants and licensees fees in accordance with Health and Safety Code Section 1523.1.

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Health and Safety Code Section 1523.1 provides in part:

(a)(1) An application fee adjusted by facility and capacity shall be charged by the department for the issuance of a license. After initial licensure, a fee shall be charged by the department annually on each anniversary of the effective date of the license. The fees are for the purpose of financing the activities specified in this chapter. Fees shall be assessed as follows, subject to paragraph (2):

Fee Schedule			
Facility Type	Capacity	Initial Application	Annual
...			
Other Community Care Facilities	1-3	\$454	\$454
	4-6	\$908	\$454
	7-15	\$1,363	\$681

(2)(A) The Legislature finds that all revenues generated by fees for licenses computed under this section and used for the purposes for which they were imposed are not subject to Article XIII B of the California Constitution.

(B) The department, at least every five years, shall analyze initial application fees and annual fees issued by it to ensure the appropriate fee amounts are charged. The department shall recommend to the Legislature that fees established by the Legislature be adjusted as necessary to ensure that the amounts are appropriate.

(b) (1) In addition to fees set forth in subdivision (a), the department shall charge the following fees:

(A) A fee that represents 50 percent of an established application fee when an existing licensee moves the facility to a new physical address.

(B) A fee that represents 50 percent of the established application fee when a corporate licensee changes who has the authority to select a majority of the board of directors.

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(C) A fee of twenty-five dollars (\$25) when an existing licensee seeks to either increase or decrease the licensed capacity of the facility.

(D) An orientation fee of fifty dollars (\$50) for attendance by any individual at a department sponsored orientation session.

(E) A probation monitoring fee equal to the current annual fee, in addition to the current annual fee for that category and capacity for each year a license has been placed on probation as a result of a stipulation or decision and order pursuant to the administrative adjudication procedures of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(F) A late fee that represents an additional 50 percent of the established current annual fee when any licensee fails to pay the current annual licensing fee on or before the due date as indicated by postmark on the payment.

(G) A fee to cover any costs incurred by the department for processing payments including, but not limited to, bounced check charges, charges for credit and debit transactions, and postage due charges.

(H) A plan of correction fee of two hundred dollars (\$200) when any licensee does not implement a plan of correction on or prior to the date specified in the plan.

(2) Foster family homes shall be exempt from the fees imposed pursuant to this subdivision.

(3) Foster family agencies shall be annually assessed eighty-eight dollars (\$88) for each home certified by the agency.

(4) No local jurisdiction shall impose any business license, fee, or tax for the privilege of operating a facility licensed under this chapter which serves six or fewer persons.

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86536**LICENSING FEES****86536**

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(c)(1) The revenues collected from licensing fees pursuant to this section shall be utilized by the department for the purpose of ensuring the health and safety of all individuals provided care and supervision by licensees and to support activities of the licensing program, including, but not limited to, monitoring facilities for compliance with licensing laws and regulations pursuant to this chapter, and other administrative activities in support of the licensing program, when appropriated for these purposes. The revenues collected shall be used in addition to any other funds appropriated in the Budget Act in support of the licensing program. The department shall adjust the fees collected pursuant to this section as necessary to ensure that they do not exceed the costs described in this paragraph.

(2) The department shall not utilize any portion of these revenues sooner than 30 days after notification in writing of the purpose and use of this revenue, as approved by the Director of Finance, to the Chairperson of the Joint Legislative Budget Committee, and the chairpersons of the committee in each house that considers appropriations for each fiscal year. The department shall submit a budget change proposal to justify any positions or any other related support costs on an ongoing basis.

(d) A facility may use a bona fide business check to pay the license fee required under this section.

(e) The failure of an applicant or licensee to pay all applicable and accrued fees and civil penalties shall constitute grounds for denial or forfeiture of a license.

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(b) The application and annual fees shall be nonrefundable, except as provided in Government Code Section 13143.

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- (1) Government Code Section 13143 provides:

"Whenever any law which provides for fees or payments to a state agency does not authorize, as provided in this article, the refund of erroneous or excessive payments thereof, refunds may be made by the state agency which collected the fee or payment of any or all amounts received by the state agency in consequence of error, either of fact or of law, as to:

- (a) The proper amount of such fee or payment.
- (b) The necessity of making such payment or making or securing a permit, filing, examination, or inspection.
- (c) The sufficiency of the credentials of the applicant.
- (d) The eligibility of an applicant for any other reason."

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NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1516, 1523.1, and 1524, Health and Safety Code; and Section 13143, Government Code.

Article 4. ADMINISTRATIVE ACTIONS**86540 DENIAL OF A LICENSE****86540**

- (a) Except as specified in Section 86531.1, Issuance of a Provisional License, the Department shall deny an application for an initial license if it is determined that the applicant is not in compliance with applicable law and regulation.
- (1) The Department shall have the authority to deny an application for an initial license if the applicant has failed to pay any civil penalty assessments pursuant to Section 86558, Unlicensed Facility Penalties, or in accordance with a final judgment issued by a court of competent jurisdiction, unless payment arrangements acceptable to the Department have been made.
- (2) An application for licensure shall be denied as specified in Health and Safety Code Sections 1520.11(b), (d) and 1550.

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- (A) Health and Safety Code Section 1520.11(b) provides:

"The department shall not issue a provisional license or license to any corporate applicant that has a member of the board of directors, an executive director, or an officer, who is not eligible for licensure pursuant to Section 1520.3 or Section 1558.1."

- (B) Health and Safety Code Section 1520.11(d) provides:

"Prior to instituting administrative action pursuant to either subdivision (b) or (c), the department shall notify the applicant or licensee of the person's ineligibility to be a member of the board of directors, an executive director, or an officer of the applicant or licensee. The licensee shall remove the person from that position within 15 days or, if the person has client contact, he or she shall be removed immediately upon notification."

- (C) Health and Safety Code Section 1550 provides in part:

"The department may deny an application for, ... any license, ... upon any of the following grounds and in the manner provided in this chapter:

- (a) Violation by the licensee or holder of a special permit of this chapter or of the rules and regulations promulgated under this chapter.

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