

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 86000(a)

Specific Purpose:

This section is adopted to introduce a new children's residential facility category "Transitional Housing Placement Program (THPP)" and to make clear that this category is also governed by Title 22 Division 6, Chapter 1, General Licensing regulations.

Factual Basis:

The addition of Section 86000(a) is necessary to introduce a new children's residential facility category THPP created by Health and Safety Code Section 1559.110. It is further necessary to make clear that these facilities are also governed by Title 22 Division 6, Chapter 1, General Licensing regulations.

Section 86001(a)(1)

Specific Purpose:

This section is adopted to define the term "Administrative Office" to specify the office that will be licensed by the Department as a THPP to provide transitional housing services.

Factual Basis:

The adoption of this section is necessary to specify the "administrative office" component of the THPP is the component that is licensed by the Department as the facility for the purpose of conducting annual and other visits in accordance with Health and Safety Code Section 1534(a)(1)(A).

Section 86001(b) (Reserved)

Section 86001(c)(1)

Specific Purpose:

This section is adopted to define the term "Certificate of Approval."

Factual Basis:

This section is necessary to specify the document that establishes the county approval as a condition of licensure according to Welfare and Institutions Code Section 16522.1.

Section 86001(c)(2)

Specific Purpose:

This section is adopted to define the term "Certificate of Compliance."

Factual Basis:

This section is necessary to specify the document generated and retained by the THPP to establish that "participant living units" are certified by the THPP as meeting the requirements of Health and Safety Code Section 1501(b)(5). Adding this regulation ensures that the participants are placed in a safe living unit that meets the standards required.

Section 86001(d)(1)

Specific Purpose:

This section is adopted to define the term "Department Approved County THPP Plan."

Factual Basis:

The adoption of this regulation is necessary to comply with Welfare and Institutions Code Section 16522.5 that requires the county to obtain a plan approved by the Department before actively participating in the screening and supervision of transitional housing placement programs.

Section 86001(e) (Reserved)

Section 86001(f) (Reserved)

Section 86001(g) (Reserved)

Section 86001(h)(1)

Specific Purpose:

This section is adopted to define the term "Host County."

Factual Basis:

The adoption of this section is necessary to define a "host county" and the role of host counties regarding THPPs. A host county does not have a Department-approved plan, but may give permission for a licensee in an adjacent county to provide services in the host county. This section is necessary to ensure that participants in a THPP are given every opportunity to live, work, or attend school in areas other than where the THPP is located.

Section 86001(h)(2)

Specific Purpose:

This section is adopted to define the term "Host County Letter."

Factual Basis:

The adoption of this section is necessary to define a "host county letter" and why it is needed. A host county letter is required when a licensed THPP in one county wishes to provide services in an adjacent county that does not have a Department-approved plan, as required by Welfare and Institutions Code Section 16522.5. The adjacent county without a plan must authorize the THPP to operate in its county. This authorization is evidenced by a "host county letter." Without this letter the THPP can not operate in the adjacent county.

Section 86001(i)(1)

Specific Purpose:

This section is adopted to define the term "Independent Living Program (ILP)."

Factual Basis:

The adoption of this section is necessary to explain the requirements for the county's independent living program (ILP). The Department must approve a county's ILP before it will approve the county's transitional housing placement program. An approved county's ILP states that the county will be supported of the transitional housing placement program and will meet the requirements of the Welfare and Institutions Code Section 16522.5.

Sections 86001(j) through (q) (Reserved)

Section 86001(r)(1)

Specific Purpose:

This section is adopted to define the term "Remote Site Model."

Factual Basis:

This section is necessary to distinguish the unique elements of a "remote site model" from other models of a THPP. Welfare and Institutions Code Section 16522(d)(3) states that a transitional housing placement program that has participants living independently in an apartment rented or leased by a licensee under the supervision of the licensee must have prior approval from the California Department of Social Services.

Section 86001(s)(1)

Specific Purpose:

This section is adopted to define the term "Single Housing Unit."

Factual Basis:

The adoption of this section is necessary to specify the type of units the licensee should acquire for the participants in the program, and distinguishes the units for single individual(s) from group care. Health and Safety Code Section 1559.110 states that participants may live in an apartment, single-family dwelling, or condominium. These units are defined to clarify that they are subject to inspection by licensing agency representatives and comply with the California Code of Regulations, Title 22.

Section 86001(s)(2)

Specific Purpose:

This section is adopted to define the term "Sub-Administrative Office."

Factual Basis:

The adoption of this section is necessary to distinguish between the administrative office and the sub-administrative office. The licensing agency licenses sub-administrative offices when the administrative office is located in a different county that has a Department-approved county THPP plan or the administrative office is more than two hours driving distance from the participant living unit.

Section 86001(t)(1)

Specific Purpose:

This section is adopted to define the term "Transitional Housing Placement Program (THPP)" and outlines the licensed and certified components of the program.

Factual Basis:

This section is adopted to comply with Welfare and Institutions Code Section 11400(r), which defines the term "Transitional Housing Placement Program (THPP)." This is necessary to distinguish the difference between THPPs and the other programs that the Department regulates. A licensee who operates a THPP should understand what type of children the program serves and what the program is designed to accomplish. This is described in Health and Safety Code Section 1559.110(b) which in part states, "Transitional housing placement programs shall provide supervised housing services to persons who are at least 16 years of age and not more than 18 years of age." It is necessary to distinguish between the licensed and certified components of the THPP program to further clarify the fact that the Department issues licenses and the THPP issues certifications.

Section 86001(t)(2)

Specific Purpose:

This section is adopted to define the term "Transitional Housing Placement Program (THPP) Participant."

Factual Basis:

The adoption of this section is necessary to identify a term used throughout these regulations. It identifies the person(s) as stated in Health and Safety Code Section 1559.110 who is eligible to be in a transitional housing placement program.

Sections 86001(t)(3) through (t)(3)(C)

Specific Purpose:

These sections are adopted to define the term "Transitional Housing Placement Program (THPP) Participant Living Unit."

Factual Basis:

These sections are necessary to specify the types of living units that THPPs will provide for its participants as noted in Health and Safety Code Section 1559.110(d). These living units are where the participants live and shall be inspected by the licensing agency to ensure compliance to the regulations. Handbook is provided to assist users in identifying the specific types of living units.

Section 86001(t)(4)

Specific Purpose:

This section is adopted to define the term "Transitional Housing Placement Program (THPP) Staff Residential Unit."

Factual Basis:

This section is necessary to specify the units where staff resides when caring for the participants in the THPP. These units are rented or leased by the licensee and are accessible to the participants in the transitional housing placement program. "THPP Staff Residential Units" may be inspected by the licensing agency.

Section 86001(t)(5)

Specific Purpose:

This section is adopted to define the term "Transitional Independent Living Plan (TILP)."

Factual Basis:

This section is necessary to be consistent with Health and Safety Code Section 1559.110 and Welfare and Institutions Code Section 16522 that require the Department to develop regulations that govern transitional housing placement programs. This regulation is adopted to comply with federal law at 42 U.S.C. Section 677 that requires a transitional independent living plan to be completed by counties for participants being placed in the transitional housing placement program.

Section 86005(a)(1)

Specific Purpose:

This regulation is adopted to specify the requirements of licensure for operating a THPP.

Factual Basis:

This regulation is necessary to comply with Health and Safety Code Section 1559.110(a) that requires the Department to license transitional housing placement programs.

Section 86005(a)(2)

Specific Purpose:

This regulation is adopted to specify the criteria by which certain THPPs are exempt from licensure.

Factual Basis:

This regulation is necessary to comply with Health and Safety Code Sections 1559.110(c) and (e) that exempts from licensure programs designed for eligible former foster/probation youth 18 years or older. These specific programs are certified and supervised by counties.

Sections 86009(a), (b), and (c)

Specific Purpose:

These regulations require that the facility license be posted and readily accessible in the administrative office, upon request by the licensing representative. A photocopy of the current license is also required in sub-administrative offices and in functioning THPP staff residential units.

Factual Basis:

These regulations comply with Health and Safety Code Section 1559.110 that requires that the facility be licensed. This is necessary for the licensing agency representative and the public to verify that the facility is licensed.

Sections 86010 through 86010(a)(1)

Specific Purpose:

These regulations are adopted to set standards for a person who is permitted to reside in a THPP living unit.

Factual Basis:

These regulations are necessary to comply with Health and Safety Code Section 1559.110(b) that requires supervised housing services to be provided to participants 16 years of age and no more than 18 years of age, except as provided in Welfare and Institutions Code Section 11403. This regulation is also necessary to clarify who is permitted to reside in THPP facilities.

Sections 86018 (title) and (a)

Specific Purpose:

This regulation adopts Article 3. (Application Procedures) and the chapter title (Application for Licensure). Section 86018(a) is adopted to specify that the applicant must submit a THPP plan that includes mandated statutory provisions to the county department of social services or the county probation department for approval, prior to applying for a license.

Factual Basis:

These regulations are necessary to format the regulations in a logical sequential order and to meet the requirements of, and to be consistent with, Welfare and Institutions Code Sections 16522 through 16522.6 that specify certain criteria for the applicant for licensure to gain approval from the county prior to submitting their application to the Department.

Sections 86018(b)(1) and (b)(2)

Specific Purpose:

These regulations are adopted to specify the criteria by which a Transitional Housing Placement Program shall apply for licensure when a county has a Department- approved THPP plan.

Factual Basis:

The adoption of these regulations is necessary to comply with Welfare and Institutions Code Section 16522 that specifies that THPP facilities must be licensed. These regulations clarify the application process that the licensee must meet to obtain a license from the Department.

Sections 86018(b)(3) through (b)(3)(B)

Specific Purpose:

These regulations are adopted to specify the criteria by which a transitional housing placement program shall operate in a county without a Department-approved THPP plan.

Factual Basis:

These regulations are necessary to meet the Administrative Procedures Act "clarity" and "consistency" standards in Government Code Sections 11349(c) and (d), respectively. These regulations are necessary to clarify for those counties that do not have a Department-approved THPP plan that they can still provide services under certain conditions as specified in regulation.

Section 86018(a)(4)

Specific Purpose:

This regulation is adopted to specify that the applicant must submit a "Certificate of Approval" from the county department of social services or the county probation department approving the applicant's plan of operation and verifying the criteria specified in the county's THPP plan along with the application to the Department.

Factual Basis:

This section is necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522.1 that specifies certain criteria that the applicant for licensure must provide to gain approval from the county prior to submitting their application to the Department.

Sections 86020, et seq.

Specific Purpose:

This section is adopted to ensure that an appropriate fire clearance is obtained when necessary.

Factual Basis:

This section is necessary to ensure client safety as required by Health and Safety Code Section 1501(b)(5). This regulation is necessary to meet the Administrative Procedures Act "clarity" and "consistency" standards in Government Code Sections 11349(c) and (d), respectively. This regulation clarifies that with non-ambulatory individuals participating in the program, applicants for licensure or current licensees shall obtain an appropriate fire clearance from the fire authority having jurisdiction.

Sections 86022, et seq.

Specific Purpose:

These sections are adopted to specify the criteria necessary for the development of a "plan of operation" for a transitional housing placement program.

Factual Basis:

These sections are necessary to be consistent with Health and Safety Code Section 1559.110(f)(1) and Welfare and Institutions Code Section 16522 that require the Department to develop regulations that govern transitional housing placement programs.

These regulations are necessary to specify the criteria for a plan of operation that includes how the facility will operate, supervise the participants, and meet the needs of the participants.

Sections 86023 et seq.

Specific Purpose:

These sections are adopted to specify the necessary requirements for a THPP emergency plan.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Health and Safety Code Section 1559.110 and Welfare and Institutions Code Section 16522 that require the Department to license and develop standards for transitional housing placement programs. The adoption of these sections is necessary to require the licensee to develop standards that ensure the safety of staff and clients in the event of an emergency consistent with Health and Safety Code Section 1501(b)(5).

Section 86024(a)

Specific Purpose:

This regulation is adopted to specify the criteria for a licensee when placing a participant in a remote site living unit.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522(d)(3). This regulation is necessary to specify that the licensee must receive approval from the Department before placing a participant in a remote site living unit.

Sections 86024(b) and (b)(1)

Specific Purpose:

These regulations are adopted to specify that the licensing agency, after considering a written plan submitted by the licensee, shall have the authority to approve a remote site that ensures the health and safety of the participant.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522(d)(3) that requires the Department to approve remote site living units. These regulations are necessary for the licensee to ensure the health and safety of the participants in a remote site living unit as required by Health and Safety Code Section 1501(b)(5).

Sections 86024(b)(2) and (b)(2)(A) and (B)

Specific Purpose:

These regulations specify the requirements for the written plan that is used by the Department to approve remote site living units.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Sections 16522(d)(3) and 16522.1(a) and (b). These regulations are necessary to ensure the licensee in the development of this plan protects the health and safety of the participant and considers the participant's characteristics and maturity level and other specified requirements.

Sections 86024(c) through (c)(2)

Specific Purpose:

These regulations are adopted to clarify that the Department has 30 days to specify any deficiencies and deny or approve the written plan for a remote site model.

Factual Basis:

These regulations are necessary to be consistent with Health and Safety Code Section 1559.110(a) and Welfare and Institutions Code Sections 16522(a) and (d)(3). These regulations are necessary to set a time limitation for the Department in processing a request for a remote site living unit.

Sections 86024(d) through 86024(g)

Specific Purpose:

These regulations are adopted to establish procedures when the Department denies a written request for a remote site living unit.

Factual Basis:

These regulations are necessary to be consistent with Health and Safety Code Section 1559.110(a) and Welfare and Institutions Code Sections 16522(a) and (d)(3). The regulations are necessary to clarify that when a written request is denied at a level lower than the Regional Manager, the applicant has the right to appeal the decision, in writing, to a higher level up to the Program Administrator.

Sections 86028 et al.

Specific Purpose:

These sections are adopted to establish standards for determining capacity in transitional housing placement programs.

Factual Basis:

These sections are necessary to be consistent with Health and Safety Code Section 1559.110(a) and Welfare and Institutions Code Section 16522(a) and that require the Department to develop regulations and license transitional housing placement programs. These sections are necessary to establish licensing standards for capacity in transitional housing placement programs and to ensure that the capacity is specified on the license. This helps to ensure safety as mandated by Health and Safety Code Section 1501(b)(5).

Sections 86030.5(a) and (b)

Specific Purpose:

These regulations are adopted to require the Administrator or responsible designee to complete and sign the certificate of compliance that ensures the living unit is adequate, safe and sanitary, and require that the licensee retain a copy for Department review.

Factual Basis:

These sections are necessary to specify that the document generated and retained by the THPP establishing that participant living units are certified by the THPP, meet the requirements of Health and Safety Code Section 1501(b)(5). Adding these regulations ensure that the participants are placed in a safe living unit that meets the standards required.

Sections 86030.5(c) through (c)(5)

Specific Purpose:

These regulations are adopted to establish standards for completing a certificate of compliance.

Factual Basis:

These sections are necessary to be consistent with Health and Safety Code Section 1559.110(a) Health and Safety Code and Welfare and Institutions Code Section 16522(a) that require the Department to develop regulations and license transitional housing placement programs. These standards clarify for the licensee the necessary information included in completing a certificate of compliance.

Section 86030.5(d)

Specific Purpose:

This regulation is adopted to specify that the licensee must receive prior approval from the Department before using a remote site living model in a transitional housing placement program.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Health and Safety Code Section 1559.110(d)(3) and Welfare and Institutions Code Section 16522(d)(3) that require the Department to approve remote site living units. This regulation is necessary for the licensee to ensure the health and safety of the participants in a remote site living unit.

Sections 86030.5(e) and (f)

Specific Purpose:

These regulations are adopted to specify that a transitional housing placement program must maintain a copy of the certificate of compliance in the administrative office, sub-administrative office, and the staff living unit and that the certificate is not transferable.

Factual Basis:

These sections specify the document generated and retained by the THPP to establish that participant living units are certified by the THPP as meeting the requirements of Health and Safety Code Section 1501(b)(5). Adding this regulation ensures that the participants are placed in a safe living unit that meets the standards required. It also establishes a requirement that the certificate is not transferable if there is a change in the participant living unit.

Sections 86031.5 et seq.

Specific Purpose:

These sections are adopted to establish notification requirements for the licensee as it pertains to the participant living unit.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Health and Safety Code Section 1559.110(a) and Welfare and Institutions Code Section 16522(a) that require the Department to license and develop regulations for THPP. These sections are necessary to keep the Department informed of the current status regarding participant and staff living units, addresses, telephone numbers, etc.

Sections 86036(a) through (c)

Specific Purpose:

These regulations are adopted to specify the requirements for determining THPP application and annual fees. Additionally, they establish fee standards for THPPs that change location or capacity.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Health and Safety Code Section 1559.110(a) that requires the Department to license and develop regulations for THPP. These regulations are also necessary to be consistent with Health and Safety Code Section 1523.1 that changes the renewal fee to an annual fee for community care facilities. These regulations clarify for the licensee the application processing fees and subsequent annual fees based on capacity. They further clarify that no additional fees will be charged if the capacity is increased during the annual period.

Sections 86036(d) and (e)

Specific Purpose:

These regulations are adopted to specify the criteria for a reduction in fees and to establish that application processing fees are nonrefundable except as specified in Government Code Section 15378.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Health and Safety Code Section 1559.110(a) that requires the Department to license and develop regulations for THPP. The regulations are necessary to clarify for a licensee that relocating fees during an annual period may be reduced under specified conditions. The

regulations may reduce some of the cost associated with relocating. The regulations also clarify the conditions whereby the application processing fee may be refunded.

Section 86044 Article 4 (Administrative Actions) and Section Title and Section 86044(a)

Specific Purpose:

This regulation adopts the title to Article 4 and the section title and allows the licensing agency the authority to inspect transitional housing placement programs.

Factual Basis:

This regulation is necessary to meet the specific requirements of Health and Safety Code Sections 1533 and 1559.110 that give the Department the authority to inspect THPPs. This regulation is necessary to ensure the health and safety of the participants in care.

Section 86044.5 (Title) and (a)

Specific Purpose:

This regulation is adopted to include the title and to specify that the THPP participant living unit must be in compliance with applicable statutes and regulations.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522(a) that requires the Department to develop regulations that govern THPPs. This regulation is necessary to clarify to the licensee that the participant living unit must be in compliance with regulations and that the licensing agency can decertify the participant living unit if it is not in compliance with the regulations.

Section 86044.5(b)

Specific Purpose:

This regulation is adopted to specify that under certain conditions the THPP staff residential unit must be in compliance with applicable statutes and regulations.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522(a) that requires the Department to develop regulations that govern THPPs. This regulation is also necessary to inform the licensee that if participants are allowed in the staff residential unit, then the licensing agency can request that the licensee discontinue use of the unit if it is not in compliance with regulations.

Section 86044.5(c)

Specific Purpose:

This regulation is adopted to provide the THPP with due process rights if a THPP participant, living unit, or staff residential unit has been decertified.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Health and Safety Code Section 1551.

Section Title and Sections 86045 (a) through (d)

Specific Purpose:

These regulations are adopted to specify the standards that the licensing agency will use to inspect THPP participant living units and to investigate complaints.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Sections 1534 and 1538 of the Health and Safety Code that require the Department to periodically inspect and evaluate community care facilities for quality of care. Also, this section is necessary to inform the licensee of the procedures that the licensing agency representative may use to inspect the participant living unit to ensure quality of care.

Article 5 (Enforcement Provisions [Reserved]) and Article 6 (Continuing Requirements)

Specific Purpose/Factual Basis:

These two articles and corresponding titles are adopted for consistency in separating the regulations into distinct areas.

Sections 86061(a)(1) and (a)(1)(A)

Specific Purpose:

These sections are adopted to meet the requirements of, and to be consistent with, Penal Code Section 11164 which defines the "Child Abuse and Neglect Reporting Act."

Factual Basis:

These sections are necessary to conform to Penal Code Section 11164 and to inform the licensee that all facility personnel providing care and supervision to participants are mandated to report suspected child abuse and neglect to the appropriate agencies.

This regulation also requires that facility personnel sign a statement that says they understand their reporting responsibilities.

Sections 86061(a)(2) through (a)(4)

Specific Purpose:

These regulations are adopted to clarify when the facility personnel should notify the THPP participant's authorized representative.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522 that requires the Department to adopt regulations to govern THPPs. These regulations are necessary to inform the licensee of the requirements to notify the THPP participant's authorized representative within three working days when the participant is relocated or removed from the program. It is also required that the licensee notify the THPP participant's representative of all incidents reported to the licensing agency.

Sections 86061(a)(5) through (a)(5)(C)

Specific Purpose:

These sections are adopted to clarify the information which the licensee shall report to the Department when there is a change of administrator.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Section 16522 of the Welfare and Institutions Code that requires the Department to adopt regulations to govern THPPs. This section ensures there is a qualified administrator with the THPP.

Section 86061(a)(6)

Specific Purpose:

This regulation is adopted to specify the licensee responsibility to report, to the licensing agency, when a THPP participant's absence from the program is unexplained.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 16522 of the Welfare and Institutions Code that requires the Department to adopt regulations to govern THPPs. This regulation is necessary to inform the licensee of his or her responsibility to report to the licensing agency, the participant's authorized representative and the placement agency when a participant in THPP is absent from the program and it is not known why that participant is absent.

Sections 86064(a) through (a)(1)(B)

Specific Purpose:

These regulations are adopted to specify the education and experience requirements of an Administrator in a THPP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 94301 of the Education Code and Section 16522(a) of the Welfare and Institutions Code that require the Department to adopt regulations to govern THPPs. They are also necessary to ensure that the administrators have the qualifications to administer the programs in a manner that meets the needs of the participants.

Sections 86064(a)(2) through (a)(4)

Specific Purpose:

These regulations are adopted to specify the duties of an administrator in a THPP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern THPPs. These regulations are necessary so that the administrator will know what his or her duties are in the THPP as they pertain to having knowledge of the program, providing supervision in the program, and dealing with personnel issues. The regulations also are necessary to clarify under which conditions the administrator may serve in another capacity in the THPP.

Sections 86065(a) through (a)(1)(A)

Specific Purpose:

These regulations are adopted to specify training requirements for personnel working in a THPP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern THPPs. Additionally, these regulations are necessary to inform the licensee of specific training requirements that will increase the knowledge of personnel working with the participants in the program.

Sections 86065(a)(2) through (a)(5)

Specific Purpose:

These regulations are necessary to specify required staffing for operating a THPP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522(a) of the Welfare and Institutions Code that require the Department to license and develop regulations for THPP. In addition, these regulations clarify for the licensee that he or she must employ an administrator, social worker supervisor, and social work personnel to work in the THPP. The regulations also specify that the licensee must retain staff that is capable of implementing the plan of operation.

Sections 86065.2 (Title) and (a) through (a)(2)

Specific Purpose:

These regulations are adopted to specify social work supervisor duties and responsibilities in a THPP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern THPPs. The adoption of these regulations is necessary explain the social work supervisor responsibility to train and supervise new social work personnel and ensure that social work personnel perform their duties in accordance with applicable laws.

Sections 86065.2(b) through (b)(3)

Specific Purpose:

These regulations are adopted to specify the education and experience requirements of a social work supervisor in a THPP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 94301 of the Education Code. These regulations are necessary to ensure that minimal standards of instructional quality are given to students in all types of institutions. In addition, these regulations are necessary to ensure that the social work supervisor has the required skills and knowledge to train and instruct staff in a THPP.

Section 85065.2(c)

Specific Purpose:

This regulation is adopted to require that the social work supervisor's documentation of education and experience be kept on file.

Factual Basis:

This regulation is necessary for the licensing agency to verify that the social work supervisor meets the required education and experience standards for a THPP.

Section 86065.2(d)

Specific Purpose:

This regulation is adopted to create exceptions for the social work supervisor standards.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code. This regulation is necessary to create an exception for the social work supervisor standards when the county department of social services or probation department performs those duties.

Sections 86065.3(Title) and (a) through (c)(4)

Specific Purpose:

These regulations are adopted to specify that social work personnel be employed to provide services in a THPP and meet the education and experience standards.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 94301 of the Education Code. These regulations are necessary to ensure that minimal standards of instructional quality are given to students in all types of institutions. In addition, these regulations are necessary to ensure that social work personnel have the required education and experience to assess and supervise participants in the THPP.

Section 86065.3(d)

Specific Purpose:

This regulation is adopted to require that the social work personnel's documentation of education and experience be kept on file.

Factual Basis:

This regulation is necessary for the licensing agency to verify that the social work personnel meet the required education and experience standards for a THPP.

Sections 86065.3(e) through (e)(3)

Specific Purpose:

These regulations are adopted to specify the exceptions for requiring a Master's degree as specified in Section 86065.3(c).

Factual Basis:

These regulations are necessary to clarify for the licensee the requirements to hire social work personnel that do not have a master degree from an accredited school as specified in section 94301 of the Education Code. These regulations are necessary to ensure that before the licensee hire social work personnel that do not have a master degree, they must first meet the education and experience requirements as specified in Sections 86065.3(d) through 86065.3(d)(3).

Sections 86065.3(f) through (f)(4)

Specific Purpose:

These regulations are adopted to specify social work personnel duties and responsibilities in a THPP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern THPPs. The adoption of these regulations are necessary explain the social work personnel responsibilities. These duties include assessments and supervision of participants in a THPP and ensure that social work personnel perform their duties in accordance with applicable laws.

Sections 86065.4(Title) and (a) through (a)(2)

Specific Purpose:

These regulations are adopted to specify the social work supervisor to social work personnel staffing ratios.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522(a) of the Welfare and Institutions Code that require the Department to license and develop regulations for THPP. The ratios specified in this regulation are based on community care facilities (CCF) standards, yet they are lessened to promote independent living skills of participants in THPPs.

Sections 86065.5 (Title) and (a) and (b)

Specific Purpose:

These regulations are adopted to specify the staffing ratios of social work personnel to participants.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522(a) of the Welfare and Institutions Code that require the Department to license and develop regulations for THPP. The ratios specified in this regulation are based on CCF standards, yet they are lessened to promote independent living skills of participants in THPPs.

Sections 86066 through (a)(1)(C)

Specific Purpose:

These sections are adopted to ensure that THPP maintains personnel records.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522.1(b) of the Welfare and Institutions Code that require the Department to license and develop regulations for THPP. Also, this section is necessary for the licensing agency representative to verify that staff has the required education, training and experience necessary to be employed at a THPP.

Sections 86068.1 (Title) and (a) through (c)(2)

Specific Purpose:

These sections specify the intake procedures for the social work personnel when admitting a participant into a THPP.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522.1(a) of the Welfare and Institutions Code that require the Department to license and develop regulations as well as develop admission criteria for a participant in a THPP. These sections also ensure that the social work personnel obtain specific information that will assist in assessing the needs of the participant during the intake process.

Sections 86068.2 (Title) and (a) through (a)(14)

Specific Purpose:

These regulations are adopted to require that a needs and services plan and a transitional independent living plan (TILP) be completed for a participant and shall contain specified requirements.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. These sections also are necessary to specify what information is required to assess and appropriately place a participant in a THPP living unit.

Sections 86068.2(b) and (b)(1)

Specific Purpose:

These sections specify that social work personnel must use the TILP in completing the needs and services plan and if unable to obtain the TILP, the THPP must document efforts to obtain the TILP in the participant's case file.

Factual Basis:

These sections are necessary to ensure that the participant's needs and services plan is accurate and that efforts to obtain the TILP are documented if unable to secure the TILP. These sections comply with 42 U.S.C., Sections 675 and 677.

Sections 86068.2(c) and (d)

Specific Purpose:

This regulation is adopted to specify that the needs and services plan and the transitional independent living plan (TILP) must be completed within 30 days and a copy provided to the participant and his/her authorized representative.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. This regulation is based on current standards and is appropriate for this program to ensure that a participant is properly placed.

Sections 86068.3 (Title) and (a) through (a)(2)(B)

Specific Purpose:

These regulations are adopted to specify that the needs and services plan and the transitional independent living plan (TILP) must be reviewed and updated, if necessary and the modifications documented in writing.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. These regulations are based on current standards and are appropriate for this program to identify any changes in the needs of the participant.

Sections 86068.3(b) and (b)(1) and (c)

Specific Purpose:

These regulations are adopted to ensure that the participant and authorized representative participate in any changes to the needs and services plan and a transitional independent living plan and also that prior approval is obtained from the authorized representative before changes are implemented. Section 86068.3(b)(2) ensures that a copy of the amended needs and services plan and/or amended TILP are provided to the participant and his/her authorized representative.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. These regulations are necessary to ensure that the participant and the authorized representative have an active role in any change to the needs and services plan and a transitional independent living plan and that the authorized representative approves of the change. Section 86068.3(b)(2) is in conformance with 42 U. S. C., Sections 675 and 677.

Sections 86068.4 (Title) and (a) and (a)(1)

Specific Purpose:

These regulations are adopted to specify that the licensee develop, maintain and implement the procedures for the removal and/or discharge of participants in a THPP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522.1(h)(21) of the Welfare and Institutions Code that require the Department to license, develop regulations and specify the terms for terminating a participant from the program. These regulations are necessary to specify the requirement for the licensee to have a written policy to remove or discharge a participant from a THPP.

Sections 86068.4(b) and (b)(1)

Specific Purpose:

These regulations are adopted to allow the participant and authorized representative to participate in the development of the participant's discharge plan and to require a copy of the discharge plan be provided to the participant and to his/her authorized representative.

Factual Basis:

This regulation is necessary to establish a requirement for the licensee to ensure that the participant and authorized representative participate in the development of, and provided with, a copy of the discharge plan.

Section 86068.4(c)

Specific Purpose:

This regulation is adopted to specify that the licensee is required to notify and provide the authorized representative with written documentation when a participant is being discharged.

Factual Basis:

This regulation is necessary to establish standards for the licensee to give appropriate notification to a participant's authorized representative when a program cannot continue to meet the needs of the participant.

Sections 86068.4(d) through (d)(1)(C)

Specific Purpose:

These regulations are adopted to establish the circumstances that determine emergency removal of a participant from a THPP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. These regulations are necessary to clarify some emergency circumstances by which a participant may be removed from a facility.

Sections 86070 (Title) and (a) through (b)(9)

Specific Purpose:

These regulations are adopted to keep specified records on participants in transitional housing placement program.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. These regulations are necessary to ensure that the licensee maintains records on the participant in the THPP and that the records contain specific information to assist in the treatment and placement of the participants.

Section 86070(c)

Specific Purpose:

This regulation is adopted to require that the THPP keep a record of the participant's child.

Factual Basis:

This regulation is necessary to ensure that the licensee maintains the required documentation on the participant's child for review by the licensing agency to ensure the health and safety of the child.

Sections 86070(d) through (d)(3)

Specific Purpose:

These sections are adopted to specify standards for the participant and the participant's child record when a participant transfers from a THPP.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. These sections are based on current standards and is appropriate for this program to ensure that the participant and participant's child is properly placed.

Sections 86072 (Title) and (a) through (d)(21)

Specific Purpose:

These sections are adopted to ensure that participants of the THPP are accorded personal rights, and advised and given a copy of those rights.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Section 1559.110 of the Health and Safety Code and Section 16001.9 of the Welfare and Institutions Code that require the Department to license and develop regulations for transitional housing placement programs and ensure specified personal rights for children in the foster care system. Also, these sections are necessary to ensure that the licensee accord the participants the personal rights specified in these regulations which encourage the greatest level of independence as outlined in the child's Needs and Services Plan or Transitional Independent Living Plan.

Sections 86073 (Title) and (a) and (a)(1)

Specific Purpose:

These regulations are adopted to specify that a phone is required in the THPP administrative office, sub-administrative, staff residential living unit and participant living unit.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations for THPP. These regulations are necessary to encourage independence and to ensure the health and safety of the participants in the transitional housing placement program.

Sections 86074 Title) and (a) through (a)(1)(A)

Specific Purpose:

These regulations are adopted to specify that the licensee shall meet the requirements for safety when transporting participants and his or her children.

Factual Basis:

These regulations are necessary to meet the requirements of Section 1559.110 of the Health and Safety Code that requires the Department to license and develop regulations for THPP. These regulations are also necessary to clarify that the licensee must meet Vehicle Code standards as specified in Sections 27360 and 27360.5 when transporting participants and their children in a vehicle.

Sections 86075 (Title) and (a) and (b)

Specific Purpose/Factual Basis:

These regulations are adopted to ensure that the participant receives medical and dental services and to ensure the health and safety of the participant in a THPP.

Section 86075(c)

Specific Purpose:

This regulation is adopted to ensure that a physician has determined that the participant is capable of administering his/her medication.

Factual Basis:

This regulation is necessary to meet the requirements of Section 1559.110 of the Health and Safety Code that requires the Department to license and develop regulations for THPP. This regulation is necessary to meet the intent of the transitional housing placement program that encourages the development of self-sufficiency and independence to effectively emancipate from foster care.

Sections 86075(d)(1) through (d)(1)(H)

Specific Purpose/Factual Basis:

These regulations are adopted and necessary to ensure the health and safety of staff and participants in the THPP by requiring that first aid supplies be maintained in the participant living unit and staff residential unit.

Section 86075(d)(2)

Specific Purpose/Factual Basis:

This regulation is adopted to ensure that the THPP staff has the appropriate training in first aid and CPR. This regulation is necessary to clarify for the licensee that THPP employees must have age appropriate training.

Section 86075(d)(3)

Specific Purpose/Factual Basis:

This regulation is adopted to require that participants with children must have age appropriate CPR training and first aid training. This regulation is necessary to ensure the health and safety of the participants and their children in care.

Section 86075(d)(4)

Specific Purpose:

This regulation is adopted to require that the licensee maintain documentation of the proof of completed training and current certification on file.

Factual Basis:

This regulation is necessary for the licensing agency to be able to verify that specified training has been completed. This regulation is necessary to ensure the health and safety of the staff and participants in THPPs.

Sections (Title) and 86078(a) and (a)(1)

Specific Purpose:

These regulations are adopted to require the licensee to care, supervise and provide services for participants in the THPP, as specified in the needs and services plan and TILP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. These regulations are based on current CCFs standards and are appropriate for this program to identify the participant's needs in the THPP.

Section 86078(a)(2)

Specific Purpose/Factual Basis:

This regulation is adopted to specify that the licensee is responsible for ensuring that the participant provides care and supervision for his/her child(ren). This regulation is necessary for the health and safety of the participant child(ren) in THPP.

Section 86078(a)(3)

Specific Purpose:

This regulation is adopted to limit the distance between the social worker and the participant in a THPP to no more than two hours travel by automobile.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations for THPPs. This regulation is necessary for the THPP to be able to provide care and supervision while encouraging self-sufficiency and independence to effectively emancipate from foster care.

Section 86078(b)

Specific Purpose:

This regulation is adopted to establish the Department's authority to require additional staff in a THPP.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. This regulation is necessary for the THPP to provide adequate services and appropriate care and supervision.

Sections 86087 (Title) and (a) through (a)(1)(C)(1)

Specific Purpose:

These regulations are adopted for the licensee to ensure that the living units for participants meets required standards as specified.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations for THPPs. These regulations are based on current standards and ensure the health and safety of the participant in THPP by requiring that the living units meet minimum standards.

Sections 86087(a)(1)(D) and (a)(1)(D)(1)

Specific Purpose/Factual Basis:

These regulations are adopted to specify that a participant's bedroom shall not be used as a public or general passageway to another room, unless the participant lives in a studio apartment. These regulations are necessary to ensure that the THPP participants are accorded privacy and dignity.

Section 86087(b)

Specific Purpose/Factual Basis:

This regulation is adopted to state the requirement for a THPP participant and his/her child(ren) sharing a bedroom. This regulation is necessary to clarify to the licensee that participants in the THPP may share a bedroom with their child or children regardless of their ages. This regulation is necessary for the THPP to ensure care and supervision while encouraging self-sufficiency and independence to effectively emancipate from foster care.

Sections 86087(b)(1) through (b)(2)(D)

Specific Purpose:

These regulations are adopted to prohibit a participant from sharing a bedroom with an adult who is not a THPP participant, except under specified conditions.

Factual Basis:

These regulations are based on existing health and safety standards prohibiting adults from sharing a room with children. These regulations are also necessary to clarify for the licensee that an exception must be granted by the licensing agency before an adult share a bedroom with a child.

Section 86087(b)(3)

Specific Purpose:

This regulation is adopted to clarify that the living units for THPP facility employees shall meet the same standards as THPP participant living units as specified in regulation.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations for THPPs. This regulation is necessary to clarify that all bedrooms in a THPP living unit shall meet the standards as specified in Sections 86087(a)(1)(A) through (b)(4) to ensure the health and safety of those in the THPP living units.

Section 86087(b)(4)

Specific Purpose/Factual Basis:

This regulation is adopted to clarify for the licensee that a facility employee is prohibited from sharing a bedroom with a THPP participant. This regulation is necessary to ensure that the licensee recognizes the participant's need to develop independence while maintaining his/her personal privacy and dignity.

Section 86087(c)

Specific Purpose:

This regulation is adopted to require the licensee to make the necessary provisions to the program for participants with disabilities.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522(a) that requires the Department to adopt regulations to govern transitional housing placement programs. This regulation is necessary to specify the requirement for the licensee to ensure that participants with disabilities are afforded the necessary provisions to be successful in the THPP.

Section 86087(d)

Specific Purpose/Factual Basis:

This regulation is adopted to ensure that the licensee is aware that firearms and other weapons shall not be stored in the participant living units. This regulation is necessary to ensure the health and safety of participants in a THPP by requiring the licensee to ensure that no weapons are in the participant living units.

Sections 86087(e) through (e)(2)

Specific Purpose/Factual Basis:

These regulations are adopted to specify to the licensee that under specified conditions, disinfectants, cleaning solutions, poisons and other dangerous items shall be stored where they are inaccessible in the participant living unit. These regulations are necessary in a THPP to protect the health and safety of a participant's child(ren) and for the participant if the requirement is stated in his/her needs and services plan.

Sections 86087.1 (Title) and (a) and (a)(1)

Specific Purpose:

These regulations are adopted to clarify the licensee's responsibility to ensure standards for administrative office(s) that are responsible for interviewing participants and storing records.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern transitional housing placement programs. These regulations are necessary to ensure confidentiality of participants' information in THPPs by requiring the licensee to maintain confidential documents in a secure area in the administrative office.

Section 86087.1(a)(2)

Specific Purpose:

This regulation is adopted to clarify the licensee's requirement to maintain copies of confidential records in a THPP staff residential unit, when necessary.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern transitional housing placement programs. These regulations are based on current standards and are necessary for the licensing agency representative to have accessibility to THPP records for review to ensure compliance with regulations.

Section 86087.1(b) through (b)(3)

Specific Purpose:

This regulation is adopted to require participant/personnel records to be kept in transitional housing placement program.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern transitional housing placement programs. This regulation is necessary to provide standards for the licensee regarding participant/personnel records that must be available for review by the licensing agency to ensure the health and safety of the participant.

Section 86087.1(c)

Specific Purpose:

This regulation is adopted to limit the distance between the administrative offices and the participant living units in a THPP.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations to govern transitional housing placement programs. This regulation is necessary for the THPP to be able to provide care and supervision while encouraging self-sufficiency and independence to effectively emancipate children from foster care.

Section 86087.1(d)

Specific Purpose:

This regulation is adopted to ensure that sub-administrative offices meet all of the same requirements as administrative offices.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern transitional housing placement programs. These regulations are necessary to provide standards for the licensees supervising participants in the program and are necessary to ensure confidentiality and that participant/personnel records must be available for review by the licensing agency.

Sections 86088 (Title) and (a) and (a)(1)

Specific Purpose:

These regulations are adopted to require that THPP housing units to have at least one toilet, sink, and tub or shower all in good working order.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522(a) that requires the Department to adopt regulations to govern transitional housing placement programs. These regulations are based on current standards and ensure the health and safety of the participant in THPP by requiring that the living units meet minimum standards.

Sections 86088(a)(2) and (a)(2)(A)

Specific Purpose:

These regulations are adopted to ensure that the licensee provides the participant and his/her minor child(ren) with basic household items.

Factual Basis:

These regulations are necessary to specify the licensee responsibility to provide the THPP participant and his or her minor child(ren) with essential age and development stage appropriate household items. These regulations are essential to the participant's success in the transitional housing placement program by encouraging self-sufficiency and independence to effectively emancipate from foster care.

b) Identification of Documents Upon Which Department Is Relying

- 1) Assembly Bill 427, Chapter 125, Statutes of 2001
- 2) Vehicle Code Sections 27360, and 27630.5
- 3) Education Code Section 94301

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

d) Statement of Alternatives Considered

CDSS has determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

d) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective or less burdensome to affected private persons than the proposed action.

f) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.