

Informative Digest
Crisis Nurseries (CN) Regulations
Section 100 Changes (Editorial)

Justification for Changes without Regulatory Effect:

This is an editorial package to be filed pursuant to California Code of Regulations (CCR), Title 1, section 100. These changes make the regulations consistent with Health and Safety Code (H&S) sections 1502, 1516 and 1526.8 or, otherwise, do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provisions. The changes made are without regulatory effect in that they either delete a regulatory provision for which all statutory authority has been repealed, make a regulatory provision consistent with changes to California statutes, change authority or reference citations, revise grammar or correct typographical errors [1 CCR §100(a)(2), (a)(4), (a)(5) and (a)(6)].

These amendments are necessary to comply with Senate Bill (SB) 1214 (Chapter 519, Statutes of 2010), SB 1319 (Chapter 663, Statutes of 2012) and Assembly Bill (AB) 2228 (Chapter 735, Statutes of 2014).

The CNs are defined in Chapter 7.3 of CCR, Title 22, Division 6 as facilities licensed by the California Department of Social Services (CDSS) to provide short-term, 24-hour non-medical residential care and supervision for children under six years of age, who are either: voluntarily placed, as defined, by a parent or legal guardian due to a family crisis or a stressful situation for no more than 30 days or who are temporarily placed by the county child welfare services agency, as defined, for no more than 14 days, unless CDSS issues an exception. Regulations require CNs to submit monthly reports to CDSS indicating the total number of children placed in the CN, whether each child is a voluntary county placement, the length of stay for each child and the number of children receiving crisis day care services. Regulations provide that CNs may only be licensed in seven counties: Contra Costa, Nevada, Placer, Sacramento, San Joaquin, Stanislaus and Yolo. Also regulations set forth a definition for "crisis day care services" and requirements related to reporting and health-related services. The aforementioned regulations have been superseded in whole or in part by statute.

Effective July 1, 2012, SB 1214 (Chapter 519, Statutes of 2010) amended H&S Code sections 1516, 1526.8 and 1596.792 applicable to the licensing of CNs. As of January 1, 2011, the bill specified that "voluntary placement" in a CN does not include placement of a child who has been removed from the care and custody of his or her parent and placed in foster care. The definition of "Crisis Nursery" was amended, as of July 1, 2012, to exclude placements by a county welfare services agency. Starting July 1, 2012, the bill prohibited children placed in CNs from receiving Aid to Families with Dependent Children-Foster Care reimbursement. The bill provided for the repeal of its provisions as of January 1, 2014. The statute also amended reporting requirements, no longer requiring the facility to submit monthly reports to Community Care Licensing (CCL), but instead to collect and maintain the following information to be made available to the CDSS upon request: the number of children placed in the program, the length of stay for each child, the reason for use of

the CN and the age of each child. Lastly, starting July 1, 2012, this bill eliminated limitations of licensure for a CN, extending licensure of CNs statewide.

Effective January 1, 2013, SB 1319 (Chapter 663, Statutes of 2012) amended H&S Code sections 1516 and 1526.8 to repeal the January 1, 2014 sunset dates for CNs. The repeal of these sunset dates makes CNs a permanent licensing category.

Effective January 1, 2015, AB 2228 (Chapter 735, Statutes of 2014), amended sections 1502, 1516, and 1526.8 of the H&S Code. Amendments to Section 1502 added a definition of a CN and amendments to Section 1516 specified that a CN may provide both overnight residential and crisis day services programs. Amendments to Section 1516 also require CNs to set capacity for crisis day services based on the facility's square footage, retain capacity limit of 14 children for overnight residential care, allow the time-limit on crisis day services (30 days over six months) to be calculated either daily or hourly, limit the number of exceptions that the Department may grant to the time limit on crisis day services, require the Department to approve or deny an exception request within five business days and require a CN to include in its plan of operation the hours (not to exceed 14 hours per day) during which it may provide crisis day services, as well as its sleeping arrangements for children present after 7:00 p.m. Amendments to Section 1526.8 revise paid staff and volunteer training requirements, reduce staff-to-child ratios for older children and enact requirements for prescription and nonprescription medications, as well as codify numerous regulatory requirements.

In order to comply with the provisions of these statutes and bring the regulations into conformity with the law, CCL is revising the CN regulations. Specifically:

Health and Safety Code section 1502

Section 86500(a) and the definition of "crisis nursery" in Section 86501(c) have been amended to insure that the regulatory definitions mirror the new statutory definition in H&S Code section 1502.

Health and Safety Code section 1516

Statutory changes made in H&S Code section 1516 necessitate repealing or amending numerous sections that reference or apply only to county placements, including use of the following terms: "county placement," "placement agency," "placement agreement," "admission agreement," "placement worker," "social worker" and "basic rate." Some sections that make reference to a third party have also been amended or repealed, as children can now only be placed in CNs by a parent or legal guardian and the portions of Section 86505.1 indicating that a crisis nursery may only be licensed in certain counties has been deleted as well.

The definition of "Voluntary Placement" in Section 86501(v) has been changed to "Voluntarily Placed" to conform to statute.

Because the definition of "Crisis Day Care Services" has changed to "Crisis Day Services," references to the former have been changed to "crisis day services" throughout the regulations

accordingly and the definition of "Crisis Day Services" in Section 86501(c) has been amended to conform to statute. A definition for "Crisis Residential Overnight Program" has been added to Section 86501(c) to conform to statute. Sections 86580 and 86587 have been revised as necessary to conform the regulations governing a CN's crisis day services to statute.

Section 86505.1 has been amended to make CN licensing requirements applicable statewide to conform to changes made by SB 1214.

New statutory requirements that a CN providing crisis day services must include in its plan of operation have been added to Section 86522. New statutory limitations on exceptions CDSS may grant a CN, and the time in which the Department has to approve or deny exception requests have been added to Section 86524. Section 86528 has been revised to clarify that the maximum licensed capacity of 14 applies to the crisis residential overnight program, and Sections 86528, 86587.1 and 86587.2 have been amended to reflect that the maximum capacity for crisis day services is based on square footage as specified in the statute. The reporting requirements detailed in Section 86561(h) – re-lettered to (g) because of repealed "county placement" language – have been amended to conform to statute. The term "legal guardian" has been added to Section 86568.1(b)(1) for consistency with statute, and uses of the term "guardian" in Sections 86568.2 and 86568.4 have been changed to "legal guardian" for consistency as well.

Health and Safety Code section 1526.8

Amendments have been made to the training and education requirements for paid staff and volunteers to conform to new statutory requirements for staffing, training and plan of operation codified in H&S Code section 1526.8. Additionally, Section 86500(c) referencing the repealed January 1, 2014 sunset dates has been struck and Section 86501(c)(4) and 86565.5 has been revised to reflect the statutory changes to the child-staff ratio and related requirements. Regulations governing the storage and administration of prescription and non-prescription medications and associated record-keeping requirements have been amended in Sections 86575 and 86570 to conform to changes made by AB 2228.

Changes have also been made to remove irrelevant authority and reference citations, correct a typographical error in 86587.1(d) in which words were omitted from a regulation, making the sentence grammatically incorrect, and made other non-substantive grammatical changes in the interest of clarity.

Amendments to handbook have been made to conform to statutory changes as set forth above.