

Amend Section 86500 to read:

86500        **GENERAL**

86500

- (a) A Crisis Nursery, as defined in Section 86501(c), shall be governed by the provisions specified in Chapter 7.3 and licensed by the department to operate a crisis residential overnight program. A crisis nursery may also provide crisis day services, without being subject to Health and Safety Code Section 1596.80, the Child Day Care Facilities Act.
- (b) (Continued)
- (c) ~~The provisions of Chapter 7.3 shall remain in effect until July 1, 2014, unless a statute is enacted before July 1, 2014, which deletes or extends that date.~~

Authority Cited:        Sections ~~1516(k)~~ and 1530, Health and Safety Code.

Reference:              Sections 1501, 1502, and 1516, Health and Safety Code.



(176) ~~"Crisis Day Care Services" means any place or building licensed as a crisis nursery in which child day care services are provided to temporary, nonmedical care and supervision for children under six years of age for less than 30 calendar days in a six-month period for families in who are voluntarily placed by a parent or legal guardian due to a family crisis or experiencing a stressful situation for less than 24 hours per day. Crisis day services shall be provided during a time period defined by the crisis nursery in its plan of operation, but not to exceed a period of 14 hours per day. A child may not receive crisis day services at a crisis nursery for more than 30 calendar days, or a total of 360 hours, in a six-month period unless the department issues an exception.~~

(17) "Crisis Residential Overnight Program" means short-term, 24-hour nonmedical residential care and supervision, including overnight, for children under six years of age who are voluntarily placed by a parent or legal guardian due to a family crisis or stressful situation for no more than 30 days.

(d) (1) (Continued)

(n) (1) (Continued)

(A) A person who uses postural supports as specified in Section 86572(a)(1817) is deemed nonambulatory. (Continued)

(o) (Continued)

(p) (1) (Continued)

(2) ~~"Placement agency" is defined in Health and Safety Code Section 1536.1(a).~~

**HANDBOOK BEGINS HERE**

~~(A) Health and Safety Code Section 1536.1(a) provides in part:~~

~~"'Placement agency' means any... county welfare department, county social service department, county mental health department,... general acute care hospital discharge planner or coordinator,... and Regional Center for persons with developmental disabilities, which is engaged in finding homes or other places for the placement of persons of any age for temporary or permanent care."~~

**HANDBOOK ENDS HERE**

(32) (Continued)

(r) (1) (Continued)

(3) "Responsible person" means that individual or individuals, including a relative, health care surrogate decision maker, ~~or placement agency~~, that assists the child or prospective child ~~in placement~~ or assumes varying degrees of responsibility for the child's well-being. A responsible person cannot act on behalf of a child unless authorized by law.

(s) (Continued)

(v) (1) "~~Voluntary placement~~ Voluntarily placed," means a child who meets the requirements of Health and Safety Code Section 1516~~(eh)~~(3). (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 297, Family Code; Sections 1501, 1502, 1503, 1503.5, 1511, 1516, 1520, 1522, 1525, 1526, 1526.8, 1531, 1533, 1534, ~~1536.1~~, 1538, and 1538.5, Health and Safety Code; and Sections ~~11400 and~~ 17710, Welfare and Institutions Code.

Amend Section 86501.5 to read:

86501.5    **DEFINITIONS-FORMS**

86501.5

(a)    (1)    (Continued)

      (19) LIC 9219 (~~10/06~~) – Crisis Nursery Monthly Report.

      (20) LIC 9219A (~~10/06~~) - Crisis Day ~~Care~~ Services Sign-In/Sign-Out Sheet.

Authority Cited:        Section 1530, Health and Safety Code.

Reference:              Sections 1516(d), 1520, 1522 and 1522.1, Health and Safety Code.

Amend Section 86505.1 to read:

86505.1 **CRISIS NURSERY LICENSE REQUIREMENTS**

86505.1

(a) (Continued)

(b) ~~A crisis nursery license shall be issued only if a facility meets one of the following conditions:~~

~~(1) The facility is operating currently as a group home for children under six years of age, or has an application on file with the Department as of September 1, 2004, intending to operate as a crisis nursery in any of the following counties:~~

~~(A) Contra Costa~~

~~(B) Nevada~~

~~(C) Placer~~

~~(D) Sacramento~~

~~(E) San Joaquin~~

~~(F) Stanislaus~~

~~(G) Yolo~~

~~(2) The crisis nursery meets an urgent, significant, and unmet need for temporary care of children under the age of six years.~~

~~(A) A letter from the host county indicating that the crisis nursery is necessary, as specified in Section 86505.1(b)(2), shall be provided to the Department.~~

~~(3) The facility provides temporary emergency shelter and services only to children under the age of six years who are voluntarily placed, as defined in Section 86501(v)(1) by a parent or guardian, and the facility does not accept county placements as defined in Section 86501(e).~~

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1508, 1509, ~~4513~~, 1516, and 1531, Health and Safety Code; and ~~Section 11400, Welfare and Institutions Code.~~

Amend Section 86506 to read:

86506      **OPERATION WITHOUT A LICENSE**

86506

(a) (Continued)

(f) The Department shall notify the appropriate ~~placement or~~ protective service agency if either of the following conditions exist: (Continued)

Authority Cited:      Section 1530, Health and Safety Code.

Reference:              Sections 1503, 1503.5, 1505, 1508, 1516, 1524, 1533, 1536.1, 1538, 1540, 1540.1, 1541, 1547, and 1549, Health and Safety Code.

Amend Section 86522 to read:

86522      **PLAN OF OPERATION**

86522

- (a) (Continued)
- (b) (5) A copy of the admission form as specified in Section 86568.1(c)(2) ~~and, for county placed children, of the admission agreement as specified in Section 86568.1(d).~~
- (6) (Continued)
- (7) (Continued)
  - (C) Description of how the crisis nursery will deal with unexpected circumstances related to staffing and ensure that additional caregivers are available when needed.
- (8) ~~Plan for in-service education of staff.~~ A written staff training plan for the orientation, continuing education, on-the-job training and development, supervision, and evaluation of all lead caregivers, caregivers, and volunteers.  
(Continued)
- (14) A statement of the crisis nursery's policy concerning family visits and other communications with the child pursuant to Health and Safety Code Section 1512, that shall permit flexible visitation hours allowing family member's' daily visitation and the opportunity to participate in caregiving. (Continued)
- (d) If the Crisis Nursery is to provide Crisis Day Services, the plan of operation must specify the hours during which crisis day services, as defined in Section 86501(c)(16), are to be provided, not to exceed 14 hours per day.
- (1) The plan of operation shall assure that sleeping arrangements are available for children there after 7 p.m.
- (~~e~~) (Continued)
- (~~e~~f) (Continued)

Authority Cited:      Section 1530, Health and Safety Code.

Reference:            Sections 1501, 1512, 1516, 1520, 1526.8 and 1531, Health and Safety Code.

Amend Section 86524 to read:

86524

**WAIVERS AND EXCEPTIONS**

86524

- (a) (Continued)
- (c) Within 30 days of receipt of a request for a waiver or an exception, except for requests made pursuant to subdivision (e), the Department shall notify the crisis nursery, in writing, ~~or~~ of one of the following: (Continued)
- (d) Within 30 days of the Department's acceptance of a completed request for a waiver or an exception, except for requests made pursuant to subdivision (e), the Department shall notify the applicant or licensee, in writing, whether the request has been approved or denied.
  - (1) The licensee shall retain the Department's written approval or denial of the request in the crisis nursery facility file.
- (e) A crisis nursery may request an exception from the Department to allow a child to receive crisis day services at the crisis nursery beyond the limit of 30 calendar days, maximum of 12 hours per day, or a total of 360 hours in a six-month period as specified in Section 86580. The department, upon receipt of an exception request pursuant to this subdivision and supporting documentation as required by the department, shall respond within five working days to approve or deny the request.
  - (1) No more than two exceptions, in seven-calendar day or 84-hour increments, may be granted per child in a six-month period.
  - (2) The licensee shall retain the Department's written approval or denial of the request in the crisis nursery facility file.

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1509, 1516 and 1531, Health and Safety Code.

Amend Section 86528 to read:

86528      **CAPACITY DETERMINATION**

86528

(a) (Continued)

- (1) The maximum licensed capacity for a crisis ~~nursery~~ residential overnight program shall be 14 children. (Continued)
- (3) The maximum licensed capacity for crisis day services shall be based on 35 square feet of indoor activity space per child. Bedrooms, bathrooms, halls, offices, isolation areas, food-preparation areas, and storage places shall not be included in the calculation of indoor activity space. The floor area under tables, desks, chairs, and other equipment intended for use as part of children's activities shall be included in the calculation of indoor space.
- (4) There shall be at least 75 square feet per child of outdoor activity space based on the total licensed capacity. Swimming pools, adjacent pool decking, and natural or man-made hazards shall not be included in the calculation of outdoor activity space.
- (5) A child who has been voluntarily placed in a crisis residential overnight program shall be included in the licensed capacity for crisis day services.

(b) (Continued)

~~(f) County placements shall be limited to no more than one third of a crisis nursery's licensed capacity.~~

~~(1) One third of a crisis nursery capacity for the purpose of accepting county placements shall be interpreted as follows:~~

~~(A)~~

<del>Crisis Nursery Licensed Capacity</del>	<del>Allowable County Placements</del>
<del>1-2</del>	<del>0</del>
<del>3-5</del>	<del>1</del>
<del>6-8</del>	<del>2</del>
<del>9-11</del>	<del>3</del>
<del>12-14</del>	<del>4</del>

~~(2) The length of stay for a county placed child shall not exceed 14 days unless the Department issues an exception.~~

~~(3) A county placed child receiving child day care services shall be counted in the capacity limitation as specified in Section 86528(f).~~

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Amend Section 86561 to read:

86561      **REPORTING REQUIREMENTS**      86561

- (a) (Continued)
- (e) The licensee shall send to parents, legal guardians, board members of the crisis nursery, or child rights advocates ~~or placement agencies, as designated in each child's placement agreement~~, copies of substantiated complaints, in accordance with Health and Safety Code Section 1538.5(b).
- (f) (Continued)
- (h) The licensee shall ~~submit to the Department by the fifth day of each month a report~~ collect and maintain information on the LIC 9219 that indicates the total number of children placed in the crisis nursery, and shall include the following information:
  - (1) The total number of children placed in the crisis nursery. Whether each child is a voluntarily or county placement.
  - (2) The length of stay for each child in the crisis nursery.
  - (3) The number of children receiving crisis day ~~care~~ services.
  - (4) The reasons given for the use of the crisis nursery.
  - (5) The age of each child.
  - (46) LIC 9219 reports shall be maintained at the crisis nursery for at least three years and made available to the Department upon request pursuant to Section 86544(d).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1507, 1516, ~~1520.1~~, 1522.41(b)(4), 1531, 1538.5, 1558.1, and 1562, Health and Safety Code; ~~and Section 11406(e), Welfare and Institutions Code.~~

Amend Section 86565 to read:

86565      **PERSONNEL REQUIREMENTS**

86565

(a) (Continued)

(n) ~~Lead~~ All caregivers, caregivers, and volunteers shall be certified in have a current and valid certificate verifying successful completion of pediatric first aid pediatric cardiopulmonary resuscitation (CPR) and pediatric first aid, which shall be demonstrated by current and valid pediatric CPR and pediatric first aid cards issued by the American Red Cross, the American Heart Association, a training program approved by the State Emergency Medical Services Authority pursuant to Health and Safety Code Section 1797.191, or from an accredited college or university. (Continued)

(q) (Continued):

(1) Completion of 12 postsecondary semester units, or equivalent quarter units, with a passing grade, as determined by the institution, in classes with a focus on early childhood education, or child development, or child health at an accredited ~~or approved~~ college or university, as determined by the department, and six months of work experience in a licensed group home, licensed infant care center, or comparable group child care program or family day care.

(A) At least three semester units, or equivalent quarter units, or equivalent experience, shall include coursework or experience in the care of infants.

~~(B) At least three semester units, or equivalent quarter units, shall include coursework in the study of abused and drug-exposed children.~~

~~(C)~~(Continued)

(2) A current and valid Child Development Associate (CDA) credential, with the appropriate age level endorsement issued by the CDA National Credentialing Program, and at least six months of on-the-job training ~~and/or~~ work experience in a licensed child care center or comparable group child care program.

~~(A) At least three semester units, or equivalent quarter units, shall be in coursework that includes the study of abused and drug-exposed children.~~

(3) (Continued)

~~(A) At least three semester units, or equivalent quarter units, shall be in coursework that includes the study of abused and drug-exposed children.~~

(r) (Continued)

- (1) One year experience in a supervisory position in a child care or group care facility may substitute for 16 hours of training and orientation.
  
- (s) The written staff training plan shall require the lead caregiver to receive and document a minimum of ~~24~~ 20 hours of annual training directly related to the functions of his or her position.
  - (A1) (Continued)
  - (B2) (Continued)
  
- (u) (Continued)
  - (1) Eight-Hour Training shall be completed by new caregiver staff within 90 days of hire.
    - (A) (Continued)
      - 1. (Continued)
      - 3. Counted in the staff to child ratio required by Sections 86565.5(b) through ~~(d)~~. (Continued)
    - (C) (Continued)
      - 1. (Continued)
      - 2. During shadowing, the experienced crisis nursery personnel being shadowed must be performing child care duties and counted in the staff to child ratios, as required by Section 86565.5(b) through ~~(d)~~. (Continued)
  - (2) (Continued)
    - (A) (Continued)
    - (B) (Continued)
      - 1. (Continued)
      - ~~10. The role of placement workers and the role of the parent or legal guardian when a child is placed;~~
      - ~~11.10.~~ (Continued)

~~12.11.~~ (Continued)

~~13.12.~~ (Continued)

~~14.13.~~ (Continued)

~~15.14.~~ (Continued)

~~16.15.~~ (Continued)

~~17.16.~~ (Continued)

(v) (Continued)

(2) (Continued)

(A) (Continued)

~~(F) Placement agencies and the placement process;~~

~~(H) Topics listed in Sections 86565(u)(2)(B)1. through 1716.~~

(w) The training plan shall address the ~~initial 28~~ 16 hours training and certification in pediatric first aid and pediatric cardiopulmonary resuscitation requirements for volunteers. Volunteers shall complete ~~eight and 20-hour training~~ these requirements as follows:

(1) Prior to assuming the duties and responsibilities of caring for children in a crisis nursery and being counted in the staff-to-child ratio, volunteers shall complete at least ~~eight~~ five hours of initial training, as follows:

(A) ~~Four~~ Two hours of crisis nursery job shadowing with a trained and experienced caregiver or lead caregiver. Successful completion of job shadowing shall be verified by a statement completed by the experienced staff being shadowed. The training shall include the following:

1. (Continued)

(B) ~~Two~~ One hours of review of Title 22, Division 6, Chapter 7.3, Crisis Nursery regulations.

(C) (Continued)

2. The goals and objectives, child guidance techniques, and special needs of the child population served.

- (2) Within 90 days, volunteers who are included in the staff-to-child ratio shall ~~complete at least 20 hours of training, as follows~~ do both of the following:
- (A) ~~Twelve hours of~~ Acquire a certification in pediatric first aid, and pediatric cardiopulmonary resuscitation.
  - (B) ~~Complete at least eleven~~ Eight hours of training covering child care health and safety issues, ~~which~~ trauma informed care, the importance of family and sibling relationships, temperaments of children, self-regulation skills and techniques, and program child guidance techniques, and which may include the topics specified in Section 86565(u)(2)(B)1. through 4716. above.
- (3) Within 30 calendar days of completion of ~~both the eight hour and 20 hour training~~ the training described in Section 86565(w)(1) and (2), the administrator or administrator's designee shall assess if each volunteer understands and can apply the training. (Continued)
- (x) Volunteers who have completed a background check, CACI check, and TB test, but have not completed the ~~28~~ 16 hours of training and pediatric first aid and pediatric cardiopulmonary resuscitation certifications required in Section 86565(w) may assist a trained caregiver or lead caregiver in performing child care duties.
- (1) Volunteers who have not completed the ~~28~~ 16 hours of training and pediatric first aid and pediatric cardiopulmonary resuscitation certifications required in Section 86565(w) shall have the following restrictions:
- (A) (Continued)
  - (C) Shall not be counted in meeting the minimum staff-to-child ratio requirements as specified in Section 86565.5 (ed) through (ef).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1522, 1531, 1526.8, ~~and 1562, and 1596.866,~~ Health and Safety Code; ~~and 11467.1, Welfare and Institutions Code.~~

Amend Section 86565.5 to read:

**86565.5 STAFF TO CHILD RATIOS**

**86565.5**

- (a) There shall be at least one fully qualified and employed lead caregiver ~~on-site~~ present at the crisis nursery at all times when children are present.
- (b) A crisis nursery may count fully trained and qualified volunteers toward the staff-to-child ratios in Section 86565.5 (d) through (f) provided at least one fully qualified and employed staff person is on site at all times that volunteers are used to meet minimum caregiver staffing requirements and each volunteer has satisfied the following conditions:
  - (1) Fingerprinting for the purpose of conducting a criminal background check as specified in Section 86519(a)(1).
  - (2) A child abuse central index check as specified in Section 86519.2.
  - (3) Verification that he or she is in good physical health as required in Section 86565(h)(2).
  - (4) Completed the training requirements and certification in pediatric first aid and pediatric cardiopulmonary resuscitation requirements as specified in Section 86565(w).
- (~~bc~~) (Continued)
- (~~ed~~) There shall be at least one employed staff person or volunteer caregiver for each group of six children, or fraction thereof, who are 18 months of age or older, and one employed staff person or volunteer caregiver for each group of three children, or fraction thereof, who are under 18 months of age from 7 a.m. to 7 p.m.
- (~~de~~) There shall be at least one ~~paid caregiver~~ employed staff person or volunteer caregiver for each group of six children, or fraction thereof, who are 18 months of age or older, and one employed staff person or volunteer caregiver for each group of four children, or fraction thereof, who are under 18 months of age from 7 p.m. to 7 a.m.
- (~~ef~~) (Continued)
- (~~g~~) The crisis nursery's plan of operation shall address how it will deal with unexpected circumstances related to staffing and ensure that additional caregivers are available when needed as specified in Section 86522(b)(7)(C).

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1526.8 and 1531, Health and Safety Code.

Amend Section 86568.1 to read:

**86568.1 INTAKE PROCEDURES**

**86568.1**

- (a) (Continued)
- (b) (Continued)
  - (1) Parent or legal guardian's name and phone number. (Continued)
- (c) At the time of admission ~~or placement~~, the crisis nursery shall:
  - (1) Obtain the information and signed consent forms specified in Sections 86570(b)(1) through (165).
    - ~~(A) For county placements, if some of the information is not obtained at the time of placement, the administrator shall make telephone or written requests for the information to the child's authorized representative, and shall record and retain the details of those requests.~~
  - (2) Complete an admission form that includes a description of the family history, child health information, emergency information, dietary requirements, daily needs, habits or routines, and the disciplinary methods used by the parent(s) or legal guardian. (Continued)
  - (4) Ensure that the authorized representatives understand, sign, and receive a copy of the following:
    - (A) (Continued)
    - (B) (Continued)
    - (C) (Continued)
    - (D) (Continued)
- ~~(d) No later than seven calendar days following county placement of a child, an admission agreement shall be signed and dated acknowledging the contents of the document, by the child's authorized representative and the licensee's designated representative and at a minimum shall contain the following information:~~
  - ~~(1) Basic services.~~
  - ~~(2) Available optional services.~~

- ~~(3)~~ Payment provisions, including the following:
  - ~~(A)~~ Basic rate.
  - ~~(B)~~ Optional services rates.
  - ~~(C)~~ Payor.
  - ~~(D)~~ Due date.
  - ~~(E)~~ Frequency of payment.
- (4) Right of the Department to perform the duties authorized in Section 86544(b) and (c).
- ~~(5)~~ Conditions under which the agreement may be terminated.
- ~~(6)~~(E) The crisis nursery's policy concerning family visits and other communication with children, pursuant to Health and Safety Code Section 1512. (Continued)
- ~~(e)~~ Modifications to the admission agreement shall be made whenever circumstances covered in the agreement change, and shall be signed and dated by the licensee's designated representative and the child's authorized representative.
  - ~~(1)~~ The crisis nursery shall provide a copy of the current admission agreement and any modifications to the child's authorized representative.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Amend Section 86568.2 to read:

**86568.2 INITIAL ASSESSMENT PLAN**

**86568.2**

- (a) The licensee shall ensure that at the time of ~~placement~~ admission, an Initial Assessment Plan which identifies the immediate needs of the child is developed and includes the following: (Continued)
- (b) Within seven days of ~~placement~~ admission, the initial assessment plan shall also address and work towards alleviating the family crisis or stressful situation by including the following: (Continued)
- (c) The licensee shall ensure that the child's parent, legal guardian, or authorized representative(s) are offered the opportunity to participate in the development of the initial assessment plan. (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516 and 1531, Health and Safety Code.

Amend Section 86568.4 to read:

86568.4            **REMOVAL AND DISCHARGE PROCEDURES**

(a) (Continued)

(1) The child's parent, legal guardian, or authorized representative(s) shall receive copies of such policies and procedures. (Continued)

(b) If it is determined that the crisis nursery cannot meet the needs of the child, the licensee shall ensure that the child's parent, legal guardian, or authorized representative(s) are notified of the determination and request that the child be ~~placed elsewhere~~ removed. (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Amend Section 86570 to read:

**86570**

**CHILDREN'S RECORDS**

**86570**

(a) (Continued)

(b) (Continued)

~~(6) A signed copy of the admission agreement and subsequent modifications for county placements.~~

~~(7)~~ (Continued)

~~(8)~~ Record of current medications, including the name of the prescribing physician, and instructions, if any, regarding control and custody of medications, and documentation of approval and instructions from the child's authorized representative for administration of prescription and non-prescription medications as specified in Section 86575(c)(1) and Section 86575(d)(1)(A), respectively, and documentation when PRN medications are administered by the caregiver as specified in Section 86575(b)(4). Documentation shall include the written instructions from the physician, if required, as specified in Section 86575.

~~(9)~~ The name, address, and telephone number of all adults with whom the child was living immediately prior to the current placement admission.

~~(10)~~ (Continued)

~~(11)~~ (Continued)

~~(12)~~ (Continued)

~~(13)~~ (Continued)

~~(14)~~ (Continued)

~~(15)~~ (Continued)

~~(16)~~ (Continued)

(d) (Continued)

(1) (Continued)

(A) (Continued)

- (B) Contact information for the child’s medical and mental health providers as specified in Section 86570(b)(~~7~~6)
  - (C) Medication record, as specified in Section 86570(b)(~~8~~7).
  - (D) Initial assessment plan, as specified in Section 86570(b)(~~16~~5). (Continued)
- (e) The information specified in Sections 86570(b)(1)-(1~~5~~4) must be updated as necessary to ensure the accuracy of the child's record.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1507, 1516, 1526.8, and 1531 Health and Safety Code.

Amend Section 86572 to read:

**86572 PERSONAL RIGHTS**

**86572**

(a) (Continued)

(3) To have fair and equal access to all available services, ~~placement~~, care, treatment, and benefits, and to be treated with respect and to be free from discrimination, intimidation or harassment based on sex, actual or perceived race, ethnic group identification, gender identity, color, religion, ancestry, national origin, mental or physical disability, medical condition, HIV status, or sexual orientation or perception. (Continued)

~~(11) To contact social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.~~

~~(12)~~ (Continued)

~~(13)~~ To contact Community Care Licensing Division of the California Department of Social Services, ~~or the State Foster Care Ombudsman~~ regarding violations of rights, to speak to representatives of ~~these~~ this offices confidentially and to be free from threats or punishments for making complaints.

~~(14)~~ (Continued)

(A) Reasonable restrictions may be imposed by the ~~placement worker~~ authorized representative or caregiver to calls and correspondence. (Continued)

~~(15)~~ (Continued)

~~(16)~~ (Continued)

~~(17)~~ (Continued)

~~(18)~~ (Continued)

~~(19) To be free to attend court hearings and speak to the judge. (Continued)~~

~~(20)~~ (Continued)

~~(21)~~ (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and Section 51, Civil Code.

Amend Section 86575 to read:

**86575 HEALTH RELATED SERVICES**

**86575**

- (a) (Continued)
- (b) When a child has a health condition that requires medication, the licensee shall ensure that the caregiver shall:
  - (1) Assist children with the taking of medication as needed.
  - (2) Ensure that instructions are followed as outlined by the appropriate medical professional.
  - (3) Store Mmedication shall be stored as instructed in the original container with the original unaltered label in a locked and safe area that is not accessible to children.
  - (4) ~~Prescription medication must be administered as directed on the label or as advised by the physician in writing.~~
  - (5) ~~Non-prescription medication must be administered as directed by the appropriate medical professional and documented by the caregiver.~~
  - (64) Require documentation by the caregiver of Tthe administration of PRN medication, ~~shall also require documentation by the caregiver of recording~~ the date, time and dose of medication administered.
  - (75) Determine need in accordance with medical instructions if ~~If~~ the child can not determine his or her own need for medications, ~~the caregiver shall determine need in accordance with medical instructions.~~
- (c) When a child has a health condition that requires prescription medication, the licensee shall ensure that, in addition to following the requirements in Section 86575(b), the caregiver shall:
  - (1) Administer prescription medication as directed on the label and as prescribed by the physician in writing.
    - (A) The licensee shall obtain, in writing, approval and instructions from the child's authorized representative for administration of the prescription medication for the child. This documentation shall be kept in the child's record.
    - (B) The licensee shall not administer prescription medication to a child in accordance with instructions from the child's authorized representative if the authorized representative's instructions conflict

with the physician's written instructions or the label directions as prescribed by the child's physician.

(5d) ~~Non-prescription medication must~~ may be administered ~~as directed by the appropriate medical professional and documented by the caregiver~~ without approval or instructions from the child's physician if all of the following conditions are met:-

(1) Non-prescription medications shall be administered in accordance with the product label directions on the nonprescription medication container or containers.

(A) For each nonprescription medication, the licensee shall obtain, in writing, approval and instructions from the child's authorized representative for administration of the nonprescription medication to the child. This documentation shall be kept in the child's record.

(B) The licensee shall not administer nonprescription medication to a child in accordance with instructions from the child's authorized representative if the authorized representative's instructions conflict with the product label directions on the nonprescription medication container or containers.

(e) The licensee shall develop and implement a written plan to record the administration of the prescription and nonprescription medications and to inform the child's authorized representative daily, for crisis day services, and upon discharge for overnight care, when the medications have been given.

(f) All medications that are no longer needed by the child, or when the child is removed or discharged from the crisis nursery, shall be returned to the child's authorized representative or disposed of after an attempt to reach the authorized representative.

(eg) ~~Prescription medications that are not taken with the child upon termination of services, or which are not to be retained~~ returned to the child's authorized representative when no longer needed by the child, or when the child is removed or discharged from the crisis nursery, shall be destroyed by the crisis nursery administrator, or a designee, and one other adult after an attempt to reach the authorized representative.

(1) Both shall sign a record, to be retained for at least one year, which lists the following:

(A) Name of the child.

(B) The prescription number and the name of the pharmacy.

(C) The medication name, strength and quantity destroyed.

(D) The date of destruction.

(dh) ~~Staff responsible for providing direct care and supervision~~ All caregivers shall receive training be certified in pediatric first aid and pediatric CPR from by persons qualified by agencies including but not limited to the American Red Cross, the American Heart Association, a training program approved by the State Emergency Medical Services Authority, or an accredited college or university as specified in Section 86565(n).

(1) The licensee shall ensure that copies of unexpired pediatric first aid and pediatric CPR ~~certificates~~ cards documenting the required training are maintained.

(ei) (Continued)

(fj) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1507, 1516, 1526.8 and 1531, Health and Safety Code.

Amend Section 86577 to read:

**86577 PERSONAL SERVICES**

**86577**

(a) (Continued)

(d) (Continued)

- (1) The written plan shall be developed by the licensee ~~and placing agency~~ in consultation with the child's parent, legal guardian or authorized representative and include: (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Amend Section 86580 to read:

**86580      CRISIS DAY CARE SERVICES**

**86580**

- (a) A crisis nursery may provide crisis day ~~care~~ services, as defined in Section 86501(c), for children under ~~the age of~~ six years of age at the same site that it is providing crisis residential overnight services as the crisis nursery, without being subject to Health and Safety Code Section 1596.80, the Child Day Care Facilities Act.
  - (1) A child ~~may~~ shall not receive crisis day ~~care~~ services at a crisis nursery for more than 30 calendar days, maximum of 12 hours per day, or a total of 360 hours, in a six-month period unless the Department issues an exception to allow a child to receive additional crisis day services in a six-month period as specified in Section 86524(c).
  - (2) A child who is ~~receiving day care services~~ has been voluntarily placed in a crisis residential overnight program shall be ~~counted~~ included in the licensed capacity for crisis day services.
  - ~~(3) A child placed by the county and receiving day care services shall be counted in the limitation on county placements as specified in Section 86528(f).~~
- (b) A crisis nursery offering crisis day ~~care~~ services shall be governed by all the provisions in this chapter, including the following:
  - (1) The licensee shall maintain and implement a written procedure to sign the child in and out of the crisis ~~day care~~ nursery and shall, at a minimum, include the following:
    - (A) The person who brings the child to, and removes the child from, ~~day care~~ the crisis nursery shall sign the child in and out. (Continued)
  - (6) (Continued)
    - (B) The person bringing the child to the crisis ~~day care~~ nursery shall remain until the child is accepted. (Continued)
  - (10) Crisis ~~day care~~ nursery napping equipment shall meet the following requirements: (Continued)

Authority Cited:      Section 1530, Health and Safety Code.

Reference:            Sections 1501 1516, 1531, and 1596.792, Health and Safety Code.

Amend Section 86587 to read:

**86587 BUILDING AND GROUNDS**

**86587**

(a) (Continued)

(h) (Continued)

(7) No child's bedroom shall be used as a napping area by ~~the Crisis Day Care~~ children receiving crisis day services. (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516 and 1531, Health and Safety Code.

Amend Section 86587.1 to read:

**86587.1 OUTDOOR ACTIVITY SPACE**

**86587.1**

(a) There shall be at least 75 square feet per child of outdoor activity space based on the total licensed capacity as specified in Section 86528(a)(4).

(1) Swimming pools, adjacent pool decking, and natural or man-made hazards shall not be included in the calculation of outdoor activity space.

~~(ab)~~ (Continued)

~~(bc)~~ (Continued)

~~(ed)~~ The licensee shall ensure that the outdoor activity space is furnished with a variety of developmentally appropriate toys and equipment.

~~(de)~~ (Continued)

~~(ef)~~ (Continued)

~~(fg)~~ (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Amend 86587.2 to read:

**86587.2 INDOOR ACTIVITY SPACE**

**86587.2**

(a) (Continued)

(d) For crisis day services, there shall be at least 35 square feet of indoor activity space per child as specified in Section 86528(a)(3).

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516 and 1531, Health and Safety Code.