

### **3RD ADDENDUM TO THE FINAL STATEMENT OF REASONS**

- 1) The following forms are not printed in the CCR because they are lengthy in the aggregate and are available online and by request. They were made available to the public during the rulemaking and are also posted on DSS's website.
  - (1) LIC 165 (8/07) – Board of Directors Statement
  - (2) LIC 198 (2/01) - Child Abuse Central Index Check for County Licensed Facilities.
  - (3) LIC 198A (8/07) - Child Abuse Central Index Check for State Licensed Facilities
  - (4) LIC 200 (8/04) – Application for a Community Care Facility or Residential Care Facility for the Elderly License
  - (5) LIC 300A (9/03) – Confirmation of Removal – Exemption Needed
  - (6) LIC 300B (9/03) – Confirmation of Removal – Denial
  - (7) LIC 300C (9/03) – Confirmation of Removal – Rescinded
  - (8) LIC 300D (9/03) – Confirmation of Removal – Non-Exemptible
  - (9) LIC 301E (7/03) – Reference Request
  - (10) LIC 309 (6/01) Public – Administrative Organization
  - (11) LIC 400 (1/990 Public – Affidavit Regarding Client/Resident Cash Resources
  - (12) LIC 401 (3/01) – Monthly Operating Statement
  - (13) LIC 403 (11/02) – Balance Sheet
  - (14) LIC 403A (12/02) – Balance Sheet Supplemental Schedule
  - (15) LIC 404 (7/99) Personal – Financial Information Release and Verification
  - (16) LIC 508 (1/03) – Criminal Record Statement

- (17) LIC 9182 (12/06) - Criminal Background Clearance Transfer Request.
- (18) LIC 9188 (12/06) - Criminal Record Exemption Transfer Request.
- (19) LIC 9219 (10/06) – Crisis Nursery Monthly Report
- (20) LIC 9219A (10/06) – Crisis Day Care Sign-In/Sign-Out Sheet

**CLARIFICATION OF RESPONSES TO NECESSITY**

1. In the Responses to Necessity on pages 7-17 of the Second Addendum to the Final Statement of Reasons, the phrase “These regulations are necessary” should read “this regulation is necessary” and the explanation that follows refers to the crisis nursery regulation in issue. Where the caption is to a Crisis Nursery regulation section followed by "et seq." the phrase “These regulations are necessary ”is correct and the explanation that follows refers to the Crisis Nursery regulations in issue.”
2. The following description of necessity supersedes the description for Section 86568.2 found on page 14 of the 2nd Addendum to the Final Statement of Reasons.

Section 86568.2

The Department reviewed existing standards found in Foster Family Homes Title 22, Chapter 9.5, Article 4, and Section 89468. This regulation is necessary for consistency and to clarify and ensure that an initial assessment plan is completed for each child placed in a crisis nursery in order to appropriately meet the child’s needs. Crisis Nursery chose to use different terminology to refer to the needs and services plan. The reason for using “Initial Assessment Plan” is that it will be completed by the licensee and/or the parent or guardian of the child, because most of the placements will be private placements. “Needs and Services Plans” are completed by social workers; however, the information collected is very similar: name, age, physical limitations, history of infections or contagious diseases, etc.

3. The following description of necessity for Section 86576 et seq. supersedes the description for Section 86576 found on page 15 of the Second Addendum to the Final Statement of Reasons. The citation to Section 80075 in the General Licensing Requirements has been corrected to Section 80076.

Section 86576 et seq.

The Department reviewed existing standards found in the General Licensing Regulations Title 22, Division 6, Article 6, and Section 80076. This regulation establishes procedures for handling, preparing, and serving food and is necessary to ensure that crisis nurseries properly feed children in care. These requirements are for the safety, health and protection of the children placed in crisis nurseries.

4. The response to YLC's comment about Section 86572(a)(14) on page 21 of the Second Addendum to the Final Statement of Reasons is superseded by the following response:

Comment:

YLC commented, "Revise (14) to read as follows:

"[M]ake and receive confidential phone calls unless prohibited by court order, or, in the case of a child voluntarily placed by the parent, prohibited by the parent.

"(A) Reasonable restrictions may be imposed regarding the time, place and manner of calls.

"The regulations do not clarify the rights in the context of children under age 6. For county placed children must keep the basic foster care bill of rights but should adjust to make sense for the under 6 population."

Response:

The changes in the proposed regulations were not made as a result of the Second 15-day Renotice and are, therefore, outside the scope of this comment period. No change was made to the proposed regulations based on this comment.

5. Nonsubstantive changes have been made to the text and are identified in the transmittal memo dated December 27, 2007 which is incorporated by reference into this Addendum.
6. The privacy statements for Forms 9182 and 9188 were inadvertently omitted from the text attached to the Form 400s and from this file when it was submitted to OAL on November 21, 2007 but they were available to the public during the Second 15 day availability and on DSS's website.
7. Clarification: Admission and consent forms are developed by the crisis nursery facilities.
8. 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.

Even though there were substantive changes during the 1st and 2nd 15-Day Renotices, the Local Mandate Statement and Form 399 are still valid.

