

FINAL STATEMENT OF REASONS

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

Section 82001

Specific Purpose:

This section is adopted to define terms used in this chapter. Section 80001 is duplicated, renumbered and amended to be specific to adult day programs.

Factual Basis:

This section is necessary to define terms for users of the adult day program manuals.

Final Modification

The title for this section has been amended to replace the term “Adult Day Care Facilities/Adult Day Support Centers” to “Adult Day Programs” to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Sections 82001(a)(1)(A) through (F) and Handbook

Specific Purpose:

These sections are duplicated from Sections 80001(a)(1)(A) through (F) to provide a definition of the term “Activities of Daily Living.” The handbook section is provided to reference the definition of “Client Who Relies Upon Others to Perform All Activities of Daily Living” as it is used in adult day programs.

Factual Basis:

These sections are necessary to provide definitions of this term as it is used in adult day programs.

Section 82001(a)(2)

Specific Purpose:

This section is duplicated from Section 80001(a)(2) to provide a definition of the term “Administrator.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Final Modification

The words “facility/center” have been replaced with “program” to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(a)(3)

Specific Purpose:

This section is duplicated from Section 80001(a)(3) to provide a definition of the term “Adult.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(a)(4)

Specific Purpose:

This section is duplicated from Section 80001(a)(4) to provide a definition of the term “Adult Community Care Facility.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(a)(5)

Specific Purpose:

This section is duplicated from Section 80001(a)(5) to provide a definition of the term “Adult Day Care Facility.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(a)(6) (New)

Specific Purpose:

This section is adopted to include the term “Adult Day Program” in the definition section of the category-specific adult day care/adult day support regulations.

Factual Basis:

This section is necessary to provide a definition of this term because adult day care facilities and adult day support centers are often referred to collectively throughout the category-specific adult day care/adult day support regulations.

Section 82001(a)(7)

Specific Purpose:

This section is duplicated from Section 80001(a)(6) to provide a definition of the term “adult day support center” as used in adult day programs.

Factual Basis:

The amendment is necessary to ensure that the definition is relevant to all adult day programs.

Section 82001(a)(8) et seq.

Specific Purpose:

These sections are renumbered from Section 82501(a)(1) et seq. to provide a definition of the term “adult day support center services.” It is also amended to repeal specific examples of personal and instrumental activities of daily living and to reference the specific sections where the information is listed.

Factual Basis:

These amendments are necessary to ensure that the regulations are relevant to all adult day programs.

Final Modification

Section 82001(a)(8)(C)

In response to testimony, a typographical error was corrected. The word “of” is changed to “or.”

Section 82001(a)(9)

Specific Purpose:

This section is duplicated from Section 80001(a)(8) to provide a definition of the term “applicant.”

Factual Basis:

This definition is necessary to ensure that the regulations are relevant to all adult day programs.

Section 82001(a)(10)

Specific Purpose:

This section is renumbered from Section 82501(a)(2) to provide a definition of the term “assessment.”

Factual Basis:

The definition is necessary to ensure that the regulations are relevant to all adult day programs.

Section 82001(a)(11)

Specific Purpose:

This section is duplicated from Section 80001(a)(9) to provide a definition of the term “authorized representative” and is amended to repeal reference to “a minor's parent” and “public placement agency.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day programs. The amendment to repeal the reference to minors is necessary to narrow the definition to adult day programs and to ensure that the definition is relevant to all adult day programs.

Final Modification

The term “legal guardian or” is deleted because it is not applicable to adults.

Post-Hearing Modification

Section 82001(a)(12)

Specific Purpose/Factual Basis:

This section is renumbered as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S.

Section 82001(b)(1)

Specific Purpose:

This section is duplicated from Section 80001(b)(1) to provide a definition of the term “basic rate,” and is amended to repeal reference to SSI/SSP recipients.

Factual Basis:

This section is necessary to provide a definition as it is used in adult day programs. The amendment is necessary to ensure that the definition is relevant to all adult day programs. Reference to SSI/SSP recipients was deleted because services provided by adult day programs are not covered by SSI/SSP funding.

Final Modification

This section is amended to correct terminology for clarity.

Section 82001(b)(2)

Specific Purpose:

This section is duplicated from Section 80001(b)(2) to provide a definition of the term “basic services.”

Factual Basis:

The definition is necessary to ensure that the regulations are relevant to all adult day programs.

Section 82001(c)(1)

Specific Purpose:

This section is duplicated from Section 80001(c)(1) to provide a definition of the term “capacity.”

Factual Basis:

The definition is necessary to ensure that the regulations are relevant to all adult day programs.

Final Modification

The words “facility/center” are replaced with “adult day program.” See explanation provided in final modification for Section 82001(a)(2).

Section 82001(c)(2) et seq.

Specific Purpose:

These sections are duplicated from Sections 80001(c)(2) et seq. to provide a definition of the term “care and supervision.” The regulations in Sections 82001(c)(2)(B), (C), and (I) are amending the cross-references, and in Section 82001(c)(2)(E), replaces “house” with “facility/center.”

Factual Basis:

These sections are necessary to provide a definition as it is used in adult day programs. The amendments are necessary to ensure that the definition is relevant to all adult day programs.

Final Modification

The words “facility/center” are replaced with “program.” See explanation provided in final modification for Section 82001(a)(2).

Section 82001(c)(3)

Specific Purpose:

This section is renumbered from Section 82501(c)(1) and amended to add the terms “client's” and “facility” as they pertain to adult day programs.

Factual Basis:

This section is necessary to provide definitions of these terms as they are used in adult day programs. The amendments are necessary to ensure that the regulation is relevant to all adult day programs and people served by the adult day programs.

Final Modification

The words “facility/center” are replaced with “adult day program.” See explanation provided in final modification for Section 82001(a)(2).

Sections 82001(c)(4) and (c)(4)(A) through (E)

Specific Purpose:

These sections are duplicated from Sections 80001(c)(3) and (c)(3)(A) through (E) to provide a definition of the term “cash resources.”

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(c)(5)

Specific Purpose:

This section is duplicated from Section 80001(c)(7) to provide a definition of the term “client.” It is also amended to repeal the reference to children and community care facilities. The reference to “resident” is also deleted because this term is not used in adult day programs.

Factual Basis:

This section is necessary to provide definitions as they are used in adult day programs. These amendments ensure that these regulations are relevant to all adult day programs and people served by the adult day programs.

Section 82001(c)(6) and Handbook

Specific Purpose:

This section is duplicated from Section 80001(c)(8) and handbook to provide a definition of the term “client who relies upon others to perform all activities of daily living.” The handbook section is provided to reference “Activities of Daily Living.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day programs.

Section 82001(c)(7)

Specific Purpose:

This section is duplicated from Section 80001(c)(9) to provide a definition of the term “close friend”.

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Section 82001(c)(8)

Specific Purpose:

This section is duplicated from Section 80001(c)(10) to provide a definition of the term “community care facility” and to add the term “center.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers. The amendments are made to ensure that the regulations are relevant to both adult day care facilities and adult day support centers.

Final Modification

The words “facility/center” are replaced with “program.” See explanation provided in final modification for Section 82001(a)(2).

Sections 82001(c)(9), (c)(9)(A) and (B)

Specific Purpose:

These sections are duplicated from Sections 80001(c)(12), (c)(12)(A) and (B) to provide a definition of the term “completed application” and an amendment was made to a cross reference.

Factual Basis:

These sections are necessary to provide a definition as it is used in adult day care facilities and adult day support centers. A cross reference was amended to correctly identify a section.

Final Modification

Section 82001(c)(9) is amended to add the title of the section referred to, for clarity. This section is deleted because it is duplicative and inconsistent with Section 82018(d).

Section 82001(c)(10)

Specific Purpose:

This section is duplicated from Section 80001(c)(13) to provide a definition of the term “conservator.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Final Modification

This section is renumbered to Section 82001(c)(9) and amended to clarify the meaning of “conservator,” consistent with state law.

Section 82001(c)(11)

Specific Purpose:

This section is renumbered from Section 82501(c)(2) and amended to further define the term “consultant.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in the adult day programs.

Final Modifications

This section is renumbered to Section 82001(c)(10) and the words “facility/center” are replaced with “programs.” See explanation provided in final modification for Section 82001(a)(2).

Sections 82001(c)(12), (c)(12)(A), (B) and (C)

Specific Purpose:

These sections are duplicated from Sections 80001(c)(15), (c)(15)(A), (B) and (C) to provide a definition of the term “control of property.”

Factual Basis:

These sections are necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Final Modifications

This section is renumbered to Section 82001(c)(11) and the words “facility/center” are replaced with “adult day program.” See explanation provided in final modification for Section 82001(a)(2).

Section 82001(c)(13) et seq.

Specific Purpose:

These sections are adopted to define the term “conviction.”

Factual Basis:

These sections are necessary to place this definition into regulation because existing regulations state the actions that the Department is required to take if the Department learns that an individual has been “convicted” of a crime.

Final Modification

This section is renumbered because of the deletion of Section 82001(c)(9).

Section 82001(c)(14)

Specific Purpose:

This section is adopted to define the term “criminal record clearance.”

Factual Basis:

This section is necessary to place this definition into regulation because the ability to be licensed or employed in a community care facility depends upon whether they have a “criminal record clearance.” In addition, clients or persons who are placing clients in community care facilities and who depend upon the Department for protection must have a clear definition of a criminal record clearance. It is necessary that they understand that criminal record clearance means both a California Department of Justice (DOJ) and an FBI clearance.

Final Modifications

This section is renumbered because of the repeal of Section 82001(c)(9). The word “record” is replaced with “background” to conform to existing terminology, as used in form LIC 9182.

Section 82001(d)(1)

Specific Purpose:

This section is duplicated from Section 80001(d)(1) to provide a definition of the term “day.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Section 82001(d)(2)

Specific Purpose:

This section is duplicated from Section 80001(d)(2) to provide a definition of the term “deficiency.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Section 82001(d)(3) and Handbook

Specific Purpose:

This section is duplicated from Section 80001(d)(5) and Handbook to provide a definition of the term “department.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Final Modifications

This section is amended to clarify the meaning of “Department.” The Handbook is deleted because of duplication.

Section 82001(d)(4)

Specific Purpose:

This section is adopted to define the term “Department of Justice clearance.”

Factual Basis:

This section is necessary to place this definition into regulation because the ability to be licensed or employed in a community care facility depends upon whether the individual has a criminal record clearance. A criminal record clearance as defined in Section 82001(c)(15) includes a “Department of Justice clearance.” In addition, clients or persons who are placing clients in community care facilities and who depend upon the Department for protection must have a clear definition of a “Department of Justice clearance.” It is necessary that they understand what a clearance means, including what kinds of infractions of the law are not included when a “DOJ clearance” is issued.

Section 82001(d)(5) and Handbook

Specific Purpose:

These sections are duplicated from Section 80001(d)(6) and Handbook to provide a definition of the term “developmental disability.”

Factual Basis:

These sections are necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Final Modification

The Handbook section is amended for punctuation changes.

Section 82001(d)(6)

Specific Purpose:

This section is duplicated from Section 80001(d)(7) to provide a definition of the term “dietitian.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Section 82001(d)(7)

Specific Purpose:

This section is renumbered from Section 82501(d)(1) to provide a definition of the term “direct care staff” and amended to add the term “clients.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers. The amendment is necessary to ensure that the regulations are relevant to all persons participating in adult day programs.

Section 82001(d)(8) and Handbook

Specific Purpose:

These sections are duplicated from Section 80001(d)(8) and Handbook to provide a definition of the term “director.”

Factual Basis:

These sections are necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Final Modifications

The reference to Health and Safety Code Section 1502(b) is replaced with the correct reference of Health and Safety Code Section 1502(c). This section is amended to clarify the meaning of “Director.” The Handbook is deleted because of duplication.

Section 82001(e)(1)

Specific Purpose:

This section is duplicated from Section 80001(e)(3) to provide a definition of the term “emergency approval to operate” and amended to add the term “center.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers. The amendment ensures that these regulations are relevant to all adult day programs and people served by the adult day programs.

Final Modifications

This section is amended to clarify the language. The words “facility/center” have been replaced with “program.” For an explanation, see final modification in Section 82001(a)(2) Also, grammar has been corrected for clarity..

Section 82001(e)(2)

Specific Purpose:

This section is duplicated from Section 80001(e)(4) to provide a definition of the term “evaluator.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Final Modification

This section is amended to clarify the language as applied to adult day programs.

Section 82001(e)(3)

Specific Purpose:

This section is duplicated from Section 80001(e)(5) to provide a definition of the term “evidence of licensee’s death.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Section 82001(e)(4)

Specific Purpose:

This section is duplicated from Section 80001(e)(6) to provide a definition of the term “exception” and amended to add the term “centers.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers. The amendments ensure that these regulations are relevant to all adult day programs.

Final Modification

This section is amended to clarify the terminology. The word “programs” has been inserted. For an explanation, see final modification in Section 82001(a)(2).

Section 82001(e)(5) and Handbook

Specific Purpose:

These sections are duplicated from Section 80001(e)(7) and Handbook to provide a definition of the term “exemption.”

Factual Basis:

These sections are necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Final Modification

The Handbook has been modified to correctly summarize the statute.

Section 82001(e)(6)

Specific Purpose:

This section is duplicated from Section 80001(e)(8) to provide a definition of the term “existing facility.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Final Modification

This section is amended to delete language no longer applicable as licenses do not have expiration dates.

Section 82001(f)(1)

Specific Purpose:

This section is adopted to define the term “Federal Bureau of Investigation (FBI) clearance.”

Factual Basis:

This section is necessary to place this definition into regulation because the ability to be licensed or employed in a community care facility depends upon whether the individual has a criminal record clearance. A criminal record clearance as defined in Section 82001(c)(15) includes a “Federal Bureau of Investigation (FBI) clearance.” In addition, clients or persons who are placing clients in community care facilities and who depend upon Department for protection must have a clear definition of a “Federal Bureau of Investigation (FBI) clearance.” It is necessary that they understand what a clearance means, including what kinds of infractions of the law are not included when a “Federal Bureau of Investigation (FBI) clearance” is issued.

Section 82001(f)(2)

Specific Purpose:

This section is renumbered from Section 82501(f)(1) to provide a definition of the term “formal supports.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Section 82001(f)(3)

Specific Purpose:

This section is renumbered from Section 82501(f)(2) to provide a definition of the term “functionally impaired adult.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Final Modification

This section is amended to clarify the language.

Sections 82001(f)(3)(A) and (B)

Specific Purpose:

These sections are renumbered from Sections 82501(f)(2)(A) and (B) and further amended to repeal the individual references to the “activities of daily living” and the “instrumental activities of daily living.”

Factual Basis:

These sections are necessary to provide a definition of these terms as they are used in adult day programs. The examples of “activities of daily living” and “instrumental activities of daily living” are deleted to eliminate redundancy. “Activities of daily living” is listed individually in Sections 82001(a)(1)(A) through (F) and “instrumental activities of daily living” is listed individually in Sections 82001(i)(2)(A) through (E).

Section 82001(g)(1)

Specific Purpose:

This section is duplicated from Section 80001(g)(2) to provide a definition of the term “guardian.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Final Modification

This section is deleted because the word “guardian” does not apply to adults.

Section 82001(h)(1)

Specific Purpose:

This section is duplicated from Section 80001(h)(1) to provide the term “health condition relocation order.” The term “CCF” is amended to read “adult day program.” A cross-reference is also amended.

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers. The amendments to repeal reference to CCFs is necessary to narrow this definition as it applies to adult day programs only.

Section 82001(h)(2)

Specific Purpose:

This section is duplicated from Section 80001(h)(2) to provide a definition of the term “home economist.”

Factual Basis:

This section is necessary to provide a definition as it is used in adult day care facilities and adult day support centers.

Section 82001(h)(3) (New)

Specific Purpose:

This section is adopted to define the term “hours of operation” as it applies to adult day programs.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Final Modification

The words “facility/center” has been replaced with the word “program.” For an explanation, see final modification in Section 82001(a)(2).

Section 82001(i)(1)

Specific Purpose:

This section is duplicated from Section 80001(i)(2) to provide a definition of the term “inhalation-assistive device.”

Factual Basis:

This section is necessary to provide a definition of the term “inhalation-assistive device” as it is used in adult day programs. This amendment ensures that these regulations are relevant to all adult day programs.

Sections 82001(i)(2), and (i)(2)(A) through (E) (New)

Specific Purpose:

These sections are adopted to define the term “instrumental activities of daily living” and to list specific examples of those activities.

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs. The examples ensure that these regulations are relevant to all adult day programs and people served by the adult day programs.

Section 82001(i)(3)

Specific Purpose:

This section is duplicated from Section 80001(i)(3) to provide the definition of the term “interdisciplinary team” and is amended to repeal the terms “ARF” and “SRF” and add the term “adult day program.”

Factual Basis:

This section is necessary to provide definitions as they are used in adult day programs. The amendments are necessary to repeal references to residential programs and add reference to adult day programs.

Final Modification

This section is amended to clarify the language.

Sections 82001(j) and (k)

Specific Purpose/Factual Basis:

These sections are being reserved for future use.

Sections 82001(l)(1) through (4)

Specific Purpose:

These sections are duplicated from Sections 80001(l)(1) through (4) to provide definitions of the terms “license,” “licensed professional,” “licensee,” and “licensing agency.”

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Final Modification

Section 82001(l)(4) is amended to delete language that is not applicable to adult day programs.

Section 82001(m)(1)

Specific Purpose:

The specific purpose of this section is to define the term “medical professional.”

Factual Basis:

This section is necessary to place this definition into regulation because Section 82019(b) states that a medical professional, under certain conditions is exempt from submitting fingerprints for the purpose of a criminal record review. This definition is necessary so that it is clear that for the purposes of these regulations, a medical professional only applies to specific titles licensed in California.

Section 82001(m)(2)

Specific Purpose:

This section is duplicated from Section 80001(m)(1) to provide a definition of the term “mental disorder.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(n)(1)

Specific Purpose:

This section is renumbered from Section 82501(n)(1) and amended to provide a definition of the term “needs and services plan.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendment ensures that these regulations are relevant to all adult day programs.

Sections 82001(n)(2), (n)(2)(A) and (B) and Handbook

Specific Purpose:

These sections are duplicated from Section 80001(n)(2) et seq. and Handbook and to provide the definition of the term “nonambulatory person.”

Factual Basis:

These sections are necessary to provide the definition of this term as it is used in adult day programs.

Final Modification

The Handbook is amended to correct punctuation.

Section 82001(n)(3)

Specific Purpose:

This section is duplicated from Section 80001(n)(3) to provide a definition of the term “nutritionist.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(o)

Specific Purpose/Factual Basis:

This section is reserved for future use.

Section 82001(p)(1)

Specific Purpose:

This section is renumbered from Section 82501(p)(1) to provide a definition of the term “participant” and further amended to repeal the word “person” and add the word “adult” and the words “or adult day care.” Additionally, a reference to general licensing requirements is deleted and a reference to where the definition of the term “client” is provided.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendments are necessary to ensure that the definition is relevant to all adult day programs.

Section 82001(p)(2)

Specific Purpose:

This section is duplicated from Section 80001(p)(1) to provide a definition of the term “physician.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(p)(3) and Handbook

Specific Purpose:

These sections are duplicated from Section 80001(p)(2) and Handbook to provide a definition of the term “placement agency.”

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Final Modification

Section 82001(p)(3)(A) is amended to correctly summarize the statute.

Section 82001(p)(4)

Specific Purpose:

This section is duplicated from Section 80001(p)(3) to provide a definition of the term “PRN medication.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(p)(5)

Specific Purpose:

This section is duplicated from Section 80001(p)(4) to provide a definition of the terms “provision” and “provide.”

Factual Basis:

These sections are necessary to provide a definition of these terms as they are used in adult day programs.

Section 82001(p)(6)

Specific Purpose:

This section is duplicated from Section 80001(p)(5) to provide a definition of the term “provisional license.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(q)

Specific Purpose/Factual Basis:

This section is being reserved for future use.

Section 82001(r)(1)

Specific Purpose:

This section is adopted to provide the definition of the term “rehabilitation.”

Factual Basis:

This section is necessary to place this definition into regulation because the Department provides individuals without a criminal record clearance, who meet specific criteria, an opportunity to request an exemption so that they may be licensed, employed in, or present in a community care facility. One of the factors the Department considers when granting an exemption is whether or not the individual can demonstrate rehabilitation. Therefore, it is important to provide a definition for those who may be affected.

Section 82001(r)(2)

Specific Purpose:

This section is duplicated from Section 80001(r)(1) to provide a definition of the term “relative.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(r)(3)

Specific Purpose:

This section is duplicated from Section 80001(r)(2) to provide a definition of the term “responsible person.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(s)(1) and Handbook

Specific Purpose:

These sections are duplicated from Section 80001(s)(1) and Handbook to provide a definition of the term “serious deficiency.”

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Final Modification

Section 82001(s)(1)(A) is amended to clarify the language.

Section 82001(s)(2)

Specific Purpose:

This section is adopted to provide the definition of the term “simplified exemption.”

Factual Basis:

This section is necessary to define this term to clarify that a simplified exemption is an option available to and used by the Department, provided the individual meets specific criteria. Subsequent regulations outline the simplified exemption criteria. The simplified exemption is a determination by the Department, based on the individual’s rap sheet alone, that the individual has demonstrated substantial and convincing evidence to support a finding of good character.

Final Modification

This section is amended to clarify the language.

Section 82001(s)(2)(A) (Handbook)

Final Modification

This handbook section is added to clarify the meaning of the term “Simplified Exemption.”

Section 82001(s)(3)

Specific Purpose:

This section is duplicated from Section 80001(s)(4) to provide a definition of the term “social worker.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(s)(4)

Specific Purpose:

This section is duplicated from Section 80001(s)(5) to provide a definition of the term “SSI/SSP.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(s)(5)

Specific Purpose:

This section is duplicated from Section 80001(s)(6) to provide a definition of the term “substantial compliance.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(s)(6)

Specific Purpose:

This section is duplicated from Section 80001(s)(7) to provide a definition of the term “substantiated complaint.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(t)

Specific Purpose/Factual Basis:

This section is reserved for future use.

Sections 82001(u)(1) and (u)(1)(A) and (B) et seq.

Specific Purpose:

These sections are duplicated and amended from Sections 80001(u)(1) and (u)(1)(A) and (B) et seq. to provide a definition and procedures of the term “universal precautions.”

Factual Basis:

These sections are necessary to provide the definition and how it applies to handwashing and using gloves as they are used in adult day programs.

Final Modification

Sections 82001(u)(1)(A)6. and 7.

In response to testimony, the regulations have been amended to incorporate Section 82001(u)(1)(A)7. into 6. to make it grammatically correct.

Final Modification

Section 82001(u)(1)(B)3.

Additional wording was added because of the adoption of ORD #0801.16; OAL File #02-0627-03S.

Sections 82001(u)(1)(C) and (C)1.

Specific Purpose:

These sections are duplicated from Sections 80001(u)(1)(C) and (C)1. to provide a procedure of how disinfectant is used and amended to repeal the phrase “and in the client’s room.”

Factual Basis:

These sections are necessary to provide a definition of how this procedure is used in adult day programs. These amendments are necessary because clients do not have their own rooms in adult day programs.

Sections 82001(u)(1)(C)2. and 2.i.

Specific Purpose:

These sections are duplicated from Sections 80001(u)(1)(C)2. and 2.i. to explain the solution used when using basic bleach.

Factual Basis:

These sections are necessary to provide a definition of how this procedure is used in adult day programs.

Sections 82001(u)(1)(D) and (D)1.

Specific Purpose:

These sections are duplicated from Sections 80001(u)(1)(D) and (D)1. and amended to introduce the proper disposal of infectious materials. Section 82001(u)(1)(D)1. is amended to repeal “children” and to add the term “visitors.”

Factual Basis:

These sections are necessary to introduce the proper disposal procedures of infectious materials as they are used in adult day programs.

Section 82001(u)(2) and Handbook

Specific Purpose:

These sections are duplicated from Section 80001(u)(2) and Handbook to provide a definition of the term “Unlicensed Community Care Facility.”

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Final Modification

This section is amended for clarity. The Handbook section is deleted because it is unnecessary.

Sections 82001(u)(2)(B), (C) and (C)1. through 4.

Specific Purpose:

These sections are duplicated from Sections 80001(u)(2)(B) and (C) and (C)1. through 4. and amended to add the term “center.”

Factual Basis:

These sections are necessary to provide the procedures of the facility/center as they are used in adult day programs.

Final Modifications

These sections are renumbered and the words “facility/center which” or “facility/center whose”, and extraneous language “the individual to provide,” has been replaced with “program,” “program that” or “is provided.” See explanation provided in final modification for Section 82001(a)(2).

Section 82001(u)(2)(D)

Specific Purpose:

This section is duplicated from Section 80001(u)(2)(D) and amended to add the term “center,” repeal the term “residents” and add the term “clients.”

Factual Basis:

This section is necessary to provide information of the needs of clients as it is used in adult day programs. The amendments are necessary because the term “residents” is not used in adult day programs. People served by the adult day programs are referred to as “clients.”

Final Modification

This section is renumbered. “Facility/center which” has been changed to “program that.” See explanation provided in final modification for Section 82001(a)(2).

Section 82001(u)(2)(D)1.

Specific Purpose:

This section is duplicated from Section 80001(u)(2)(D)3.

Factual Basis:

This section is necessary to provide a definition of the client needs as they are used in adult day programs.

Final Modification

The words “facility/center” is changed to “program.” See explanation provided in final modification for Section 82001(a)(2).

Sections 82001(u)(3) and (u)(3)(A) and (u)(3)(B)

Specific Purpose:

These sections are duplicated from Sections 80001(u)(2), (u)(2)(A) and (u)(2)(B) to provide a definition of the term “urgent need.”

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Final Modification

The words “facility/center” is changed to “program.” See explanation provided in final modification for Section 82001(a)(2).

Section 82001(v)

Specific Purpose/Factual Basis:

This section is reserved for future use.

Section 82001(w)(1)

Specific Purpose:

This section is duplicated from Section 80001(w)(1) to provide a definition of the term “waiver” and to add the term “center.”

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendment is necessary to ensure that the definition is relevant to all adult day programs.

Final Modification

The words “facility/center” is changed to “program.” See explanation provided in final modification for Section 82001(a)(2).

Sections 82001(x), (y) and (z)

Specific Purpose/Factual Basis:

These sections are reserved for future use.

Section 82003 et seq. (New)

Specific Purpose:

These sections are adopted to create a section whereby forms used in the adult day programs can be incorporated by reference and to incorporate by reference the forms required by this regulations package.

Factual Basis:

These sections are necessary to incorporate by reference, pursuant to the California Code of Regulations, Title 1, Chapter 1, Section 20, the necessary forms. These forms are not printed in the California Code of Regulations or the California Department of Social Services (CDSS) Manual of Policies and Procedures because it would be cumbersome and impractical. However, these forms are readily available to the users from CDSS.

Final Modifications

Section 82003(a)(3) is amended to include a reference to the “LIC 400 – Affidavit Regarding Client/Resident Cash Resources – Revised 1/99.” This addition corrects a form omission. As a result, previous Sections 82003(a)(3) through (6) are renumbered as Sections 82003(a)(4) through (7). Corrected form revision dates have replaced incorrect form revision dates in Sections 82003(a)(4), (6) and (7).

Section 82003(a)(3) is amended to show the correct revision date for the form LIC 508. This amendment is necessary for accuracy.

Section 82003(a)(5) is amended to show the correct revision date for the form LIC 9158. This amendment is necessary for accuracy.

Section 82003(a)(6) is amended to identify the correct form as being the LIC 9182. The LIC 9188 is not used in this capacity. This amendment is necessary for accuracy.

Section 82005 et seq.

Specific Purpose:

This section is duplicated from Section 80005 et seq. and amended to correct a cross-reference.

Factual Basis:

This section is necessary to clarify guidelines as to when a license is required for an adult day program. This section has always applied to adult day care facilities and adult day support centers and does not present any new or additional requirements. Additionally, the section is necessary to accommodate the consolidation of the adult day care facility/adult day support center and general licensing requirements regulations. The cross-reference amendments are made for accuracy.

Final Modification

The words “facility/center” are replaced with “program.” See explanation provided in final modification for Section 82001(a)(2). Section 82005(a) is amended to clarify the section number referred to, by adding the title of the section.

Sections 82006(a) through (f)(2)

Specific Purpose:

These sections are duplicated from Sections 80006(a) through (f)(2) to amend the cross-references. Also, the term “center” is added in Sections 82006(a), (b), (c), and (f)(2).

Factual Basis:

These sections are necessary to place regulations regarding unlicensed facilities into the category-specific adult day care/adult day support regulations. These sections have always applied to the adult day care facilities and adult day support centers and do not add any new or additional requirements. The cross-reference amendment is made for accuracy.

Final Modifications

The words “facility/center” is replaced with “program” or “program operator” in Sections 82006(a) through 82006(f). See explanation provided in final modification for Section 82001(a)(2). The words “of the Health and Safety Code” have been repositioned and replaced with the words “Health and Safety Code” for grammatical clarity.

Section 82006(b)(1) is amended to delete extraneous and inapplicable language.

Section 82006(d) is amended to add the title of the section referred to.

Section 82006(e)(1) is amended for consistency with similar statements.

Sections 82007(a)(1) and (2)

Specific Purpose:

These sections are duplicated from Sections 80007(a)(1) and (2) to repeal the term “community care facility” and add the terms “adult day care facility/adult day support center.”

Factual Basis:

These sections are necessary to place regulations regarding exemption from licensure into the category-specific adult day care/adult day support regulations. These sections have always applied to the adult day care facilities and adult day support centers and do not add any new or additional requirements. The amendment to repeal the term “community care facility” and replace with the terms “adult day care facility/adult day support center” is necessary to accommodate the consolidation of the adult day care facility/adult day support center and general licensing requirements regulations.

Final Modifications

Section 82007(a) is amended to delete duplicate language.

The words “care/facility,” “support center,” and “Adult Day Support Center” have been replaced with “program” throughout Section 82007(a) et seq. See explanation provided in final modification for Section 82001(a)(2). The words “of the Health and Safety Code” have been repositioned and replaced with the words “Health and Safety Code” for grammatical clarification.

Section 82007(a)(3)

Specific Purpose:

This section is duplicated from Section 80007(a)(5)

Factual Basis:

This section is necessary to place regulations describing when an adult day program is exempt from licensure into the category-specific adult day care/adult day support regulations. This section has always applied to the adult day care facilities and the adult day

support centers and does not add any new or additional requirements. The amendment is necessary to ensure that the section is relevant to all adult day programs.

Final Modification

The term “facility/center” is replaced with “program.” See explanation provided in final modification for Section 82001(a)(2).

Section 82007(a)(4)

Specific Purpose:

This section is duplicated from Section 80007(a)(9).

Factual Basis:

This section is necessary to place regulations describing when an adult day program is exempt from licensure into the category-specific adult day care/adult day support regulations. This section has always applied to adult day care facilities and adult day support centers and does not add any new or additional requirements.

Final Modification

This section is amended to delete the term “guardian” as it is not applicable to adults.

Sections 82007(a)(5) and (a)(5)(A) through (C)

Specific Purpose:

These sections are duplicated from Sections 80007(a)(5) and (a)(5)(A) through (C).

Factual Basis:

These sections are necessary to place regulations describing when an adult day program will be exempt from licensure into the category-specific adult day care/adult day support regulations.

Final Modification

Section 82007(a)(5)

This section is amended to delete the term “guardian” as it is not applicable to adults.

Final Modification

Section 82007(a)(5)(A)

This section is amended for clarity.

Final Modification

Section 82007(a)(5)(B)

This section is amended to clarity language.

Sections 82007(a)(6), (7) and (8)

Specific Purpose:

These sections are duplicated from Sections 80007(a)(15), (17) and (18) respectively. The term "center" is added to Section 82007(a)(6).

Factual Basis:

These sections are necessary to place regulations defining when an adult day program will be exempt from licensure into the category-specific adult day care/adult day support regulations. These sections have always applied to the adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modification

Section 82007(a)(6) is amended to replace "facility/center" with "program." See explanation provided in final modification for Section 82001(a)(2).

Sections 82008(a) through (b)

Specific Purpose:

These sections are duplicated from Sections 80008(a) through (b) and amended to add the term "center" in Section 82008(a)(1).

Factual Basis:

These sections are necessary to place regulations describing the requirements for licensing of integral facilities into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modification

The word “facility/center” has been replaced with “buildings.” See explanation provided in final modification for Section 82001(a)(2).

Sections 82010(a) through (b)(2)

Specific Purpose:

These sections are duplicated from Sections 80010(a) through (b)(2) and amended to add the term “center” as it pertains to adult day programs.

Factual Basis:

These sections are necessary to place regulations regarding limitations on capacity and ambulatory status into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. The addition of the term “center” in Sections 82010(a), (b) and (b)(2) is necessary to ensure that the information is relevant to all adult day programs.

Final Modification

The word “facility/center” has been replaced with “program,” or “building(s).” See explanation provided in final modification for Section 82001(a)(2).

Sections 82012(a) and (b)

Specific Purpose:

These sections are duplicated from Sections 80012(a) and (b). Section 82010(a) is amended to add the term “center” as it applies to adult day programs.

Factual Basis:

These sections are necessary to place regulations regarding the prohibition of any false or misleading statements or references made by the licensee, officer or employee of a licensee into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. The use of the term “center” is necessary to ensure that the information is relevant to all adult day programs.

Final Modification

The word “facility/center” has been replaced with the word “program.” See explanation provided in final modification for Section 82001(a)(2).

Article 3. Title

Specific Purpose/Factual Basis:

This article is amended because it is no longer reserved.

Section 82017

Specific Purpose:

This section is duplicated from Section 80017.

Factual Basis:

This section is necessary to place regulations describing applicant qualifications into the category-specific adult day care/adult day support regulations. This section has always applied to the adult day care facilities and the adult day support centers and does not add any new or additional requirements.

Sections 82018(a) through (d)(3)

Specific Purpose:

These sections are duplicated from Sections 80018(a) through (d)(3) and amended to add the term “limited liability company” in Section 82018(a) and to add the term “center” to Sections 82018(b), (b)(2) and (3) and (d)(1) and (3).

Factual Basis:

These sections are necessary to place regulations regarding the licensing application process into the category-specific adult day care/adult day support regulations. The amendment to add “limited liability company” to Section 82018(a) is necessary because of the growing number of limited liability companies applying for community care licenses. The amendments to Sections 82018(b), (b)(2) and (3) and (d)(1) and (3) are necessary to ensure that the sections are relevant to all adult day programs. These sections have always applied to the adult day care facilities and the adult day care support centers and do not add any new or additional requirements.

Final Modifications

Section 82018(a) is amended to clarify that an application for licensure must be completed on the LIC 200.

Sections 82018(b) through (f) are amended to replace the words “facility/center” with the words “adult day program” or “program.” See explanation provided in final modification for Section 82001(a)(2).

Section 82018(d)(2)(C) is amended for a grammatical correction.

Sections 82018(d)(4) through (f)

Specific Purpose:

These sections are duplicated from Sections 80018(d)(5) through (14) and (d)(16) through (f) and amended to replace the term “center” with the term “adult day program” in Sections 82018(d)(4), (7), (11) and (f). The term “limited liability company” is added to Section 82018(e)(2) and cross-references in Sections 82018(d)(12), (13), (14) and (15) are amended.

Factual Basis:

These sections are necessary to place regulations regarding the licensing application process into the category-specific adult day care/adult day support regulations. The amendment to add the term “limited liability company” to Section 82018(e)(2) is necessary due to the increasing amount of limited liability companies applying for community care licenses. The amendments to Sections 82018(d)(5), (7), (11) and (f) are necessary to ensure that the sections are relevant to all adult day programs. Cross-references are amended for accuracy. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modifications

Sections 82018(d)(4) through 82018(f) are amended to replace the words “facility/center” with the word “program.” See explanation provided in final modification for Section 82001(a)(2).

Section 82018(d)(8) is amended to delete inapplicable language.

Sections 82018(d)(10) and (10)(A) (Handbook) are amended for clarity.

Sections 82018(d)(12), (13), and (16) are amended to add the titles of the sections referred to.

Section 82018(d)(13) is amended to replace the word “record” with “background” to conform to existing terminology.

Sections 82018(d)(17) and (A) Handbook are deleted for clarity.

Section 82018(f) is amended for clarity.

Sections 82019(a) through (j)

Specific Purpose:

These sections are duplicated from Sections 80019(a) through (j), and amended to add the term “center” in Sections 82019(g)(3) and (4). Sections 82019(h)(4) and (5) are deleted because they refer to children, and Sections 82019(h)(6) and (7) are renumbered to 82019(h)(4) and (5) respectively. Cross-references are amended in Sections 82019(d), (d)(1), and (g).

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modifications

The title is amended to replace the word “record” with “background” to conform to existing terminology, as used in the Criminal Background Clearance Transfer Request, form LIC 9182.

Section 82019(a) is amended to replace the word “record” with “background” to conform to existing terminology, and to clarify that applicants, as well as other persons referred to in Health and Safety Code Section 1522(b0), are subject to criminal background review.

Section 82019(b)(1) is amended for clarity.

Sections 82019(b)(1)(D), (b)(3), (b)(3)(A), (b)(4), (b)(4)(A), (b)(5)(A), (b)(6)(D)1., (b)(7), (d), (d)(1), (f), (g)(3) and (g)(4) – Handbook, and (h) are amended to replace the term “facility/center” with “day program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Sections 82019(b)(2)(C), (b)(6)(D), (b)(7), (c), (d), (d)(2)(A), (d)(2)(B), (f) and (f)(4) – Handbook, are amended to replace the word “record” with “background” to conform to existing terminology, as used in form LIC 9182 (revised 4/02).

Sections 82019(b)(3), (b)(3)(A), and (b)(4)(A) are amended to delete extraneous language.

Section 82019(d) is amended to delete extraneous language and replace it with the reference to the Criminal Record Statement, form LIC 508 (revised 1/03).

Section 820019(d)(1)(B)1. is amended to delete language duplicative of Section 82019(d)(1).

Sections 82019(d)(2), (d)(2)(A), (d)(2)(A)1. and 2. are amended for clarity.

Section 82019(e) is amended to delete duplicative language.

Section 82019(f) is amended for clarity.

Section 82019(f)(1) is amended to correct an error of a form name and number and to add the word “form” preceding the form number LIC 9182 for clarity..

Section 82019(f)(2)(A) is amended for a grammatical change.

Sections 82019(f)(2)(A) and (B) are amended to clarify that the license and identification card are from California.

Section 82019(f)(3) is amended to state that other documentation requires only the LIC 508.

Section 82019(i) is amended to add the title of the section referred to.

Section 82019(j)(1) is amended for clarity and consistency with Section 80070.

Section 82019(k) et seq.

Specific Purpose:

This section is being adopted place into regulation the requirement that persons who are required to have a criminal record clearance or an exemption inform the Department by telephone, if they are subsequently arrested, convicted, or have a parole or probation violation.

Factual Basis:

This section is necessary for protection of the clients in care. The Department will receive a subsequent criminal record history from the DOJ, however, this may take several months. Meanwhile, the individual would continue to work or be present in the licensed facility. If an individual informs the Department of the arrest, conviction, or probation or parole violation, the Department will investigate the underlying factual allegations concerning the arrest pursuant to Health and Safety Code Section 1522(e). At the conclusion of the investigation, the Department will make an immediate decision regarding the person’s continued licensure or presence in the facility. If warranted, the Department may begin an administrative action or instruct the individual on how to apply for a criminal record exemption if the person was convicted. A conviction may warrant a temporary suspension order or immediate exclusion action.

Final Modification

These sections are being deleted because these regulations are no longer in statute.

Section 82019(l)

Specific Purpose:

This section is being adopted to allow the Department to seek verification on information received from sources other than the DOJ about an individual's criminal history.

Factual Basis:

With the new requirement in proposed Section 82019(k) that an individual report an arrest, conviction, or parole or probation violation within 48 hours of the event and then to supply specific information about the event, the Department must be able to verify this information. Without the authority to verify the information about the event, obtaining the information from the individual would be useless.

Final Modification

This section is deleted because the language is no longer in statute.

Section 82019(l)(1)

Specific Purpose:

This section is being adopted to allow the Department to act on information received from sources other than the DOJ about an individual's criminal history.

Factual Basis:

Once the Department has verified the arrest, conviction, or parole or probation violation information and has obtained admissible evidence of the event, the Department must be able to use this information in the same manner it uses criminal record information received from the DOJ. With the new requirement in proposed Section 80019(k) that an individual report an arrest, conviction, or parole or probation violation within 48 hours of the event, and then to supply the Department additional information within seven days, the Department will receive this information sooner than it would from the DOJ. The Department must be able to use this information and act immediately to protect the health and welfare of clients in care. Without the authority to use the admissible evidence of the arrest, obtaining the information would be useless.

Final Modification

This section is deleted because the language is no longer in statute.

Final Modification

Section 82019.1 Title

The title is amended to include the correct name.

Section 82019.1(a) et seq.

Specific Purpose:

These sections are duplicated from Section 80019.1(a) et seq. A cross-reference in Section 82019.1(a) is amended. The term “individual” replaces the term “person” in Sections 82019.1(a)(2), (a)(3), and (a)(4).

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modifications

The title is amended to replace the word “record” with “background” to conform to existing terminology, as used in form LIC 9182 (revised 4/02).

Sections 82019.1(a)(2) and (4) are amended to replace the term “facility/center” with “day program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82019.1(a)(3) is amended to add the word “however” for clarity.

Section 82019.1(b)

Specific Purpose:

This section is being adopted to require that an individual, who submits an exemption request, cooperate with the Department and submit information requested by the Department.

Factual Basis:

This section is necessary as a precursor to existing Section 82019.1(c), now renumbered to Section 82019.1(e), that gives the Department authority to deny an exemption request if the request is incomplete or if the exemption applicant does not cooperate with the Department.

It is a logical order to require an individual to submit requested information and cooperate with the Department before stating that the Department has the authority to deny an exemption for failure to do so.

Final Modifications

Section 82019.1(b) is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(b)(4) is amended to delete language that is not applicable to activities.

Section 82019.1(b)(8)(A)1. is amended to add the word “form” preceding the form number LIC 508, for clarity.

Sections 82019.1(b)(9)(A) and (B)(Handbook) are adopted to replace Section 82019(k)(1 through 51), which was withdrawn due to a policy decision. These sections are in a modified format which reflects statute revisions.

Sections 82019.1(c), (c)(1), et seq.

Specific Purpose:

These sections are being adopted to state that the Department must notify the exemption applicant, in writing and within 30 days, that the exemption request is deficient, how the request is deficient, and that the individual must respond to the Department’s notification within ten days.

Factual Basis:

These sections are necessary to specify the exemption applicant’s responsibility to submit complete, adequate information; the Department’s responsibility in notifying the applicant when the exemption request is deficient; and the time frames for both.

When the Department receives a rap sheet that contains exemptible crimes, a letter is sent to the licensee and the individual. The letter lists all the documents an individual must submit if they are requesting an exemption. The individual is given 30 days from the date of the letter to respond and submit the documents. This regulation section states that the Department must review the exemption request documents and, if they are deficient, notify the individual within 30 days and tell them how they are deficient. The individual is then given ten days to modify and/or submit additional documents.

Because of the volume of exemption requests the Department evaluates, 30 days is the minimum amount of time the Department needs to evaluate the exemption documents and give a detailed account of how the documents are deficient. A ten-day response time for the individual is adequate because this is a secondary chance given to the individual to submit the required documents. The initial letter sent to the individual provides a detailed list of

the required documents. The secondary notice then provides a specific account of how their documents are inadequate. With these specifics, an individual should have no trouble responding within ten days.

Sections 82019.1(c)(2) and (c)(3)

Specific Purpose:

These sections are being adopted to state what action the Department will take if the documents, requested by the Department in the written notice, are not submitted within ten days.

Factual Basis:

These sections are necessary because there is distinction between the action taken if the exemption applicant is an employee or resident or a license applicant, licensee, spouse or dependent adult.

An employee who does not submit documents can be terminated from employment. A resident who is not a dependent adult can move out of the facility. In both cases, the license application process or facility operation can continue and their exemption case, if closed rather than denied, can be reopened at a later date if so requested.

For license applicants, however, the exemption case cannot be merely closed because license approval is dependent on an exemption decision. The exemption must be denied so that the license application can be denied. If the exemption applicant is a licensee, continued licensure is dependent on an exemption decision. If the facility is the residence of a dependent adult, this adult cannot move or be removed from the facility. Both situations are critical because clients would be in the care of, or living with, an individual with criminal convictions that have not been exempted. In both cases, the exemption must be denied so that administrative action to revoke the license can begin.

Final Modification

These sections are deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(d) et seq.

Specific Purpose:

These sections are duplicated from Section 80019.1(b). The handbook section that references nonexemptible crimes in Health and Safety Code Section 1522(g) and Penal Code Section 667.5(c) has not been included.

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. The handbook sections are outdated, incomplete and difficult to decipher which specific crimes are nonexemptible. A comprehensive list with specific crime names is included in the new Handbook Sections 82019.1(k)(1) through (51).

Final Modifications

This section is renumbered back to Section 82019.1(b) because of the deletion of previous Sections 82019.1(b) and (c). Language has been clarified by the correction of punctuation. A phrase in 82019.1(b)(4) is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(e) et seq.

Specific Purpose:

These sections are duplicated from Section 80019.1(c).

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modification

Section 82019.1(e) is renumbered to (c) because of the previous repeals.

Sections 82019.1(f) and (g)

Specific Purpose:

These sections are duplicated from Sections 80019.1(d) and (e).

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modification

These sections have been renumbered to (d) and (e), respectively, because of the removal of Sections 81019.1(b) and (c).

Post-Hearing Modification

Section 82019.1(f) (New)

Specific Purpose/Factual Basis:

This section is duplicated and clarified from Section 80019.1(f) of General Licensing Requirements. This section was inadvertently omitted.

Section 82019.1(h) et seq.

Specific Purpose:

These sections are being adopted to allow the Department to deny an exemption request if the individual lies or makes misleading statements on either their exemption application or in regards to their conditional exemption.

Factual Basis:

These sections are necessary because existing regulation Section 82019.1(b)(8), now renumbered to 82019.1(d)(8), includes “evidence of honesty and truthfulness” as a factor evaluated in the review of an exemption request. Throughout the approximately 25 years of evaluating exemption requests, the Department has encountered exemption requestors who have submitted documents with contradictory statements regarding their criminal history. The Department has exhausted many hours attempting to get a statement from the requestor that is truthful and consistent with their criminal history. Additionally, the Department has encountered individuals with denied exemptions working in other licensed facilities because the individual concealed that fact from the licensee. Individuals with a conditional exemption that prohibits them from obtaining certain positions have been found working in those jobs at other facilities because they have concealed those conditions from the licensee. This section will allow the Department to deny or cancel an exemption if it cannot obtain honest statements supported by the individual’s criminal history or if it becomes aware that the individual did not truthfully reveal the specifics of their criminal record history or conditional exemption to a licensee to obtain a job.

Final Modification

These sections are deleted because they were based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(i)

Specific Purpose:

This section is being adopted to introduce the following nine subsections that list specific crime conviction categories and years since the last conviction that an individual's criminal history must meet in order for the Department to consider granting a criminal record exemption.

Factual Basis:

This section is necessary to protect the health and safety of clients in care and to specify for exemption applicants and the general public the specific criteria an individual's criminal history must meet before the Department will consider granting an exemption.

Health and Safety Code Section 1522(g) gives the Department authority to grant a criminal record exemption if the Department has substantial and convincing evidence to support a reasonable belief that the person convicted of a crime is of good character.

The proposed exemption criteria, outlined in the following subsections, reflect existing policies and criteria, that have been used and refined for approximately 25 years. This experience has shown that the exemption criteria combined with the requirements of Section 82019(d) (renumbered from Section 82019.1(b) by these proposed regulations) is substantial and convincing evidence of good character. This formula provides the best protection for community care clients while also providing a standardized formula to ensure uniformity and equity in the exemption evaluation process.

The specific crime categories and the required years since the last conviction varies depending on the type of crime and the number of convictions. In general, the more serious the crime and/or the more convictions, the more years are required without a subsequent conviction before the Department will consider granting an exemption. All required time periods begin after the individual has completed their most recent period of incarceration, probation or parole.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(i)(1)

Specific Purpose:

This section is being adopted to require that before the Department will consider granting an exemption, an individual who has been convicted of three or fewer nonviolent

misdemeanors must demonstrate one year without a subsequent criminal conviction, after completing the most recent period of incarceration, probation or parole.

Factual Basis:

Probation and parole are terms of a criminal sentence. Requiring that an individual complete probation or parole is necessary because the Department cannot determine if the individual has been rehabilitated if they have not yet successfully completed their criminal sentence. Until the individual has completed all terms of their sentence, the Department does not have a reasonable basis to believe that they are rehabilitated. Steady employment and noncriminal activity (generally considered indicators of rehabilitation) are terms of probation or parole. An individual should demonstrate steady employment and noncriminal activity on their own without it being required for compliance with their probation or parole terms and without the supervision of a probation or parole officer.

Requiring a year without subsequent criminal convictions, beyond incarceration, probation or parole, for an individual who has been convicted of three or fewer nonviolent misdemeanors is necessary because it is one method of assuring that the individual has been rehabilitated. This assurance is necessary because of the extreme vulnerability of the clients in care. The U.S. Department of Justice's most recent report on prisoner recidivism states that one of four released prisoners are rearrested in the first six months and four of ten are rearrested within the first year of their release from prison [Page one, second bullet]. These statistics are alarming enough for the general public. But, given the fact that individuals with criminal histories are requesting exemptions to care for dependent, vulnerable, community care clients that the Department has been entrusted to protect, a year without subsequent convictions is minimal and vital.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(i)(1)(A)

Specific Purpose:

This section is being adopted to state that an individual who has been convicted of the listed, specific crimes must demonstrate five consecutive years without a subsequent criminal conviction after completing the most recent period of incarceration, probation or parole before the Department will consider granting an exemption.

Factual Basis:

The crimes listed in this section have been designated by Penal Code Sections 273(g) and 646.9(a) to be serious crimes. For initial rap sheets, the DOJ is authorized to give the Department only conviction information and arrest information for certain crimes. All of

the crimes, except for the two listed here, are nonexemptible crimes if they result in a conviction or are violent felonies that are covered in the exemption criteria outlined in Section 82019.1(i)(8).

Without specifically stating this exception, individuals who have been convicted of these two specific crimes would only be required to demonstrate one year without subsequent criminal convictions, beyond incarceration, probation or parole. For a misdemeanor crime deemed serious by statute, a five-year demonstration period is minimal and vital for the protection of clients in care.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(i)(2)

Specific Purpose:

This section is being adopted to state that an individual who has been convicted of four or more nonviolent misdemeanors must demonstrate four consecutive years without a subsequent criminal conviction after completing the most recent period of incarceration, probation or parole before the Department will consider granting an exemption.

Factual Basis:

Probation and parole are terms of a criminal sentence. Requiring that an individual complete probation or parole is necessary because the Department cannot determine if the individual has been rehabilitated if they have not yet successfully completed their criminal sentence. Until the individual has completed all terms of their sentence, the Department does not have a reasonable basis to believe that they are rehabilitated. Steady employment and noncriminal activity (generally considered indicators of rehabilitation) are terms of probation or parole. An individual should demonstrate steady employment and noncriminal activity on their own without it being required for compliance with their probation or parole terms and without the supervision of a probation or parole officer.

Requiring four years without subsequent criminal convictions, beyond incarceration, probation or parole, for an individual who has been convicted of four or more nonviolent misdemeanors is necessary because it is one method of assuring that the individual has been rehabilitated. This assurance is necessary because of the extreme vulnerability of the clients in care. The U.S. Department of Justice's most recent report on prisoner recidivism states that within three years after a prisoner's release, an estimated 62.5% had been rearrested [Page two, Column three, under "Recidivism and Time After Release"]. The U.S. Department of Justice's report also states that the more extensive the individual's arrest record, the higher the rate of rearrest [Page two, Column one, first paragraph]. These statistics are alarming enough for the general public. But, given the fact that individuals

with criminal histories are requesting exemptions to care for dependent, vulnerable, community care clients that the Department has been entrusted to protect, four years without subsequent convictions is minimal and vital.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(i)(3)

Specific Purpose:

This section is being adopted to state that an individual who has been convicted of one violent misdemeanor must demonstrate four consecutive years without a subsequent criminal conviction after completing the most recent period of incarceration, probation or parole before the Department will consider granting an exemption.

Factual Basis:

Probation and parole are terms of a criminal sentence. Requiring that an individual complete probation or parole is necessary because the Department cannot determine if the individual has been rehabilitated if they have not yet successfully completed their criminal sentence. Until the individual has completed all terms of their sentence, the Department does not have a reasonable basis to believe that they are rehabilitated. Steady employment and noncriminal activity (generally considered indicators of rehabilitation) are terms of probation or parole. An individual should demonstrate steady employment and noncriminal activity on their own without it being required for compliance with their probation or parole terms and without the supervision of a probation or parole officer.

Requiring four years without subsequent criminal convictions, beyond incarceration, probation or parole, for an individual who has been convicted of one violent misdemeanor is necessary because it is one method of assuring that the individual has been rehabilitated. This assurance is necessary because of the extreme vulnerability of the clients in care. The U.S. Department of Justice's most recent report on prisoner recidivism states that more than 68 percent of those with a prior violent arrest, compared to 56.2% of other prisoners, were rearrested within three years of their release [Page ten, Column one, under "Prior Violent Arrests," fourth sentence]. These statistics are alarming enough for the general public. But, given the fact that individuals with criminal histories are requesting exemptions to care for dependent, vulnerable, community care clients that the Department has been entrusted to protect, four years without subsequent convictions is minimal and vital.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(i)(4)

Specific Purpose:

This section is being adopted to state that an individual who has been convicted of two or more violent misdemeanors must demonstrate seven consecutive years without a subsequent criminal conviction after completing the most recent period of incarceration, probation or parole before the Department will consider granting an exemption.

Factual Basis:

Probation and parole are terms of a criminal sentence. Requiring that an individual complete probation or parole is necessary because the Department cannot determine if the individual has been rehabilitated if they have not yet successfully completed their criminal sentence. Until the individual has completed all terms of their sentence, the Department does not have a reasonable basis to believe that they are rehabilitated. Steady employment and noncriminal activity (generally considered indicators of rehabilitation) are terms of probation or parole. An individual should demonstrate steady employment and noncriminal activity on their own without it being required for compliance with their probation or parole terms and without the supervision of a probation or parole officer.

Requiring seven years without subsequent criminal convictions, beyond incarceration, probation or parole, for an individual who has been convicted of two or more violent misdemeanors is necessary because it is one method of assuring that the individual has been rehabilitated. This assurance is necessary because of the extreme vulnerability of the clients in care. The U.S. Department of Justice's most recent report on prisoner recidivism states that more than 68 percent of those with a prior violent arrest, compared to 56.2 percent of other prisoners, were rearrested within three years of their release [Page ten, Column one, under "Prior Violent Arrests," fourth sentence]. The U.S. Department of Justice's report also states that the more extensive the individual's arrest record, the higher the rate of rearrest [Page two, Column one, first paragraph]. These statistics are alarming enough for the general public. But, given the fact that individuals with criminal histories are requesting exemptions to care for dependent, vulnerable, community care clients that the Department has been entrusted to protect, seven years without subsequent convictions is minimal and vital.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(i)(5)

Specific Purpose:

This section is being adopted to state that an individual who has been convicted of two or fewer nonviolent felonies must demonstrate four consecutive years without a subsequent criminal conviction after completing the most recent period of incarceration, probation or parole before the Department will consider granting an exemption.

Factual Basis:

Probation and parole are terms of a criminal sentence. Requiring that an individual complete probation or parole is necessary because the Department cannot determine if the individual has been rehabilitated if they have not yet successfully completed their criminal sentence. Until the individual has completed all terms of their sentence, the Department does not have a reasonable basis to believe that they are rehabilitated. Steady employment and noncriminal activity (generally considered indicators of rehabilitation) are terms of probation or parole. An individual should demonstrate steady employment and noncriminal activity on their own without it being required for compliance with their probation or parole terms and without the supervision of a probation or parole officer.

Requiring four years without subsequent criminal convictions, beyond incarceration, probation or parole, for an individual who has been convicted of two or fewer nonviolent felonies is necessary because it is one method of assuring that the individual has been rehabilitated. This assurance is necessary because of the extreme vulnerability of the clients in care. The U.S. Department of Justice's most recent report on prisoner recidivism states that within three years after a prisoner's release, an estimated 62.5 percent had been rearrested [Page two, Column three, under "Recidivism and Time After Release"]. The U.S. Department of Justice's report also states that the more extensive the individual's arrest record, the higher the rate of rearrest [Page two, Column one, first paragraph]. These statistics are alarming enough for the general public. But, given the fact that individuals with criminal histories are requesting exemptions to care for dependent, vulnerable, community care clients that the Department has been entrusted to protect, four years without subsequent convictions is minimal and vital.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(i)(6)

Specific Purpose:

This section is being adopted to state that an individual who has been convicted of three nonviolent felonies must demonstrate seven consecutive years without a subsequent

criminal conviction after completing the most recent period of incarceration, probation or parole before the Department will consider granting an exemption.

Factual Basis:

Probation and parole are terms of a criminal sentence. Requiring that an individual complete probation or parole is necessary because the Department cannot determine if the individual has been rehabilitated if they have not yet successfully completed their criminal sentence. Until the individual has completed all terms of their sentence, the Department does not have a reasonable basis to believe that they are rehabilitated. Steady employment and noncriminal activity (generally considered indicators of rehabilitation) are terms of probation or parole. An individual should demonstrate steady employment and noncriminal activity on their own without it being required for compliance with their probation or parole terms and without the supervision of a probation or parole officer.

Requiring seven years without subsequent criminal convictions, beyond incarceration, probation or parole, for an individual who has been convicted of three nonviolent felonies is necessary because it is one method of assuring that the individual has been rehabilitated. This assurance is necessary because of the extreme vulnerability of the clients in care. The U.S. Department of Justice's most recent report on prisoner recidivism states that within three years after a prisoner's release, an estimated 62.5 percent had been rearrested [Page two, Column three, under "Recidivism and Time After Release"]. The U.S. Department of Justice's report also states that the more extensive the individual's arrest record, the higher the rate of rearrest [Page two, Column one, first paragraph]. These statistics are alarming enough for the general public. But, given the fact that individuals with criminal histories are requesting exemptions to care for dependent, vulnerable, community care clients that the Department has been entrusted to protect, seven years without subsequent convictions is minimal and vital.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(i)(7)

Specific Purpose:

This section is being adopted to state that an individual who has been convicted of four or more nonviolent felonies must demonstrate ten consecutive years without a subsequent criminal conviction after completing the most recent period of incarceration, probation or parole before the Department will consider granting an exemption.

Factual Basis:

Probation and parole are terms of a criminal sentence. Requiring that an individual complete probation or parole is necessary because the Department cannot determine if the individual has been rehabilitated if they have not yet successfully completed their criminal sentence. Until the individual has completed all terms of their sentence, the Department does not have a reasonable basis to believe that they are rehabilitated. Steady employment and noncriminal activity (generally considered indicators of rehabilitation) are terms of probation or parole. An individual should demonstrate steady employment and noncriminal activity on their own without it being required for compliance with their probation or parole terms and without the supervision of a probation or parole officer.

Requiring ten years without subsequent criminal convictions, beyond incarceration, probation or parole, for an individual who has been convicted of four or more nonviolent felonies is necessary because it is one method of assuring that the individual has been rehabilitated. This assurance is necessary because of the extreme vulnerability of the clients in care. The U.S. Department of Justice's most recent report on prisoner recidivism states that within three years after a prisoner's release, an estimated 62.5 percent had been rearrested [Page two, Column three, under "Recidivism and Time After Release"]. The U.S. Department of Justice's report also states that the more extensive the individual's arrest record, the higher the rate of rearrest [Page two, Column one, first paragraph]. These statistics are alarming enough for the general public. But, given the fact that individuals with criminal histories are requesting exemptions to care for dependent, vulnerable, community care clients that the Department has been entrusted to protect, ten years without subsequent convictions is minimal and vital.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(i)(8)

Specific Purpose:

This section is being adopted to state that an individual who has been convicted of two or fewer violent felonies must demonstrate ten consecutive years without a subsequent criminal conviction after completing the most recent period of incarceration, probation or parole before the Department will consider granting an exemption.

Factual Basis:

Probation and parole are terms of a criminal sentence. Requiring that an individual complete probation or parole is necessary because the Department cannot determine if the individual has been rehabilitated if they have not yet successfully completed their criminal sentence. Until the individual has completed all terms of their sentence, the Department

does not have a reasonable basis to believe that they are rehabilitated. Steady employment and noncriminal activity (generally considered indicators of rehabilitation) are terms of probation or parole. An individual should demonstrate steady employment and noncriminal activity on their own without it being required for compliance with their probation or parole terms and without the supervision of a probation or parole officer.

Requiring ten years without subsequent criminal convictions, beyond incarceration, probation or parole, for an individual who has been convicted of two or fewer violent felonies is necessary because it is one method of assuring that the individual has been rehabilitated. This assurance is necessary because of the extreme vulnerability of the clients in care. The U.S. Department of Justice's most recent report on prisoner recidivism states that more than 68 percent of those with a prior violent arrest, compared to 56.2 percent of other prisoners, were rearrested within three years of their release [Page ten, Column one, under "Prior Violent Arrests," fourth sentence]. The U.S. Department of Justice's report also states that the more extensive the individual's arrest record, the higher the rate of rearrest [Page two, Column one, first paragraph]. These statistics are alarming enough for the general public. But, given the fact that individuals with criminal histories are requesting exemptions to care for dependent, vulnerable, community care clients that the Department has been entrusted to protect, ten years without subsequent convictions is minimal and vital.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(i)(9)

Specific Purpose:

This section is being adopted to state that an individual who has been convicted of three or more violent felonies must demonstrate 20 consecutive years without a subsequent criminal conviction after completing the most recent period of incarceration, probation or parole before the Department will consider granting an exemption.

Factual Basis:

Probation and parole are terms of a criminal sentence. Requiring that an individual complete probation or parole is necessary because the Department cannot determine if the individual has been rehabilitated if they have not yet successfully completed their criminal sentence. Until the individual has completed all terms of their sentence, the Department does not have a reasonable basis to believe that they are rehabilitated. Steady employment and noncriminal activity (generally considered indicators of rehabilitation) are terms of probation or parole. An individual should demonstrate steady employment and noncriminal activity on their own without it being required for compliance with their probation or parole terms and without the supervision of a probation or parole officer.

Requiring 20 years without subsequent criminal convictions, beyond incarceration, probation or parole, for an individual who has been convicted of three or more violent felonies is necessary because it is one method of assuring that the individual has been rehabilitated. This assurance is necessary because of the extreme vulnerability of the clients in care. The U.S. Department of Justice's most recent report on prisoner recidivism states that more than 68 percent of those with a prior violent arrest, compared to 56.2 percent of other prisoners, were rearrested within three years of their release [Page ten, Column one, under "Prior Violent Arrests," fourth sentence]. The U.S. Department of Justice's report also states that the more extensive the individual's arrest record, the higher the rate of rearrest [Page two, Column one, first paragraph]. These statistics are alarming enough for the general public. But, given the fact that individuals with criminal histories are requesting exemptions to care for dependent, vulnerable, community care clients that the Department has been entrusted to protect, 20 years without subsequent convictions is minimal and vital.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(j)

Specific Purpose:

This section is being adopted to state that an individual's failure to meet the time requirements specified in Sections 82019.1(i)(1) through (9) is presumptive evidence that the individual has not demonstrated substantial and convincing evidence of rehabilitation.

Factual Basis:

The specific crime categories and the required years since the last period of incarceration, probation or parole varies depending on the type of crime and the number of convictions. In general, the more serious the crime and/or the more convictions an individual has, the more years are required without a subsequent conviction before the Department will consider granting an exemption. If an individual cannot demonstrate these minimal years without a subsequent conviction, then the Department cannot be assured that the individual has been rehabilitated or would not pose a threat to the health and safety of clients in care.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(k) and Handbook Sections 82019.1(k)(1) through (51)

Specific Purpose:

These sections are being adopted to specify that an individual who has been convicted of any crime specified in Health and Safety Code Section 1522(g)(1) will not be granted a criminal record exemption.

Factual Basis:

These sections are necessary to implement and clarify the provisions of Health and Safety Code Section 1522(g)(1) which prohibits the Department from granting exemptions to individuals who have been convicted of specific crimes. This nonexemptible crimes list, previously located in Sections 82019.1(b)(9)(A) and (B), has been updated to reflect current statute. Handbook Sections 82019.1(k)(1) through (51) are added to provide the list of crimes referenced in Section 82019.1(k) for ease of use.

The crimes listed in statute, cross-reference numerous other crimes and therefore appears to be a shorter list of crimes than those listed in this proposed section. Proposed Handbook Sections 82019.1(k)(1) through (51) include all cross-referenced crimes making the list longer but more user friendly.

Final Modification

These sections are deleted because they were based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(l)

Specific Purpose:

This section is being adopted to place into regulation the criteria the Department uses to grant a criminal record exemption on its own motion, referred to as a “simplified exemption.”

Factual Basis:

This section is necessary to implement Health and Safety Code Section 1522(c)(4) which permits the Department to grant an exemption on its own motion. Simplified exemptions do not require the submission of documents as evidence of rehabilitation and do not involve the affected individual in any way. Simplified exemptions involve only the review of the criminal record history, therefore specific criteria for reviewing the history must be in regulation. If an individual’s history does not meet the criteria, then the individual must apply for an exemption and the standard exemption process outlined in Sections 82019.1(a) through (d).

A Department team, that included the Director of Social Services, Deputy Director of Community Care Licensing and Chief Counsel, reviewed the existing simplified exemption guidelines and practices. The team devoted a great deal of time to discussing the crimes listed in Sections 82019.1(1)(4) and (1)(5) and agreed that those specific crimes, in conjunction with the years lapsed since a conviction, probation or parole, do not pose an immediate threat to the health and safety of clients and therefore are situations that would qualify for a simplified exemption.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(1)(1)

Specific Purpose:

This section is being adopted to state that if the Department obtains evidence that the individual has behavioral problems that could threaten or endanger the health and safety of clients, then the Department will not grant a simplified exemption but will instead require further information before an exemption decision is rendered. Per Section 82019.1(m) of these proposed regulations, the Department will have the individual go through the standard exemption process. With the information obtained through the standard exemption process, the Department can determine if the individual represents a threat to the health and safety of clients.

Factual Basis:

This section is necessary because behavior problems that could threaten or endanger the health and safety of clients is clearly a situation that requires close evaluation of the individual to ensure that they have been rehabilitated and that clients would be protected. The simplified exemption process does not include this type of evaluation, therefore the standard exemption process is more appropriate.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(1)(2)

Specific Purpose:

This section is being adopted to state that if the individual's criminal history demonstrates a pattern of convictions resulting from impaired judgment such as drug or substance abuse, then the Department may not consider granting a simplified exemption.

Factual Basis:

This section is necessary so that the Department can disqualify an individual from the simplified exemption process if the individual committed the crimes, that otherwise would have met the simplified exemption criteria, while under the influence of drugs or other judgment impairing substance. The Department must have evidence that the individual has completed a substance abuse rehabilitation program before an exemption decision can be made. The simplified exemption process does not require the involvement of the individual or the submission of any documents. The standard exemption process, that does include submission of rehabilitation documents for substance abusers, would be used if the individual is disqualified from the simplified exemption process.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(1)(3)

Specific Purpose:

This section is being adopted to state that if the individual has no more than one misdemeanor conviction of driving under the influence of alcohol with no injury to others and it has been at least three years since the completion of the most recent period of incarceration, probation or parole, then the Department may consider granting a simplified exemption.

Factual Basis:

This section is necessary because a driving under the influence of alcohol conviction that occurred less than three years ago is clearly a situation that requires close evaluation of the individual to ensure that he/she has been rehabilitated and that clients would be protected. The simplified exemption process does not include this type of evaluation, therefore the standard exemption process would be more appropriate.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(1)(4) et seq.

Specific Purpose:

These sections are being adopted to state if an individual has two or fewer misdemeanor convictions of any crime listed in Sections 82019.1(1)(4)(A) through (F) and it has been at least three years since the completion of the most recent period of incarceration, probation or parole, then the Department may consider granting a simplified exemption.

Factual Basis:

The crimes listed in Sections 82019.1(1)(4)(A) through (F) are nonviolent, victimless crimes that do not pose an immediate threat to the health and safety of clients. If an individual has two or fewer convictions of these specific crimes and the individual has demonstrated three consecutive years without a subsequent conviction since the last period of incarceration, probation, or parole, then a full evaluation of the individual to determine rehabilitation is not required and a simplified exemption may be considered.

Final Modification

These sections are deleted because they were based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(1)(5) et seq.

Specific Purpose:

These sections are being adopted to state if an individual has three misdemeanor convictions of any crime listed in Sections 82019.1(1)(5)(A) through (F) and it has been at least ten years since the completion of the most recent period of incarceration, probation or parole, then the Department may consider granting a simplified exemption.

Factual Basis:

The crimes listed in Sections 82019.1(1)(5)(A) through (F) are nonviolent, victimless crimes that do not pose an immediate threat to the health and safety of clients. If an individual has three convictions of these specific crimes and the individual has demonstrated ten consecutive years without a subsequent conviction since the last period of incarceration, probation, or parole, then a full evaluation of the individual to determine rehabilitation is not required and a simplified exemption may be considered.

Final Modification

These sections are deleted because they were based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(m)

Specific Purpose:

This section is being adopted to state that even though an individual's criminal history meets the simplified exemption criteria, the Department may require an individual to go through the standard exemption process.

Factual Basis:

This section is necessary because the Department must have the option of requiring that an individual go through the standard exemption process if the Department feels it is necessary to protect the health and safety of clients. An example would be a situation where an individual's convictions met the simplified exemption criteria but additional arrests without convictions that need to be investigated also appear on the rap sheet.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(n) et seq.

Specific Purpose:

These sections are duplicated and amended from Section 80019.1(h) et seq.

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day care facilities and adult day support centers. Grammatical changes are made for clarity.

Final Modification

This section is renumbered to Section 82019.1(g) for consistency due to the deletion of several previous sections.

Section 82019.1(o)

Specific Purpose:

This section is being adopted to state that an individual with a denied criminal record exemption may not reapply for another exemption for one year after the most recent denial date.

Factual Basis:

This section is necessary to prevent the individual from submitting subsequent exemption requests after the Department has denied their initial exemption request. Having the individual wait a year will allow the individual to engage in activity that would further demonstrate rehabilitation. If an individual reapplies immediately after the denial, essentially the same application documents would be reviewed, resulting in a waste of the Department's and the individual's time. Also, individuals excluded, pursuant to Health and Safety Code Section 1558(h), need to wait at least one year.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(o)(1)

Specific Purpose:

This section is being adopted to specify that if individuals appeal the exemption denial and the denial is upheld at an administrative proceeding, then the individual must wait one year from the effective date of the Decision and Order resulting from the administrative proceeding to reapply for an exemption.

Factual Basis:

This section is necessary to clarify for the individual that the year waiting period for an appealed and upheld denial begins after the administrative proceeding is completed.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(o)(2)

Specific Purpose:

This section is being adopted to specify that individuals who have submitted a subsequent exemption request may not work or be present in a licensed facility while their exemption request is being reviewed.

Factual Basis:

This section is necessary because the individual may have been allowed to work or be in a facility while their initial exemption request was being reviewed. The individual may mistakenly believe that as soon as their subsequent exemption request is submitted that they may begin to work or be present in a licensed facility.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(p) et seq.

Specific Purpose:

These sections are duplicated from Section 80019.1(f) and amended to specify that individuals with a criminal record exemption may request a transfer of their exemption and the condition under which that transfer is allowed.

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day care facilities and adult day support centers. Slight modifications have been made for clarity.

Final Modification

These sections are deleted because they were based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(q) et seq.

Specific Purpose:

These sections are being adopted to state the factors the Department will consider in determining whether to approve an exemption transfer.

Factual Basis:

These sections are necessary because the Department must review the appropriateness of the transfer. The original exemption may have been granted with certain conditions or provisions that cannot be met at the facility to which the exemption is being transferred. For example, if the individual was convicted of a DUI violation, the exemption might have a condition that the individual not drive clients and the new job would require driving. Or, an

individual may have a conviction of contributing to the delinquency of a minor that was exempted because the individual would be working in a care facility for the elderly. This type of exemption may not be appropriate to transfer to a group home for juveniles. Most importantly, because an exemption transfer request generates a review of the exemption, the Department must take this opportunity to determine if the exemption was appropriately granted initially and if it meets current laws, regulations and policy before a transfer is considered.

Final Modification

These sections are deleted because they were based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(r)

Specific Purpose:

This section is being amended to require that the Department notify the licensee and the individual, in writing, if the transfer is denied. This section also requires the Department to provide the affected individual with the right to contest the denial.

Factual Basis:

This section was previously Section 82019.1(g). This section is amended to include a phrase that the Department will notify the licensee and the individual, in writing, of a transfer denial. This phrase is necessary to specify for the licensee and the individual the Department's responsibility.

Final Modification

This section is renumbered to Section 82019.1(h) for consistency because of the repeal/deletion of several previous sections.

Section 82019.1(s)

Specific Purpose:

This section is being adopted to state that the Department may rescind an exemption.

Factual Basis:

The Department conducts a second level review of all exemptions involving a felony and periodic quality assurance reviews of all exemptions. The purpose of the reviews is to ensure that the exemption analyst obtains and adequately evaluates all documentation available and makes an exemption decision that will protect the health and safety of clients. If a review reveals otherwise, the Department must be able to rescind that exemption.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(t) et seq.

Specific Purpose:

These sections are being adopted to state that if the Department rescinds an exemption, the Department will inform the licensee and the affected individual, in writing, and initiate the appropriate administrative action.

Factual Basis:

These sections are necessary to specify the Department's responsibility to notify the licensee and the affected individual, in writing, when an exemption is rescinded. Further, these sections are necessary to allow the Department to initiate the appropriate administrative action because a rescinded exemption is a severe action that could result in a license revocation or an immediate exclusion from the facility.

Final Modification

These sections are deleted because they were based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(u) et seq.

Specific Purpose:

These sections are being adopted to specify that the Department may cancel an exemption if the Department obtains evidence that the individual engaged in conduct which was inconsistent with the good character requirements necessary for an exemption. Such conduct may include violation of licensing laws or regulations, conduct that would pose a threat to the health and safety of a client, nondisclosure of a conviction, lack of rehabilitation, and conviction of a subsequent crime.

Factual Basis:

These sections are necessary to specify what situations will cause the Department to cancel a criminal record exemption. This is necessary to provide clarity to an individual with a criminal record exemption and the general public of what types of conduct are inconsistent with the good character requirements of a criminal record exemption. An exemption is granted based on the assumption that the individual is rehabilitated and of good character not only for the instance that the exemption is granted but for the entire time they are associated with a licensed

facility. It must be stated that any lack of rehabilitation or behavior that may indicate that the individual lacks good character will be cause for the Department to cancel the exemption.

Final Modification

These sections are deleted because they were based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(v) et seq.

Specific Purpose:

These sections are being adopted to state that if the Department cancels an exemption, the Department will inform the licensee and the affected individual, in writing, and initiate the appropriate administrative action.

Factual Basis:

These sections are necessary to specify the Department's responsibility to notify the licensee and the affected individual, in writing, when an exemption is canceled. Further, these sections are necessary to allow the Department to initiate the appropriate administrative action because a canceled exemption is a severe action that could result in a license revocation or an immediate exclusion from the facility.

Final Modification

These sections are deleted because they were based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82019.1(w)

Specific Purpose:

This section is being adopted to specify that when the Department learns that an individual with a clearance or an exemption has been convicted of a crime, the Department may initiate an administrative action without permitting the individual to apply for another or a new exemption.

Factual Basis:

The Department must be able to immediately initiate an administrative action against an individual with a subsequent conviction if it determines that his/her continued licensure, employment or presence in the facility could pose a threat to the health and safety of clients. The administrative action process such as revocation of the license (Health and Safety Code Section 1550) or exclusion action process (Health and Safety Code Section 1558) will provide the individual with a hearing to contest the Department's action.

Final Modification

This section is deleted because it was based on proposed regulations that were withdrawn due to a policy decision of the Department.

Section 82020 et seq.

Specific Purpose:

These sections are duplicated from Sections 80020(a), (a)(1) and (b)(2)(A). Sections 82020(b)(1) and (b)(1)(A) amend cross-references. The term “centers” is added to Sections 82020(a) and (b). Section 82020(b)(1) is adopted to read “persons over 65 years of age.”

Factual Basis:

These sections are necessary to place regulations regarding the requirements for fire clearances into the category-specific adult day care/adult day support regulations. The amendments to amend the cross-references are necessary for accuracy. Section 82020(b)(1) is necessary because there is a different fire clearance for persons over 65 years of age and existing regulations did not speak to that level of fire clearance although persons over 65 years of age are allowed in adult day programs. The addition of Section 82020(b)(2) is not an additional requirement, merely an oversight in the existing regulations.

Final Modification

This section is amended for clarification. Section 82020(b) is amended to replace the words “facility/center” with “program.” For an explanation, see final modification in Section 82001(a)(2).

Sections 82021(a)(1) and (2)

Specific Purpose:

These sections are duplicated from Sections 80021(a)(1) and (2). In Section 82021(a) the term “community care facilities” is replaced with “adult day programs.”

Factual Basis:

These sections are necessary to place regulations regarding water supply clearance into the category-specific adult day care/adult day support regulations. The amendment to Section 82021(a) is necessary to ensure that the section is relevant to adult day programs. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82022(a)

Specific Purpose:

This section is duplicated from Section 80022(a). The phrase “of an adult day program” is added to Section 82022(a).

Factual Basis:

This section is necessary to place regulations regarding the facility plan of operation into the category-specific adult day care/adult day support regulations. The amendment in Section 82022(a) was made to narrow the reference to licensees of adult day programs only. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82022(b), (b)(1) and (2)

Specific Purpose:

These sections are duplicated from Sections 80022(b), (b)(1) and (2).

Factual Basis:

These sections are necessary to place regulations describing what material the facility plan of operation shall contain into the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modification

In Sections 82022(b) through (g) the phrase “by the facility/center,” or “the facility center” has been replaced with “program.” For an explanation, see final modification in Section 82001(a)(2).

Sections 82022(b)(3), (4) and (5)

Specific Purpose:

These sections are renumbered from Sections 82522(b)(1), (2) and (3), and amended to replace the term “participant” with the term “client” in Section 82022(b)(5).

Factual Basis:

These sections are necessary to place regulations describing information needed in the facility’s plan of operation into the category-specific adult day care/adult day support

regulations. These requirements have always applied to adult day programs and do not add any new or additional requirements.

Sections 82022(b)(6) through (8)

Specific Purpose:

These sections are duplicated from Sections 80022(b)(3) through (5). Section 82022(b)(8) is amended to repeal the words “if applicable.”

Factual Basis:

These sections are necessary to place regulations describing what material the facility plan of operation shall contain into the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82022(b)(9)

Specific Purpose:

This section is duplicated from Section 80022(b)(6) and amended to repeal the words “governing the specific facility category.”

Factual Basis:

This section is necessary to place regulations regarding what material the facility plan of operation shall contain into the category-specific adult day care/adult day support regulations. The amendment is necessary to refer the reader to the specific section governing staff planning contained in adult day care facilities and adult day Support centers.

Sections 82022(b)(10), (11) and (11)(A)

Specific Purpose:

These sections are duplicated from Sections 80022(b)(7), (8) and (8)(A).

Factual Basis:

These sections are necessary to place regulations regarding what material the facility plan of operation shall contain into the category-specific adult day care/adult day support regulations. These sections have always applied to the adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82022(b)(12)

Specific Purpose:

This section is duplicated from Section 80022(b)(9).

Factual Basis:

This section is necessary to place regulations regarding what material the facility plan of operation must contain into the category-specific adult day care/adult day support regulations and amended to make this requirement apply only to those adult day programs providing meals.

Sections 82022(b)(13) through (b)(17)(A) and Handbook

Specific Purpose:

These sections are duplicated from Sections 80022(b)(10) through (14) and Handbook. Section 82022(b)(14) is amended to repeal the term “rate setting” and add the term “fee.” The cross-references are amended in Section 82022(b)(15). The term “center” is added in Sections 82022(b)(16) and (17).

Factual Basis:

These sections are necessary to place regulations regarding material the facility plan of operation must contain into the category-specific adult day care/adult day support regulations. The amendment to Section 82022(b)(14) is necessary because adult day programs charge fees and do not use the term “rate setting.” The cross-references are amended for accuracy. The term “center” has been added to ensure the information is relevant to all adult day programs.

Final Modification

Section 82022(b)(15) is amended to include the section titles referred to for clarity.

Sections 82022(c) through (g)

Specific Purpose:

These sections are duplicated from Sections 80022(d) through (h). Cross-references in Sections 82022(c) and (f) are amended. These sections are also amended to add the term “center” in Sections 82022(c), (e), and (g).

Factual Basis:

These sections are necessary to place regulations regarding documentation that the facility plan of operation must contain if caring for people with restricted health conditions into the category-specific adult day care/adult day support regulations. The amendment to add the term “center” is made to ensure that the sections are relevant to all adult day programs. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. Amendments to cross-references are made for accuracy.

Final Modifications

Section 82022(d)(4) is amended to correct grammar.

Section 82022(f) is amended to add the title of the section referred to.

Section 82022(h)

Specific Purpose:

This section is renumbered from Section 82522(c), and amended to repeal the phrase “Each adult day support center shall have, in writing,” and to add the phrase “In addition to the requirements in Sections 82022(a) through (g), the Plan of Operation for adult day support centers shall contain.”

Factual Basis:

This section is necessary to inform readers that while Sections 82022(a) through (g) refer to the plan of operation for adult day care facilities and adult day support centers, Section 82022(h) applies only to adult day support centers. This section is necessary to mandate that adult day support centers have a plan in writing for internal evaluation of their program. This requirement has always applied to adult day support centers and does not add any new or additional requirements.

Final Modification

In Section 82022(h), the phrase “facilities licensed prior to January 1, 2003 as” is added for clarification.

Section 82023 et seq.

Specific Purpose:

These sections are duplicated from Section 80023 et seq.. Sections 82023(d)(1) and (2) are amended to add the term “center.” Section 82023(c) is amended to repeal the phrase “members of the household” and add the term “volunteers.”

Factual Basis:

These sections are necessary to place regulations regarding the facility disaster and mass casualty plan into the category-specific adult day care/adult day support regulations. The amendment to Section 82023(c) to add the term “volunteers” is necessary to include this group of people that occasionally work in the adult day programs. The amendment to add the term “center” is necessary to ensure that the information is relevant to all adult day programs.

Final Modification

In Section 82023(d), the words “facility/center” have been replaced with “program” for clarity. For an explanation, see final modification in Section 82001(a)(2).

Section 82024 et seq.

Specific Purpose:

These sections are duplicated from Section 80024 et seq.. Cross-references are amended in Sections 82024(a) and (c)(2)(A). The term “center” is added in Section 82024(b)(1).

Factual Basis:

These sections are necessary to place regulations regarding the requirements for waivers and exceptions into the category-specific adult day care/adult day support regulations. The amendments to the cross-references have been made for accuracy.

Final Modifications

In Section 82024(b)(1), the words “facility/center” have been replaced with “program” for clarity. For an explanation, see final modification in Section 82001(a)(2).

Section 82024(b)(2) is amended to correct grammar.

Handbook Section 82024(b)(3) is amended to delete inapplicable language.

Section 82024(b)(4) is renumbered.

Sections 82824(c)(2), (c)(2)(A), and (d) are amended for clarity.

Section 82025 et seq.

Specific Purpose:

These sections are duplicated from Section 80025 et seq..

Factual Basis:

These sections are necessary to place regulations regarding bonding requirements into the category-specific adult day care/adult day support regulations. This information has always applied to adult day care facilities and adult day support centers and does not add any new or additional requirements.

Final Modification

In Sections 82025(a) and (d), the words “LIC 400,” or “on form LIC 400” and “a new” have been added for clarification.

Sections 82026(a) and (b)

Specific Purpose:

These sections are duplicated from Sections 80026(a) and (b) and amended to add the term “center.” A cross-reference is amended in Section 82026(b).

Factual Basis:

These sections are necessary to place regulations regarding safeguards for cash resources, personal property and valuables into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. The amendments are necessary to ensure that the requirements apply to both adult day programs and the people they serve.

Final Modification

In Sections 82026(b) through (n), the words “facility/center” have been replaced with “program” for clarity. For an explanation, see final modification in Section 82001(a)(2).

Sections 82026(c)(1) through (c)(4)

Specific Purpose:

These sections are duplicated from Sections 80026(c)(1) through (c)(4). Section 82026(c) is amended to not include the phrase “Except where provided for in approved continuing care agreements.”

Factual Basis:

These sections are necessary to place regulations regarding safeguards for cash resources, personal property and valuables into the category-specific adult day care/adult day support

regulations. The amendment to Section 82026(c) is necessary because continuing care agreements are not applicable to adult day programs.

Final Modifications

Section 82026(c)(1) is amended to delete the term “guardian or” because it is not applicable to adults.

Sections 82026(d) through (f)

Specific Purpose:

These sections are duplicated from Sections 80026(d) through (f)(1), and amended to add the term “center.”

Factual Basis:

These sections are necessary to place regulations regarding safeguards for cash resources, personal property and valuables into the category-specific adult day care/adult day support regulations. This information has always applied to adult day care facilities and adult day care centers and does not add any new or additional requirements. The editorial amendments are necessary to ensure that the information applies to both adult day programs and the people they serve.

Final Modification

Sections 82026(e), (e)(1) and (e)(1)(A) are amended to replace the words “facility/center” with “program.” For an explanation, see final modification in Section 82001(a)(2).

Section 82026(f)(1)

Specific Purpose:

This section is amended to add the Veterans Administration as a second exception to Section 82026(f).

Factual Basis:

This amendment is necessary because the Veterans Administration was originally omitted in error from this section. The federal government allows the Veterans Administration, as well as the Social Security Administration, to appoint payees of their choice for their beneficiaries’ benefits, and the payees may expend clients’ benefits in the best interest of clients.

Sections 82026(g) through (n)(2)

Specific Purpose:

These sections are duplicated from Sections 80026(g) through (n)(2) and amended to add the term “center” in Sections 82026(i) and (j). Cross-references are amended in Sections 82026(h)(2), (l)(1), (l)(4), (m)(2), (n)(1), and (n)(2). Section 82026(l)(4) is further amended to replace “1145” with “7600.5.”

Factual Basis:

These sections are necessary to place regulations regarding safeguards for cash resources, personal property, and valuables into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care facilities and adult day care centers and do not add any new or additional requirements. The amendments are necessary to ensure that the information is relevant to both adult day programs and the people they serve. The probate code amendment is necessary because Probate Code Section 1145 is deleted by Section 7600.5.

Final Modification

Sections 82026(i) and (j) are amended to replace the words “facility/center” with “program.” For an explanation, see final modification in Section 82001(a)(2).

Sections 82027(a) through (c)(1)

Specific Purpose:

These sections are duplicated from Sections 80027(a) through (c)(1), and editorially amended to add the term “center” in Section 82027(b)(1) and to editorially amend the reference to Section 82027(a). Cross-references are amended in Section 82027(b).

Factual Basis:

These sections are necessary to place regulations regarding initial application review into the category-specific adult day care/adult day support regulations. The amendment to add the term “center” is necessary to ensure that these requirements apply to both adult day programs. The amendment to remove the term “renewal” is necessary because the Community Care Licensing Division (CCLD) no longer renews licenses. Facility licenses are now issued on a perpetual basis and are valid until revoked. Cross-reference amendments are made for accuracy.

Final Modifications

In Sections 82027(a) through (g), the words “facility/center” have been replaced with “program” for clarity. In addition, redundant language has been removed in this section.

This language includes the phrase, “as specified in Section 82027(a)(2),” “requested,” and “the” in Section 82027(a)(2)(A), and handbook Section 82027(b)(1)(A)(1): “under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01, Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30).” In addition, some minor grammatical clarifications have been made. Sections have been renumbered for clarity.

Sections 82027(c)(2) through (d)(4)

Specific Purpose:

These sections are duplicated from Sections 80027(c)(3) through (d)(4), and editorially amended to add the term “center” in Section 82027(c)(2)(C), (d)(1), and (d)(4). Additionally, in Section 82027(c)(5), the term “renewal” has been deleted, and the cross-reference is amended.

Factual Basis:

These sections are necessary to place regulations regarding initial application review into the category-specific adult day care/adult day support regulations. The amendment to add the term “center” is necessary to ensure that these requirements apply to both adult day programs. The amendment to remove the term ‘renewal’ is necessary because the Community Care Licensing Division (CCLD) no longer renews licenses. Facility licenses are not issued on a perpetual basis and are valid until revoked. Cross-reference amendments are made for accuracy.

Final Modifications

These sections are renumbered for clarity.

Section 82027(d) handbook has been put into regulation for clarity.

Sections 82028(a), (b), (b)(1) and (2)

Specific Purpose:

These sections are duplicated from Sections 80028(a), (b), (b)(1) and (2). Section 82028(b) is amended to add the term “center.” A cross-reference is amended in Section 82028(b)(1).

Factual Basis:

These sections are necessary to place regulations regarding capacity determination into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or

additional requirements. The amendments are necessary to ensure that the information is relevant to both adult day programs. The cross-references are amended for accuracy.

Final Modifications

In Section 82028(b), the words “facility/center” have been replaced with “program” for clarity. For an explanation, see final modification in Section 82001(a)(2).

Section 82028(b) is amended to correct grammar.

Sections 82028(b)(3), (4) and (5)

Specific Purpose:

These sections are duplicated from Sections 80028(b)(5), (6) and (7). The term “center” is added in Sections 82028(b)(3) and (5).

Factual Basis:

These sections are necessary to place regulations regarding capacity determination into the category-specific adult day care/adult day support regulations. The editorial amendments have been made to ensure that the requirements apply to both adult day programs. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modification

In Sections 82028(b)(3) and (5), the words “facility/center” have been changed to “program” for clarity. For an explanation, see final modification in Section 82001(a)(2).

Sections 82028(c) through (e)(2)

Specific Purpose:

These sections are duplicated from Sections 80028(d) through (f)(2). Cross-references are amended in Sections 82028(c), (d), (d)(1) and (e)(2).

Factual Basis:

These sections are necessary to place regulations regarding capacity determination into the category-specific adult day care/adult day support regulations. The amendments have been made to ensure that the information is relevant to both adult day programs and cross-references have been amended for accuracy. These sections have always applied to adult day care facilities and adult day care centers and do not add any new or additional requirements.

Final Modifications

Sections 82028(c), (d)(1), and (e)(2) are amended to add the title to the section numbers referred to.

Section 82029 et seq.

Specific Purpose:

These sections are duplicated from Sections 80029(a)(1) through (2). Section 82029(a) has been amended to read “An applicant shall have the right to withdraw an application.” Section 82029(a)(2) is amended from “The fee for processing the initial or renewal application shall be forfeited.” to “The initial application fee or the annual processing fee shall be forfeited.”

Factual Basis:

These sections are necessary to place regulations regarding the withdrawal of an application into the category-specific adult day care/adult day support regulations. The amendments to Sections 82029(a) and (a)(2) are necessary because CCLD does not renew facility licenses any longer. Licenses are now issued on a perpetual basis, and are valid until revoked.

Final Modification

Section 82029(a)(2) is amended to delete inapplicable language.

Section 82030 et seq.

Specific Purpose:

These sections are duplicated from Sections 80030(a) through (f). Sections 82030(a)(1) and (b) are editorially amended to add the term “center.”. The cross-references are amended in Section 82030(a).

Factual Basis:

These sections are necessary to place regulations regarding provisional licenses into the category-specific adult day care/adult day support regulations. The editorial amendments have been made to ensure that the information applies to both adult day programs. The cross-references are amended for accuracy. These sections have always applied to the adult day care facilities and adult day care centers and do not add any new or additional requirements.

Final Modifications

Section 82030(a) is amended to add the title to the section number referred to.

The phrase “on a completed application for an initial license,” is deleted for clarity and consistency with other application sections. The words “facility/center” have been replaced with “program” for clarity.

The words “facility/center” are changed to “program” for clarity. For an explanation, see final modification in Section 82001(a)(2).

Section 82030(c) is amended for clarity.

Section 82031 et seq.

Specific Purpose:

These sections are duplicated from Sections 80031(a) through (b)(1). Cross-references are amended in Sections 82031(a) and (a)(2)(A).

Factual Basis:

These sections are necessary to place regulations regarding issuance terms of a license into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. Cross-references are amended for accuracy.

Final Modifications

Section 82031(a) has been amended to state: “Within 90 days of receipt of a signed application and supporting documents, as described in Section 82018(d), that have been accepted for consideration, the licensing agency shall give written notice to the applicant of one of the following:” Revision of this section is needed for clarity.

Section 82031(a)(2)(A) is amended to add the title to the section number referred to.

Section 82034 et seq.

Specific Purpose:

These sections are duplicated from Sections 80034(a) through (b). Amendments are made to Sections 82034(a)(1) and (a)(3) to add the term “center.” Cross-references are amended in Sections 82034(a) and (b).

Factual Basis:

These sections are necessary to place regulations regarding the submission of a new application into the category-specific adult day care/adult day support regulations. The editorial amendments are necessary to ensure that the information is relevant to both adult

day programs. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. Cross-references are amended for accuracy.

Final Modifications

In Section 82034(a)(1), the words “facility/center” have been replaced with “program” for clarity. In Section 82034(a)(3), “Any change in facility/center category” is deleted for clarity. As a result of this deletion, previous Sections 82034(a)(4) and (5) are renumbered as Sections 82034(a)(3) and (4). For clarity purposes in Section 82034(b), the word “new” is replaced with “previous,” the word “as” is deleted, and the number “2” is added to correct a section reference.

Section 82035 et seq.

Specific Purpose:

These sections are duplicated from Sections 80035(a) through (d)(1) and amended to add the term “center” in Sections 82035(a)(2)(A), (a)(2)(B)1., (b), (c), and (d)(1). Cross-references are amended in Sections 82035(b)(2), (c), (d), and (d)(1). Form revision dates are deleted in Sections 82035(b), (b)(2), and (b)(2)(A).

Factual Basis:

These sections are necessary to place regulations regarding the conditions of forfeiture of a facility/center license. The amendments are necessary to ensure that the information is relevant to all adult day programs. This information has always applied to adult day care facilities and adult day support centers and does not add any new or additional requirements. Cross-references are amended for accuracy. Revision dates are deleted to alleviate amendments to the entire regulations package when a form is updated. Section 82003 will be used to reference the most current revision date of forms.

Final Modifications

The title and Section 82035(a) are amended for clarity and to delete extraneous language. Various sections are renumbered for clarity.

The words “facility/center” have been replaced with “program” in Sections 82035(b)(1) through (e)(1) for clarity. For an explanation, see final modification in Section 82001(a)(2).

Section 82035(b) is amended to correct grammar and for clarity.

Section 82035(e) is amended for clarity.

Section 82036 and Handbook

Specific Purpose:

These sections are duplicated from Section 80036 and Handbook. The amendments inform the reader of the application and annual fees charged by the Department.

Factual Basis:

These sections are necessary to implement Health and Safety Code Sections 1523.1(a)(1) and (b) which allows the department to charge a license processing fee and an annual fee thereafter. These fees have always applied to adult day care facilities and adult day support centers and do not add any additional requirements.

Final Modifications

In Sections 82036(a) through (c), the words “Care Facilities and Adult Day Support Centers” or “facility/center” have been deleted or replaced with “program(s)” for clarity.

Sections 82036(b) through (d)

Specific Purpose:

These sections are duplicated from Sections 80036(c) through (e) and amended to repeal the term “renewal” fees and replace with the term “annual” fees. Additionally, the term “center” is added in Sections 82036(c), (c)(1)(A), and (c)(1)(B).

Factual Basis:

These sections are necessary to place regulations regarding application processing fees and annual fees into the category-specific adult day care/adult day support regulations. The amendments to repeal the term “renewal” and add the term “annual” were necessary because CCLD no longer renews licenses. The licenses are perpetual and an annual fee is charged. The term “center” has been added to ensure that these sections are relevant to all adult day programs.

Article 4. Title

Specific Purpose/Factual Basis:

This article title is amended for consistency with other chapters, and is no longer reserved.

Sections 82040(a) and (a)(1)

Specific Purpose:

These sections are duplicated from Sections 80040(a) and (a)(1). Cross-references are amended.

Factual Basis:

These sections are necessary to place regulations regarding the denial of an initial license into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care facilities and adult day care centers and do not add any new or additional requirements. The cross-references are amended for accuracy.

Final Modification

Section 82040(a) is amended for clarification.

Sections 82040(a)(2) through (e)

Specific Purpose:

These sections are duplicated from Sections 80040(a)(3) through (e), and amended to add the term “center” in Section 82040(e).

Factual Basis:

These sections are necessary to place regulations regarding the denial of an initial license into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care facilities and adult day care centers and do not add any new or additional requirements.

Final Modifications

Handbook Sections 82040(a), (a)(2)(C) and (d)(2) are amended to delete extraneous language. Section 82040(e) is amended to change “facility/center” to “program.” For an explanation, see final modification in Section 82001(a)(2).

Section 82042 et seq.

Specific Purpose:

These sections are duplicated from Sections 80042(a) through (c).

Factual Basis:

These sections are necessary to place regulations regarding revocation or suspension of a license into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care facilities and adult day care centers and do not add any new or additional requirements.

Final Modifications

Handbook Sections 82042(a)(1), (a)(2) and (b)(1) through (b)(2)(D) are amended to delete extraneous language. Section 82042(c) is amended for punctuation.

Section 82043

Specific Purpose:

This section is duplicated from Section 80043.

Factual Basis:

This section is necessary to place regulations regarding licensee/applicant complaints into the category-specific adult day care/adult day support regulations. This section has always applied to adult day care facilities and adult day support centers and does not add any new or additional requirements.

Section 82044 and Handbook

Specific Purpose:

These sections are duplicated from Sections 80044(a) through (c). Sections 82044(b) and (b)(1) are amended to repeal reference to children and are amended to add the term “center.”

Factual Basis:

These sections are necessary to place regulations regarding the department or licensing agency’s inspection authority into the category-specific adult day care/adult day support regulations. The amendments to repeal the references to children are necessary because this category only serve adults. The amendments are necessary to ensure that the sections are relevant to all adult day programs. These sections have always applied to adult day care facilities and adult day support centers and do not add any additional requirements.

Final Modifications

Handbook Section 82041(a) is amended for punctuation and to delete extraneous language. Sections 82041(b) and (b)(1) are amended to change “facility/center” to “program.” For an explanation, see final modification in Section 82001(a)(2).

Section 82045 and Handbook

Specific Purpose:

These sections are duplicated from Sections 80045(a) and (b). Section 82045(b) is amended to add the term “center.”

Factual Basis:

These sections are necessary to place regulations regarding evaluation visits into the category-specific adult day care/adult day support regulations. The amendment has been made to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modifications

Handbook Sections 82045(a)(1) and (a)(2) are amended to delete extraneous language. Section 82045(b) is amended to replace “facility/center” with “program.” For an explanation, see final modification in Section 82001(a)(2).

Section 82046 and Handbook

Specific Purpose:

This section is duplicated from Section 80046 and Handbook.

Factual Basis:

This section is necessary to place into the category-specific adult day care/adult day support regulations the exclusion of individuals with certain violations from board membership of licensed facilities. This section has always applied to adult day care facilities and adult day support centers and does not add any new or additional requirements.

Final Modification

Section 82046(a) is amended for clarification.

Handbook Sections 82046(a)(1) and (a)(2) are amended to delete extraneous language.

Section 82051 (Handbook)

Specific Purpose:

This section is duplicated from Sections 80051(a) through (a)(13). Modifications are made to cross-references in Sections 82051(a)(1) through (13). The term “center” is added in Section 82051(a)(1).

Factual Basis:

This section is necessary to place regulations listing examples of serious deficiencies into the category-specific adult day care/adult day support regulations. Modifications are made for accuracy.

Final Modification

Section 82051(a)(7)

Cross-references in this section are corrected as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S.

Section 82052 et seq.

Specific Purpose:

These sections are duplicated from Section 80052 et seq., and amended to add the term “center” in Sections 82052(b), (c)(2), (c)(3), (d)(2), and (d)(6). Cross-references in Sections 82052(d)(3) and (d)(4)(D) are amended.

Factual Basis:

These sections are necessary to place regulations regarding deficiencies in compliance into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. The amendments have been made to ensure that the sections are relevant to all adult day programs. Cross-references are made for accuracy.

Final Modifications

Sections 82052(a) and (c) are amended for clarification.

Sections 82052(b), (c)(2), (c)(3), and (d)(2) are replacing “facility/center” with “program.” For an explanation, see final modification in Section 82001(a)(2).

Handbook Section 82052(d)(3)(A) is amended to delete extraneous language.

Sections 82052(d)(5) and (d)(6) are amended for clarification.

Section 82053 et seq.

Specific Purpose:

These sections are duplicated from Section 80053 et seq. Cross-references are amended in Sections 82053(a)(2) and (d).

Factual Basis:

These sections are necessary to place regulations regarding follow-up visits to determine compliance into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. Cross-references in Sections 82053(a)(2) and (d) are amended for accuracy.

Section 82054 et seq.

Specific Purpose:

These sections are duplicated from Sections 80054(b) through (k). In Section 82054(a), the phrase “\$50 per violation per day, up to a maximum of \$150 per day” replaces “\$50 per day” for clarity. The term “center” is added in Section 82054(c). Cross-references are amended in Sections 82054(b), (d), (e)(1) and (j).

Factual Basis:

These sections are necessary to place regulations regarding penalties into the category-specific adult day care/adult day support regulations. The amendments are made to ensure that the sections are relevant to all adult day programs and the people they serve. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. Amendments to cross-references are made for accuracy.

Final Modifications

Section 82054(c) is amended to replace “facility/center” with “program.” For an explanation, see final modification in Section 82001(a)(2).

Sections 82054(d) and (f) are amended for clarification.

Section 82055 et seq.

Specific Purpose:

These sections are duplicated from Sections 80055(a) through (d).

Factual Basis:

These sections are necessary to place regulations regarding administrative review into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modifications

Sections 82055(a) and (b) are amended for clarification.

Section 82056

Specific Purpose:

This section is duplicated from Section 80056.

Factual Basis:

This section is necessary to place regulations regarding exemption from civil penalties into the category-specific adult day care/adult day support regulations. This section has always applied to adult day care facilities and adult day support centers and does not add any new or additional requirements.

Section 82058 et seq.

Specific Purpose:

These sections are duplicated from Sections 80058(a) through Handbook Section 80058(f)(1) and amended to add the term “center” in Sections 82058(a), (a)(2)(A), (b), (c)(1) and (2). Cross-references are amended in Sections 82058(a)(1), (a)(1)(A), (b)(1)(A), (c)(2) and (e).

Factual Basis:

These sections are necessary to place regulations regarding unlicensed facility penalties into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that these sections are relevant to all adult day programs. These sections have always applied to adult day care facilities and adult day support centers and

do not add any new or additional requirements. Amendments to cross-references are made for accuracy.

Final Modifications

Sections 82058(a)(2)(A), (b)(2), and (c) are amended for clarification.

A reference to “form LIC 200” and/or “form” is added to Sections 82058(a)(1) and (b)(1) for clarity. In Section 82058(a)(1)(A), the letter “(d)” is added to the reference and the phrase “Application for License” is deleted for the purposes of providing clarification. Sections 82058(c) and (f)(1) are amended to rearrange the order of the phrase “Health and Safety Code” and in Section 82058(c) to delete the word “of” for grammatical clarity. In Section 82058(e), the words “an appropriate” are added and the phrase “of competent jurisdiction,” is deleted for clarification purposes.

Sections 82058(a)(2)(A), (b), (c)(1) and (c)(2) are amended to replace “facility/center” with “program.” For an explanation, see final modification in Section 82001(a)(2).

Section 82059 et seq.

Specific Purpose:

These sections are duplicated from Sections 80059(a) through (c) and amended to add the term “center” in the title and in Sections 82059(a) and (a)(1).

Factual Basis:

These sections are necessary to place regulations regarding unlicensed facility/center administrative appeal rights into the category-specific adult day care/adult day support regulations. The amendments are made to ensure that the sections are relevant to all adult day programs. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modifications

Section 82059(a) is amended for clarification. “Facility/center” is replaced with “program.” For an explanation, see final modification in Section 82001(a)(2).

Section 82061(a)

Specific Purpose:

This section is duplicated from Section 80061(a).

Factual Basis:

This section is necessary to place regulations informing licensees of the need to furnish specified reports to the department. This section has always applied to adult day care facilities and adult day support centers and does not add any new or additional requirements.

Section 82061(b)

Specific Purpose:

This section is duplicated from Section 80061(b) and amended to repeal the phrase “operation of the facility” and add the phrase “hours the facility/center is providing services to the client.” The term “center” has been added. Cross-references are amended for accuracy.

Factual Basis:

This section is necessary to place regulations regarding the timeframes that reports must be sent to the licensing agency. The amendment to repeal the phrase “operation of the facility” and replace with “hours the facility center is providing services to the client” is necessary because adult day programs are not 24-hour programs and they are only responsible for clients for certain hours of the day. The amendments are necessary to ensure that the section applies to all adult day programs and the people they serve. Cross-references are amended for accuracy.

Sections 82061(b)(1)(A) through (c)(4)

Specific Purpose:

These sections are duplicated from Sections 80061(b)(1) through (c)(4).

Factual Basis:

These sections are necessary to place regulations regarding reportable incidents into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. Cross-references are amended for accuracy.

Final Modifications

Section 82061(b)(1) is amended; (b)(1)(C) is added and (D) through (I) are renumbered as a result of the adoption of ORD #0801-17; OAL File #01-0627-02S. Section 82061(b)(2)(A) is amended for clarity.

Sections 82061(d) through (e)(1)

Specific Purpose:

These sections are duplicated from Sections 80061(e) through (f)(1). Cross-references are amended in Section 82061(d). Section 82061(e) is further amended to replace the term “Administrative Code” with “Code of Regulations” and reference to Section 2503 is deleted. The handbook is modified to reflect updates to the California Code of Regulations.

Factual Basis:

These sections are necessary to place regulations regarding reporting requirements into the category-specific adult day care/adult day support regulations. Cross-references are amended for accuracy.

Final Modifications

Sections 82061(d) and (e) are amended for clarity.

Handbook Section 82061(e)(1) is amended to reflect the current language of Title 17, California Code of Regulations, Section 2500.

Sections 82061(f) and (g) and Handbook

Specific Purpose:

These sections are duplicated from Sections 80061(g) and (h), with the exception that (g)(1) is omitted because it refers to residential facilities and not day facilities.

Factual Basis:

These sections are necessary to place regulations regarding reporting requirements into the category-specific adult day care/adult day support regulations. Cross-references are amended for accuracy.

Final Modifications

Sections 82061(f) and (g) are amended for clarity.

Section 82062 et seq.

Specific Purpose:

These sections are duplicated from Sections 80062(a) through (a)(3)(B).

Factual Basis:

These sections are necessary to place regulations regarding the licensee's finances into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modifications

Sections 82062(a)(3) and (a)(3)(B) are amended for clarity.

Section 82063 et seq.

Specific Purpose:

These sections are duplicated from Sections 80063(a) and (a)(1) and amended to add the term "center" in Section 82063(a).

Factual Basis:

These sections are necessary to place regulations regarding the licensee's accountability into the category-specific adult day care/adult day support regulations. The amendment is necessary to ensure that the sections are relevant to all adult day programs. These sections have always applied to adult day care facilities and adult day support centers and they not add any new or additional requirements.

Final Modification

Section 82063(a) is amended to replace "facility/center" with "program." For an explanation, see final modification in Section 82001(a)(2).

Section 82064(a)

Specific Purpose:

Section 82064(a) is being deleted and (b) is renumbered to (a) and amended to add the term "adult day care centers."

Factual Basis:

This section is necessary to ensure that the requirement is relevant to all adult day programs governed by the category-specific adult day care/adult day support regulations.

Final Modification

In Section 82064, the words “care facilities and adult day support centers” is replaced with “program” for clarity. For an explanation, see final modification in Section 82001(a)(2).

Section 82064(b)

Specific Purpose:

This section is renumbered from Section 82064(g).

Factual Basis:

This section is necessary to place regulations regarding administrator qualifications and duties into the category-specific adult day care/adult day support regulations. This section does not add any new requirements.

Sections 82064(b)(1) and (b)(2)

Specific Purpose:

These sections are renumbered from Sections 80064(b)(1) and (b)(2) and are amended to begin with a verb, instead of a noun, for consistency with the remainder of this section.

Factual Basis:

These sections are necessary to place regulations regarding administrator qualifications and duties into the category-specific adult day care/adult day support regulations. These sections do not add any new requirements. The changes are editorial only.

Sections 82064(b)(3) and (b)(4)

Specific Purpose:

These sections are renumbered from Sections 82064(g)(1) and (2).

Factual Basis:

These sections are necessary to place regulations regarding administrator qualifications and duties into the category-specific adult day care/adult day support regulations. These sections do not add any new requirements. The changes are editorial only.

Final Modification

In Section 82064(b)(4), the words “facility/center” are replaced with “program.” For an explanation, see final modification in Section 82001(a)(2).

Section 82064(b)(5)

Specific Purpose:

This section is renumbered from Section 82064(g)(4).

Factual Basis:

This section is necessary to place regulations regarding administrator qualifications and duties into the category-specific adult day care/adult day support regulations. This section does not add any new requirements. The changes are editorial only.

Section 82064(b)(6)

Specific Purpose:

This section is renumbered from Section 82064(g)(3).

Factual Basis:

This section is necessary to place regulations regarding administrator qualifications and duties into the category-specific adult day care/adult day support regulations. This section does not add any new requirements. The changes are editorial only.

Sections 82064(b)(7) through (b)(10)

Specific Purpose:

These sections are duplicated from Sections 80064(a)(4) through (a)(7) and are amended to make minor grammatical corrections for consistency with the remainder of this section.

Factual Basis:

These sections are necessary to place regulations regarding administrator qualifications and duties into the category-specific adult day care/adult day support regulations. These sections do not add any new requirements. the changes are editorial only.

Final Modification

In Section 82064(b)(9), the words “facility/center’s” is deleted. In Section 82064(b)(10), the words are replaced with “program.” For an explanation, see final modification in Section 82001(a)(2).

Sections 82064(b)(11) through (16) and Handbook

Specific Purpose:

These sections are renumbered from Sections 82564(f)(5) through (8). Section 82064(b)(11) is amended to add the word “deficiency” before the term “notices” for clarity. Section 82064(b)(12) is amended to change the word “assure” to “ensure” for clarity. Previously numbered Section 82064(g)(8) is being deleted since similar language is included in Section 82064(b)(16). Section 82064(b)(16) is amended to replace the word “participants” with “clients” for consistency.

Factual Basis:

These sections are necessary to place regulations regarding administrator qualifications and duties into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the requirements are relevant to all adult day programs, do not add any new or additional requirements, and are made for consistency. All amendments are editorial only to provide for clarity and continuity.

Final Modifications

Sections 82064(b)(16)(A) and (B) are deleted from Handbook and added to regulations for clarity.

In Section 82064(b)(16)(B) the words “of clients” and “to alert the deaf to emergencies” are deleted for clarity.

Section 82064(c)

Specific Purpose:

This section is duplicated from Section 80064(b), amended and combined with Section 82064(d) and renumbered into this section

Factual Basis:

This section is necessary to place regulations regarding administrator qualifications and duties into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the requirements are relevant to all adult day programs. These sections have always applied to adult day care facilities and adult day support centers, and do not add any new or additional requirements.

Section 82064(d)

Specific Purpose:

This section is duplicated from Section 80064(d).

Specific Purpose:

This section is necessary to place regulations regarding administrator qualifications and duties into the category-specific adult day care/adult day support regulations. These sections do not add any new requirements.

Section 82064(e) (New)

Specific Purpose/Factual Basis:

This section is adopted to introduce requirements that will only apply to administrators of adult day care facilities.

Final Modification

This section is amended to delete “an adult day care” and add “licensed as an adult day care facility prior to January 1, 2003” for clarity.

Sections 82064(e)(1) and (2)

Specific Purpose:

Section 82064(e)(1) is amended to add reference to Sections 82064(b) through (d). The word “below” has been deleted from the end of the section after “(5).” Section 82064(e)(2) has been renumbered from Section 82064(c) for clarity, and Section 82064(d) is being deleted.

Factual Basis:

These sections are necessary to amend cross-references and add reference to specific sections for clarity. Section 82064(e)(2) is renumbered from Section 82064(c) for clarity. Previously numbered Section 82064(d) is being deleted. These changes are editorial and place no new or additional requirements on adult day care facilities.

Final Modification

This section is amended to replace “and” with “or” for clarity.

Section 82064(e)(3)

Specific Purpose:

This section is renumbered from Section 82064(d)(1) and amended to include reference to Sections 82064(b) through (d), (e)(5) and (6). Previously numbered Section 82064(e) is being deleted. The word “below” is deleted from the end of the section.

Factual Basis:

This section is necessary for clarity and accuracy. The repeal of the word “below” is editorial in nature.

Final Modification

This section is amended to include the words “and either (e)(4) or (e)(5)” for the purposes of clarity.

Sections 82064(e)(4), (5), (5)(A) and (B)

Specific Purpose:

These sections are renumbered from Sections 82064(e)(1), (e)(2) and (e)(2)(A) through (2)(B). Cross-references in Section 82064(e)(5) are amended.

Factual Basis:

These amendments are made for clarity and accuracy and are editorial in nature.

Final Modification

Section 82064(e)(5)(A) is amended to add the word “adult” for clarity.

Section 82064(f) (New)

Specific Purpose/Factual Basis:

This section is adopted to introduce requirements that will only apply to administrators of adult day support centers.

Final Modification

This section is amended to include the words “a facility licensed as,” and “prior to January 1, 2003” for clarity.

Sections 82064(f)(1), (1)(A) and (B) and (f)(2)

Specific Purpose:

These sections are renumbered from Sections 82564(b)(1), (b)(1)(A), (b)(1)(B) and (b)(2).

Factual Basis:

These sections are necessary to place regulations regarding the requirements for administrators of adult day support centers into the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day support centers and do not add any new or additional requirements.

Section 82064(f)(3)

Specific Purpose:

This section is renumbered from Section 82564(c). The last part of this section beginning with “who is on site, and who shall be capable of,…” is deleted to eliminate redundancy. Cross-references are amended and editorial changes have been made for clarity.

Factual Basis:

This section is necessary to place regulations regarding requirements for administrators of adult day support centers into the category-specific adult day care/adult day support regulations.

Final Modification

Section 82064(f)(3) is amended for clarity and to add the title of the section referred to.

Sections 82064(f)(4) and (5)

Specific Purpose:

These sections are renumbered from Sections 82564(c)(1) and (2). Cross-references are amended for accuracy and editorial changes are made for clarity.

Factual Basis:

These sections are necessary to place regulations regarding administrator requirements for adult day support centers into the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day care centers and do not add any new or additional requirements.

Sections 82064(f)(6) and (6)(A) and (f)(6)(B), (B)1. and (B)2.

Specific Purpose:

These sections are renumbered from Sections 82564(d), (d)(1) and (2) and (d)(2)(A). The word “clients” is added in Section 82064(f)(6)(A).

Factual Basis:

These sections are necessary to place regulations regarding educational and experience requirements for administrators of adult day support centers into the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day support centers and do not add any new or additional requirements.

Section 82064(g)

Specific Purpose:

This section is renumbered from Section 82564(e) and includes the term “adult day programs.” The phrase “the effective date of this section” is deleted and “July 1989” is adopted for accuracy and clarity.

Factual Basis:

This section is necessary because this section applies to administrators of adult day care facilities and adult day support centers. It does not add any new or additional requirements.

Sections 82065 and (a) through (m)

Specific Purpose:

These sections are duplicated from Section 80065. The term “center” is adopted in Sections 82065(a), (b)(2), (b)(3), (c), (d), (e), (g)(3), and (g)(3)(B) and (i). Cross-references are amended in Sections 82065(g)(1), (g)(1)(i), (i)(1), (i)(2), (i)(2)(A), (j)(1), and (m). Section 82065(m) is amended to repeal the phrase “and/or any of the personal rights provisions of Chapters 2 and 7.”

Factual Basis:

These sections are necessary to describe the personnel qualifications and duties requirements in the category-specific adult day care/adult day support regulations. The amendments are editorial only for clarity and continuity, and place no additional or new requirements on adult day programs.

Final Modifications

Throughout Section 82065 the words “facility/center” are deleted and replaced with “program” for clarity. Section 82065(c) is amended for clarity. Section 82065(e)(1) is amended to include the phrase “who has been fingerprinted and has completed and signed a Criminal Record Statement (form LIC 508) as required by Section 82019(d).” This phrase is added for the purposes of clarification. Sections 82065(f)(7) and (f)(7)(A) are added as a result of the adoption of ORD #0801-16; OAL File #02-0627-02S. Section 82065(g)(1) has been amended to state “The good physical health of each employee and individual licensee shall be verified by a health screening, including negative test results for tuberculosis, performed by or under the supervision of a physician not more than one year prior to or seven days after employment of licensure.” This section has been amended for clarity. Sections 82065(g)(2) through (g)(2)(B) are renumbered to 82065(g)(1)(A) through (ii) for clarity. Section 82065(g)(1)(A) is amended to delete the phrase “be made on each person specified above, and shall” for clarity. Section 82065(g)(1)(B)(ii) has been amended to state “Negative test results for tuberculosis performed not more than one year prior to or seven days after initial presence in the program” for clarity. For clarity and conformity, Section 82065(i) has been amended to state “Pending receipt of a criminal background clearance or exemption, as specified in Section 82019(c), and prior to employment at or initial presence in the program, all employees and volunteers determined by the licensing agency to require a criminal record clearance shall complete and sign a Criminal Record Statement (form LIC 508) provided by the Department.” Section 82065(i) is amended to correct grammar and for clarity. Sections 82065(i)(1) through (i)(1)(A) are deleted for clarity. Section 82065(j)(1) is amended to replace the word “specified” with “identified” for clarity.

Section 82065(n)

Specific Purpose/Factual Basis:

This section is renumbered from Section 82565(c) for clarity.

Section 82065(o)

Specific Purpose:

This section is renumbered from Section 82565(b) and amended to add the phrase “In adult day support centers,” before the word “There.”

Factual Basis:

This section is necessary to describe additional staffing requirements for adult day support centers in the category-specific adult day care/adult day support regulations. This section places no additional or new requirements on adult day programs. Amendments are editorial only for clarity and continuity.

Section 82065.1 et seq.

Specific Purpose:

Section 82065.1(a) is adopted to introduce requirements that apply to all facility/center staff. Section 82065.1(a)(1) is renumbered from Section 82065.1(b) and amended to add the word “Direct” before the word “care.” Section 82065.1(a)(2) is renumbered from Section 82065.1(b)(1) and amended to add the word “Direct” before the word “care.” Cross-reference information is amended, as well as adding the word “below”.

Sections 82065.1(b) through (b)(4) are renumbered from Sections 82065.1(a) through (a)(4) and amended to state what duties are performed by direct support staff. The word “center” is added in Section 82065.1(b)(4).

Section 82065.1(b)(5) is adopted to include “administrative support.”

Section 82065.1(c) is adopted to introduce requirements that will apply to direct care staff of adult day support centers.

Section 82065.1(d) et seq. is renumbered from Section 82565.1(a) et seq..

Section 82065.1(e) is renumbered from Section 82565.1(b) and amended to add the word “clients.”

Section 82065.1(f) is renumbered from Section 82565.1(c)(3)(A), is amending a cross-reference, and adds the term “client.”

Factual Basis:

These sections are necessary to describe the personnel qualifications and duties in the category-specific adult day care/adult day support regulations. Amendments are editorial only and impose no additional or new requirements on adult day programs.

Final Modification

Section 82065.1(b) is amended to include the word “program” for clarity. Section 82065.1(c) is amended to include the phrase “licensed prior to January 1, 2003” for clarity. Sections 82065.1(d) through (f) is renumbered to (c)(1) through (c)(3) for clarity.

Sections 82065.5(a) through (c)

Specific Purpose:

Section 82065.5(c) is renumbered from (a) and the phrase “For adult day care facilities” has been added.

Factual Basis:

These sections have always applied to adult day programs. The amendments are editorial only to ensure continuity and clarity.

Final Modifications

Section 82065.5(a) is amended to delete extraneous language and the remaining subsections are renumbered. In Section 82065.1(c), the phrase “licensed prior to January 1, 2003” is added after “For adult day care facilities” and “for adult day support centers” for clarity. Other amendments are made for clarity.

Sections 82065.5(d) through (e)

Specific Purpose:

These sections are renumbered from Sections 82565.5(a) and (b). Section 82065.5(d) is amended to add the phrase “For adult day support centers” before the word “there,” and the term “clients” has been added. Cross-references are amended in Section 82065.5(e); the phrase “in adult day support centers” are added, and the term “client” is added.

Factual Basis:

These sections are necessary to describe the staff ratio requirements in adult day support in the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day support and impose no additional or new requirements on adult day programs. Amendments are editorial only for clarity.

Sections 82066(a)(1) through (9)

Specific Purpose:

These sections are duplicated from Sections 80066(a)(1) through (9) and amended to replace the term “employment application forms” with the term “personnel records,” add licensee and administrator to those whose records must be maintained on and repeal “available to the licensing agency for review” from this location.

Factual Basis:

These sections are necessary to describe the personnel record-keeping requirements in the category-specific adult day care/adult day support regulations. These amendments are necessary for clarity. “Personnel records” is a more appropriate term as items in this section are not all employment application forms.

Final Modification

Section 82066(a)(9) is amended to replace “facility/center” with “program.” For an explanation, see final modification in Section 82001(a)(2).

Section 82066(a)(10)

Specific Purpose:

This section is being adopted to add a health screening requirement for the licensee, administrator and all employees.

Factual Basis:

This section is necessary to add health screening as a requirement for all licensee, administrator, and each employee.

Final Modification

This section is amended to state “A health screening report, as specified in Section 82065(g)” for clarity and consistency.

Section 82066(a)(11)

Specific Purpose:

This section is being adopted to add tuberculosis test documents to the list of personnel records that must be maintained on the licensee, administrator and all employees.

Factual Basis:

Tuberculosis test documents must be listed separately for clarity and emphasis. tuberculosis tests are usually performed separate from a health screening. The health screening form provided by the Department includes limited space for a positive or negative tine test. Complete tuberculosis test documents could include results of a chest x-ray and/or other follow-up reports.

Final Modification

This section is amended to state “Tuberculosis test results, as specified in Section 82065(g)(1)” for clarity.

Section 82066(a)(12)(A)

Specific Purpose:

These sections are being adopted to add a signed criminal record statement to the list of records that must be maintained in the licensee, administrator and employee's personnel record.

Factual Basis:

These sections are necessary for clarity. Section 80019(d) requires that all individuals subject to a criminal record review sign a criminal record statement prior to employment or initial presence in a facility. These sections only clarify where that statement must be maintained.

Final Modification

Section 82066(a)(12) is amended to add the title of the section referred to. It is also amended to delete "Criminal Record Clearance" and add an "(a)" to correct a reference. Section 82066(a)(12)(A) is amended to state "A completed and signed Criminal Record Statement (form LIC 508)" for clarity.

Section 82066(a)(12)(B)

Specific Purpose:

This section is being adopted to add documentation of a criminal record clearance or exemption to the list of records that must be maintained in the licensee, administrator and employee's personnel record.

Factual Basis:

This section is necessary for clarity. Section 82019(i) requires that this documentation be kept in the individual's personnel file. This section includes that requirement so that the licensee has an inclusive list, in one location of all documents that must be included in an employee's personnel file.

Final Modification

For clarity, this section is amended to replace the word "record" with "background" for clarity.

Sections 82066(b) and (b)(1) and (2)

Specific Purpose:

These sections are being adopted to list all personnel records that must be maintained on a volunteer.

Factual Basis:

These sections are necessary for clarity. All documents are required by other sections. These sections repeat those requirements so that the licensee has an inclusive list, in one location, of all documents that must be included in a volunteer's personnel file.

Final Modification

Section 82066(b) is amended to add the word "information" for clarity. Section 82066(b)(1) is amended to add the letter "A" to correct a reference citation. For clarity, Section 82066(b)(2) is amended to state "Tuberculosis test results as referred to in Section 82065(g)(3)(B)."

Sections 82066(b)(3) and (3)(A)

Specific Purpose:

These sections are being adopted to require that the license maintain a signed criminal record statement in the employee's personnel record.

Factual Basis:

Section 82019(d) requires that all individuals subject to a criminal record review sign a criminal record statement prior to employment or initial presence in a facility/center. This section clarifies where that statement must be maintained.

Final Modification

Section 82066(b)(3) is amended to delete "Criminal Record Clearance" and to add an "(a)" to correct a cross-reference. Sections 82066(b)(3) through (b)(3)(B) are amended to state "For volunteers that are required to be fingerprinted pursuant to Section 82019(a): (A) A completed and signed Criminal Record Statement (form LIC 508) (B) Documentation of either a criminal background clearance or exemption," for clarity.

Section 82066(c)

Specific Purpose:

This section is being adopted to require that the licensee retain all personnel records for at least three years after the employee or volunteer is terminated or otherwise no longer associated with the facility.

Factual Basis:

This section is necessary so that the Department may review the records of former employees/volunteers in the event the records are needed to aid a complaint investigation. The three-year record retention requirement is consistent with all other personnel record retention requirements in other license category regulations as well as the retention requirement for adult clients.

Sections 82066(d) and (d)(1)

Specific Purpose:

These sections are duplicated and amended from Sections 80066(d) and (d)(1).

Factual Basis:

These sections are necessary to place regulations regarding maintenance, retention and availability of all records into the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day support centers and do not add any new or additional requirements.

Final Modification

Section 82066(d) is amended to add the words “and copying” for clarity and consistency with related regulations.

Sections 82061(d) and (d)(1) are amended to replace “facility/center” with “program.” For an explanation, see final modification in Section 82001(a)(2).

Section 82066(e)

Specific Purpose:

This section is duplicated and amended from Section 80066(e).

Factual Basis:

This section is necessary to place regulations regarding accuracy of hours actually worked into the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day support centers and do not add any new or additional requirements.

Section 82068 et seq.

Specific Purpose:

This section is duplicated from Section 80068.

Factual Basis:

This section is necessary to describe the requirements of an admissions agreement in the category-specific adult day care/adult day support regulations. These requirements have always applied to all adult day programs. The amendments are editorial only to ensure clarity and continuity.

Final Modification

Section 82068(b) is amended for clarity.

Section 82068(c)(8) and Handbook section (c)(8)(C) are amended to delete references not specifically applicable to adult day programs.

Section 82068(c)(8) is amended for clarity to replace the language “The program’s policy concerning family visits and other communication with clients” with “The program’s policy concerning family involvement and participation with clients.” The Handbook section is deleted because of duplication.

Section 82068(d) is amended to delete the extraneous word “such” for clarity.

Section 82068(h) Handbook is amended for clarity.

Sections 82068.2(a) and (b)

Specific Purpose:

Section 82068.2(a) is amended to add the term “center’s.” Section 82068.2(b) repeals “that must include:”.

Factual Basis:

These sections are necessary to describe the requirements of a needs and services plan in the category-specific adult day care/adult day support regulations. The amendments are editorial only and place no additional or new requirements on adult day programs.

Final Modification

Section 82068.2(a) is amended to delete the term “facility’s/center’s” for clarity.

Section 82068.2(b) is amended to correct a typographical error.

Sections 82068.2(c) and (d)

Specific Purpose:

These sections are duplicated from Sections 80068.2(b) and (c). Cross references are amended in Section 82068.2(d).

Factual Basis:

These sections have always applied to adult day care facilities and impose no additional or new requirements on adult day programs. The amendments are editorial only.

Final Modification

Section 82068.2(d) is amended to correct the subsection cited, from (a) to (b) for clarity.

Section 82068.2(e)

Specific Purpose:

This section is adopted to provide cross-references as to what requirements apply to adult day care facilities.

Factual Basis:

This section is necessary as an introduction to requirements of an adult day care facility. This adoption is to ensure clarity and continuity of information and assures requirements apply to adult day care only.

Final Modification

Section 82068.2(e) is amended to move the phrase “for adult day care facilities” and to add “licensed prior to January 1, 2003” for clarity.

Section 82068.2(f)

Specific Purpose:

This section is adopted as an introduction of what the completed needs and services plan shall include.

Factual Basis:

This section is necessary as an introduction to the contents of a needs and services plan. This addition is editorial only to provide continuity for the reader. This amendment places no new or additional requirements on adult day programs.

Sections 82068.2(f)(1) through (g)

Specific Purpose:

These sections are renumbered from Sections 82068.2(b)(1) through (c) and a cross reference is amended in Section 82068.2(g).

Factual Basis:

These sections have always applied to adult day care, and imposes no additional or new requirements on adult day programs. Amendments are editorial only.

Final Modification

Section 82068.2(f)(1)(D)1. is amended to add the title and complete reference to the section referred to.

Handbook Section 82068.2(f)(1)(D)2. is added to quote Section 80069.2 for reference, as it is not included in this chapter.

Section 82068.2(g) is amended to replace “and has” for the term “with” for clarity.

Sections 82068.2(h) and (i)

Specific Purpose:

Section 82068.2(h) is adopted to provide cross-references as to what requirements apply to adult day support centers.

Section 82068.2(i) is adopted as an introduction of what the written needs and services plan shall include for adult day support centers.

Sections 82068.2(i)(1) through (i)(7)(E) are renumbered from Sections 82568.2(b)(1) through (b)(7)(E). A cross-reference is amended in Section 82068.2(i)(7).

Section 82068.2(i)(7)(A) is adopting the provision for the minimum requirement for transporting clients to and from the adult day support. The word “client” is added in Sections 82068.2(i)(7)(A) and (i)(7)(C).

Factual Basis:

These sections are necessary as an introduction to the existing requirements of the needs and services plan for adult day support. These amendments provide clarity and continuity of information, and impose no additional or new requirements on adult day programs.

Final Modification

Section 82068.2(h) is amended to move the phrase “for adult day care support centers” and add “licensed prior to January 1, 2003” for clarity.

Section 82068.2(i)(7) is amended to correct the subsection cited from “(k)(1) through (5)” to “(b)(1) through (5)” for clarity.

Sections 82068.2(j) through (k)(5)

Specific Purpose:

These sections are renumbered from Sections 82568.2(c) and (d) and amend cross references in Section 82068.2(j) and (k)(5). The term “client” is added to Section 82068.2(k)(1).

Factual Basis:

These sections are necessary to describe the needs and services requirements for adult day support centers in the category-specific adult day care/adult day support regulations. Amendments are editorial only and place no additional requirements on adult day programs.

Section 82068.3(a)

Specific Purpose:

This section is amended to specify additional requirements for adult day care facilities that are needed for the written needs and services plan.

Factual Basis:

This section has always applied to adult day care, and impose no additional or new requirements on adult day care.

Final Modifications

This section is amended as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S.

Section 82068.3(a) is amended for clarity.

Sections 82068.3(b) and (b)(1)

Specific Purpose:

These sections are renumbered from Sections 82568.3(a) and (b) and amended to reference adult day support centers. The term “client” has been added.

Factual Basis:

These sections are necessary to describe the adult day support requirements for modifications to the Needs and Services Plan in the category-specific adult day care/adult day support regulations. The amendment is for clarity and imposes no additional or new requirements on adult day programs.

Final Modification

Section 82068.3(b) is amended for clarity.

Sections 82068.3(b)(2) through (c)(1)

Specific Purpose:

These sections are duplicated and renumbered from Sections 80068.3(a) and (b). The term “client’s” is added in Sections 82068.3(b), (b)(1), (b)(2), and (c)(1). The term “center” is added in Section 82068.3(c)(1).

Factual Basis:

These sections are necessary to describe the adult day support requirements for modifications to the Needs and Services Plan in the category specific adult day care/adult day support regulations. These sections have always applied to adult day support and impose no additional or new requirements on adult day programs. Amendments are editorial only to provide clarity.

Final Modifications

Sections 82068.3(b)(2) and (c)(1) are amended for clarity.

Section 82068.5(a) (New)

Specific Purpose:

This section is adopted to add the phrase “The following applies to adult day support centers only.”

Factual Basis:

This section is added as an introduction to the discharge procedures that only apply to adult day support. This addition is for clarity only.

Final Modification

In response to testimony, this section has been deleted, as this section applies to both adult day care and adult support centers. The remainder of the section has been renumbered accordingly for clarity.

Sections 82068.5(a)(1) through (3)

Specific Purpose:

These sections are renumbered from Section 82568.5. The term “client” has been added.

Factual Basis:

These sections are necessary to describe the procedures for discharge from an adult day support in the category-specific adult day care/adult day support regulations. This section has always applied to adult day support, and imposes no additional or new requirements on adult day programs.

Final Modification

Section 82068.5(b)(3) is amended to replace the term “center” with “licensee” for clarity.

Section 82069 et seq.

Specific Purpose:

These sections are duplicated (in pertinent part) from Section 80069. Cross references in Sections 82069(a) and (b)(4) are amended.

Factual Basis:

These sections are necessary to describe the requirements of a medical assessment in the category-specific adult day care/adult day support regulations. The amendments are editorial only and impose no additional or new requirements on adult day programs.

Final Modifications

Sections 82069(a) and (b)(5) are amended to delete extraneous language and for clarity.

Sections 82070(a) through (f)

Specific Purpose:

These sections are duplicated from Section 80070 [excluding (b)(12) and (b)(13)], and amend cross-references in Sections 82070(b)(6), (b)(8), (b)(12), (b)(13), (c)(2), and (e). The term “center” is added in Sections 82070(a) and (b)(9).

Factual Basis:

These sections are necessary to place general licensing regulations regarding client's records into the category-specific adult day care/adult day support regulations. This section has always applied to adult day support regulations. This section does not add any new requirements. The changes are editorial only.

Final Modifications

Section 82070(a) is amended to refer to the program site instead of the facility/center.

Section 82070(b)(3) is amended to replace the term “sex” with “gender” for clarity.

Section 82070(b)(9) is amended to replace the term “facility/center” with “program” for clarity.

Section 82070(b)(11) is amended to correct section number cited from “82068.2(j)” to “82092.2” for clarity.

Section 82070(b)(13) is amended to add subsection (h) through (k).

Section 82070(c)(1) is amended to replace the term “record contents” with “client records.”

Section 82070(e) is amended to delete extraneous language.

Sections 82070(g) through (g)(6)

Specific Purpose:

These sections are renumbered from Sections 82570(b) through (b)(6). The term “client” is added in Sections 82070(g) through (g)(5). Section 82070(g) is amended to read “In addition to Sections 82070(a) through (f)” from “Each record.”

Factual Basis:

These sections are necessary to place adult day support regulations regarding client's records into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day support regulations. These sections do not add any new requirements. The changes are editorial only.

Section 82071 et seq.

Specific Purpose:

These sections are duplicated from Section 80071 et seq.. Cross-references are amended in Sections 82071(a)(1)(A), (a)(1)(C), (a)(1)(D) and (a)(2)(A). The term “center” is added in Sections 82071(a), (a)(1), and (a)(2).

Factual Basis:

These sections are necessary to place regulations regarding client records into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care/adult day support regulations, and does not add any new requirements. The changes are editorial only.

Final Modifications

Section 82071(a) is deleted as extraneous language and the remaining subsections are renumbered from (a)(1) through (b)(1). New subsection (a) is amended to refer to the program site instead of the facility/center and as a result of ORD #0801-16; OAL File #02-0627-03S.

Section 82071(b) is amended to delete “at the facility/center.”

Section 82072 et seq.

Specific Purpose:

These sections are duplicated from Section 80072. Section 82072(a)(6)(A) is amended to repeal the words “curfews or other” preceding the word “house.” Section 82072(a)(6)(B) is amended to repeal the words “minors and other” before the word “clients.” Section

82072(a)(7)(A) is amended to repeal the word “house” before the word “rules.” Section 82072(b) is amended to repeal the words “and in the applicable Personal Rights sections of Chapters 2 through 7” and add the word “above.” Section 82072(d) is amended to repeal the words “and in the applicable Personal Rights sections of Chapters 2 through 7.”

Cross-references are amended in Sections 82072(a)(7)(B), (a)(8), (a)(8)(D), (a)(8)(G), (b), and (c). The word “center” is added in Sections 82072(a)(5)(A), (a)(6), (a)(7), (a)(7)(A), and (a)(10).

Factual Basis:

These sections are necessary to place regulations regarding personal rights into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care/adult day support regulations. These sections do not add any new requirements. The changes are editorial only to ensure relevance to adult day program requirements.

Final Modifications

Sections 82072(a)(5)(A), (a)(6), (a)(7) and (a)(10) are amended to replace the term “facility/center” with “program” for clarity.

Sections 82072(a)(6)(B) and (a)(9) are amended to delete the term “guardian” as it does not apply to adults.

Section 82072(a)(7)(A) is amended to delete “the facility/center.”

Section 82072(a)(8) is amended for clarity to replace “specified in Sections 82072(a)(8)(G)1. and 2.” with “follows:”

Sections 82072(a)(8)(G) and (a)(10) are amended to delete extraneous language and for clarity.

Handbook Section 82072(d)(1) is deleted as inapplicable to personal rights in adult day programs.

Section 82073

Specific Purpose:

This section is duplicated from Section 80073. The term “centers” is added.

Factual Basis:

This section is necessary to place regulations regarding telephone service into the category-specific adult day care/adult day support regulations. This section has always applied to

adult day care/adult day support regulations. This section does not add any new requirements. The changes are editorial only.

Final Modification

Section 82073(a) is amended to replace the term “facilities/centers” with “day programs” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82074 et seq.

Specific Purpose:

These sections are duplicated from Section 80074.

Factual Basis:

These sections are necessary to place regulations regarding transportation into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care/adult day support regulations. These sections do not add any new requirements. The changes are editorial only.

Section 82075 (Introductory Paragraph) (New)

Specific Purpose/Factual Basis:

This paragraph is adopted as an introductory paragraph to specify what applies to adult day care and adult day support regulations.

Final Modifications

The introductory paragraph is deleted as extraneous to this chapter.

Section 82075(a)

Specific Purpose:

This section is amended to reference the responsibility of the licensee.

Factual Basis:

This amendment is editorial only.

Sections 82075(a)(1) through (o)

Specific Purpose:

These sections are duplicated from Section 80075 [excluding Sections 80075(h)(1)(A) through 80075(h)(1)(A)2.]. Section 82075(h)(1)(A) is amended to repeal the words “In adult day care facilities and adult day support centers,” before the word “Ensuring.” The term “center” is added in Sections 82075(a)(2)(A), (a)(2)(C), (b), (c), (d), (d)(1), (d)(2), (d)(3), (h)(1)(A), (h)(2)(I), (h)(2)(J), (j), (k), (m)(3), and (o). Cross-references are amended in Sections 82075(a)(2)(B), (c)(1), and (f). The words “In adult day care facilities and ADSCs” are deleted from Sections 82075(a)(2)(B) and (h)(1)(A). The words “within his/her room” after the word “movement” have been deleted from Section 82075(h)(2)(F). The word “physician” in Section 82075(g) is replaced with “medical professional.”

Factual Basis:

These sections are necessary to place regulations regarding health-related services into the category specific adult day care/adult day support regulations. These sections have always applied to adult day care/adult day support regulations. These sections do not add any new requirements. The changes are editorial only to remove redundant language, and ensure relevance to adult day programs.

Final Modifications

These sections are amended as a result of the adoption of ORD package #0801-16; OAL File #02-0627-03S and various sections are renumbered for clarity.

Sections 82075(a)(1) and (a)(1)(A) are amended for clarity.

Sections 82075(b)(1), (b)(1)(A), (b)(4), (c), (d), and (e) are amended to replace the term “facility/center” with “program.”

Sections 82075(e)(1) and (e)(2) are amended to delete the term “facility/center.”

Sections 82075(i)(1)(A), (i)(2)(A), (i)(2)(I) and (i)(2)(J) are amended to replace the term “facility/center” with “program.”

Section 82075(i)(2)(E) is amended for clarity.

Section 82075(k) is amended to replace the term “facility/center” with “program” and to delete the term “facility/center” at the end of the section.

Section 82075(l) is amended for clarity by deleting “in the facility/center at all times” and adding “in the program at all times who is.”

Section 82075(o)(3) is amended to replace the term “facility/center” with “program.” For an explanation, see final modification in Section 82001(a)(2).

Section 82075(p) et seq.

Specific Purpose:

These sections are duplicated from Section 80075(o) et seq.. The term “center” has been added.

Factual Basis:

These sections are necessary to place regulations regarding what becomes of prescription medications upon termination of services into the category-specific adult day care/adult day support regulations.

Final Modification

Section 82075(p)(2) is amended to correct a cross reference for clarity.

Sections 82075(q) through (v)

Specific Purpose:

These sections are renumbered from Sections 82575(b) through (g). The term “client” is added and the term “facility” is amended to “center” in Sections 82075(s) through (u). The cross-reference in Section 82075(v) is amended.

Factual Basis:

These sections are necessary to place regulations regarding the requirements for adult day support into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day support and do not add any new requirements. Changes are editorial to ensure relevance, clarity, and continuity.

Final Modification

This section is amended as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S. These amendments also resulted in renumbering throughout the section, and clarification pertaining to particular types of day programs.

Section 82075(q) is amended to delete the term “facility/center.”

Section 82075(r) et seq. is amended for clarity.

Section 82075.1

Specific Purpose:

This section is amended to add the word “daily” after the word “ensure,” and “in the facility/center” after the word “accepted.”

Factual Basis:

These amendments are editorial only. The amendments are necessary for clarity and continuity. The amendments do not add any new or additional requirements.

Final Modification

Section 82075.1(a) is amended to replace the term “facility/center” with “program.”

Post-Hearing Modification

Section 82075.2 et seq.

Specific Purpose/Factual Basis:

This section is adopted as a result of the adoption of ORD #0801-17; OAL File #02-0627-02S. This section is also amended to replace the term “facility/center” with “program.”

Final Modification

Sections 82075.2(a)(1) and (a)(3) are amended to refer to the program site instead of the facility/center.

Section 82075.2(a)(4) is amended to delete “facility/center.”

Section 82076 et seq.

Specific Purpose:

These sections are duplicated from Section 80076 et seq.. Section 82076(a) is amended. The term “center(s)” is added to Sections 82076(a), (a)(2), (a)(11), (a)(11)(B), (a)(11)(C), (a)(19)(B) and (b). Sections 82076(b) through (e) are renumbered to (c) through (f) respectively and amended to add the term “center” in Sections 82076(b), (e), (f), and (f)(1). A cross-reference is amended in Section 82076(f)(1). The word “above” after the cross-reference has been deleted.

Factual Basis:

These amendments are editorial only. These sections have always applied to adult day care/adult day support and do not add any new or additional requirements.

Final Modification

Sections 82076(a) and (a)(19)(B) is amended to replace the term “facilities/centers” with “day programs” to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting section 1502.2, effective January 1, 2003.

Sections 82076(a)(2), (a)(11), (a)(11)(B), (a)(11)(C), (e) and (f) are amended to replace the term “facility/center” with “program” for clarity. For an explanation, see final modification in Section 82001(a)(2).

Section 82076(b) is amended to replace the term “facility/center” with “license” for clarity.

Section 82076(f)(1) is amended for clarity by deleting “to the facility/center.”

Section 82077 et seq.

Specific Purpose:

These sections are renumbered from Section 82577 et seq.. These section are amended to adopt Section 82077(a) to read: “Adult day support centers shall comply with the following:” Sections 82077(a) through (f) are renumbered to (1) through (4) respectively. The term “client(s)” is added in Sections 82077(1) through (3).

Factual Basis:

These sections are necessary to place regulations describing personal services required by adult day support centers into the category-specific adult day care/adult day support regulations. The amendments are editorial only and place no additional or new requirements on adult day programs.

Final Modifications

Section 82077 - Title is amended to add “in Adult Support Centers” as this section is currently applicable to that license category only.

The previous numbering of this section is reinstated for clarity.

Sections 82077(a) is amended for clarification due to the statutory change deleting the category of adult day support centers effective January 1, 2003.

Sections 82077(a)(1), (a)(2), (a)(3) and (a)(4) are amended to delete the previously added term “adult day support centers” as that term is now placed in Section 82077(a).

Sections 82077.2(a) through (b)(2)(G)(3)

Specific Purpose:

These sections are duplicated from Sections 80077.2(a) through (b)(2)(G)3.. The term “center” is added in Sections 82077.2(b)(2), (b)(2)(G), and (b)(2)(H). Cross-references in Sections 82077.2(b)(1) and (d) are amended. Section 82077.2(a) is amended to repeal the term “of an adult CCF.” Section 82077.2(b)(2)(G)3. is amended to repeal the term “In an ADCF or ADSC.”

Factual Basis:

These sections are necessary to place regulations describing care of clients who rely upon others to perform all activities of daily living into the category-specific adult day care/adult day support regulations. The amendments are editorial only and place no additional or new requirements on adult day programs.

Final Modifications

Sections 82077.2(b) and (b)(1) are amended for clarity.

Sections 82077.2(b)(2) and (b)(2)(G) are amended to replace the term “facility/center” with “program.”

Sections 82077.2(b)(2)(G)1. through 3. are amended as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S.

Sections 82077.2(b)(2)(H) through (d)

Specific Purpose:

These sections are duplicated from Sections 80077.2(b)(2)(I) through (d). The term “center” is added to Section 82077.2(b)(2)(H). A cross-reference in Section 82077.2(d) is amended.

Factual Basis:

These sections are necessary to place regulations describing care of clients who rely upon others to perform all activities of daily living into the category-specific adult day care/adult day support regulations. The amendments are editorial only and place no additional or new requirements on adult day programs.

Final Modification

Section 82077.2(b)(2)(H) is amended to delete “in the facility/center” for clarity.

Section 82077.2(d) is deleted as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S.

Sections 82077.4(a) through (b)(10)

Specific Purpose:

These sections are duplicated from Section 80077.4. Section 82077.4(a) is amended to repeal the term “an adult CCF.” The term “center” is added in Sections 82077.4(b)(4), (b)(5)(B), (b)(5)(C), and (b)(10).

Factual Basis:

These sections are necessary to place regulations regarding care for clients with incontinence into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care/adult day support, and imposes no additional or new requirements on adult day programs. The amendments are editorial only.

Final Modifications

Sections 82077.4(a), (b)(1), (b)(2), (b)(3), and (b)(4) are amended for clarity.

Section 82077.4(b)(4) is amended for clarity.

Sections 82077.4(b)(4) and (b)(10) are amended to replace the term “facility/center” with “program.”

Section 82077.4(b)(5) is amended as a result of the adoption of ORD #0801-26, OAL File #02-0627-03S.

Sections 82077.4(b)(5)(A) and (b)(10) are amended for clarity.

Sections 82077.4(b)(5)(B) and (b)(5)(C) are amended to delete the term “facility/center.”

Sections 82077.4(b)(11) through (b)(13)

Specific Purpose:

These sections are renumbered from Sections 82588(d)(1) through (f). The term “clients” is added in Section 82077.4(b)(11).

Factual Basis:

These sections are necessary to place regulations regarding care for clients with incontinence into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day support. The amendments are editorial only, and impose no new or additional requirements on adult day programs.

Final Modification

Section 82077.4(b)(11) is amended for clarity.

Section 82077.5 et seq.

Specific Purpose:

These sections are duplicated from Sections 80077.5(a) and (b) through (b)(2)(C). The term “center” is added in Sections 82077.5(b)(2), (b)(2)(A), and (b)(2)(B). Section 82077.5(a) is amended to remove the term “adult CCF.”

Factual Basis:

These sections are necessary to place regulations regarding care for clients with contractures into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day care/adult day support, and imposes no additional or new requirements on adult day programs. The amendments are editorial only.

Final Modifications

Sections 82077.5(b)(2), (b)(2)(A) and (B) are amended to replace the term “facility/center” with “program.” For an explanation, see final modification in Section 82001(a)(2).

Section 82078(a)

Specific Purpose:

This section renumbers Section 82078(a)(1) to (a) and repeals the previous Section 82078(a).

Factual Basis:

This section is necessary to describe the responsibility for providing care and supervision in adult day programs. This section has always applied to adult day care/adult day support regulations. This section does not add and new requirements. The changes are editorial only for clarification.

Sections 82078(b) through (c)(4)

Specific Purpose:

These sections are duplicated from Sections 80078(b) through (c)(4). The term “resident(s)” is replaced by the term “client(s)” in Sections 82078(b), (b)(1)(A) through (b)(5), (c) through (c)(2), and (c)(4). The term “client” is added in Section 82078(b)(6). The term “center” is added in Sections 82078(b), (b)(1)(C), (b)(1)(D), (b)(2), (b)(5), (b)(6), and (c)(3). Section 82078(c) is amended to repeal the phrase “or resident” after the word “client.” Cross-references are amended in Sections 82078(b) and (b)(5).

Factual Basis:

These sections are necessary to describe the responsibility for providing care and supervision in adult day programs. These sections have always applied to adult day care/adult day support regulations and do not add any new requirements. The changes are editorial only for clarification.

Final Modification

Section 82078(b) is amended to delete the term “facility/center.”

Section 82078(b)(1)(C) is amended to replace the term “facility/center” with “site.”

Section 82078(b)(1)(D) is amended to replace the first two terms “facility/center” with “site” and the third term “facility/center” with “somewhere.”

Sections 82078(b)(2), (b)(5) and (b)(6) are amended to replace “facility/center” with “day program.” For an explanation, see final modification in Section 82001(a)(2).

Section 82078(c)(3) is amended to replace “/centers” with “/day programs.” For an explanation, see final modification in Section 82001(a)(2).

Section 82078(c)(4) is amended to add the word “the” for clarity.

Sections 82079 and 82079(a) through (b)

Specific Purpose:

These sections are adopted as an introduction to the adult day care facility regulations. Section 82079(a) is adopted to say “Adult day care facilities shall comply with the following:”. Sections 82079(a)(1) through (c) are renumbered to (a)(1) through (3), because Section 82079(a) is added as an introduction. Section 82079(b) is being added as an introduction to Sections 82079(b)(1) through (b)(7). Cross-references are amended in Sections 82079(1)(C), (2), and (3).

Factual Basis:

These sections have always applied to adult day care facilities. The amendments are for continuity and clarity only. These sections do not impose any new or additional requirements on adult day programs.

Final Modification

Section 82079(a) is amended to include “licensed prior to January 1, 2003” for clarity.

Sections 82079(b)(1) through (b)(7)

Specific Purpose:

These sections are renumbered from Section 82579. The term “client(s)” is added in Sections 82079(b)(1), (b)(1)(A), (b)(1)(B), (b)(3), and (b)(4). The term “center's” is replaced by the word “program's” in Section 82079(b)(1). Section 82079(b)(1)(B) is amended to repeal the word “center” before the word “program.” Commas were added after the word “process” in Section 82079(b)(2)(B) and in Section 82079(b)(4) after “82069.” Section 82079(b)(7) is amending a spelling error from “visable” to “visible.”

Factual Basis:

These sections are necessary to place regulations regarding planned activities in an adult day support into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day support. The amendments are editorial only, and impose no new or additional requirements on adult day programs.

Final Modification

Section 82079(b) is amended to include “licensed prior to January 1m 2003” for clarity.

Section 82086 et seq.

Specific Purpose:

These sections are duplicated from Section 80086. The term “centers” is added in the title and in Section 82086(c).

Factual Basis:

These sections are necessary to place regulations regarding alterations to building or new facilities into the category-specific adult day care/adult day support regulations. These sections have always applied to all adult day programs. These sections not add any new requirements. The changes are editorial only to ensure relevance to both adult day care and adult day support.

Final Modification

Section 82086(c) is amended to replace the term “facilities/centers” with “program sites.”

Sections 82087(a) through (g)

Specific Purpose:

These sections are duplicated from Section 80087. The term “center” is added in Sections 82087(a), (a)(1), (b), (e), (e)(1), (f)(1)(A). Cross-references are amended in Sections 82087(f)(1)(A), and (f)(2). Sections 82087(b) and (c) are renumbered to Sections 82087(k) and (l).

Factual Basis:

These sections are necessary to place regulations regarding buildings and grounds into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day programs, and do not impose any additional or new requirements on licensees.

Final Modification

Sections 82087(a) and (f)(1)(A) are amended to replace the term “facilities/centers” with “program sites.”

Sections 82087(a)(1) and (b) are amended to replace the term “facilities/centers” with “site.”

Section 82087(e) is amended to replace the term “facility/center” with “program.” For an explanation, see final modification in Section 82001(a)(2).

Section 82087(e)(1) is amended to replace the term “facility/center” with “day program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2 effective January 1, 2003.

Sections 82087(f) and (f)(1) are amended for clarity.

Sections 82087(h) through (h)(1)

Specific Purpose:

These sections are duplicated from Sections 80087(h) through (h)(1). In addition, all references to firearms are deleted; more specifically, the word “firearms” in Section 82087(h), and the words “firearms and other dangerous weapons” in Section 82087(h)(1).

Factual Basis:

These sections are necessary to place regulations regarding buildings and grounds into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day programs, and do not impose any additional or new requirements on licensees.

Sections 82087(i) through (j)

Specific Purpose:

These sections are duplicated from Sections 80087(i) through (j). Cross-references are also amended.

Factual Basis:

These sections are necessary to place regulations regarding buildings and grounds into the category-specific adult day care/adult day support regulations. These sections have always applied to adult day programs, and do not impose any additional or new requirements on licensees.

Final Modification

These sections are amended to delete duplicate language that is already in other sections. The remaining subsections are renumbered (h) through (l).

Sections 82087(k) and (l)

Specific Purpose:

These sections are renumbered from Sections 82087(b) and (c) respectively.

Factual Basis:

These sections have always applied to adult day programs, and do not impose any additional or new requirements on licensees.

Sections 82087(m) and (n)

Specific Purpose:

Sections 82087(m) and (n) are renumbered from Sections 82587(e) and (d) respectively. Section 82087(m) is amended to add the phrase “for adult day support centers” and to replace the term “participants” with the term “clients.”

Factual Basis:

These sections are necessary to place regulations regarding adult day support center buildings and grounds into the category-specific adult day care/adult day support regulations.

Sections 82087.2(a) and (b)

Specific Purpose:

Sections 82087.2(b) through (b)(2) are renumbered to Sections 82087.2(a) through (a)(2) respectively. Section 82087(b) is adopted to add an introductory statement. Section 82087.2(a) is renumbered to Section 82087.2(b)(1). Section 87087.2(c) is renumbered to Section 82087.2(b)(2).

Factual Basis:

These section have always applied to adult day care facilities. The amendments are for clarity only, and place no additional or new requirements on adult day programs.

Final Modification

Section 82087.2(b) is amended for clarification to change the wording and amend (b)(2) to delete all language except for “the premises at another location, which shall be specified in the facility plan of operation.” With these changes, subsections (b)(1) and (2) are incorporated into subsection (b).

Section 82087.3 et seq.

Specific Purpose:

Section 82087.3(a) and handbook are being deleted and the remainder of the section is being renumbered and amended from Section 82587.3.

Factual Basis:

These sections have always applied to adult day care facilities. Section 82087.3(a) and handbook are deleted because the remainder of the section provides the requirement of indoor activity space. No additional or new requirements result from this amendment.

Final Modification

Handbook Section 82087.3(b)(1) is deleted from Handbook and added to regulations for clarity.

Section 82087.4(d)

Specific Purpose:

This section is amended to add the term “center,” and to repeal “and Chapter 1.”

Factual Basis:

This section is necessary to describe the storage space requirements of both adult day care facilities and adult day support centers. This section reflects the requirements for both category types and places no additional or new requirements on adult programs. Amendments are editorial only.

Final Modification

This section is amended to replace the term “facility/center” with “day program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Handbook Section 82087.4(e) is deleted from Handbook and added to regulations for clarity.

Sections 82088(a) through (a)(1)(A)

Specific Purpose:

These sections are duplicated from Sections 80088(a) through 80088(a)(1)(A).

Factual Basis:

These sections are necessary to describe the requirements for fixtures, furniture, equipment, and supplies in the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day programs and add no additional or new requirements to the regulations. Amendments are editorial only to ensure relevance to both adult day care and adult day support.

Sections 82088(b) through (g)

Specific Purpose:

These sections are duplicated from Sections 80088(b) through (g). The term “center” is added in Sections 82088(d), (e)(3), and (g). The term “such as shaving and grooming” is amended to read “personal care” in Section 82088(e). The term “and the requirements specified in Chapters 2 through 7” is deleted from Section 82088(g).

Factual Basis:

These sections are necessary to describe the requirements for fixtures, furniture, equipment, and supplies in the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day programs and add no additional or new requirements to the regulations. Amendments are editorial only to ensure relevance to both adult day care and adult day support.

Final Modifications

Handbook Section 82088(c)(1) is deleted from Handbook and added to regulations for clarity.

Sections 82088(d) and (e)(3) are amended to replace the term “facility/center” with “program” to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82088(e)(1) is amended to delete extraneous language “used by clients” already in Section 82088(c).

Section 82088(f)(2) is amended to delete extraneous language “to comply with Section 82088(f)” for clarity.

Section 82088(g) is amended to replace the term “facilities/center” with “program.”

Sections 82088(h) through (k)(2)

Specific Purpose:

Sections 82088(h) through (k)(2) are renumbered from Sections 82088(b) through (e)(2). The term “centers” is added in Sections 82088(h)(1) and (k). Section 82088(h)(1) is further amended to replace the phrase “on the effective date of this chapter” with “prior to July 1989,” which is the effective date of this chapter. Section 82088(j) is amended to add commas after the words “including” and “to.”

Factual Basis:

These sections are necessary to describe the requirements for fixtures, furniture, equipment, and supplies in the category-specific adult day care/adult day support regulations. These requirements have always applied to adult day programs and add no additional or new requirements to the regulations. Amendments are editorial only for clarity and continuity. These sections consolidate the requirements contained in the adult day care and adult day support regulations.

Final Modification

Sections 82088(h)(1) and (k) are amended to replace the term “facility/center” with “program” and “the licensee” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82088.2 et seq.

Specific Purpose:

These sections are renumbered from Section 82588.2. Section 82088.2(a) is deleted. In Section 82588.2(a)(1) the word “participants” is amended to “clients” for consistency. In Section 82088.2(a)(3), the term “California Administrative Code” is amended to “California Code of Regulations” for consistency.

Factual Basis:

These requirements have always applied to adult day programs and add no additional or new requirements to the regulations. Section 82088.2(a) is deleted because the renumbered section contains the same requirement. Amendments are editorial only for clarity and continuity.

Final Modifications

Handbook Sections 82088.2(a)(2), (a)(2)(A), and (a)(2)(B) are deleted from Handbook and added to regulations for clarity.

Section 82088.2(a)(3) and Handbook Section 82088.2(a)(3)(A) are amended to include the title number and name of the regulations referred to, for clarity.

Article 8.

Specific Purpose/Factual Basis:

This article is adopted to allow for the adoption of the following sections. This is for consistency and clarity.

Final Modifications

This article title is amended as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S.

Section 82090 et seq.

Specific Purpose:

These sections are duplicated from Sections 80090(a) and (b). The term “adult CCFs” is amended to “adult day programs.” A cross-reference is amended in Section 82090(b).

Factual Basis:

These sections are necessary to describe health and safety services restrictions in an adult day program. These sections have always applied to adult day care/adult day support, and imposes no additional or new requirements. Amendments are editorial only.

Final Modification

Section 82090(a) is deleted as extraneous language.

Section 82090(b) is renumbered to Section 82090 and subsection (a) is added to the reference to Section 82091 for clarity.

Section 82091 et seq.

Specific Purpose:

These sections are duplicated from Sections 80091(a) through (a)(5). The term “CCFs” is amended to “adult day programs” in Section 82091(a). The term “center” is added in Section 82091(a)(5).

Factual Basis:

These sections are necessary to place regulations regarding prohibited health conditions into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and do not add any new or additional requirements.

Final Modification

Section 82091(a)(5) is amended to replace the term “facility/center” with “program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82092 et seq.

Specific Purpose:

These sections are duplicated from Section 80092 et seq.. Section 82092(a) is amended by amending the term “CCFs” to “day programs.” Cross-references are amended in Sections 82092(b) through (b)(10).

Factual Basis:

These sections are necessary to place regulations regarding restricted health conditions into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and do not add any new or additional requirements. Amendments are editorial only.

Final Modification

Section 82092(a) is amended to add the title of Article 8, when referred to, for clarity.

Sections 82092.1(a) through (i)

Specific Purpose:

These sections are duplicated from Sections 80092.1(a) through (i). The phrase “in an adult CCF” is deleted in Section 82092.1(a). The term “center” is added in Sections 82092.1(g), (g)(4), and (h). Cross-references are amended in Sections 82092.1(a) and (f).

Factual Basis:

These sections are necessary to place regulations regarding general requirements for restricted health conditions into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and does not add any new or additional requirements. Amendments are editorial only.

Final Modifications

Section 82092.1(a) is restructured and amended to replace “in Sections 82092.1(b) through (n)” with “of the following” and to renumber subsections (b) through (n) to (1) through (15) and (b) for clarity.

Section 82092.1(a)(3) is amended for clarity.

Sections 82092.1(a)(5)(B), (a)(6), (a)(7), (a)(10)(A) and (a)(11) are amended to replace the term “facility/center” with “program” to conform to corresponding statutory change

amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82092.1(a)(14) is amended to replace the term “in the facility/center” with “at the program site.”

Section 82092.1(b) is amended to include the section title.

Sections 82092.1(b) through 82092.1(i) are renumbered to Sections 82092.1(a)(1) through 82092.1(a)(8).

Sections 82092.1(f) through (h) are amended as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S. These amendments also resulted in renumbering.

Section 82092.1(f)(2) is deleted as duplicate language.

Sections 82092.1(j) through (n)(1)

Specific Purpose:

These sections are duplicated from Sections 80092.1(k) through (o)(1). The term “center” is added in Section 82092.1(l). Cross-references in Sections 82092.1(n) and (n)(1) is amended.

Factual Basis:

These sections are necessary to place regulations regarding general requirements for restricted health conditions care into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and does not add any new or additional requirements. Amendments are editorial only.

Final Modification

Renumbered are Sections 82092.1(j) through 82092.1(n), now Sections 82092.1(a)(9) through 82092.1(a)(15) and Section 82092.1(b).

Section 82092.1(b) is amended to add the title of the section referred to, for clarity.

Post-Hearing Modification

Section 82092.2

Specific Purpose/Factual Basis:

This section is being adopted as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S.

Final Modification

Section 82092.2(a) is amended to correct a spelling error to change “license” to “licensee.”

Section 82092.2(a)(6) is amended to correct the section number cited from 80092.2(a)(1) to 82092.2(a)(1).

Section 82092.2(a)(9) is amended to replace the term “facility/center” with “program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82092.3 et seq.

Specific Purpose:

These sections are duplicated and amended from Section 80092.3 et seq.. The phrase “of an adult CCF” in Section 82092.3(a) is deleted for consistency. A cross-reference in Section 82092.3(a)(1) has been amended. The term “center” is added in Sections 82092.3(a)(3)(B), (a)(3)(B)(1), (a)(4)(B), and (a)(6).

Factual Basis:

These sections are necessary to place regulations regarding general requirements for inhalation-assistive devices into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and does not add any new or additional requirements. Amendments are editorial only.

Final Modification

This section is amended as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S.

Section 82092.3(a)(1) is amended to add the title of the section referred to, for clarity.

Section 82092.3(a)(3)(A) is amended for clarity.

Section 82092.3(a)(3)(B) is amended to replace the term “specified in” with “required by” for clarity and to correct the regulation number cited.

Sections 82092.3(a)(3)(B) and (a)(6) are amended to replace the term “facility/center” with “program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82092.3(a)(4)(A) is amended for clarity.

Section 82092.3(a)(4)(B) is amended to delete the extraneous term “from the facility/center” for clarity.

Section 82092.4 et seq.

Specific Purpose:

These sections are duplicated from Section 80092.4 et seq.. The phrase “of an adult CCF” in Section 82092.4(a) is deleted for consistency. Cross-references in Sections 82092.4(a)(3) and (a)(6) are amended. The term “center” is added in Sections 82092.4(a)(5)(B) and (a)(5)(B)1.

Factual Basis:

These sections are necessary to place regulations regarding general requirements for colostomy/ileostomy care into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and does not add any new or additional requirements. Amendments are editorial only.

Final Modifications

Sections 82092.4(a)(2) and (a)(5)(A) are amended as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S.

Section 82092.4(a)(3) is amended to add the title of the section referred to, for clarity.

Section 82092.4(a)(5)(B) is amended to replace the term “specified in” with “required by” for clarity, to correct the regulation number cited, and to replace the term “facility/center” with “program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82092.4(a)(6) is amended to correct a cross reference.

Section 82092.5 et seq.

Specific Purpose:

These sections are duplicated from Section 80092.5 et seq.. The phrase “of an adult CCF” in Section 82092.5(a) is deleted for consistency. A cross-reference is amended in Section 82092.5(a)(1).

Factual Basis:

These sections are necessary to place regulations regarding general requirements for fecal impaction removal procedures into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and does not add any new or additional requirements. Amendments are editorial only.

Final Modification

Section 82092.5(a)(1) is amended to add the title of the section referred to, for clarity.

Section 82092.6 et seq.

Specific Purpose:

These sections are duplicated from Section 80092.6 et seq.. The term “center” is added in Sections 82092.6(a)(4) and (a)(4)(A). Cross-references are amended in Sections 82092.6(a)(2), (a)(5), and (a)(6). The phrase “of an adult CCF” in Section 82092.6(a) is deleted for consistency.

Section 82092.6(a)(4) is amended to repeal the term “either” before the term “catheter.” A period has been placed after the term “self-care,” and the word “or” after the term “self-care” has been deleted. The word “the” after the term “self-care.” is capitalized and the phrase “and tubing are changed and bags are” before the term “emptied” has been amended to “may be.”

Factual Basis:

These sections are necessary to place regulations regarding general requirements for indwelling urinary catheter procedures into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and does not add any new or additional requirements. Amendments are editorial only.

Final Modifications

Sections 82092.6(a)(4)(A) and (B) are repealed as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S.

Section 82092.6(a)(2) is amended to add the title of the section referred to, for clarity.

Section 82092.6(a)(4) is amended to replace the term “specified in” with “required by” for clarity and to correct the regulation number cited.

Section 82092.6(a)(5) is amended to delete the extraneous word “other” for clarity.

Section 82092.6(a)(6) is amended to delete subsection (2) from subsection 82088(f) for clarity.

Section 82092.7 et seq.

Specific Purpose:

These sections are duplicated from Section 80092.7 et seq. and amended to repeal the term “of an adult CCF” in Section 82092.7(a) for consistency. The term “center” is added in Sections 82092.7(a)(3)(A)1., (a)(3)(A)2., (a)(5)(A), (a)(5)(B), and (a)(6). A cross-reference in Section 82092.7(a)(1) is amended.

Factual Basis:

These sections are necessary to place regulations regarding general requirements for serious communicable infections procedures into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and does not add any new or additional requirements. Amendments are editorial only.

Final Modification

Various portions of this section are amended as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S.

Section 82092.7(a)(1) is amended to add the title of the section referred to, for clarity.

Section 82092.7(a)(3)(A) is amended to replace the term “specified in” with “required by” for clarity and to correct the regulation number cited.

Sections 82092.7(a)(3)(A) and (a)(16) are amended to replace the term “facility/center” with “day program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82092.8 et seq.

Specific Purpose:

These sections are duplicated from Section 80092.8 et seq. and amended to repeal the phrase “of an adult CCF” in Section 82092.8(a) for consistency. The term “center” is added in Sections 82092.8(a)(2)(A), (a)(2)(A)2., (a)(2)(A)3., (a)(2)(A)5., (a)(2)(A)6., (a)(2)(A)7., (a)(3), and (a)(7). Cross-references are amended in Sections 82092.8(a)(1), (a)(6), and (b)(2). The term “In ADCFs and ADSCs” is deleted from Section 82092.8(a)(6)(A).

Factual Basis:

These sections are necessary to place regulations regarding general requirements for insulin-dependent diabetes into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and does not add any new or additional requirements. Amendments are editorial only.

Final Modifications

Various portions of this section are amended as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S.

Sections 82092.8(a)(1) and 82092.8(b)(2) are amended to add the titles of the sections referred to, for clarity.

Section 82092.8(a)(2)(A)2. is amended to replace the term “specified in” with “required by” for clarity and to correct the regulation number cited.

Sections 82092.8(a)(2)(A), (a)(2)(A)2., (a)(2)(A)3., (a)(2)(A)4., (a)(2)(A)5., (a)(6) and (a)(7) are amended to replace the term “facility/center” with “program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82092.8(a)(3) is amended to refer to the program site instead of the facility/center.

Section 82092.8(a)(5) and Handbook Section 82092.8(a)(5)(A) are amended to place the title number ahead of the reference to California Code of Regulations.

Section 82092.8(a)(6) is amended to correct the regulation number cited.

Section 82092.8(b)(1) is amended to add the word “:and” for clarity.

Section 82092.9 et seq.

Specific Purpose:

These sections are duplicated from Section 80092.9 et seq.. The phrase “of an adult CCF” is deleted in Section 82092.9(a) for consistency. The term “center” is added in Sections 82092.9(a)(3)(A), (a)(3)(A)1., (a)(3)(A)2., and (a)(5). A cross-reference is amended in Section 82092.9(a)(1). The term “In ADCFs and ADSCs” is deleted in Section 82092.9(a)(3)(B).

Factual Basis:

These sections are necessary to place regulations regarding general requirements for wound procedures into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and does not add any new or additional requirements. Amendments are editorial only.

Final Modification

Various portions of this section are amended as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S.

Section 82092.9(a)(1) is amended to add the title of the section referred to, for clarity.

Section 82092.9(a)(3)(A) is amended to replace the term “specified in” with “required by” for clarity and to correct the regulation number cited.

Sections 82092.9(a)(3)(A) and (a)(5) are amended to replace the term “facility/center” with “program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82092.10 et seq.

Specific Purpose:

These sections are duplicated from Section 80092.10 et seq.. The phrase “of an adult CCF” in Section 82092.10(a) is deleted for consistency. The term “center” is added in Sections 82092.10(a)(4)(A) and (a)(4)(B). Cross-references in Sections 82092.10(a)(1) and (a)(4)(A)3. are amended.

Factual Basis:

These sections are necessary to place regulations regarding general requirements for gastrostomy feeding, hydration, and care procedures into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section

is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and does not add any new or additional requirements. Amendments are editorial only.

Final Modification

Various portions of this section are amended as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S.

Section 82092.10(a)(1) is amended to add the title of the section referred to, for clarity.

Section 82092.10(a)(4)(A) is amended to replace the term “specified in” with “required by” for clarity and to correct the regulation number cited. This section is also amended to replace the term “facility/center” with “program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82092.11 et seq.

Specific Purpose:

These sections are duplicated from Section 80092.11 et seq.. The phrase “of an adult CCF” is deleted in Section 82092.11(a) for consistency. A cross-reference is amended in Section 82092.11(a)(1). The term “center” is added in Sections 82092.11(a)(4)(A), and (a)(4)(B).

Factual Basis:

These sections are necessary to place regulations regarding general requirements for tracheostomies into the category-specific adult day support/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and does not add any new or additional requirements. Amendments are editorial only.

Final Modification

Various portions of this section are amended and a new subsection added as a result of the adoption of ORD #0801-16; OAL File #02-0627-03S.

Section 82092.11(a)(1) is amended to add the title of the section referred to, for clarity.

Section 82092.11(a)(2)(A) is amended to replace the term “specified in” with “required by” for clarity and to correct the regulation number cited. This section is also amended to replace the term “facility/center” with “program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Sections 82093(a) through (a)(1)

Specific Purpose:

These sections are duplicated from Sections 80093(a) through (a)(1). The term “center” is added and a cross-reference in Section 82093(a) is amended.

Factual Basis:

These sections are necessary to place regulations regarding general requirements for departmental review of health-related conditions into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and does not add any new or additional requirements. Amendments are editorial only.

Final Modification

Section 82093(a) is amended to replace the term “facility/center” with “programs,” and to add the name of the section referred to.

Sections 82093(a)(1)(A) through (d) et seq.

Specific Purpose:

These sections are duplicated from Section 80093 except for Section 80093(a)(1)(A), which is omitted. Cross-references are amended in Sections 82093(b) through (c)(1). The term “center” is added in Section 82093(c).

Factual Basis:

These sections are necessary to place regulations regarding general requirements for departmental review of health-related conditions into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and does not add any new or additional requirements. Amendments are editorial only.

Final Modifications

Section 82093(c) is amended to add the titles of the sections referred to, for clarity and to replace the term “facility/center” with “program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82093(c)(1) is amended to include the subsection number of the section referred to, for clarity.

Section 82094 et seq.

Specific Purpose:

These sections are duplicated from Section 80094 et seq.. The phrase “In an adult CCF” is deleted in Section 82094(a). Cross-references are amended in Sections 82094(a)(1), (a)(2), (b)(1)(A), and (b)(3).

Factual Basis:

These sections are necessary to place regulations regarding general requirements for health condition relocation orders into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and does not add any new or additional requirements. Amendments are editorial only.

Final Modifications

Section 82094(a)(3) is amended to replace the term “facility/center” with “program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82094(b)(1)(A) is amended to include the subsection numbers of the section referred to and of the second term referred to, for clarity.

Section 82094(b)(3) is amended to add the title of the section referred to, for clarity.

Section 82094.5 et seq.

Specific Purpose:

These sections are duplicated from Section 80094.5 et seq.. The term “an adult day program” is replaced the term “the facility/center” in Section 82094.5(g)(1). Cross-references are amended in Sections 82094.5(c)(1), (g)(2), (i)(1), (i)(2), and (i)(3).

Factual Basis:

These sections are necessary to place regulations regarding general requirements for review of health condition relocation orders into the category-specific adult day care/adult day support regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections have always applied to adult day care/adult day support and does not add any new or additional requirements. Amendments are editorial only.

Final Modification

Section 82094.5(c)(1), (g)(2), (i)(2) and (i)(3) are amended to add the titles of the sections referred to, for clarity.

Section 82094.5(g)(1) is amended to replace the term “facility/center” with “program” to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82500

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. This section is being deleted as it is no longer necessary.

Section 82501 et seq.

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. Portions of this section are being deleted. The remainder subsections are being renumbered to Section 82001 et seq. for ease of use.

Section 82522 et seq.

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. Portions of this section are being deleted. The remainder subsections are being renumbered to Section 82022 et seq. for ease of use.

Section 82564 et seq.

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. Portions of this section are being deleted. The remainder subsections are being renumbered to Section 82064 et seq. for ease of use.

Section 82565 et seq.

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. Portions of this section are being deleted. The remainder subsections are being renumbered to Section 82065 et seq. for ease of use.

Section 82565.1 et seq.

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. Portions of this section are being deleted. The remainder subsections are being renumbered to Section 82065.1 for ease of use.

Final Modification

Various sections are amended to correct cross references.

Section 82565.5 et seq.

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. Portions of this section are being deleted. The remainder subsections are being renumbered to Section 82065.5 et seq. for ease of use.

Final Modification

A cross reference is amended for clarity.

Section 82568.2 et seq.

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. Portions of this section are being deleted. The remainder subsections are being renumbered to Section 82068.2 et seq. for ease of use.

Section 82568.3 et seq.

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. This section is being renumbered to Section 82068.3 et seq. for ease of use.

Section 82568.5 et seq.

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. This section is being renumbered to Section 82068.5 et seq. for ease of use.

Section 82570 et seq.

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. A portion of this section is being deleted. The remainder subsections are being renumbered to Section 82070 et seq. for ease of use.

Section 82575 et seq.

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. A portion of this section is being deleted. The remainder subsections are being renumbered to Section 82075 et seq. for ease of use.

Final Modification

Cross references are amended for clarity.

Section 82575.1 et seq.

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. This section is being deleted as it is no longer necessary.

Section 82576 et seq.

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. This section is being deleted as it is no longer necessary.

Section 82577 et seq.

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. Portions of this section are being deleted. The remainder subsections are being renumbered to Section 82077 et seq. for ease of use.

Final Modification

Cross references are amended for clarity

Section 82579 et seq.

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. This section is being deleted as it is no longer necessary.

Section 82587

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. Portions of this section are being deleted. The remainder subsections are being renumbered to Section 82087 for ease of use.

Section 82587.2

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. This section is being deleted as it is no longer necessary.

Section 82587.3

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. This section is being renumbered to Section 82087.3 for ease of use.

Section 82587.4

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. This section is being deleted as it is no longer necessary.

Section 82588

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. Portions of this section are being deleted. The remainder subsections are being renumbered to Section 82077.4 for ease of use.

Section 82588.2

Specific Purpose/Factual Basis:

Adult Day Care and Adult Day Support regulations are being combined, and applicable regulations in the General Licensing Requirements regulations are being duplicated and included in these regulations. This section is being renumbered to Section 82088.2 for ease of use.

b) Identification of Documents Upon Which Department Is Relying

None.

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 determined 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.

f) Testimony and Response

These regulations were considered as Item #1 at the public hearing held on January 15 and 16, 2002 in Sacramento and Culver City, California. Written testimony was received from the California Association for Adult Day Services.

Section 82001(a)(8)(C)

1. Comment:

“Amend:

“...physical deterioration of premature institutionalization...

“to

“...physical deterioration ~~of~~ or premature institutionalization...

“Reason: Typographical error.”

Response:

Thank you for your comment. We agree that this statement reflects a typographical error, and the regulation section will be corrected.

Sections 82001(u)(1)(A)6. and 7.

2. Comment:

“Amend:

“6. After being in contact with any body fluids from another person.

“7. Even if they wore gloves during contact with body fluids.

“to

“6. After being in contact with any body fluids from another person, even if they wore gloves during contact with body fluids.

~~“7. Even if they wore gloves during contact with body fluids.~~

“Reason: Grammatical changes made for clarity.”

Response:

We agree that adding #7 to #6 is more clear, and the change has been made to the regulations.

Section 82021(a)(2)

3. Comment:

“Amend titles of table to:

“Licensed <u>Capacity</u>	Analysis <u>Required</u>	Periodic Subsequent <u>Analysis</u>
------------------------------	-----------------------------	---

“Reason: Typographical error - title of table unaligned.”

Response:

The Department thanks you for your comment. The column titles have been aligned.

Section 62068.5(a)

4. Comment:

“Amend:

“(a) The following applies to adult day support centers only:

“to

~~“(a) The following applies to adult day support centers only:~~

“**Reason:** By necessity, applies to both Adult Day Care and Adult Day Support centers. Reference section 1501, Health and Safety Code, to “protect the legal and human rights of a person in or receiving services from a community care facility.”

Response:

We agree that Section 82068.5(a) applies to both categories, and that section has been revised accordingly.

g) 15-Day Renotice Statement

Pursuant to Government Code Section 11346.8, a 15-day renotice and comment period was provided from March 21, 2002 to April 4, 2002. There was no testimony received as a result of this renotice.