

**Manual of Policies and Procedures**  
**COMMUNITY CARE LICENSING DIVISION**

**GROUP HOMES**

**Division 6**

**Chapter 5**



**STATE OF CALIFORNIA**  
**HEALTH AND HUMAN SERVICES AGENCY**  
**DEPARTMENT OF SOCIAL SERVICES**

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This Users' Manual is issued as an operational tool.

This Manual contains:

- a) Regulations adopted by the California Department of Social Services (CDSS) for the governance of its agents, licensees, and/or beneficiaries
- b) Regulations adopted by other State Departments affecting CDSS programs
- c) Statutes from appropriate Codes which govern CDSS programs; and
- d) Court decisions
- e) Operational standards by which CDSS staff will evaluate performance within CDSS programs.

Regulations of CDSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and the phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", and "**HANDBOOK ENDS HERE**" in bold print. Please note that both other department's regulations and statutes are mandatory, not optional.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent community care licensing manual letters will now be identified by a vertical line in the left margin.

Questions relative to this Users' Manual should be directed to your usual program policy office.

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**Article 1. GENERAL REQUIREMENTS AND DEFINITIONS****84000 GENERAL****84000**

- (a) Group homes, as defined in Section 80001g.(1), shall be governed by the provisions specified in this chapter and in Chapter 1, General Requirements.
- (b) Group homes shall not accept for placement children who are under the age of six years, unless the facility is licensed for that age group and meets the requirements of Subchapter 2, beginning with Section 84200.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1530, 1530.8, and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84001 DEFINITIONS****84001**

In addition to Section 80001, the following shall apply:

- (a) (1) "Approved schools, colleges or universities, including correspondence courses offered by the same," means those approved/authorized by the U.S. Department of Education, Office of Postsecondary Education or by the California Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education, pursuant to Education Code Sections 94900 or 94915.
- (2) "Accredited schools, colleges or universities, including correspondence courses offered by the same," means those educational institutions or programs granted public recognition as meeting established standards and requirements of an accrediting agency authorized by the U.S. Secretary of Education.

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Authorized accrediting agencies include the Accrediting Commission for Colleges and Schools (ACCSC), National Home Study, the Accrediting Bureau of Health Education Schools, the Association of Independent Colleges and Schools, the National Association of Trade and Technical Schools, the Western Association of Schools and Colleges, and others approved by the U.S. Department of Education.

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- (3) "Affiliated with licensee" means members of board of directors, executive director, officers and individuals paid by the group home licensee as staff, consultant or contractor used to fulfill the plan of operation.

**84001 DEFINITIONS (Continued)****84001**

- (4) "Assaultive Behavior" means violent, physical actions which are likely to cause immediate physical harm or danger to an individual or others.
- (A) Verbal Assault is not considered a form of assaultive behavior.
- (b) (1) "Behavior Management Consultant", for the purpose of this chapter, means a person who designs and/or implements behavior modification intervention services and meets the requirements specified in California Code of Regulations, Title 17, Sections 54342(a)(13)(A)1-7.

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Sections 54342(a)(13)(A)1-7 of the California Code of Regulations, Title 17 states as follows:

1. Individuals vendored as a behavior management consultant prior to, or as of, December 31, 2006, that have not previously completed twelve semester units in applied behavior analysis, shall have until December 31, 2008 to complete twelve semester units in applied behavior analysis and possess a license and experience as specified in 3. through 7. below.
2. Individuals vendored as a behavior management consultant on, or after, January 1, 2007, shall, prior to being vendored, have completed twelve semester units in applied behavior analysis and possess a license and experience as specified in 3. through 7. below.
3. Possesses a valid license as a psychologist from the Medical Board of California or Psychology Examining Board; or
4. Is a Licensed Clinical Social Worker pursuant to Business and Professions Code, Sections 4996 through 4998.7; or
5. Is a Licensed Marriage and Family Therapist pursuant to Business and Professions Code, Sections 4980 through 4984.7; or
6. Is any other licensed professional whose California licensure permits the design and/or implementation of behavior modification intervention services.
7. Have two years experience designing and implementing behavior modification intervention services.

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- (c) (1) "Certificate holder" means a person who has a current administrator's certificate issued by the Department regardless of whether the person is employed as an administrator in a group home.



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Welfare and Institutions Code section 11403 provides:

"...(b)...Effective January 1, 2012, a nonminor former dependent child or ward of the juvenile court who is receiving AFDC-FC benefits pursuant to Section 11405 shall be eligible to continue to receive aid up to 19 years of age, effective January 1, 2013, up to 20 years of age, and effective January 1, 2014, up to 21 years of age, as long as the nonminor is otherwise eligible for AFDC-FC benefits under this subdivision. This subdivision shall apply when one or more of the following conditions exist:

- (1) The nonminor is completing secondary education or a program leading to an equivalent credential.
- (2) The nonminor is enrolled in an institution which provides postsecondary or vocational education.
- (3) The nonminor is participating in a program or activity designed to promote, or remove barriers to employment.
- (4) The nonminor is employed for at least 80 hours per month.
- (5) The nonminor is incapable of doing any of the activities described in subparagraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor. The requirement to update the case plan under this paragraph shall not apply to nonminor former dependents or wards in receipt of Kin-GAP program or Adoption Assistance Program payments."

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- (2) "Child" means a person who is under 18 placed in a licensed group home by a regional center, a parent or guardian, or a public child placement agency with or without a court order. "Child" also means a person who is:
  - (A) 18 or 19, meets the requirements of Welfare and Institutions Code section 11403, and continues to be provided with care and supervision by the group home, or
  - (B) 18-22 as specified in the definition for "child with special health care needs" under subsection (c)(3) and continues to be provided with care and supervision by the group home.

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**84001** DEFINITIONS (Continued)**84001**

- (3) "Child with Special Health Care Needs" means a person who is 22 years of age or younger, who meets the requirements of Welfare and Institutions Code section 17710, subsection (a) and all of the following conditions:
- (A) Has a medical condition that requires specialized in-home health care and
  - (B) Is one of the following:
    - 1. A child who has been adjudged a dependent of the court under Welfare and Institutions Code section 300.
    - 2. A child who has not been adjudged a dependent of the court under Welfare and Institutions Code section 300 but who is in the custody of the county welfare department.
    - 3. A child with a developmental disability who is receiving services and case management from a regional center.

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Welfare and Institutions Code section 17710, subsection (a) provides:

"Child with special health care needs' means a child, or a person who is 22 years of age or younger who is completing a publicly funded education program, who has a condition that can rapidly deteriorate resulting in permanent injury or death or who has a medical condition that requires specialized in-home health care, and who either has been adjudged a dependent of the court pursuant to Section 300, has not been adjudged a dependent of the court pursuant to Section 300 but is in the custody of the county welfare department, or has a developmental disability and is receiving services and case management from a regional center."

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- (4) "Classroom Hour" means fifty (50) to sixty (60) minutes of classroom instruction within a 60-minute period. No credit is given for meal breaks.
- (5) "Classroom setting" means a setting, conducive to learning and free from distractions, for which the primary purpose is education, instruction, training, or conference. Participants must be able to simultaneously interact with each other as well as with the instructor.
- (6) "Co-locate" means that a vendor applicant is approved for more than one program type, i.e., ARF, RCFE, GH, and has received approval to teach specific continuing education courses at the same time and at the same location. Co-location is allowed for Continuing Education Training Program vendors only.

**84001**      **DEFINITIONS** (Continued)**84001**

- (7) "Complete Request" means the vendor applicant has submitted and the Department has received all required information and materials necessary to approve or deny the request for certification program and/or course approval.
- (8) "Continuing Education Training Program Vendor" means a vendor approved by the Department to provide Continuing Education training courses to group home administrators and certificate holders to qualify them for renewal of their group home administrator certificate.
- (9) "Course" means either, (1) a quarter-or-semester-long structured sequence of classroom instruction covering a specific subject, or (2) a one-time seminar, workshop or lecture of varying duration.
- (d) (1) "Discipline" means a penalty assessed by the facility against a child for his/her violation of the group home's rules, commitment of illegal actions or damage to property.
- (e) (1) "Early Intervention" means the use of non-physical, de-escalation interventions to control injurious behavior. Techniques include, but are not limited to, suggesting alternative behavior, crisis communication and evasive techniques.
- (2) "Emergency Intervention" means the justified use of early interventions and/or otherwise prohibited manual restraints to protect the child or others from harm.
- (3) "Emergency Intervention Plan" means a written plan which addresses how emergency intervention techniques will be implemented by the licensee in compliance with the requirements specified in Section 84322.
- (4) "Emergency Intervention Staff Training Plan" means a written plan which specifies the training provided to group home personnel regarding the use of emergency interventions, as specified in Section 84322 (g). The emergency intervention staff training plan is a component of the Emergency Intervention Plan.

**84001 DEFINITIONS (Continued)****84001**

- (f) (1) "Facility Manager" as defined in Health and Safety Code Section 1522.4(a)(1).

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- (A) Section 1522.4(a)(1) defines a "facility manager" as "a person on the premises with the authority and responsibility necessary to manage and control the day-to-day operation of a community care facility and supervise the clients." The facility manager, licensee, and administrator, or any combination thereof, may be the same person provided he or she meets all applicable requirements. If the administrator is also the facility manager for the same facility, this person shall be limited to the administration and management of only one facility.

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- (g) (1) "Gender Expression" refers to the ways a person communicates their gender identity through clothing, haircut, behavior and interaction with others.
- (2) "Gender Identity" means a person's internal identification or self-image as male, female, or other.
- (3) "Group Home" means a facility which provides 24-hour care and supervision to children, provides services specified in this chapter to a specific client group, and maintains a structured environment, with such services provided at least in part by staff employed by the licensee. The care and supervision provided by a group home shall be nonmedical except as permitted by Welfare and Institutions Code Section 17736(b). Since small family and foster family homes, by definition, care for six or fewer children only, any facility providing 24-hour care for seven or more children must be licensed as a group home.
- (4) "Group Home Program Statement" means a written plan which identifies the client population, program structure and supervision, and provides specific program information. The group home program statement must contain all the elements required in the plan of operation, as specified in Section 84022.

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- (A) Welfare and Institutions Code Section 17736(b) reads in pertinent part:

Counties, regional centers and foster family agencies shall permit...the licensee and other personnel meeting and requirements of paragraphs (3), (5), and (6) of subdivision (c) of Section 17731 to provide, in a group home, specialized in-home health care to a child, as described in his or her individualized health care plan, provided that the child was placed as of November 1, 1993.

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**84001 DEFINITIONS (Continued)****84001**

- (h) (1) "Health Care Professional" means a physician or an individual who is licensed or certified under Division 2 of the Business and Professions Code to perform the necessary client care procedures prescribed by a physician. Such health care professionals include the following: Registered Nurse, Public Health Nurse, Licensed Vocational Nurse, Psychiatric Technician, Physical Therapist, Occupational Therapist and Respiratory Therapist.
- (i) (1) "Incident Report" means a written report required by the Department to report incidents as specified in Sections 80061 and 84061.
- (2) "Individualized Health Care Plan" means the written plan developed by an individualized health care plan team and approved by the team physician, or other health care professional designated by the physician to serve on the team, for the provision of specialized in-home health care.
- (3) "Individualized Health Care Plan Team" means those individuals who develop an individualized health care plan for a child with special health care needs. This team must include the child's primary care physician or other health care professional designated by the physician, any involved medical team, the county social worker or regional center caseworker, and any health care professional designated to monitor the specialized in-home health care provided to the child as stated in the child's individualized health care plan. The individualized health care plan team may include, but shall not be limited to, a public health nurse, representatives from the California Children's Services Program or the Child Health and Disability Prevention Program, regional centers, the county mental health department and where reunification is the goal, the parent or parents, if available. In addition, the individualized health care plan team may include the prospective specialized group home licensee who shall not participate in any team determination required by Sections 84065.1(a)(1)(B) and (b)(2).
- (4) "Initial Certification Training Program Vendor" means a vendor approved by the Department to provide the initial forty (40) hour certification training program to persons who do not possess a valid group home administrator certificate.
- (j) (Reserved)
- (k) (Reserved)
- (l) (1) "Law enforcement" means any officer, sheriff, or marshal of a city, county, state, or federal law enforcement agency.

**84001** DEFINITIONS (Continued)**84001**

- (m) (1) "Manual Restraint" means the use of a hands-on or other physically applied technique to physically limit the freedom of movement of a child. Techniques include, but are not limited to, forced escorts; holding; prone restraints; or other containment techniques, including protective separation.
- (2) "Manual Restraint Plan" means a written plan which addresses how manual restraints will or will not be implemented by the licensee in compliance with the requirements specified in Sections 84322(e) and (f). The manual restraint plan is a component of the emergency intervention plan.
- (3) "Mechanical Restraint" means any physical device or equipment which restricts the movement of the whole or a portion of a child's body, including, but not limited to, handcuffs, restraining sheets, restraining chairs, leather cuffs and belts or any other similar method.
- (4) "Medical Conditions Requiring Specialized In-Home Health Care" means, provided that care may be safely and adequately administered in the home:
- (A) A dependency upon one or more of the following: enteral feeding tube, total parenteral feeding, a cardiorespiratory monitor, intravenous therapy, a ventilator, oxygen support, urinary catheterization, renal dialysis, ministrations imposed by tracheostomy, colostomy, ileostomy, ileal conduit, or other medical or surgical procedures or special medication regimens, including injection, and intravenous medication; or
- (B) Conditions such as AIDS, premature birth, congenital defects, severe seizure disorders, severe asthma, bronchopulmonary dysplasia, and severe gastroesophageal reflux when his/her condition could rapidly deteriorate causing permanent injury or death.
- (5) "Minor parent program" means a group home program that serves pregnant minors and minor parents with children younger than six years of age, who are dependents of the court, nondependents, voluntary and/or regional center placements, and reside in the group home with the minor parent, who is the primary caregiver of the young child.
- (n) (1) "Needs and Services Plan" means a time-limited, goal-oriented written plan, implemented by the licensee, which identifies the specific needs of an individual child, including those items specified in Sections 84068.2 and 84168.3; and delineates those services necessary in order to meet the child's identified needs.
- (o) (Reserved)

**84001 DEFINITIONS (Continued)****84001**

- (p) (1) "Physical Restraining Device" means any physical or mechanical device, material, or equipment attached or adjacent to a child's body which the child cannot remove easily and which restricts the child's freedom of movement. Restraining devices include leg restraints, arm restraints, soft ties or vests, wheel chair safety bars, and full length bedrails.
- (2) "Protective Separation" means the voluntary or involuntary removal of a child for the purpose of protecting the child from injuring himself, herself or others.
- (3) "Protective Separation Room" means an unlocked room specifically designated and designed for the involuntary separation of a child from other children for a limited time period for the purpose of protecting the child from injuring or endangering himself, herself or others.
- (q) (1) "Qualified Mental Retardation Professional" means a person described in Title 22, Division 5, Chapter 8, Section 76834.

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Section 76834 defines a "qualified mental retardation professional" as "a person who has specialized training or two (2) years of experience in treating or working with the developmentally disabled and is one of the following:

- (A) A psychologist with a master's degree from an accredited program.
- (B) A physician as defined in Section 76826.
- (C) An educator with a degree in education from an accredited program.
- (D) A Social Worker with a bachelor's degree in:
- (1) Social work from an accredited program; or
- (2) A field other than social work and at least three (3) years of social work experience under the supervision of a social worker with a master's degree.
- (E) A physical therapist as defined in Section 76825.
- (F) An occupational therapist as defined in Section 76822.
- (G) A speech pathologist as defined in Section 76840.
- (H) An audiologist as defined in Section 76802.

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**HANDBOOK CONTINUES**



**84001**      **DEFINITIONS** (Continued)**84001**

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**HANDBOOK CONTINUES**

- (I)      A registered nurse as defined in Section 76835.
- (J)      A recreation therapist as defined in Section 76834.
- (K)      A rehabilitation counselor as defined in Section 76836.

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- (r)    (1)    "Reasonable and Prudent Parent Standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interest, that an administrator or facility manager, or his or her responsible designee, shall use when determining whether to allow a child in care to participate in extracurricular, enrichment and social activities.
- (2)    "Runaway" means a child who absents himself or herself from the facility without permission from facility personnel.
- (3)    "Runaway Plan" means a written plan which addresses how the licensee will respond to runaway situations.
- (s)    (1)    "Satellite Home" means a facility which is owned by, contracted with, or otherwise controlled by the licensee of another group home. The primary function of the satellite home is to provide residential services to children who are former clients of the primary group home and/or to children who receive direct services from the primary group home. As specified in Section 80008(b), each satellite home is required to independently meet regulations applicable to its licensed category.
- (2)    "Sexual Orientation" describes a person's emotional, romantic or sexual attraction to others that may be shaped at an early age.
- (3)    "Social Work Staff" means at least one social worker or other professional person trained in the behavioral sciences who provides, either through employment or alternative means, those services specified in this chapter.
- (A)    Such alternative means shall include services provided by the social work staff of placement agencies only when such services are within the scope of the duties assigned to the worker by his/her agency.

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- (B)    Placement agencies include but are not limited to regional centers, county welfare departments, and probation departments.

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## 84001 DEFINITIONS (Continued)

84001

- (4) "Specialized Group Home" means a licensed group home which provides specialized in-home health care to children.
- (5) "Specialized In-Home Health Care" means health care identified by the child's physician as appropriately administered in the facility by a health care professional or by a licensee or staff trained by health care professionals pursuant to the child's individualized health care plan. For a child with special health care needs placed in a group home after November 1, 1993, these services must be provided by a health care professional.
- (t) (1) "Transgender" means a person whose gender identity does not correspond with their anatomical sex. A transgender girl or woman is a girl or woman whose birth sex was male but who understands herself to be female. A transgender boy or man is a boy or man whose birth sex was female but who understands himself to be male.
- (u) (Reserved)
- (v) (1) "Vendor" means a Department-approved institution, association, individual(s), or other entity that assumes full responsibility or control over a Department-approved Initial Certification Training Program and/or a Continuing Education Training Program.
- (2) "Vendor Applicant" means any institution, association, individual(s), or other entity that submits a request for approval of an Initial Certification Training Program and/or a Continuing Education Training Program.
- (w) (Reserved)
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)

NOTE: Authority cited: Sections 1522.41(j), 1530, 1530.8 and 1530.9, Health and Safety Code; and Section 17730, Welfare and Institutions Code. Reference: Sections 1501, 1502, 1503, 1507, 1507.2, 1522.4, 1522.41, 1522.41(j), 1530.8 and 1531, Health and Safety Code; and Sections 362.04(a)(2), 362.05(a), 727(a)(4)(A), 11331.5(d), 11403, 11406(c), 17710(a), (d), (g), and (h), 17731, 17732.1 and 17736(a) and (b), Welfare and Institutions Code; and 45 CFR Section 1351.1(k).

**84002      DEFINITIONS - FORMS****84002**

The following forms which are incorporated, in their entirety, by reference:, apply to the regulations in Title 22, Division 6, Chapter 5 (Group Homes). Additional forms applicable to Group Homes and other residential facilities are incorporated by reference in Section 87102.

- (a) LIC 624-LE (4/17), Law Enforcement Contact Report.
- (b) LIC 9165 (2/99), Board of Directors Statement.
- (c) PUB 326 (4/99), Facts You Need to Know, Group Home Board of Directors.
- (d) Core of Knowledge Guideline (01/16) – GH 40-Hour Initial Certification.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1520.1(b)(1), 1520.1(b)(2), 1522.41(c)(1) and 1538.7, Health and Safety Code.

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**Article 2. LICENSING****84009 POSTING OF LICENSE****84009**

- (a) The license shall be posted in a prominent, publicly accessible location in the facility.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**84010.1 TERM LIMITS FOR SPECIALIZED GROUP HOMES****84010.1**

- (a) Group homes may provide care and supervision to children with special health care needs provided that either:

- (1) The child was placed in the group home before January 1, 1992, and has since resided continuously in the home; or

- (2) The child was or will be placed in the group home on or after January 1, 1992, and all of the following conditions are met:

- (A) The child has not spent more than 120 calendar days in any group home or combination of group homes while having special health care needs.

1. The 120-day limitation may not be extended except with the written approval of the Director or his/her designee.

- (B) The placement is on an emergency basis for the purpose of arranging a subsequent placement in a less restrictive setting, such as with the child's natural parents or relatives, with a foster parent or foster family agency, or with another appropriate person or facility.

- (C) The county social worker, regional center caseworker or authorized representative for each child in the home determines that the specialized group home can meet the specific needs of his/her child.

- (b) The licensee of a group home shall not accept a child requiring in-home health care, other than incidental medical services pursuant to Section 1507 of the Health and Safety Code, unless the child is a child with special health care needs.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 17732(a), (d) and (e), and 17736(a), Welfare and Institutions Code and Section 1507, Health and Safety Code.

**84010.2 PROHIBITION OF DUAL LICENSURE FOR SPECIALIZED GROUP HOMES****84010.2**

- (a) A group home licensee shall not hold any day care, other residential or health care facility license for the same premises as the group home while the home is providing care and supervision to children with special health care needs.
- (1) Any group home licensee planning to provide care and supervision to a child with special health care needs who holds a license as specified in Section 84010.2(a) shall surrender the license to the licensing agency prior to accepting a child with special health care needs.
  - (2) The provisions specified in Sections 84010.2(a) and (a)(1) shall not apply to existing licensed group homes that meet both of the following:
    - (A) All children with special health care needs were accepted prior to the effective date of this section; and
    - (B) No application for a day care, other residential or health facility license was approved for the premises on or after the effective date of this section.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17732(e), Welfare and Institutions Code and Sections 1300, 1531 and 1524(c), Health and Safety Code.

**84012 FALSE CLAIMS: INELIGIBILITY****84012**

In addition to Section 80012, the following shall apply:

If a person is determined to have made, disseminated, participated in making, or caused to be made a false or misleading statement pursuant to Section 80012(a), and that statement has resulted in a group home overpayment being assessed pursuant to the Manual of Policies and Procedures Section 11-402.6 et seq., then such person shall not be eligible for a new license under Division 6 or Division 12 and shall not be eligible to serve as an officer or employee of a new or subsequent licensee under Division 6 or Division 12 until the group home overpayment is fully repaid or otherwise discharged.

NOTE: Authority cited: Section 1550, Health and Safety Code. Reference: Section 1550, Health and Safety Code; and Sections 11466.22(a), (b), (e) and (f), Welfare and Institutions Code.

**Article 3. APPLICATION PROCEDURES****84018 APPLICATION FOR LICENSE****84018**

- (a) In addition to Section 80018, the following shall apply.
- (b) Each applicant shall submit the following to the licensing agency:
- (1) A financial plan of operation on forms provided or approved by the department.
    - (A) Start-up funds shall be available and shall include funds for the first three months of operation.
    - (B) Start-up funds shall be independent of prospective client fees. In cases of a change of ownership, expected income from clients currently in placement shall be considered.
    - (C) Start-up funds shall not include funds designated for or used for construction costs.
    - (D) The licensing agency shall have the authority to require written verification of the availability of the funds specified in (A) above.
  - (2) A written plan for training of child care staff, as specified in Section 84065(h), and facility managers, as specified in Section 84065(k).
  - (3) A written plan for activities as specified in Sections 84079(a) through (a)(5).
  - (4) The name and residence and mailing addresses of the facility administrator, a description of the administrator's background and qualifications, and documentation verifying required education and administrator certification.
- (c) Each corporate applicant shall obtain a signed form, LIC 9165 from each member of the board of directors. A copy of each signed LIC 9165 shall be submitted to the Department.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1501, 1520, 1520.1(b)(1), 1522.41(b), 1531 and 1562, Health and Safety Code.

**84022 PLAN OF OPERATION****84022**

- (a) In addition to Section 80022, the following shall apply.
- (b) The plan of operation shall include the following:
- (1) A statement regarding the types of children to be served by the facility, including dependent, neglected, delinquent, predelinquent, physically handicapped, developmentally disabled, mentally disordered, or emotionally disturbed children.
  - (2) A description of services to be provided by the facility which shall include the following:
    - (A) Procedures for development of a needs and services plan which addresses each child's needs and the services required to meet such needs.
    - (B) Procedures for review and evaluation of the needs and services plan.
    - (C) Policy regarding participation of the child and his/her authorized representative(s) in the development of the needs and services plan.
    - (D) Procedures for implementation and modification of the needs and services plan.
    - (E) Policies and procedures for the child's discharge when he/she reaches age 18; after needs and services plan goals have been reached; when the needs and services plan has proven to be ineffective; or when it has been determined that the child's continued placement in the facility is detrimental to the child or other children in the facility.
  - (3) The administrative policies and procedures to be used to implement the facility's plan of operation.
  - (4) A written Emergency Intervention Plan as specified in Section 84322.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.



<b>84026</b>	<b>SAFEGUARDS FOR CASH RESOURCES, PERSONAL PROPERTY, AND VALUABLES</b>	<b>84026</b>
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- (a) In addition to Section 80026, the following shall apply.
- (b) The licensee shall have written policies and procedures meeting the requirements in (c) below approved in advance by the licensing agency.
- (c) The licensee shall ensure that a child's cash resources are not taken in the form of fines unless the following requirements are met:
  - (1) All fines levied shall be recorded and explained in the child's file, including the amount of the fine and the reason for the fine.
  - (2) Such fines shall be maintained in an account separate from the personal or business accounts of the licensee or facility.
    - (A) Records shall be maintained accounting for any interest earned and expenditures from the account.
  - (3) All fines collected shall be used for the benefit of the individual child or all children in placement.
  - (4) The circumstances under which fines are to be imposed shall be specified in writing.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

<b>84030</b>	<b>PROVISIONAL LICENSE (GROUP HOME)</b>	<b>84030</b>
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- (a) The provisions in the General Licensing Requirements, Sections 80030(a) through 80030(f) and 80031, shall not apply to group home licensees and applicants. The provisional license requirements in Sections 84030.1, 84031, 84031.1, and 84031.2 shall apply to all group home licensees and applicants.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1520, 1520.1, 1524, 1525.5, and 1531, Health and Safety Code.

**84030.1 PROVISIONAL LICENSE****84030.1**

- (a) All group home license applicants who complete an application and who meet the regulatory and statutory requirements shall receive a provisional license for the first twelve months. After eight months of operation, the licensing agency shall conduct a comprehensive review of the facility for compliance with all applicable laws and regulations and shall assist the applicant to develop a plan of correction, when necessary.
- (1) Before the first business day of the thirteenth month of operation, if the Department determines that the group home is in substantial compliance with licensing standards, the Department shall issue a permanent group home license except as provided in Section 84030.1(b).
- (b) If the Department determines that the group home is in substantial compliance with licensing standards, the Department may extend the provisional license for up to an additional six months for either of the following reasons:
- (1) The group home requires additional time to be in full compliance with licensing standards.
- (2) After twelve months of operation, the group home is not operating at fifty percent of its licensed capacity.
- (c) By no later than the first business day of the seventeenth month of operation, the Department shall conduct an additional review of a facility for which a provisional license is extended pursuant to Section 84030.1(b), to determine whether a permanent license should be issued.
- (d) Under the following conditions, a group home licensee with a permanent license may apply for a provisional license:
- (1) A temporary change in facility location of not more than six months due to unforeseen circumstances beyond the control of the license (i.e. flood, earthquake, etc.).
- (A) The licensing agency shall have the authority to authorize a temporary facility change following a licensing agency review, a finding of substantial compliance with licensing standards, and the securing of an appropriate fire clearance.
- (e) If, during the provisional license period, the licensing agency discovers any serious deficiencies, the Department shall have the authority to institute administrative action, or civil proceedings, or to refer the case for criminal prosecution. As one of the options under the administrative action process, the Department may deny a group home license application at any time during the term of the provisional license to protect the health and safety of clients. If the Department denies the application, the group home shall cease operation immediately. Continued operation of the facility after the Department denies the application or after the provisional license expires shall constitute unlicensed operation.

**84030.1 PROVISIONAL LICENSE (Continued)****84030.1**

- (f) A provisional license shall not be renewable and shall terminate on the date specified on the license or upon denial of the application, whichever is earlier.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1520, 1520.1, 1524, 1525.5, and 1531, Health and Safety Code.

**84031 ISSUANCE OF A LICENSE (GROUP HOME)****84031**

- (a) All group home license applicants who complete an application and who meet the regulatory and statutory requirements shall receive a provisional license for the first twelve (12) months of operation and during that period shall be evaluated for a permanent license.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1509, 1520, 1520.1, 1520.5, 1525, and 1531.5, Health and Safety Code.

**84031.1 ISSUANCE OF A PROVISIONAL LICENSE (GROUP HOME)****84031.1**

- (a) For the time frames of the initial review of the application for completeness, see Section 80027.
- (b) Within ninety (90) days of the date that a completed application, as defined in Section 80001(c)(10), has been received, the licensing agency shall give written notice to the group home applicant of one of the following:
- (1) A provisional license has been approved for the first twelve months of operation pending a comprehensive review and final evaluation for a permanent group home license.
  - (2) The application has been denied.
    - (A) The notice of denial shall include the information specified in Section 80040(b)(1).
- (c) Repealed by Manual Letter No. CCL-00-01, effective 1/14/00.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1509, 1520, 1520.1, 1520.5, 1525, 1526, and 1531.5, Health and Safety Code; and Section 15376, Government Code.

**84031.2 ISSUANCE OF A PERMANENT LICENSE (GROUP HOME)****84031.2**

- (a) Before the first business day of the thirteenth month (up to nineteen months, if an extension was granted in accordance with Section 84030.1(b)) after the effective date of the provisional license, as defined in Section 84030.1, the licensing agency shall give written notice to the group home applicant of one of the following:
- (1) A permanent license has been approved.
  - (2) The applicant has been denied.
    - (A) The notice of denial shall include the information specified in Section 80040(b)(1).
- (b) Repealed by Manual Letter No. CCL-00-01, effective 1/14/00.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1509, 1520, 1520.1, 1520.5, 1525, 1526, and 1531.5, Health and Safety Code.

**84040 DENIAL OF INITIAL LICENSE****84040**

- (a) An application for licensure shall be denied when the applicant does not provide an LIC 9165 signed by each member of the board of directors, that includes the statement specified in Health and Safety Code Section 1520.1(b)(1).

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- (A) Health and Safety Code Section 1520.1(b)(1) states in pertinent part:

(b)(1) ...every member of the group home's board of directors shall, prior to becoming a member of the board of directors sign a statement that the board member understands his or her legal duties and obligations as a member of the board of directors and that the group home's operation is governed by laws and regulations that are enforced by the department, as set forth in the booklet. The applicant, provisional licensee, and licensee shall have this statement available for inspection by the department. For members of the board of directors when the booklet is produced, the licensee shall obtain this statement by the next scheduled meeting of the board of directors. Compliance with this paragraph shall be a condition of licensure.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1520.1(b)(1), Health and Safety Code.

<b>84044</b>	<b>INSPECTION AUTHORITY OF THE DEPARTMENT OR LICENSING AGENCY</b>	<b>84044</b>
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- (a) In addition to Section 80044, licensees providing care and supervision to six or fewer clients shall comply with the provision of Health and Safety Code Section 1522.4(a)(5).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1522.4, Health and Safety Code.

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<b>84045</b>	<b>EVALUATION VISITS</b>	<b>84045</b>
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- (a) In addition to Section 80045, the following shall apply.
- (b) The licensee shall maintain licensing reports as specified in Health and Safety Code Section 1538.5(a)(2).

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- (1) Health and Safety Code Section 1538.5(a)(2) states:

"(a)(2) A group home facility shall maintain, at the facility, a copy of all licensing reports for the past three years that would be accessible to the public through the department, for inspection by placement officials, current and prospective facility clients, and these clients' family members who visit the facility."

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NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Section 1538.5, Health and Safety Code.

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**Article 4. ADMINISTRATIVE ACTIONS (Reserved)****Article 5. ENFORCEMENT PROVISIONS****84051 SERIOUS DEFICIENCIES****84051**

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- (a) In addition to Section 80051, the following are examples of regulations which, if not complied with, nearly always result in a serious deficiency.
- (1) Section 84010.1 - related to limitations on the capacity of specialized group homes.
  - (2) Section 84010.2 - related to dual licensure of specialized group homes.
  - (3) Section 84064 - related to the qualifications and duties of the administrator.
  - (4) Section 84065(b) - related to personnel requirements.
  - (5) Section 84065.1 - related to specialized in-home health care training and health screenings for staff in specialized group homes.
  - (6) Sections 84065.5 and .7 - related to staff/child ratios.
  - (7) Section 84068.2 - related to the needs and services plan for the child.
  - (8) Section 84075 - related to health-related services.
  - (9) Section 84072.1 - related to the discipline of children.
  - (10) Section 84072.2 - related to complaint procedures.
  - (11) Section 84087.1 - related to safety of accommodations for children with special health care needs.

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- (b) Failure to operate according to the plan of operation, as specified in Section 84222, may result in a citation for a serious deficiency.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8, and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

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**Article 6. CONTINUING REQUIREMENTS****84061 REPORTING REQUIREMENTS****84061**

- (a) In addition to Section 80061, the following shall apply.
- (b) The licensee shall ensure that the child's authorized representative is notified no later than the next business day if the following circumstances have occurred without the authorized representative's participation:
- (1) The child has been placed in the facility under emergency circumstances.
  - (2) The child has been removed from the facility.
  - (3) Each time the child has been placed in a manual restraint, to be reported as required in Section 84361.
- (c) The licensee shall ensure that the child's authorized representative is sent prior written notification regarding the need for nonemergency relocation of the child to another facility, including a satellite home.
- (d) The licensee shall ensure that the child's authorized representative is notified if the child is not enrolled in or regularly attending school.
- (e) Effective January 1, 2000, the licensee shall notify the Department, in writing, within ten (10) days of any change in the facility administrator.
- (f) The licensee shall notify the licensing agency in writing within ten business days of acquiring a new member of the board of directors. The notification shall include the following:
- (1) Name and residence and mailing addresses of the new administrator.
  - (2) Date he/she assumed his/her position.
  - (3) Description of his/her background and qualifications, including documentation of required education and administrator certification.
    - (A) A photocopy of the documentation shall be permitted.
- (g) The licensee shall notify the licensing agency in writing within ten working days of acquiring a new member of the board of directors. The notification shall include the following:
- (1) Name and mailing address of the new member of the board of directors;
  - (2) Date he or she joined the board of directors, and
  - (3) A copy of the LIC 9165 signed by the new member of the board of directors.

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**84061 REPORTING REQUIREMENTS (Continued)****84061**

- (h) Incident Reports must include the following:
- (1) Date, time, duration and location of the incident.
  - (2) A detailed narrative, describing the incident and the events leading up to incident.
  - (3) Analysis of the incident:
    - (A) Other reportable incidents involving the same child in the preceding six months.
    - (B) Description of other incidents.
      1. Dates of previous incidents.
      2. Types of incidents.
      3. Action taken by facility personnel in response to incidents.
    - (C) Are there commonalities between this incident and other incidents involving the same child in the preceding six months.
  - (4) Description of the facility's plan for the child, in response to the incident, including modifications to the child's needs and services plan. If the child has been involved in previous incidents, explain what the previous modifications were to the child's needs and services plan.
  - (5) What action was taken by facility personnel to re-integrate the child into the general population after the incident.
  - (6) When the Incident Report is used to report the use of manual restraints, the report must include the following:
    - (A) Date and time of other manual restraints involving the same child in the past 24 hours.
    - (B) A description of the child's behavior that required the use of manual restraints, and description of the precipitating factors which led to the intervention.
    - (C) Description of what manual restraints were used, and how long the child was restrained.
    - (D) Description of what non-physical interventions were utilized prior to the restraint; explanation of why more restrictive interventions were necessary.
    - (E) Description of injuries sustained by the child or facility personnel. What type of medical treatment was sought and where was child taken. Explanation if medical treatment not sought for injuries.

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84061

**REPORTING REQUIREMENTS**

84061

(Continued)

- (F) Name(s) of facility personnel who provided the manual restraint.
  - (G) Name(s) of facility personnel who witnessed the child's behavior and the restraint.
  - (H) The child's verbal response and physical appearance, including a description of any injuries at the completion of the restraint.
  - (I) If it is determined by the post incident review, as required in Section 84368.3, that facility personnel did not attempt to prevent the manual restraint, a description of what action should have been taken by facility personnel to prevent the manual restraint incident. What corrective action will be taken or not taken and why.
  - (J) If law enforcement was involved, a detailed description of the incident.
  - (K) Documentation that the child's authorized representative has been notified of the incident.
- (7) When the Incident Report is used to report a runaway situation, the report must include the following:
- (A) When and how was the child's absence first noted.
  - (B) If known, child's last known activities.
  - (C) What were the circumstances surrounding the child's absence.
  - (D) What action did the facility personnel take to discourage the child from leaving; and what interventions were utilized, if any.
  - (E) What action was taken by facility personnel to locate the child.
  - (F) If a manual restraint was used, and if it is determined by the post incident review, as required in Section 84368.3, that facility personnel did not attempt to prevent the manual restraint, a description of what action should have been taken by facility personnel to prevent the manual restraint incident. What corrective action will be taken or not taken and why.
  - (G) If law enforcement was involved in the incident, a detailed description of the incident.
  - (H) Documentation that the child's authorized representative has been notified of the incident.
- (i) The licensee shall submit reports to the Department, using form LIC 624-LE or a report containing all the information required in LIC 624-LE, regarding any incident that involves law enforcement contact with a child residing in the facility.

**84061 REPORTING REQUIREMENTS**  
(Continued)**84061**

- (1) The licensee shall make an initial report to the Department no later than the next business day following each incident. The initial report shall include all information described in Section 84061(i)(2)(A) through (F) that is known to the licensee at the time the report is made.
- (2) Within six months of the incident, the licensee shall provide a follow-up report for each incident that includes the following information:
  - (A) The type of incident.
  - (B) Whether the incident involved an alleged violation of any crime, other than an age-based curfew law, by a child residing in the facility.
  - (C) Whether staff, children, or both were involved in the incident.
  - (D) The gender, race, ethnicity, and age of children involved in the incident.
  - (E) The outcome of the incident, if known, including arrests, removals of children from placement, termination or suspension of staff, the filing of a Welfare and Institutions Codes Section 602 petition for the child, or revocation of or changes to the terms of probation.
- (3) The licensee may file the follow-up report at any time within six months of the incident, including with the initial report, if all outcomes and required information are known.
- (4) The licensee may be required to provide follow-up reports beyond the first six months if the Department determines that the information provided in either the initial or follow-up reports is incomplete, or if outcomes required to be reported are not known until later than six months after the initial report.
- (5) A licensee reporting an incident under this subsection shall not be required to report the same incident under any other provision of this Section, or under Section 80061, so long as all information required to be reported by the other provision is provided.
- (6) For the purposes of this subsection, "contact with law enforcement" means contact by police officers, sheriffs and others as defined in Section 84001(1)(1), with a child residing in the facility, which does not include routine contact with a probation officer who is supervising the placement of a child in the facility.

**84061 REPORTING REQUIREMENTS**  
(Continued)**84061**

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Example: Routine contacts with probation officers do not need to be reported to the Department. However, contacting a probation officer regarding an incident involving a specific child or children or other contact with a probation officer that results in revocation or changes of the terms of probation, a child being taken into the custody of probation, or the child being removed from placement should be reported as an outcome as required in (i)(2)(E) if known.

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NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1522.41(b)(4), 1531, 1538.7 and 1562, Health and Safety Code; and Section 11406(c), Welfare and Institutions Code.

**84063 ACCOUNTABILITY****84063**

- (a) The board of directors shall be active in ensuring accountability, and shall perform, at a minimum, the following duties:
- (1) Establish and approve policies and procedures governing the operation of the group home;
  - (2) Approve and monitor the corporation's operating budget;
  - (3) Assess and maintain the level of funds necessary to cover the costs of operating the group home;
  - (4) Review and approve the facility's emergency intervention plan as specified in Section 84322(k);
  - (5) Employ an administrator who meets the requirements of Section 84064;
  - (6) Complete a written statement describing the duties delegated to the administrator. Provide a copy of this statement to the administrator and maintain a copy in the facility's file;
  - (7) Require that the Chief Executive Officer, administrator, or a designee be present at all board of directors meetings during which the operation or the policies of the group home(s) are discussed;
  - (8) Conduct board of directors or governing body meetings at least on a quarterly basis to review and discuss the group home's operation and documents as specified in Health and Safety Code Section 1520.1(f), and based upon the review, ensure that the group home complies with all applicable regulations;
    - (A) Review and discussion of the group home's operation shall include the incidents involving contact by law enforcement with a child residing in the facility that were reported to the Department as specified in Section 84061(i).

## 84063 ACCOUNTABILITY (Continued)

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Health and Safety Code Section 1520.1(f) states in pertinent part:

...During these quarterly meetings, the board of directors shall review and discuss licensing reports, financial and program audit reports of its facility operations, special incident reports, and any administrative action against the licensee or its employees. The minutes shall reflect the board's discussion of these documents and the group home's operation. The licensee shall make available the minutes of group home board of directors meetings to the department.

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- (9) Ensure that minutes are kept for all board of directors meetings and retained as a permanent record. The minutes shall reflect the board's discussion of the documents specified in Health and Safety Code Section 1520.1(f);
  - (10) Ensure that all minutes of board of directors' meetings are available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Minutes may be removed if necessary for copying. Removal of minutes shall be subject to the following requirements:
    - (A) Prior to removing any minutes, a licensing representative shall prepare a list of the minutes to be removed, sign and date the list upon removal of the minutes, and leave a copy of the list with the administrator or designee.
    - (B) Licensing representatives shall return the minutes undamaged and in good order within three business days following the date the minutes were removed.
  - (11) Submit copies of all corporate documents to the licensing agency at the time documents are submitted to the Secretary of State.
- (b) The licensee shall provide each board of directors member with the "Facts You Need To Know, Group Home Board of Directors" (PUB 326) booklet furnished by the Department.
  - (c) The licensee shall require that each board of directors member sign and date the form, (LIC 9165) as specified in Section 84018(c). The signed original form shall be maintained in the corporation's principal California office.
    - (1) The signed form shall be obtained from each board of directors member by the next scheduled board of directors meeting after July 1, 1999.
    - (2) A signed form shall be obtained from a prospective board of directors member before joining the board of directors.



<b>84063</b>	<b>ACCOUNTABILITY (Continued)</b>	<b>84063</b>
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- (3) A permanent license shall not be issued until all members of the board of directors have signed the form.
- (4) The LIC 9165 specified in (c) above shall be made available for review by the Department upon request.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1520.1(f) and 1520.11(c), Health and Safety Code.

**84064 ADMINISTRATOR QUALIFICATIONS AND DUTIES****84064**

- (a) In addition to Section 80064, the following shall apply.
- (b) Effective January 1, 2000, all group homes shall have a qualified and currently certified administrator.
- (1) Between January 1, 2000 and July 1, 2001 only, where good faith efforts to employ a certified administrator are unsuccessful, applicants for a license to operate a group home may be granted a provisional license pursuant to the provisions of regulation Section 84030.1. The Department may deny the license if the licensee fails to employ a certified administrator pursuant to the terms and conditions of the provisional license.
  - (2) In the event a certified administrator is not employed within ten (10) days of the departure of the former administrator, a written "Plan of Correction" shall be developed to bring the group home into compliance with the requirements of this section.
  - (3) In those cases where the individual is both the licensee and the administrator of a group home, the individual shall comply with all of the licensee and certified administrator requirements.
  - (4) The Department may revoke the license of a group home for failure to comply with all requirements regarding certified administrators.
  - (5) Unless otherwise provided, a certified administrator may administer more than one licensed group home.
- (c) The administrator shall be on the premises for the number of hours necessary to manage and administer the facility in compliance with applicable law and regulation.
- (d) When the administrator is absent, one of the following requirements shall be met:
- (1) In facilities with a licensed capacity of 12 or fewer children, there shall be coverage by a designated staff person.
  - (2) In facilities with a licensed capacity of 13 or more children, there shall be coverage by a designated substitute who has the following qualifications:
    - (A) Graduation from high school or equivalent.
    - (B) One year of administrative or supervisory experience over social work, child care and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
- (e) The administrator shall meet the requirements specified below:
- (1) The administrator of a facility with a licensed capacity of 12 or fewer children shall meet one of the following requirements:

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**ADMINISTRATOR QUALIFICATIONS AND DUTIES** (Continued)

84064

- (A) Have a master's degree in a behavioral science from an accredited college or university, plus a minimum of one year of employment as a social worker, as defined in Section 80001s.(4), in an agency serving children or in a group residential program for children.
  - (B) Have a bachelor's degree from an accredited college or university, plus at least one year of administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
  - (C) Have completed at least two years at an accredited college or university, plus at least two years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
  - (D) Have completed high school, or equivalent, plus at least three years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
- (2) The administrator of a facility with a licensed capacity of 13 or more children shall meet one of the following requirements:
- (A) Have a master's degree in a behavioral science from an accredited college or university, plus at least one year of administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
  - (B) Have a master's degree in a behavioral science from an accredited college or university, plus two years of employment as a social worker, as defined in Section 80001s.(4), in an agency serving children or in a group residential program for children.
  - (C) Have a bachelor's degree from an accredited college or university, plus at least three years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
  - (D) Have completed at least two years at an accredited college or university, plus at least five years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.

**84064 ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued) 84064**

- (f) The administrator shall perform the following duties:
- (1) Direction and evaluation of a group home facility within the limits of the functions and policies established by the licensee.
  - (2) Preparation of the facility's budget and management of expenditures according to the facility's budget limitations.
  - (3) Organization of the work of the facility and delegation of responsibility to staff members.
  - (4) Assessment of the facility operations and program; and reporting to the licensee and making recommendations to address identified problems.
  - (5) Recruitment, appointment, evaluation and termination of staff.
  - (6) Development of a plan for the orientation, development and training of staff, as specified in Section 84065(g).
  - (7) Review of complaints made by children or their authorized representative(s) as specified in Section 84072.2(a), and deciding upon the action to be taken to handle the complaint.

NOTE: Authority cited: Sections 1530 and 1522.41(j), Health and Safety Code. Reference: Sections 1501, 1522.41(b), 1531 and 1562, Health and Safety Code.

**84064.1 ADDITIONAL ADMINISTRATOR QUALIFICATIONS AND DUTIES IN SPECIALIZED GROUP HOMES 84064.1**

- (a) The administrator shall ensure the provision of services to children with special health care needs with appropriate regard for the child's physical and mental well-being and needs, including those services identified in the child's individualized health care plan.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 1501, 1531 and 1562, Health and Safety Code.

**84064.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS 84064.2**

- (a) An individual employed on or after January 1, 2000, shall be a group home certificate holder prior to being employed as an administrator.
- (1) An individual employed as an administrator on December 31, 1999 shall be permitted to take the standardized written exam administered by the Department in lieu of completing the forty (40) hours of Initial Certification Training Program classroom instruction. If a passing score is not achieved after two (2) attempts, the administrator must complete a forty (40) hour Initial Certification Training Program and pass the exam no later than December 31, 2000.

**84064.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS****84064.2**

- (2) An individual who, though not an administrator, is employed by a group home on December 31, 1999 shall be permitted to take the standardized written exam administered by the Department in lieu of completing the forty (40) hours of Initial Certification Training Program classroom instruction provided that he/she meets the following conditions:
- (A) The individual must have been employed as a group home administrator for at least four (4) of the last eight (8) years, and
  - (B) While employed as an administrator, the individual must have had a record of administering the facility for which he/she was responsible in a substantial compliance as defined in Section 80001(s)(7).
- (b) To receive his/her certificate an applicant shall:
- (1) Successfully complete a Department approved Initial Certification Training Program as described in Section 84090(h), except as specified in Section 84064.2(a)(1) above.
  - (2) Pass a written exam developed and administered by the Department within sixty (60) days of completion of an Initial Certification Training Program and within three (3) attempts.
  - (3) Submit a completed Application for Administrator Certification form LIC 9214 to the Department's Administrator Certification Section within thirty (30) days of being notified of having passed the exam. The application shall contain the following:
    - (A) The applicant's name, address, e-mail address, phone number(s), and date of birth.
    - (B) A statement of whether or not the applicant:
      - (i) Held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
      - (ii) Held or currently holds a State-issued facility license or was or is employed by a State-licensed care facility and the license number.
      - (iii) Was the subject of any legal, administrative or other action involving licensure, certification or other approvals as specified in (i) and (ii) above.
    - (C) Proof that the applicant has successfully completed a Department approved Initial Certification Training Program or proof of employment as an administrator on December 31, 1999.
    - (D) Documentation of passing the written exam.
    - (E) A statement certifying that the information submitted is true and correct.

**84064.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS****84064.2**

- (F) A completed Criminal Record Statement (LIC 508).
  - (G) A completed Request for LiveScan Service form LIC 9163, signed and dated by the live scan vendor, to document that the applicant has submitted fingerprints to the Department of Justice at a livescan location, or a statement that the applicant has a current criminal record clearance on file with the Department.
  - (H) A non-refundable one hundred dollar (\$100) processing fee.
- (c) The Department shall not issue a certificate until it receives notification from the Department of Justice that the applicant has a criminal record clearance or an exemption pursuant to Health and Safety Code Section 1522 or is able to transfer a current criminal record clearance or an exemption pursuant to Health and Safety Code Section 1522(b)(1).
- (d) No person shall cheat on, subvert, or attempt to subvert, the exam given by the Department, including, but not limited to, engaging in, soliciting, or procuring any of the following:
- (1) Any form of communication between one or more examinees and any other person, other than a proctor or exam official, while the exam is in progress.
  - (2) The taking of all or a part of the exam by a person other than the applicant.
  - (3) Possession or use at any time during the exam or while the examinee is on the exam premises of any device, material, or document that is not expressly authorized for use by examinees during the exam, including, but not limited to, notes, crib sheets, textbooks, and electronic devices.
  - (4) Failure to follow any exam instruction or rule related to exam security.
- (e) Any applicant caught willfully cheating under this section shall be deemed to have failed that exam and may be denied certification pursuant to Section 84064.4 as a result of the conduct.
- (f) It shall be unlawful for any person not certified under this section to misrepresent himself or herself as a certified administrator. Any person willfully making any false representation as being a certified group home administrator is guilty of a misdemeanor.
- (g) Certificates issued under this section shall be renewed every two (2) years provided the certificate holder has complied with all renewal requirements.
- (h) Certificates shall be valid for a period of two (2) years and expire on either the anniversary date of initial issuance or on the individual's birthday during the second calendar year following certification.
- (1) The certificate holder shall make an irrevocable election to have his or her recertification date for any subsequent recertification either on the date two years from the date of issuance of the certificate or on the individual's birthday during the second calendar year following certification.

**84064.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS****84064.2**

- (i) Time deadlines specified in Sections 84064.2 (b)(2) and (3) above may be extended up to sixty (60) days in total for good cause as determined by the Department. Any request for extension of time shall be made in writing to the Administrator Certification Section Manager within sixty (60) days of completing the Initial Certification Training Program and shall contain a statement of all facts the applicant believes constitute good cause to extend time.
- (1) Good cause may include death of an immediate family member, required fulfillment of military service or other civic duty, or another unavoidable and verifiable event as determined by the Department. Failure of the exam shall not constitute good cause for an extension.
  - (2) Absent a good cause extension, the Department shall not process and may deem withdrawn an application that fails to meet the time deadlines specified in Sections 84064.2(b)(2) or (3).
  - (3) Any applicant who fails to meet the time deadlines specified in Sections 84064.2(b)(2) and (3) must begin the certification process described in Section 84064.2(b) anew, and complete it within the time deadlines specified in Sections 84064.2(b)(2) and (3).

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520, 1522, 1522.41, and 1550, Health and Safety Code.

**84064.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS****84064.3**

- (a) Administrators shall complete at least forty (40) classroom hours of continuing education during each two-year certification period, including:
- (1) At least four (4) hours of instruction in laws, regulations, policies, and procedural standards that impact group homes, including but not limited to the regulations contained in this Chapter.
  - (2) If not included in the certified administrator's Initial Certification Training Program, at least one (1) hour of instruction in cultural competency and sensitivity in issues relating to the underserved lesbian, gay, bisexual, and transgender community.
- (b) Continuing education hours must be sufficiently related by subject matter and logic to the Core of Knowledge, current and relevant to facility operations and care, and completed through any combination of the following:
- (1) Courses approved for group home administrators by the Department.
  - (2) Certified administrators required to complete continuing education hours required by regulations of the Department of Developmental Services, and approved by the Regional Center, may have up to twenty-four (24) of the required continuing education course hours credited toward the forty (40) hour continuing education requirement.
    - (A) Community college course hours approved by the Regional Center shall be accepted by the Department for recertification.
    - (B) Any continuing education course hours in excess of twenty-four (24) hours offered by the Department of Developmental Services and approved by the Regional Center may be credited toward the forty (40) hour requirement provided the courses are not duplicative and relate to the core of knowledge as specified in Sections 84090(h)(1).



**84064.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS (Continued) 84064.3**

- (c) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting as defined in Section 84001(c)(5) except that up to one-half of the required forty (40) hours of continuing education necessary to renew the certification may be satisfied through interactive online courses as specified in Section 84091(i).
- (1) The Department will not count toward the continuing education requirements more than ten (10) hours of instruction, in-class and/or online, completed in a single day.
  - (2) Home study or correspondence-type courses will not be counted toward completion of continuing education requirements as they are not interactive by design.
  - (3) Completion of an Initial Certification Training Program or component(s) thereof will not be counted toward completion of continuing education requirements as the Program is intended for new administrators.
  - (4) Any specific continuing education course may only be accepted once per renewal period toward completion of the continuing education requirements.
- (d) To apply for recertification prior to the expiration date of the certificate, the certificate holder shall submit to the Department's Administrator Certification Section, post-marked on, or up to ninety (90) days before, the certificate expiration date:
- (1) A completed application for Administrator Certification form LIC 9214.
  - (2) Evidence of completion of forty (40) continuing education hours as specified in Section 84064.3(a) above.
  - (3) Payment of a non-refundable one hundred dollar (\$100) processing fee.

**84064.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS (Continued) 84064.3**

- (e) To apply for recertification after the expiration date of the certificate, but within four (4) years of the certificate expiration date, the certificate holder shall submit to the Department's Administrator Certification Section:
- (1) A completed application for Administrator Certification form LIC 9214.
  - (2) Evidence of completion of the required continuing education hours as specified in Section 84064.3(a) above. The total number of hours required for recertification shall be determined by computing the number of continuing education hours the certificate holder would have been required to complete if they had remained certified. The date of computation shall be the date the application for renewal is received by the Department's Administrator Certification Section.
  - (3) Payment of a non-refundable delinquency fee equal to three times the one hundred dollar (\$100) renewal fee, or three hundred dollars (\$300).
- (f) Certificates not renewed within four (4) years of their expiration date shall not be renewed, restored, reissued or reinstated.
- (1) Holders of certificates not renewed within four (4) years of their expiration date must begin anew the certification process specified in Section 84064.2(b).
- (g) Certificate holders, as a condition of recertification, shall have a current criminal record clearance or exemption.
- (h) A non-refundable processing fee of twenty-five dollars (\$25) shall be paid for the replacement of a lost certificate.
- (i) A certificate holder shall report any change of mailing address within thirty (30) days to the Department's Administrator Certification Section.
- (j) Whenever a certified administrator assumes or relinquishes responsibility for administering a group home facility, he or she shall provide written notice within ten (10) days to:
- (1) The local licensing office(s) responsible for receiving information regarding personnel changes at the licensed facilities with whom the certificate holder is or was associated, and
  - (2) The Department's Administrator Certification Section.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1522 and 1522.41(a), (f) and (h), Health and Safety Code.

**84064.4 ADMINISTRATOR CERTIFICATE DENIAL OR REVOCATION 84064.4**

- (a) The Department may deny or revoke any administrator certificate upon any of the grounds specified in Health and Safety Code section 1550 and/or on any of the following grounds:
- (1) The certificate holder or applicant procured or attempted to procure a certificate by fraud, misrepresentation, bribery, or other unlawful behavior.
  - (2) The certificate holder or applicant knowingly made or gave a false statement or information in conjunction with the application for a certificate.
  - (3) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code sections 1558, 1568.092, 1569.58 or 1596.8897 after the Department issued the certificate, and:
    - (A) The certificate holder did not appeal the exclusion order or,
    - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
  - (4) The certificate holder or applicant does not have a current criminal record clearance or exemption.
  - (5) The certificate holder fails to comply with certificate renewal requirements.
    - (A) The Department may reinstate a certificate that has been revoked for failure to comply with certificate renewal requirements provided all conditions for recertification have been satisfied, including payment of all appropriate renewal and delinquency fees.
- (b) Any denial or revocation of an administrator certificate may be appealed as provided by Health and Safety Code section 1551.
- (c) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a denial or revocation action shall be processed in accordance with the provisions of Health and Safety Code section 1520.3.

**84064.4 ADMINISTRATOR CERTIFICATE DENIAL OR REVOCATION (Continued) 84064.4****HANDBOOK BEGINS HERE**

Health and Safety Code section 1520.3 in pertinent part provides that:

"(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license 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) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years shall have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law....

(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department or from a certified family home pursuant to Sections 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence."

**HANDBOOK ENDS HERE**

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3, 1522, 1522.41(f) and (g), 1550 and 1551, Health and Safety Code.

**84064.5 ADMINISTRATOR CERTIFICATE FORFEITURE****84064.5**

- (a) Unless otherwise ordered by the Department, the certificate shall be considered forfeited under any of the following conditions:
- (1) The Department has revoked any license held by the certificate holder after the Department issued the certificate.
  - (2) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code sections 1558, 1568.092, 1569.58 or 1596.8897, after the Department issued the certificate, and:
    - (A) The certificate holder did not appeal the exclusion order or,
    - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
- (b) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a certificate has been forfeited shall be processed in accordance with the provisions of Health and Safety Code sections 1520.3, 1558(h) and/or 1558.1.

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**HANDBOOK BEGINS HERE**

Section 1520.3 in pertinent part provides:

"(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license 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) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years shall have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law....

(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

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(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence."

Health and Safety Code section 1558(h) in pertinent part provides:

"(h)(1)(A) In cases where the excluded person appealed the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or from being a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement one year after the effective date of the decision and order of the department upholding the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the decision and order.

(2)(A) In cases where the department informed the excluded person of his or her right to appeal the exclusion order and the excluded person did not appeal the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement after one year has elapsed from the date of the notification of the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the exclusion order."

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Health and Safety Code section 1558.1 in pertinent part provides:

"(a)(1) If the department determines that a person was issued a license 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 3.2 (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) and the prior license was revoked within the preceding two years, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter.

(b) If the department determines that the person had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter and as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(e) The department may determine not to exclude the person from, or remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter if it has determined that the reasons for the denial of the application or revocation of the facility license or certificate of approval were due to circumstances and conditions that either have been corrected or are no longer in existence."

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NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3, 1522.41(g), 1558(h), and 1558.1, Health and Safety Code.

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**84065 PERSONNEL REQUIREMENTS****84065**

- (a) In addition to Section 80065, the following shall apply.
- (b) The licensee shall employ those administrative, child care, social work and support staff necessary to perform the assigned duties specified in applicable law and regulation.
- (c) The licensee shall ensure provision of the services specified in Section 84065.2(c)(1) through (4) by social work staff.
- (d) The licensee shall designate at least one facility manager to be present at the facility at all times when children are present:
  - (1) The facility manager shall meet one of the following requirements prior to employment.
    - (2) This requirement does not apply to facilities with a licensed capacity of six or less which were licensed prior to January 1, 1985.
      - (A) One year of full-time experience, or its equivalent, working with the client group to be served.
        - (1) Experience shall be verified as having been performed as a paid or volunteer staff person whose duties required direct supervision and care of the client group served.
      - (B) Two years experience as a member of the social work staff in a group home performing those duties specified in Section 84065.2(c).
      - (C) Completion with a passing grade, from an accredited or approved college or university, of 15 college semester or equivalent quarter units in behavioral science, 9 units of which must be in courses relating to children with behavioral problems which may be the result of abuse, neglect, or emotional trauma. The courses may include, but are not limited to curriculums in Corrections, Psychology, Social Work, or Social Welfare.
    - (3) Prior to assuming the duties and responsibilities of the facility manager, the individual shall complete a minimum of one hour of training as specified in Section 84065(k), in addition to training required in Sections 84065(i) and (j).
      - (A) Facility managers only working in community treatment facilities governed by Title 22, Division 6, Chapter 5, Subchapter 1, who have completed the training required by Section 84165(f), are exempt from the training required in Sections 84065(i) and (j).
      - (B) Facility managers only working in group homes that care for children under the age of six years governed by Title 22, Division 6, Chapter 5, Subchapter 2, who have completed the training required by Section 84265(c) and (h) are exempt from the training required in Sections 84065(i) and (j).

**84065 PERSONNEL REQUIREMENTS (Continued)****84065**

- (4) Any person willfully making any false representation as being a facility manager is guilty of a misdemeanor.
- (e) In facilities with a licensed capacity of 13 or more children, one employee shall be designated by the administrator to have primary responsibility for planned activities, and shall be given assistance as necessary to ensure that all children participate in accordance with their needs, interests, and abilities.
  - (1) Such employee shall develop, organize, implement, and evaluate the facility activity program, and shall possess the following qualifications:
    - (A) Completion of or enrollment in a related education or training program.
    - (B) Six months' experience in organizing and providing planned activities.
- (f) The licensee of a group home providing care and supervision to children diagnosed by a physician, psychiatrist, psychologist or licensed clinical social worker as mentally disordered shall make provision for at least monthly consultation from a psychiatrist, or clinical psychologist, or licensed clinical social worker regarding the program of services.
  - (1) The licensee shall maintain on file copies of reports signed by any such consultant, noting the types and hours of services provided.

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- (A) The number of hours of consultation may be based on the size of the facility, qualifications of personnel, availability or lack of community resources, type of population, documentation of unmet needs and the number of hours provided by a social worker employed by the facility.

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- (g) The licensee of a group home providing care and supervision to children diagnosed by a physician, psychiatrist or psychologist as developmentally disabled shall make provision for at least monthly consultation from a qualified mental retardation professional regarding the program of services.
  - (1) The licensee shall maintain on file copies of reports signed by any such consultant, noting the types and hours of services provided.

**84065 PERSONNEL REQUIREMENTS (Continued)****84065****HANDBOOK BEGINS HERE**

- (A) The number of hours of consultation may be based on the size of the facility, qualifications of personnel, availability or lack of community resources, type of population, documentation of unmet needs and the number of hours provided by a social worker employed by the facility.

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- (h) The licensee shall develop, maintain, and implement a written plan for the supervision, evaluation, and training of all child care staff.
- (1) The child care staff training plan, as specified in Sections 84065(i) and (j) shall be incorporated in the group home's program statement.
- (2) The training plan shall address the initial 24 hour training for newly hired child care staff.
- (A) When the training plan includes job shadowing activities as described in Section 84065(i)(1), the following shall be included in the training plan:
1. Specific activities;
  2. Job classification of the individual being shadowed;
  3. Time spent on each activity; and
  4. Skill to be developed through each job shadowing activity.
- (3) The training plan shall address the annual training for newly hired and existing child care staff.
- (4) The training plan shall include for each training session the following:
- (A) Course title and subject matter;
- (B) Learning objectives and activities;
- (C) Number of hours per training session;
- (D) Qualifications of the trainer; and
- (E) Training evaluation.
1. Each session shall include an evaluation of the trainer and course content to determine if the training is meeting the needs of child care staff.

**84065 PERSONNEL REQUIREMENTS (Continued)****84065**

- (5) The training plan shall be appropriate for the client population and the training needs and skill level of child care staff.
  - (A) The licensee shall amend the training plan, when necessary, to meet the needs of child care staff and the client population.
- (6) Amendments to the staff training plan, shall be submitted to the Department within ten days following the occurrence.
- (i) Notwithstanding Sections 80065(f)(1) through (6), new child care staff hired on or after July 1, 1999, shall complete a minimum of 24 hours of initial training comprised of the 8 and 16 hour training as specified in (1) and (2) below:
  - (1) 8-Hour Training
    - (A) Training shall be completed before new child care staff are:
      - i. responsible for supervising children,
      - ii. left alone with children, and
      - iii. counted in the staff to child ratio required in Sections 84065.5 and 84065.7.
    - (B) Until the 8 hours of training is completed, new child care staff shall be visually supervised at all times by child care staff who meet the training requirements specified in this subsection and (2) below.
    - (C) A maximum of 4 hours of the training requirement may be satisfied by successful completion of job shadowing.
      - 1. For the purpose of this regulation, job shadowing means a process whereby new child care staff follow and observe experienced facility personnel performing a specific job. The purpose of job shadowing is to gain information related to a specific job including, materials used, physical demands, necessary skills and knowledge.
      - 2. During shadowing, the experienced facility personnel being shadowed must be performing child care duties and counted in the staff to child ratios, as required in Sections 84065.5 and 84065.7.
      - 3. Job shadowing shall promote the development of specific skills, and shall consist of specific activities for a specific time period.

**84065 PERSONNEL REQUIREMENTS (Continued)****84065**

4. Successful completion of job shadowing shall be verified by a statement completed by the experienced facility personnel being shadowed affirming: a) specific activity observed; b) dates and times of shadowing; and, c) training topic listed in Section 84065(i)(3)(A) through (R) that is satisfied by the job shadowing activity.
- (D) Within 7 calendar days of completion of the 8 hour training, the administrator or administrator's designee shall assess if each child care staff understands and can apply the training.
1. The assessment may include observation of performance, post-testing or demonstrated hands-on competency.
  2. The assessment shall be documented in each child care staff personnel record.
  3. When the administrator or administrator's designee determines a child care staff does not understand and cannot apply the training, re-training is required.
- (2) Sixteen hours of training shall be completed by new child care staff within 90 days of hire.
- (A) New child care staff who work a maximum of 20 hours per week shall complete the additional minimum 16 hours of training within 180 days of hire.
- (B) Within 30 days of completion of the 16 hour training, the administrator or administrator's designee shall assess if each newly hired child care staff understands and can apply the training.
1. The assessment may include observation of performance, post-testing or demonstrated hands-on competency.
  2. The assessment shall be documented in each child care staff personnel record.
  3. When the administrator or administrator's designee determines a child care staff does not understand and cannot apply the training, re-training is required.
- (3) Training shall include, at a minimum, all of the following topics. The licensee shall determine how much time is spent on each topic, and shall ensure that child care staff have appropriate skills necessary to supervise the children in care.
- (A) Overview of the client population served by the group home;
  - (B) Facility's program and services, including program philosophy, activities and community resources;

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**PERSONNEL REQUIREMENTS** (Continued)

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- (C) Facility's policies and procedures, including reporting requirements to the Department and as a mandated child abuse reporter;
- (D) Child care workers' job description, including roles and responsibilities;
- (E) Child care workers' self awareness;
- (F) Role of other facility personnel in service delivery, including case staffing;
- (G) Discipline policies and procedures;
- (H) Disaster response;
- (I) Medical emergency response;
- (J) Teamwork and interpersonal communication among facility personnel and clients and client family members;
- (K) Teamwork and intra-facility communication;
- (L) The role of placement workers;
- (M) Medication procedures, assistance with medication, universal precautions, recognition of early signs of illness and the need for professional assistance, and other health related issues;
- (N) Group home children's adjustment to group care;
- (O) Housekeeping and sanitation principles; principles of nutrition, food preparation and storage and menu planning;
- (P) California Code of Regulations, Title 22;
- (Q) Availability of community services and resources; and
- (R) Recreation activities and resources.
- (S) The child's right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.
- (T) Instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual and transgender youth in out-of-home care.

**84065 PERSONNEL REQUIREMENTS (Continued)****84065**

- (U) The facility's policies and procedures concerning when and how to involve law enforcement in response to an incident involving a child residing in the facility.

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**84065 PERSONNEL REQUIREMENTS (Continued)****84065**

- (4) The training requirement shall be satisfied by successful completion of course work conducted in a workshop, seminar, classroom setting, individual or small group setting.
- (A) Proof of successful completion of course work shall be limited to official grade slips or transcripts from colleges or adult education departments; or certificates or signed documentation issued by bona fide educational institutions or organizations, or licensee associations, or courses offered or approved by accredited educational institutions, or qualified individuals who possess the necessary skills, knowledge and experience to train others in a particular subject area.
1. A qualified individual shall possess: a) a master's degree in a behavioral science from an accredited college or university and one year experience as an administrator, social worker, child care staff, or independent contractor providing direct social work activities in a group home; or, b) a master's degree and one year of work experience with the client population or a bachelor's degree and two years of work experience with the client population; or, c) a licensed mental health professional, as defined in California Code of Regulations Title 9, Chapter 12, Section 1901(p) or, d) a certificate or credential from an accredited course of study or educational institution in the subject matter for which the individual will be providing training; e) or, an individual who has provided training to group home child care staff for three years and has at least three years work experience in the subject matter of the training.

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California Code of Regulations, Title 9, Chapter 12, Section 1901(p) reads:

- (p) "Licensed mental health professional" means any of the following:
- (1) A psychiatrist;
  - (2) A clinical psychologist;
  - (3) A licensed marriage, family and child counselor;
  - (4) A licensed clinical social worker;
  - (5) A licensed registered nurse with a masters or doctorate degree in psychiatric nursing.

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- (5) Documentation of successful completion of training shall be maintained in the personnel record for each child care staff.
- (6) The 24 hour initial training is in addition to first aid and CPR training, and other training as required in Sections 84065.1 and 84365.

**84065 PERSONNEL REQUIREMENTS (Continued)****84065**

- (A) Initial 24 hour training does not apply to child care staff only working in community treatment facilities governed by Title 22, Division 6, Chapter 5, Subchapter 1 who have successfully completed the training required in Section 84165(f), and child care staff only working in group homes that care for children under the age of six years governed by Title 22, Division 6, Chapter 5, Subchapter 2 who have successfully completed training required in Section 84265(h).
- (j) Annual Training
- (1) Notwithstanding Sections 80065(f)(1) through (6), all child care staff shall complete a minimum of 20 hours of annual training, except as specified in (2) below.
- (A) At least 5 hours of the annual training shall consist of course work from an entity other than the group home such as an accredited educational institution, workshops, seminars, or other direct training provided by a qualified individual, who meets the requirements specified in Section 84065(i)(4)(A)1., who is not affiliated with the group home licensee.
- (2) Notwithstanding Sections 80065(f)(1) through (6), newly hired child care staff, hired on or after July 1, 1999, shall complete a minimum of 16 hours of annual training within the first 12 months of employment, for a total of 40 hours of initial and annual training. After the first 12 months of employment, child care staff shall comply with (1) above.
- (A) At least 4 hours of the annual training shall consist of course work from an entity other than the group home such as an accredited educational institution, workshops, seminars, or other direct training provided by a qualified individual who meets the requirements specified in Section 84065(i)(4)(A)1., who is not affiliated with the group home licensee.
- (3) Training may include but is not limited to, the following topics:
- (A) Neglect/abuse issues;
- (B) Attachment issues;
- (C) Behavior problems/psychological disorders;
- (D) Mental health/behavioral interventions;
- (E) Developmental disabilities;
- (F) Substance abuse issues;
- (G) Cultural diversity;

**84065 PERSONNEL REQUIREMENTS (Continued) 84065**

- (H) Child and adolescent development;
  - (I) Child empowerment;
  - (J) Discharge and emancipation;
  - (K) Importance of sibling and family relationships;
  - (L) Placement agencies and the placement process;
  - (M) Needs and service plan/treatment planning and review;
  - (N) Employee training handbook; and
  - (O) Topics listed in Sections 84065(i)(3)(A) through (U).
- (4) Training topics shall be appropriate for the client population and services provided by the facility.
- (5) The training requirement may be satisfied by successful completion of course work conducted in a workshop, seminar, or classroom setting, individual or small group setting.
- (A) Proof of successful completion of course work shall be limited to official grade slips or transcripts; or, certificates or signed documentation issued by colleges, or adult education departments, bona fide educational institutions or organizations, or licensee associations, or courses offered or approved by accredited educational institutions, or qualified individuals who possess the necessary skills, knowledge and experience to train others in a particular subject area.
1. The qualified individual shall meet the requirements specified in Section 84065(i)(4)(A)1.
- (6) Documentation of successful completion of training shall be maintained in the personnel record for each child care staff.
- (7) Annual training is in addition to first aid and CPR training, and other training as required in Sections 84065.1 and 84365.
- (A) Annual training does not apply to child care staff only working in community treatment facilities governed by Title 22, Division 6, Chapter 5, Subchapter 1 who have successfully completed the training required in Section 84165(f), and child care staff only working in group homes that care for children under the age of six years governed by Title 22, Division 6, Chapter 5, Subchapter 2 who have successfully completed the training required in Section 84265(h).

**84065 PERSONNEL REQUIREMENTS (Continued)****84065**

- (k) The licensee shall develop, maintain and implement a written plan for the training of facility managers.
- (1) The facility manager training plan shall be incorporated in the group home's program statement.
  - (2) The training plan shall include the following for each training session:
    - (A) Course title and subject matter;
    - (B) Learning objectives and activities;
    - (C) Number of hours per training session;
    - (D) Qualifications of the trainer; and
    - (E) Training evaluation.
      1. Each session shall include an evaluation of the trainer and course content to determine if the training is meeting the needs of facility personnel acting as facility managers.
  - (3) The training plan shall be appropriate for the client population and shall consider the training needs and skill level of staff.
    - (A) The licensee shall amend the training plan, as necessary, to meet the needs of facility personnel acting as facility managers and the client population.
  - (4) Amendments to the staff training plan, shall be submitted to the Department within ten days.
  - (5) Training shall include, but not be limited to, the following. The licensee may determine how much time is spent on each topic:
    - (A) Interaction with the Department, including inspection authority
    - (B) Licensee appeal rights
    - (C) Interaction with placement agencies, neighbors, mental health agencies, law enforcement, medical/emergency personnel, client family members.
  - (6) The training requirement may be satisfied by successful completion of course work conducted in a workshop, seminar, or classroom setting, individual or small group setting.

**84065 PERSONNEL REQUIREMENTS (Continued)****84065**

- (A) Proof of successful completion of course work shall be limited to official grade slips or transcripts; or, certificates or signed documentation issued by colleges, or adult education departments, bona fide educational institutions or organizations, or licensee associations, or courses offered or approved by accredited educational institutions, or qualified individuals who possess the necessary skills, knowledge and experience to train others in a particular subject area.
1. The qualified individual shall meet the requirements specified in Section 84065(i)(4)(A)1.
- (7) Documentation of successful completion of training shall be maintained in the personnel record for each staff member.
- (8) Facility manager training is in addition to first aid and CPR training, and other training as required in Sections 84065.1 and 84365.
- (l) All employees shall be given a copy of the job description specified in Section 84066(b)(1) which is relevant to their duties, and shall have access to all other job descriptions.
- (m) The staff assignment information specified in Section 84066(b)(2) shall be provided to all applicants during interviews for employment; to all staff during orientation or when changes are made which affect job assignments; and upon request to placement agencies.
- (n) Upon employment, the group home shall make available for review by all group home personnel, an employee training handbook that shall include the following: facility's program philosophy; facility's policies and procedures; disaster response procedures; law enforcement contact procedures; lines of authority and communication; Title 22 regulations; and reporting requirements.
- (1) The employee training handbook shall be maintained at the facility and updated as needed.
- (o) Upon employment, staff shall receive copies of the removal and/or discharge policies and procedures specified in Section 84068.4(a); of the discipline policies and procedures specified in Section 84072.1(a), and of the complaint procedures specified in Section 84072.2(a).
- (p) Physician reports from general practitioners or specialists may be required after licensure if the licensing agency has reason to believe that a licensee's or staff member's physical and/or mental health is not adequate to carry out responsibilities under these regulations.
- (1) The licensing agency shall provide the licensee with a written explanation of the need for any additional report.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 51, Civil Code; Sections 1501, 1522.4, 1531 and 1562, Health and Safety Code; Section 16001.9, Welfare and Institutions Code.

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**84065.1 ADDITIONAL PERSONNEL REQUIREMENTS FOR SPECIALIZED GROUP HOMES 84065.1**

- (a) Any person who provides specialized in-home health care to a child placed in the group home as of November 1, 1993, shall comply with the following requirements:
- (1) Prior to caring for the child or when the child's needs change, the in-home health care provider shall complete training in specialized in-home health care provided by a health care professional as required by the child's individualized health care plan, except when
    - (A) The in-home health care provider is a licensed health care professional; and
    - (B) The child's individualized health care plan team determines that completion of specialized in-home health care training for the child is unnecessary on the basis of the in-home health care provider's medical qualifications and expertise.
- (b) No person shall provide specialized in-home health care to a child placed in the home after November 1, 1993, unless
- (1) He/she is a licensed health care professional; and
  - (2) The child's individualized health care plan team determines that he/she has the necessary medical qualifications and expertise to meet the child's in-home health care needs.
    - (A) The child's individualized health care plan team shall make a new determination each time the child's in-home health care needs change.
- (c) Volunteers caring for children in a specialized group home shall meet the health screening requirements in Sections 80065(g)(1) and (g)(2).

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 17731(c) and 17736(a) and (b), Welfare and Institutions Code and Sections 1501, 1531 and 1562, Health and Safety Code.

**84065.2 PERSONNEL DUTIES****84065.2**

(a) The facility manager(s) shall:

- (1) Meet the requirements of Health and Safety Code Section 1522.4(a)(1) through (3).

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(A) Health and Safety Code Sections 1522.4(a)(1) through (a)(3) states:

- (1) The facility shall have one or more facility managers. "Facility manager," as used in this section, means a person on the premises with the authority and responsibility necessary to manage and control the day-to-day operation of a community care facility and supervise the clients. The facility manager, licensee, and administrator, or any combination thereof, may be the same person provided he or she meets all applicable requirements. If the administrator is also the facility manager for the same facility this person shall be limited to the administration and management of only one facility.
- (2) The facility manager shall have at least one year of experience working with the client group served, or equivalent education or experience, as determined by the Department.
- (3) A facility manager shall be at the facility at all times when one or more clients are present. To ensure adequate supervision of clients when clients are at the facility outside of their normal schedule, a current telephone number where the facility manager can be reached shall be provided to the clients, licensing agency, school, and any other agency or person as the Department determines is necessary. The facility manager shall instruct these agencies and individuals to notify him or her when clients will be returning to the facility outside of the normal hours.

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(b) Child care staff shall perform the following duties:

- (1) Supervision, protection and care of children individually and in groups at all times.
- (2) Assistance to each child in working with a group and in handling individual problems.
- (3) Administration of discipline and setting of limits for behavior.



**84065.2 PERSONNEL DUTIES (Continued)****84065.2**

- (4) Notation of the child's progress; identification of the possible need for professional services; and communication of such findings to professional staff.
  - (5) Until they complete the 8 hours of training as required in Section 84065(i)(1), new child care staff hired on or after July 1, 1999 shall perform the duties as defined in Subsections (1) through (4) above while under visual supervision.
- (c) Social work staff shall complete or assist in the completion of the following for each child:
- (1) An intake study, as specified in Section 84068.1.
  - (2) A needs and services plan, as specified in Sections 84068.2(a) and 84068.3.
  - (3) A discharge plan, as specified in Section 84068.4.
  - (4) Obtaining, developing and recording of the information necessary for the completion of (1) through (3) above, as specified in Section 84070.
- (d) Support staff shall perform the following duties:
- (1) Office work.
  - (2) Cooking.
  - (3) Housecleaning.
  - (4) Laundering.
  - (5) Maintenance of facility buildings, grounds, fixtures, furniture, equipment and supplies.
- (e) Support staff duties shall not be assigned to child care staff unless such assignments are directly related to the care of the children, and do not interfere with the performance of their child care duties.
- (1) Household duties directed towards development of self-help skills may be performed by the children in placement. Participation in these duties shall be voluntary and specified in the needs and services plan.
  - (2) No household duties shall go undone because a child refuses to participate.

NOTE: Authority cited: Sections 1530 and 1530.8, Health and Safety Code. Reference: Sections 1501, 1522.4, 1530.8, and 1531, Health and Safety Code.

**84065.5 STAFF/CHILD RATIOS****84065.5**

- (a) From 7 a.m. to 10 p.m., there shall be one on-duty child care staff person to each ten children, or fraction thereof, present.
- (b) From 7 a.m. to 7 p.m., in minor parent programs, there shall be one on-duty child care staff person to each ten children, or fraction thereof, present.
  - (1) In minor parent programs, children shall include all children present in the facility, including minor parents and their child(ren). When the minor parent is not providing direct care and supervision to his or her child(ren), the facility shall provide that care and supervision.
  - (2) At any time the facility provides direct care and supervision of the minor parents' children, there shall be one staff for every four children of minor parents, or fraction thereof.
- (c) If the children require special care and supervision because of age, problem behavior or other factors, the number of on-duty child care staff shall be increased.

NOTE: Authority cited: Sections 1530 and 1530.8, Health and Safety Code. Reference: Section 11465, Welfare and Institutions Code and Sections 1501, 1530.8, and 1531, Health and Safety Code.

**84065.6 ADDITIONAL STAFF/CHILD RATIOS FOR SPECIALIZED GROUP HOMES****84065.6**

- (a) The licensee shall ensure that staff providing specialized in-home health care are responsible for the provision of care and supervision to no more than three children, with or without special health care needs.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17732(a) and (b), Welfare and Institutions Code.

**84065.7 NIGHT SUPERVISION****84065.7**

- (a) In group homes providing care and supervision to 12 or fewer children, there shall be one child care staff person on duty from 10 p.m. to 7 a.m.; for minor parent programs this requirement shall be from 7 p.m. to 7 a.m.
- (b) In group homes providing care and supervision to 13 to 30 children, there shall be one child care staff person awake and on duty from 10 p.m. to 7 a.m.; for minor parent programs this requirement shall be from 7 p.m. to 7 a.m.
  - (1) Another person shall be on call and capable of arriving at the facility site within 30 minutes.

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- (A) The use of local emergency services does not eliminate the requirement to have an on-call person.

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- (c) In group homes providing care and supervision to 31 or more children, there shall be one child care staff person awake and on duty from 10 p.m. to 7 a.m. for the first 30 children; and one child care staff person awake and on duty for each additional 30 children or fraction of that amount; for minor parent programs this requirement shall be from 7 p.m. to 7 a.m..
- (d) For purposes of determining the appropriate staff to children ratio, children shall include all children present in the facility.
- (e) In facilities required to have a signal system as specified in Sections 84088(d) through (d)(3), at least one staff person shall be responsible for responding to such system.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8, and 1531, Health and Safety Code.

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**84066 PERSONNEL RECORDS****84066**

- (a) In addition to Section 80066, the following shall apply.
- (b) The licensee shall maintain the following personnel records:
  - (1) Complete job descriptions on all positions within the facility.
  - (2) A description of all staff assignments, including information regarding lines of authority and staff responsibilities.
  - (3) A dated employee time schedule developed at least monthly; displayed conveniently for employee reference; and containing the following information for each employee:
    - (A) Name.
    - (B) Job title.
    - (C) Hours of work.
    - (D) Days off.
  - (4) Documentation of the completion by each child care staff person and facility manager of the training specified in Sections 84065(h) through (k) inclusive.
  - (5) Documentation that the administrator has met the certification requirements specified in Section 84064.2.
  - (6) A record of each work performance evaluation and any correspondence with the employee.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1501, 1522.41, 1531 and 1562, Health and Safety Code.

**84066.1 ADDITIONAL PERSONNEL RECORDS FOR SPECIALIZED GROUP HOMES****84066.1**

- (a) The licensee shall ensure that the personnel records of all persons subject to the requirements of Section 84065.1(a) contain the following:
- (1) For any training or additional training from which the in-home health care provider is exempt:
    - (A) Documentation that the child's individualized health care plan team has determined that it is not necessary for the in-home health care provider to complete the specialized in-home health care training or additional training.
      - 1. Documentation may be provided in different ways, including, but not limited to, a written statement from a member designated by the team that the team has been notified and has determined that the training or additional training is unnecessary.
    - (B) A copy of a valid license or certificate indicating that he/she is a licensed health care professional.
  - (2) For any training or additional training from which the in-home health care provider is not exempt:
    - (A) Documentation, by a health care professional providing the training, that he/she has successfully completed the specialized in-home health care training specified in Section 84065.1(a)(1).
- (b) The licensee shall ensure that the personnel records of all persons subject to the requirements of Section 84065.1(b) contain the following:
- (1) Documentation that the child's individualized health care plan team has determined that the in-home health care provider has the necessary medical qualifications and expertise to meet the child's specialized in-home health care needs.
    - (A) Documentation shall be updated each time the child's specialized in-home health care needs change.
    - (B) Documentation may be provided in different ways, including, but not limited to, a written statement from a member designated by the team that the team has been notified and has determined that the in-home health care provider has the necessary medical qualifications to meet the child's specialized in-home health care needs.

**84066.1 ADDITIONAL PERSONNEL RECORDS FOR SPECIALIZED GROUP HOMES (Continued) 84066.1**

- (2) A copy of a valid license or certificate indicating that he/she is a licensed health care professional.
- (c) For each volunteer caring for children in a specialized group home, the licensee shall have on file the record of a health screening and test for tuberculosis as specified in Section 84065.1(c). The health screening shall be used in place of the volunteer statement specified in Section 80065(g)(3)(A).

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731, Welfare and Institutions Code and Section 1501, 1531 and 1562, Health and Safety Code.

**84067 REASONABLE AND PRUDENT PARENT STANDARD 84067**

- (a) The administrator or facility manager, or his or her responsible designee, shall apply the "Reasonable and Prudent Parent Standard," as defined in Section 84001(r)(1) and specified in Welfare and Institutions Code sections 362.05 and 727, in determining whether to allow a child to participate in age-appropriate, developmentally-appropriate extracurricular, enrichment, and social activities.
- (b) When applying the "Reasonable and Prudent Parent Standard," the administrator or facility manager, or his or her responsible designee, shall consider:
- (1) The child's age, maturity, and developmental level to ensure the overall health and safety of the child is maintained.
  - (2) The potential risk factors and the appropriateness of the extracurricular, enrichment, and social activity.
  - (3) The best interest of the child based on information known by the administrator or facility manager, or his or her designee.

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The "Reasonable and Prudent Parent Standard" allows every child in placement the opportunity to participate in age-appropriate, developmentally-appropriate extracurricular, enrichment, and social activities. The administrator or facility manager, or his or her responsible designee, is encouraged to consult with social work or treatment staff members who are most familiar with the child.

The administrator or facility manager, or his or her responsible designee, is encouraged to document the type of activity and steps taken to ensure the appropriateness of the activity. Documentation provides evidence that staff took the necessary precautions to make informed, reasonable, and prudent decisions that ensures the health and safety of the child.

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**HANDBOOK CONTINUES**

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## 84067 REASONABLE AND PRUDENT PARENT STANDARD (Continued)

84067

**HANDBOOK CONTINUES**

Welfare and Institutions Code section 362.05 provides:

"(a) Every child adjudged a dependent child of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent, or create barriers to, participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to dependent children have policies consistent with this section and that those agencies promote and protect the ability of dependent children to participate in age-appropriate extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver, as defined in paragraph (1) of subdivision (a) of Section 362.04, shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, in determining whether to give permission or a child residing in foster care to participate in extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver shall take reasonable steps to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level.

(b) A group home administrator or a facility manager, or his or her responsible designee, is encouraged to consult with social work or treatment staff members who are most familiar with the child at the group home in applying and using the reasonable and prudent parent standard."

Welfare and Institutions Code section 727 provides in part:

"(a)(4)(A) Every child adjudged a ward of the juvenile court who is residing in a placement as defined in paragraphs (1) to (3), inclusive, shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent, or create barriers to, participation in those activities... .

(B) A group home administrator or a facility manager, or his or her responsible designee, is encouraged to consult with social work or treatment staff members who are most familiar with the child at the group home in applying and using the reasonable and prudent parent standard."

"Reasonable and Prudent Parent Standard" is referenced in the following:

- (1) Section 84001, Definitions.
- (2) Section 84067, Reasonable and Prudent Parent Standard.
- (3) Section 84076, Food Service.

**HANDBOOK CONTINUES**



**84067 REASONABLE AND PRUDENT PARENT STANDARD (Continued)****84067****HANDBOOK CONTINUES**

- (4) Section 84079, Planned Activities.
- (5) Section 84087.2, Outdoor Activity Space.
- (6) Section 84088, Fixtures, Furniture, Equipment, and Supplies.

**HANDBOOK ENDS HERE**

- (c) Application of the "Reasonable and Prudent Parent Standard" shall not result in the denial of the rights of a child as specified in Welfare and Institutions Code section 16001.9, or contradict court orders or the needs and services plan of the child.

NOTE: Authority cited: Sections 1501, 1530 and 1531, Health and Safety Code. Reference: Sections 362.04, 362.05, 727, and 16001.9, Welfare and Institutions Code; Assembly Bill 2096 (Chapter 483 Statutes of 2008).

**84068.1 INTAKE PROCEDURES****84068.1**

- (a) The licensee shall develop, maintain, and implement intake procedures which meet the requirements specified in this section.
- (b) When a child is being considered for nonemergency placement in a group home, the following requirements shall be met prior to the child's placement in the home.
  - (1) The information specified in Sections 80070(b)(1) through (5), (7), (8) and (10), and Sections 84070(b)(1) through (10) shall be obtained from the placement agency, if any, or from the child's authorized representative(s).
    - (A) If the information is not completed by a placement agency, the licensee shall make telephone and/or written requests for the information to the child's placement agency and/or authorized representative, and shall record and retain the details of those requests.
    - (B) If the information is not received within 15 days of the requests specified in (A) above, the licensee shall obtain the information necessary to complete a standard appraisal form from other sources.
    - (C) When the information is received, social work staff shall complete a standard appraisal for the child on a form approved and/or furnished by the licensing agency.
  - (2) The needs and services plan shall be completed as specified in Section 84068.2.

**84068.1 INTAKE PROCEDURES (Continued)****84068.1**

- (3) The information specified in (1) and (2) above shall be reviewed by the social work staff to determine whether the facility can provide the services necessary to meet the child's needs.
  - (A) If it is determined that the facility cannot provide necessary services, applicable discharge procedures specified in Sections 84068.4(b), (c) and (e); and 84070(d) through (d)(3) shall be followed.
- (4) If the child is accepted for placement, the following requirements shall be met:
  - (A) An admission agreement shall be completed and signed as specified in Section 80068.
  - (B) The administrator or his/her designee, and the child and/or his/her authorized representative(s), shall sign copies of the removal and/or discharge policies and procedures specified in Section 84068.4(a); of the discipline policies and procedures specified in Section 84072.1(a); and of the complaint procedures specified in Section 84072.2(a), to verify the receipt of such information.
  - (C) Information specified in Sections 80070 and 84070 necessary to complete the child's file shall be obtained.
  - (D) Needs and services plan requirements specified in Section 84068.2 which were not addressed on the standard appraisal form, if used, shall be met.
- (c) If the child is placed in the facility under emergency circumstances, the licensee shall ensure that the following requirements are met:
  - (1) Placement of the child in the facility shall not result in the facility exceeding its licensed capacity.
  - (2) The admission agreement and other procedures specified in (b)(4)(A) and (B) above shall be completed no later than seven days following the emergency placement.
  - (3) If it is determined, following emergency placement of the child in the facility, that the facility cannot continue to provide necessary services, applicable discharge procedures specified in Sections 84068.4(b), (c) and (e); and 84070(d) through (d)(3) shall be followed.
  - (4) If the child is continued in placement, the following requirements shall be met no later than 30 days following the emergency placement:
    - (A) Information specified in Sections 84070(b) and 84068.2 shall be obtained.

**84068.1 INTAKE PROCEDURES (Continued)****84068.1**

- (B) The information specified in (A) above, and the needs and services plan specified in Section 84068.2, shall be reviewed by social work staff to determine whether the facility can continue to provide services necessary to meet the child's needs.
- (C) The admission agreement shall be modified as specified in Section 80068(d), if necessary.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**84068.2 NEEDS AND SERVICES PLAN****84068.2**

- (a) Social work staff shall obtain the information specified in Section 84070, and shall develop an individual needs and services plan for the child which meets the requirements specified in (b) through (d) below.
  - (1) A needs and services plan is not required for children who are placed in the facility on an emergency basis and who will remain in placement for less than seven days as documented in the child's record.
- (b) The needs and services plan shall identify the child's needs in the following areas:
  - (1) Reason for placement.
  - (2) Education.
    - (A) If the information specified in Section 84070(b)(4) is not available, the plan shall specify a method for determining such needs.
  - (3) Training.
  - (4) Personal care and grooming.
  - (5) Ability to manage his/her own money, including the maximum amount of money the child shall be permitted to have in his/her possession at any one time.
  - (6) Visitation, including the frequency of and any other limitations on visits to the family residence and other visits inside and outside the facility.

**84068.2 NEEDS AND SERVICES PLAN**  
(Continued)**84068.2**

- (7) Other specific services, including necessary services to the child's parent(s) or guardian(s).
- (c) The needs and services plan shall include the following information regarding services necessary to meet the child's needs:
  - (1) Types of services necessary.
  - (2) The facility's ability to provide the necessary services based upon the following information provided in the plan of operation.
    - (A) The facility's purposes, program methods, and goals.
    - (B) The facility's admission policies and procedures.
    - (C) Services to be provided by the facility in cooperation with community resources.
  - (3) Planned length of placement, including the discharge plan specified in Section 84068.4(b).
  - (4) Financial arrangements for provision of services to the child.
- (d) The licensee shall ensure that the child and his/her authorized representative(s) are offered the opportunity to participate in the development of the needs and services plan.
- (e) Unless restricted by the case plan adopted by the court or other court order, the licensee shall permit and facilitate connections between the child and the child's family and non-relative extended family members. Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.
  - (1) The licensee shall not implement a needs and services plan unless prior written approval of the plan has been obtained from the child's authorized representative(s).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Sections 366.1, 366.21, and 16001.9, Welfare and Institutions Code.

**84068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN****84068.3**

- (a) The needs and services plan specified in Section 84068.2 shall be updated at least every six months to determine the following:
  - (1) The child's need for continuing services.
  - (2) The facility's recommendation regarding the feasibility of the child's return to his/her home; placement in another facility; or move to independent living.

**84068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN**  
(Continued)**84068.3**

- (3) The need for modification in services.
- (b) The licensee shall ensure that the child and his/her authorized representative(s) are offered the opportunity to participate in such modifications.
  - (1) The licensee shall not implement any plan modifications unless prior written approval of such modifications has been obtained from the child's authorized representative(s).
  - (c) In order to determine the need to modify the child's needs and services plan, the licensee shall conduct an analysis of each incident reported pursuant to Sections 80061 and 84061 which occurred in the six months preceding the biannual review of the needs and services plan.
    - (1) The analysis shall consist of the following:
      - (A) If there were multiple incidents:
        - (1) Was it the same situation.
        - (2) Was it a different situation.
        - (3) Did the other incidents involve the same facility personnel.
        - (4) Was it the same resolution.
        - (5) Was it a different resolution.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**84068.4 REMOVAL AND/OR DISCHARGE PROCEDURES****84068.4**

- (a) The licensee shall develop, maintain and implement written policies and procedures governing a child's removal and/or discharge from the facility.
  - (1) Children and their authorized representative(s) shall receive copies of such policies and procedures.
  - (2) Signed copies of such policies and procedures shall be maintained in the child's record, as specified in Section 84070(c)(2).

**84068.4 REMOVAL AND/OR DISCHARGE PROCEDURES (Continued)****84068.4**

- (b) The licensee shall ensure that the child and his/her authorized representative(s) are offered the opportunity to participate in the development of a discharge plan for the child.

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**HANDBOOK BEGINS HERE**

- (1) Circumstances under which discharge might occur would include the child reaching the age of 18, or meeting needs and services plan goals.

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- (2) The licensee shall not discharge a child unless prior written approval of the discharge has been obtained from the child's authorized representative(s).
- (c) If it is determined that the facility cannot meet the needs of the child, the licensee shall notify the authorized representative(s) of the determination and request that the child be placed elsewhere.

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**HANDBOOK BEGINS HERE**

- (d) Nothing in this section is intended to prevent the child's removal from the facility under emergency circumstances by an authorized person or agency.
- (1) Examples of such circumstances include:
- (A) Removal by law enforcement officers when a child is arrested or when removal is necessary because the health and safety of the child or of other children in the facility is endangered by the child's continued presence in the facility.
  - (B) Removal for emergency medical or psychiatric care.
  - (C) Relocation by the child's authorized representative(s).

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**HANDBOOK ENDS HERE**

- (e) Social work staff shall develop and maintain a written removal of discharge record containing the information specified in Sections 84070(d) through (d)(3).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**84069.1 IMMUNIZATIONS****84069.1**

- (a) A child for whom vaccination against the following diseases cannot be verified shall receive the first doses of the appropriate vaccines within 30 calendar days of placement in the facility and shall receive follow-up doses as recommended by the physician who administered the first doses.
- (1) Poliomyelitis.
  - (2) Diphtheria.
  - (3) Pertussin, i.e., whooping cough.
  - (4) Tetanus.
  - (5) Measles.
  - (6) Rubella, i.e., German measles.
  - (7) Mumps.

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**HANDBOOK BEGINS HERE**

- (1) Verification of immunization can include a copy of the California School Immunization Record (PM 286) or a written immunization record from a physician or clinic. Immunization records must show the date of receipt of each required dose.

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- (b) Notes from parents, guardians, etc., are not acceptable documentation.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

**84069.2 INDIVIDUALIZED HEALTH CARE PLANS FOR SPECIALIZED GROUP HOMES****84069.2**

- (a) The licensee shall not accept any child with special health care needs unless the licensee has obtained an individualized health care plan for the child. The plan shall include the following information:
- (1) The name, address, and phone number of the health care professional responsible for monitoring the child's ongoing health care.

**84069.2 INDIVIDUALIZED HEALTH CARE PLANS FOR SPECIALIZED GROUP HOMES (Continued)** **84069.2**

- (2) The appropriate number of hours of on-site supervision and monitoring, and the appropriate number of hours of off-site supervision and monitoring, needed to be provided by the monitor designated in Section 84069.2(a)(1).
- (3) For children with special health care needs placed as of November 1, 1993:
  - (A) Documentation by the child's individualized health care plan team identifying the specialized in-home health care to be administered by a health care professional or responsible adult trained by a health care professional.
  - (B) Specific responsibilities of staff for the provision of specialized in-home health care.
  - (C) Identification of any available and funded medical services that are to be provided to the child in the home which may include, but is not limited to, assistance from health care professionals.
- (4) For children with special health care needs placed after November 1, 1993:
  - (A) Documentation by the child's individualized health care plan team identifying the specialized in-home health care to be administered by one or more health care professionals.
  - (B) Specific responsibilities of the health care professional(s) for the provision of specialized in-home health care.
  - (C) Identification of any available and funded medical services that are to be provided to the child in the home including the name, address and telephone number of each health care professional or agency that is to provide medical services to the child in the home.
- (5) Arrangements for in-home health support services if required.
- (6) Identification of any psychological, emotional, behavioral, or medical problems that will be identified in the child's needs and services plan or the medical assessment specified in Section 80069.
- (b) The individualized health care plan for each child with special health care needs shall be updated at least every six months or sooner if the needs of the child change.
- (c) For any child with special health care needs the hospital discharge plan may be adopted by the individualized health care plan team as the child's individualized health care plan.



**84069.2 INDIVIDUALIZED HEALTH CARE PLANS FOR SPECIALIZED GROUP HOMES (Continued) 84069.2**

- (d) The individualized health care plan may be combined with the child's needs and services plan or regional center individual program plan provided that all the information required by each plan is included.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731(c) and 17710(h), Welfare and Institutions Code.

**84070 CHILDREN'S RECORDS 84070**

- (a) In addition to Section 80070, the following shall apply.
- (b) The following information regarding the child shall be obtained and maintained in the child's record:
- (1) The name, address, and telephone number of all adults with whom the child was living immediately prior to the current placement.
  - (2) The name, address, and telephone number of the child's parent(s), if known.
  - (3) The name, address, and telephone number of the placement worker and placement agency.
  - (4) Educational records, if available, describing the child's present academic level, including his/her grade or performance level, and any previous school-related problems.
  - (5) Dental and medical history, if available, including immunization records; and physician's orders for any medically necessary diet as specified in section 80076(a)(6).
  - (6) The child's court status, if applicable, including a copy of any custody orders and agreements with parent(s) or person(s) having legal custody.
  - (7) The placement agency's list of persons who should not be allowed to visit.
  - (8) Medical, psychiatric and psychological reports that identify special needs of children diagnosed as mentally disordered or developmentally disabled.
  - (9) Medical and dental insurance coverage information, or information regarding the agency or person responsible for medical and dental costs.
  - (10) Consent forms, completed by the child's authorized representative(s), to permit the facility to authorize medical care.

**84070 CHILDREN'S RECORDS**  
(Continued)**84070**

- (11) A copy of the standard appraisal form specified in Section 84068.1(b)(1)(C), if used.
- (c) If it is determined that the facility can provide the services necessary to meet the child's needs, the following additional information shall be maintained in the child's record:
- (1) A copy of the child's original needs and services plan; verification, signed by the child and his/her authorized representative(s), that they were offered the opportunity to participate in plan development; and verification that the authorized representative(s) have approved the plan.
  - (2) Signed copies of the facility's policies and procedures regarding the child's removal and/or discharge; discipline; and complaints.
  - (3) Documentation that vaccinations have been obtained as specified in Section 84069.1, if immunization records are not available prior to placement.
  - (4) Records and documentation regarding any fines levied as specified in Sections 84026(c)(1) through (4).
  - (5) Copies of any modifications to the child's needs and services plan; verification, signed by the child and his/her authorized representative(s), that they were offered the opportunity to participate in any such modifications; and verification that the authorized representative(s) have approved such modifications.
- (d) If it is determined that the child is to be removed or discharged from the facility, the following information shall be maintained in the child's record:
- (1) Date the child's authorized representative(s) was notified of the necessity for the child's removal or discharge.
  - (2) The name, address, and relationship to the child of the person to whom the child was released.
  - (3) Reason for the child's removal or discharge.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

**84070.1 ADDITIONAL CHILDREN'S RECORDS FOR SPECIALIZED GROUP HOMES****84070.1**

- (a) The licensee of a specialized group home shall ensure that records for each child with special health care needs contain the following:
- (1) Documentation that the child has been adjudged a dependent of the court under Section 300 of the Welfare and Institutions Code or has not been adjudged a dependent of the court pursuant to Section 300 but is in the custody of the county welfare department, or has a developmental disability and is receiving services and case management from a regional center.
  - (2) A copy of the child's individualized health care plan as specified in Section 84069.2.

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**84070.1 ADDITIONAL CHILDREN'S RECORDS FOR SPECIALIZED GROUP HOMES (Continued) 84070.1**

- (3) A copy of the written reassessment of the child's individualized health care plan as specified in Section 84069.2(b).
- (b) The licensee of a group home caring for children with special health care needs placed on or after January 1, 1992, shall ensure that:
  - (1) The needs and services plan for each child in the home documents the determinations required by Section 84010.1(a)(2)(C).
  - (2) For each child with special health care needs placed on or after January 1, 1992, the child's records contain the following:
    - (A) In the child's needs and services plan, a description of the emergency necessitating that the child be placed in the group home and a written plan of relocation specifying the arrangements for subsequent placement in a less restrictive setting as required by Section 84010.1(a)(2)(B); and
    - (B) In the child's admission agreement,
      - 1. If the 120 calendar day limitation period specified in Section 84010.1(a)(2)(A) has not been exceeded, the number of calendar days the child may remain in the group home without exceeding the limitation period; or
      - 2. If the 120 calendar day limitation period has been exceeded, the number of calendar days the child may remain in the group home as stated in the extension approved under Section 84010.1(a)(2)(A)1.
        - a. The child's records shall also contain a copy of the letter from the Director or his/her designee approving the extension.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 17710(a), 17731(c) and 17732(d) and (e), Welfare and Institutions Code and Section 1531, Health and Safety Code.

**84072 PERSONAL RIGHTS****84072**

- (a) Each facility licensed to provide foster care for six or more children shall post a listing of a foster child's rights.
- (b) Each facility shall provide each school age child, who is placed in foster care, and his or her authorized representative with an age and developmentally appropriate orientation that includes an explanation of the rights of the child and addresses the child's questions and concerns.
- (c) At admission, each child, and his/her authorized representative, shall be personally advised of and given a copy of the child's rights as specified in Subsection d below:
- (d) The licensee shall ensure that each child, regardless of whether the child is in foster care, is accorded the personal rights specified in Welfare and Institutions Code section 16001.9, as applicable. In addition, the licensee shall ensure that each child is accorded the following personal rights:
  - (1) To visit the facility with his/her relatives and/or authorized representative(s) prior to admission.
  - (2) To file a complaint with the facility, as specified in Section 84072.2.
  - (3) To have the facility inform his/her authorized representative(s) of his/her progress at the facility.
  - (4) To have communications to the facility from his/her relatives and/or authorized representative(s) answered promptly and completely.
  - (5) To have visitors visit privately during waking hours without prior notice, provided that such visitations are not prohibited by the child's needs and services plan; do not infringe upon the rights of other children; do not disrupt planned activities; and are not prohibited by court order or by the child's authorized representative(s).
    - (A) Rules regarding visitation hours, sign-in rules and visiting rooms can be established but shall apply to all visitors.
    - (B) Visits by the child's brothers and sisters can only be prohibited by court order.
  - (6) To be provided with and allowed to possess and use adequate personal items, consistent with Welfare & Institutions Code section 16001.9(a)(23), which includes their own:
    - (A) Clothing items, provided the clothes are age-appropriate.
      - (1) Clothing provided for school shall not violate school standards.
    - (B) Toiletries and personal hygiene products, including enclosed razors used for shaving, as age and developmentally appropriate.
    - (C) Personal belongings, including items that were a gift to the child unless prohibited as part of a discipline program.

**84072 PERSONAL RIGHTS (Continued)****84072**

- (7) To possess and use his/her own cash resources except as specified in Section 84026, and to maintain an emancipation bank account and manage personal income consistent with the child's age and developmental level, unless prohibited by the case plan.
- (8) To make and receive confidential telephone calls, unless prohibited by court order.
- (A) Reasonable restrictions to telephone use may be imposed by the licensee. The licensee shall be permitted to:
1. Restrict the making of long distance calls upon documentation that requested reimbursement for previous long distance calls has not been received;
  2. Restrict phone use in accordance with the facility's discipline program;
  3. Impose restrictions to ensure that phone use does not infringe on the rights of others or restrict the availability of the phone during emergencies.
- (B) All restrictions shall be documented in the child's needs and services plan or the facility's discipline policies, and be signed by the child's authorized representative.
- (C) Calls permitted to be restricted by subsections (A)1. and 2. above shall not include calls to the child's authorized representative, placement agency, family members (except by court order), social workers, attorneys, Court Appointed Special Advocates (CASA), probation officers, Community Care Licensing Division of the California Department of Social Services or the State Foster Care Ombudsperson.
- (9) To send and receive unopened correspondence unless prohibited by court order and have access to letter writing material.
- (10) To be accorded dignity in his or her personal relationships with staff and other persons.
- (11) To be free of physical, sexual, emotional, or other abuse, and from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature including, but not limited to, interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning.
- (12) To be informed, and to have his/her authorized representative, if any, informed, by the licensee of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency, and of information regarding confidentiality.
- (13) To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice. Attendance at religious services, in or outside of the facility, shall be on a completely voluntary basis.

## 84072 PERSONAL RIGHTS (Continued)

84072

- (14) To not be locked in any room, building, or facility premises at any time.
- (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of clients provided the clients are able to exit the facility.
  - (B) The license shall be permitted to utilize means other than those specified in (A) above for securing exterior doors and windows only provided the clients are able to exit the facility and with the prior approval of the licensing agency.
- (15) Not to be placed in any restraining device. Postural supports may be used if they are approved in advance by the licensing agency as specified in (A) through (F) below.
- (A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties used to achieve proper body position and balance, to improve a client's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a client from falling out of bed, a chair, etc.
    - 1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports.
  - (B) All requests to use postural supports shall be in writing and include a written order of a physician indicating the need for such supports. The licensing agency shall be authorized to require other additional documentation in order to evaluate the request.
  - (C) Approved postural supports shall be fastened or tied in a manner which permits quick release by the child.
  - (D) The licensing agency shall approve the use of postural supports only after the appropriate fire clearance, as required by Section 80020(a) or (b), has been secured.
  - (E) The licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports.
  - (F) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a child's hands or feet.
    - 1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited.



## 84072 PERSONAL RIGHTS (Continued)

84072

- (G) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below.
1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request.
  2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.
- (H) Under no circumstances shall postural supports or protective devices be used for disciplinary purposes.

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**HANDBOOK BEGINS HERE**

EXAMPLE: Children who are privately placed in a Group home should be afforded only those rights that apply, and therefore would not be afforded those rights that apply only to a child placed in foster care. For instance, privately placed children would not be involved in the development and review of his or her case plan, and plan for permanent placement.

Please refer to [Welfare & Institutions Code Section 16001.9](#) for a complete list of personal rights.

Welfare and Institutions Code section 16001.9, subsection (a) provides in part:

- "(a) It is the policy of the state that all minors and nonminors in foster care shall have the following rights:
- (1) To live in a safe, healthy, and comfortable home where he or she is treated with respect.
  - (2) To be free from physical, sexual, emotional, or other abuse, or corporal punishment.
  - (3) To receive adequate and healthy food, adequate clothing, and, for youth in group homes, an allowance.
  - (4) To receive medical, dental, vision, and mental health services.
  - (5) To be free of the administration of medication or chemical substances, unless authorized by a physician.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

- (6) To contact family members, unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASAs), and probation officers.
- (7) To visit and contact brothers and sisters, unless prohibited by court order.
- (8) To contact the Community Care Licensing Division of the State Department of Social Services or the State Foster Care Ombudsperson regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.
- (9) To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.
- (10) To attend religious services and activities of his or her choice.
- (11) To maintain an emancipation bank account and manage personal income, consistent with the child's age and developmental level, unless prohibited by the case plan.
- (12) To not be locked in a room, building, or facility premises, unless placed in a community treatment facility.
- (13) To attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level, with minimal disruptions to school attendance and educational stability.
- (14) To work and develop job skills at an age-appropriate level, consistent with state law.
- (15) To have social contacts with people outside of the foster care system, including teachers, church members, mentors, and friends.
- (16) To attend Independent Living Program classes and activities if he or she meets age requirements.
- (17) To attend court hearings and speak to the judge.
- (18) To have storage space for private use.
- (19) To be involved in the development of his or her own case plan and plan for permanent placement.

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**HANDBOOK CONTINUES**

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- (20) To review his or her own case plan and plan for permanent placement, if he or she is 12 years of age or older and in a permanent placement, and to receive information about his or her out-of-home placement and case plan, including being told of changes to the plan.
- (21) To be free from unreasonable searches of personal belongings.
- (22) To the confidentiality of all juvenile court records consistent with existing law.
- (23) To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.
- (24) To be placed in out-of-home care according to their gender identity, regardless of the gender or sex listed in their court or child welfare records.
- (25) To have caregivers and child welfare personnel who have received instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care.
- (26) At 16 years of age or older, to have access to existing information regarding the educational options available, including, but not limited to, the coursework necessary for vocational and postsecondary educational programs, and information regarding financial aid for postsecondary education.
- (27) To have access to age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections at 12 years of age or older.

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- (e) Nothing in this section shall be interpreted to require a licensee or Group Home staff to take any action that would impair the health and safety of children in out-of-home placement consistent with Welfare & Institutions Code section 16001.9(b).

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Welfare and Institutions Code section 16001.9(b) provides:

"(b) Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement."

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NOTE: Authority cited: Sections 1502.8 and 1530, Health and Safety Code. Reference: Sections 1501, 1530.91, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code.

**84072.1 DISCIPLINE POLICIES AND PROCEDURES****84072.1**

- (a) The licensee shall develop, maintain and implement written facility discipline policies and procedures meeting the requirements specified in (b), (c) and (d) below.
  - (1) Staff, children, and authorized representatives shall receive copies of such policies and procedures, as specified in Section 84065(o) and 84068.1(b)(4)(B).
  - (2) Signed copies of such policies and procedures shall be maintained in the child's record, as specified in Section 84070(c)(2).
- (b) Any form of discipline which violates a child's personal rights as specified in Sections 80072 and 84072 shall be prohibited.
- (c) Calls to law enforcement must be made in accordance with the facility's emergency intervention plan as specified in Section 84322. Calling or threatening to call law enforcement is prohibited as a form of discipline.
- (d) Acceptable forms of discipline shall include the following:
  - (1) Exclusion in an unlocked living, sleeping, or play area.
  - (2) Institution of fines as specified in Section 84026(b).
  - (3) Prohibition against attendance at or participation in planned activities.
  - (4) Prohibition against use of entertainment devices including but not limited to telephones, televisions, radios and phonographs.

**84072.1 DISCIPLINE POLICIES AND PROCEDURES**  
(Continued)**84072.1**

- (5) Performance of additional duties related to training needs identified in the child's needs and services plan.
- (6) Any other form of discipline approved in writing, in advance by the licensing agency.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**84072.2 COMPLAINT PROCEDURES****84072.2**

- (a) The licensee of a group home shall develop, maintain and implement written complaint procedures by which children or their authorized representatives are permitted to file complaints, without fear of retaliation, with the facility administrator regarding facility staff or operations.

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Children and/or their authorized representatives may file complaints with the licensing agency.

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- (1) Staff, children, and authorized representatives shall receive copies of such procedures, as specified in Sections 84065(o) and 84068.1(b)(4)(B).
- (2) Signed copies of such procedures shall be maintained in each child's record, as specified in Section 84070(c)(2).
- (3) Such procedures shall be posted in a location in the facility which is accessible to children and their authorized representatives.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**84072.3 PERSONAL RIGHTS FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS****84072.3**

- (a) Except as specified in this section, Section 80072(a)(8) shall not apply to children with special health care needs.
- (b) A child with special health care needs has the right to be free from any restraining/postural support device imposed for purposes of discipline or convenience, and not required to treat the child's specific medical symptoms.
- (1) Physical restraining devices may be used for the protection of a child with special health care needs during treatment and diagnostic procedures such as, but not limited to, intravenous therapy or catheterization procedures. The restraining device, which shall not have a locking device, shall be applied for no longer than the time required to complete the treatment and shall be applied in conformance with the child's individualized health care plan. The child's individualized health care plan shall include all of the following:
- (A) The specific medical symptom(s) that require use of the restraining device.
- (B) An evaluation of less restrictive therapeutic interventions and the reason(s) for ruling out these other practices as ineffective.
- (C) A written order by the child's physician. The order must specify the duration and circumstances under which the restraining device is to be used.
- (2) Postural support as specified in Sections 80072(a)(8)(A) and (A)1., half-length bed rails, and protective devices as specified in Section 80072(a)(8)(G), may be used if prescribed in the individualized health care plan. The use of a postural support or protective device and the method of application shall be specified in the child's individualized health care plan and approved in writing by the child's physician.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17730, Welfare and Institutions Code.

**84074 TRANSPORTATION****84074**

- (a) In addition to Section 80074, the following shall apply:
- (b) The licensee and his/her staff are prohibited from smoking a tobacco product, or permitting any person from smoking a tobacco product in a motor vehicle that is regularly used to transport children, regardless of when the children are present. This prohibition applies when the motor vehicle is moving or at rest. Smoking has the same meaning as in subdivision (c) of Section 22950.5 of the Business and Professions Code, and tobacco product means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

**84074      TRANSPORTATION**  
(continued)**84074**

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Business and Professions Code section 22950.5(c) and (d) provide:

(c) "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoking" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

(d)(1) "Tobacco product" means any of the following:

(A) A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.

(B) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

(C) Any component, part, or accessory of a tobacco product, whether or not sold separately.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.7, 1531, 118948, Health and Safety Code; and 22950.5(c) and (d), Business and Professions Code.

**84075      HEALTH-RELATED SERVICES****84075**

(a) In addition to Section 80075, the following shall apply.

(b) The licensee shall ensure that all prescribed medications are centrally stored, as provided in Section 80075(h)(3).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.



**84076 FOOD SERVICE****84076**

- (a) In addition to Section 80076, the following shall apply.
- (b) Written menus shall be posted weekly in an area accessible to the staff and children.
- (c) The licensee shall meet the following food supply and storage requirements:
  - (1) Supplies of staple nonperishable foods for a minimum of one week and fresh perishable foods for a minimum of two days shall be maintained on the premises.
  - (2) Freezers shall be large enough to accommodate required perishables and shall be maintained at a temperature of zero degrees F (-17.7 degrees C).
  - (3) Refrigerators shall be large enough to accommodate required perishables and shall maintain a maximum temperature of 45 degrees F (7.2 degrees C).
  - (4) Freezers and refrigerators shall be kept clean, and food storage shall permit the air circulation necessary to maintain the temperatures specified in (2) and (3) above.
  - (5) Kitchen appliances and utensils shall be made accessible to a child when he or she is participating in age-appropriate, and developmentally-appropriate activities related to food preparation, cooking, and other related kitchen and dining activities. The administrator or facility manager, or his or her responsible designee, shall:
    - (A) Apply the "Reasonable and Prudent Parent Standard," as specified in Section 84067, when allowing a child to use kitchen appliances and utensils for food preparation and cooking.
    - (B) Ensure that the child is properly trained to safely use the kitchen appliances and utensils.
    - (C) Not require a child to participate in meal preparation.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Sections 361.2(j)(2), 727, and 16001.9, Welfare and Institutions Code.

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**84077 PERSONAL SERVICES****84077**

- (a) The licensee shall ensure the following:
- (1) Provision of basic laundry services, including but not limited to washing, drying, and ironing of children's personal clothing.
    - (A) Children shall be permitted to participate in the performance of such services provided that the requirements specified in Section 80065(j) are met.
  - (2) Provision of an allowance to all children no less frequently than once per month except:
    - (A) If the child in placement is an infant as defined in Section 80001.
    - (B) If the child is unable to manage his/her own money because of age or if the authorized representative determines that the child cannot manage his/her own money.
      - (1) If the authorized representative considers the child incapable of money management, it must be specified in the needs and services plan.
  - (3) Portions of a child's allowance may be withheld through a fining system as specified in Section 84026

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1501 and 1531, Health and Safety Code.

**84078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION****84078**

- (a) In addition to Section 80078, the following shall apply.
- (b) The licensee shall provide those services identified in each child's needs and services plan and in the individualized health care plan for each child with special health care needs as necessary to meet the child's needs.
- (c) The licensee is responsible for ensuring care and supervision of the child(ren) of any minor parent(s) in placement.
  - (1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.
- (d) The licensee shall ensure each child's attendance at an educational program in accordance with state law.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 11465 and 17731, Welfare and Institutions Code and Sections 1501 and 1531, Health and Safety Code.

**84079 PLANNED ACTIVITIES****84079**

- (a) The licensee shall develop, maintain, and implement a written plan to ensure that indoor and outdoor activities which include but are not limited to the following are provided for all children:
- (1) Activities that require group interaction.
  - (2) Physical activities, including but not limited to games, sports and exercise.
  - (3) Leisure time.
  - (4) Educational activities, including attendance at an educational program in accordance with state law, and supervision of after school study as specified in Section 84078(c).
  - (5) Activities which meet the training, money management, and personal care and grooming needs identified in the children's needs and services plans, as specified in Sections 84068.2(c)(3) through (5).
- (b) Each child who is capable shall be given the opportunity to participate in the planning, preparation, conduct, cleanup, and critique of planed activities.
- (c) The administrator or facility manager, or his or her designee, shall:
- (1) Allow a child to participate in age-appropriate and developmentally-appropriate extracurricular, enrichment, and social activities.
  - (2) Apply the "Reasonable and Prudent Parent Standard" as specified in Section 84067, when determining whether to allow a child to participate in age-appropriate and developmentally-appropriate extracurricular, enrichment, and social activities.

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Activities may include but are not limited to the following:

- (1) Worship services and activities of the child's choice.
- (2) Community events, including but not limited to concerts, tours, dances, plays, and celebrations of special events.
- (3) The YMCA, YWCA, Boy Scouts, and Girl Scouts.
- (4) Sports.
- (5) School activities such as band, dances, and field trips.
- (6) Leisure time such as bike riding, socializing with friends, shopping, and going to the movies.

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**84079 PLANNED ACTIVITIES (Continued)****84079**

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- (7) 4-H activities.
- (8) Sleepover with friends.
- (9) Having visitors in the home.
- (10) Use of computer equipment.
- (A) Computer equipment made available to other children in the household should also be available to a "child" of similar age and maturity.
- (B) The caregiver is not required to incur a cost to provide computer availability.

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- (d) In facilities with a licensed capacity of 13 or more children, a schedule of the planned activities shall be posted on at least a weekly basis in a central facility location readily accessible to children, relatives, and representatives of placement and referral agencies.
  - (1) Copies of schedules shall be retained in the facility's files for at least six months.
- (e) For children 16 years of age or older, the licensee shall allow access to existing information regarding available vocational and postsecondary educational options as specified in Welfare and Institutions Code section 16001.9(a)(26). The information may include, but is not limited to:
  - (1) Admission criteria for universities, community colleges, trade or vocational schools and financial aid information for these schools.
  - (2) Informational brochures on postsecondary or vocational schools/programs.
  - (3) Campus tours.
  - (4) Internet research on postsecondary or vocational schools/programs, sources of financial aid, independent living skills program offerings, and other local resources to assist youth.
  - (5) School-sponsored events promoting postsecondary or vocational schools/programs.
  - (6) Financial aid information, including information about federal, state and school-specific aid, state and school-specific scholarships, grants and loans, as well as aid available specifically to current or former foster youth and contact information for the Student Aid Commission.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Section 16001.9 Welfare and Institutions Code; Sections 361.2(j)(2), 362.04, 362.05, 727, and 16001.9, Welfare and Institutions Code; Assembly Bill 2096, (Chapter 483 Statutes of 2008).

**84080 RESIDENT COUNCILS****84080**

- (a) Each facility, at the request of a majority of its residents, shall assist its residents in establishing and maintaining a resident-oriented facility council.
- (1) The licensee shall provide space and post notice for meetings, and shall provide assistance in attending council meetings for those residents who request it.
    - (A) If residents are unable to read the posted notice because of a physical or functional disability, the licensee shall notify the residents in a manner appropriate to that disability including but not limited to verbal announcements.
  - (2) The licensee shall document notice of meetings, meeting times, and recommendations from council meetings.
  - (3) In order to permit a free exchange of ideas, at least part of each meeting shall be conducted without the presence of any facility personnel.
  - (4) Residents shall be encouraged but shall not be compelled to attend council meetings.
- (b) The licensee shall ensure that in providing for resident councils the requirements of Section 1520.2 of the Health and Safety Code are observed.

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Health and Safety Code Section 1250.2 reads in pertinent part:

The council shall be composed of residents of the facility and may include family members of residents of the facility. The council may, among other things, make recommendations to facility administrators to improve the quality of daily living in the facility and may negotiate to protect residents' rights with facility administrators.

A violation of this section shall not be subject to the provisions of Health and Safety Code Section 1540 (misdemeanors), but shall be subject to the provisions of Health and Safety Code Section 1534 (civil penalties).

This section shall not apply to facilities licensed for six (6) or fewer individuals.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1520.2, Health and Safety Code.

**Article 7. PHYSICAL ENVIRONMENT****84087 BUILDINGS AND GROUNDS****84087**

- (a) In addition to Section 80087, the following shall apply.
- (b) Bedrooms shall meet, at a minimum, the following requirements:
- (1) No more than two children shall share a bedroom.
  - (2) Bedrooms shall be large enough to allow for easy passage and comfortable use of any required assistive devices, including but not limited to wheelchairs, between beds and other items of furniture.
  - (3) Children of the different sexes shall not share a bedroom unless:
    - (A) A minor parent may share a bedroom with the minor parent's child of the opposite sex.
    - (B) Each child is under five years of age, or
    - (C) A licensee is permitting a child to share a bedroom consistent with their gender identity regardless of the gender or sex listed on the court or child welfare documents.
  - (4) No room commonly used for other purposes shall be used as a bedroom.
    - (A) Such rooms shall include but not be limited to halls, stairways, unfinished attics or basements, garages, storage areas, and sheds or similar detached buildings.
  - (5) No bedroom shall be used as a public or general passageway to another room, bath or toilet.
  - (6) Except for infants, children shall not share a bedroom with an adult.
    - (A) In bedrooms shared by adults and infants, no more than one infant and no more than two adults shall share the room.
    - (B) If two children have been sharing a bedroom and one of them turns 18 they may continue to share the bedroom as long as they remain compatible and the licensing agency has granted an exception pursuant to Section 80024.
  - (7) Private bedrooms, separate from the children's bedrooms shall be provided for staff or other adults who sleep at the facility.
    - (A) Staff bedrooms are to be located near the children's sleeping area.

**84087 BUILDINGS AND GROUNDS (Continued)****84087**

- (8) Subsections (1), (2), (3), (4), (5), and (6) apply to all bedrooms used by all children in the facility including children who are members of the licensee's family, children of staff members and children in placement.
- (9) Subsections (4), (5) and (7) apply to all bedrooms used by the licensee(s), staff and any other adults in the facility.
- (c) The licensee shall prohibit smoking in the facility and on the grounds of the facility.
- (d) Every group home shall have one or more carbon monoxide detectors in the facility that meets the standards established in Health and Safety Code Chapter 8 (commencing with Section 13260) of Part 2 of Division 12.
- (e) In every situation where children share a bedroom, the licensee shall document that the bedroom sharing arrangement ensures the health and safety of each child and that the children are compatible. When considering compatibility a Licensee shall consult with children in their care, in an age and developmentally appropriate manner, regarding the child's sexual orientation and gender identity and what information the child wishes to disclose and to whom. A licensee shall not disclose information about the child's sexual orientation and/or gender identity against the child's wishes, unless compelled to do so by law or court order. This documentation shall be maintained in the child's record.

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Health and Safety Code Section 13260 provides:

"This chapter shall be known and may be cited as the Carbon Monoxide Poisoning Prevention Act of 2010."

Health and Safety Code Section 13261 provides:

"The Legislature finds and declares all of the following:

- (a) According to the American Medical Association, carbon monoxide is the leading cause of accidental poisoning deaths in the United States. The federal Centers for Disease Control and Prevention estimate that carbon monoxide kills approximately 500 people each year and injures another 20,000 people nationwide.
- (b) According to the United States Environmental Protection Agency, a person cannot see or smell carbon monoxide. At high levels carbon monoxide can kill a person in minutes. Carbon monoxide is produced whenever any fuel, such as gas, oil, kerosene, wood, or charcoal, is burned.
- (c) The State Air Resources Board estimates that every year carbon monoxide accounts for between 30 and 40 avoidable deaths, possibly thousands of avoidable illnesses, and between 175 and 700 avoidable emergency room and hospital visits.

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(d) There are well-documented chronic health effects of acute carbon monoxide poisoning or prolonged exposure to carbon monoxide, including, but not limited to, lethargy, headaches, concentration problems, amnesia, psychosis, Parkinson's disease, memory impairment, and personality alterations.

(e) Experts estimate that equipping every home with a carbon monoxide device would cut accident-related costs by 93 percent. Eighteen states and a number of large cities have laws mandating the use of carbon monoxide devices.

(f) Carbon monoxide devices provide a vital, highly effective, and low-cost protection against carbon monoxide poisoning and these devices should be made available to every home in California.

(g) The Homeowners' Guide to Environmental Hazards prepared pursuant to Section 10084 of the Business and Professions Code is an important educational tool and should include information regarding carbon monoxide. It is the intent of the Legislature that when the booklet is next updated as existing resources permit, or as private resources are made available, it be updated to include a section on carbon monoxide."

Health and Safety Code Section 13262 provides:

"For purposes of this chapter, the following definitions shall apply:

(a) 'Carbon monoxide device' means a device that meets all of the following requirements:

(1) A device designed to detect carbon monoxide and produce a distinct, audible alarm.

(2) A device that is battery powered, a plug-in device with battery backup, or a device installed as recommended by Standard 720 of the National Fire Protection Association that is either wired into the alternating current power line of the dwelling unit with a secondary battery backup or connected to a system via a panel.

(3) If the device is combined with a smoke detector, the combined device shall comply with all of the following:

(A) The standards that apply to carbon monoxide alarms as described in this chapter.

(B) The standards that apply to smoke detectors, as described in Section 13113.7.

(C) The combined device emits an alarm or voice warning in a manner that clearly differentiates between a carbon monoxide alarm warning and a smoke detector warning.

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(4) The device has been tested and certified, pursuant to the requirements of the American National Standards Institute (ANSI) and Underwriters Laboratories Inc. (UL) as set forth in either ANSI/UL 2034 or ANSI/UL 2075, or successor standards, by a nationally recognized testing laboratory listed in the directory of approved testing laboratories established by the Building Materials Listing Program of the Fire Engineering Division of the Office of the State Fire Marshal of the Department of Forestry and Fire Protection.

(b) 'Dwelling unit intended for human occupancy' means a single-family dwelling, factory-built home as defined in Section 19971, duplex, lodging house, dormitory, hotel, motel, condominium, stock cooperative, time-share project, or dwelling unit in a multiple-unit dwelling unit building or buildings. 'Dwelling unit intended for human occupancy' does not mean a property owned or leased by the state, the Regents of the University of California, or a local governmental agency.

(c) 'Fossil fuel' means coal, kerosene, oil, wood, fuel gases, and other petroleum or hydrocarbon products, which emit carbon monoxide as a byproduct of combustion."

Health and Safety Code Section 13263 provides:

"(a) (1) The State Fire Marshal shall develop a certification and decertification process to approve and list carbon monoxide devices and to disapprove and delist previously approved devices, if necessary. The certification and decertification process shall include consideration of effectiveness and reliability of the devices, including, but not limited to, their propensity to record false alarms. The certification and decertification process shall include a review of the manufacturer's instructions and shall ensure their consistency with building standards applicable to new construction for the relevant type of occupancy with respect to number and placement.

(2) The State Fire Marshal shall charge an appropriate fee to the manufacturer of a carbon monoxide device to cover his or her costs associated with the approval and listing of carbon monoxide devices.

(b) A person shall not market, distribute, offer for sale, or sell any carbon monoxide device in this state unless the device and the instructions have been approved and listed by the State Fire Marshal."

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| NOTE: Authority cited: Sections 1502.8 and 1530, Health and Safety Code. Reference: Sections 1501, 1503.2, 1530.8, 1531, 13260, 13261, 13262, and 13263, Health and Safety Code and *"The Health Consequences of Involuntary Exposure to Tobacco Smoke": A Report of the Surgeon General (2006)*.

**84087.1 ADDITIONAL BUILDINGS AND GROUNDS REQUIREMENTS FOR SPECIALIZED GROUP HOMES 84087.1**

- (a) Areas in the home, including bedrooms, bathrooms, toilets, dining areas, passageways and recreational spaces used by a child with special health care needs shall be large enough to accommodate any medical equipment needed by the child therein.
  - (1) Bedrooms occupied by children with special health care needs shall be large enough to allow the storage of each child's personal items and any required medical equipment or assistive devices, including wheelchairs, adjacent to the child's bed.
    - (A) The bedroom shall be large enough to permit unobstructed bedside ministrations of medical procedures and medications.
- (b) Notwithstanding Section 84087(b)(1), a bedroom used by a child with special health care needs shall not be shared with another minor residing in the facility if the child's need for medical services or the child's medical condition would be incompatible with the use and enjoyment of the bedroom by each minor.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17732, Welfare and Institutions Code.

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**84087.2 OUTDOOR ACTIVITY SPACE****84087.2**

- (a) Children shall have access to safe outdoor activity space.
- (1) Outdoor activity space meeting the requirement of (a) above shall include but not be limited to activity centers and public parks.
  - (2) A sketch of the physical plant as required in the plan of operation pursuant to Section 80022, shall include the location(s) of outdoor activity space.
  - (3) The outdoor activity space shall not include any area made inaccessible by fencing pursuant to Section 80087(f).
  - (4) Where natural or man-made hazards such as canals, cliffs, condemned buildings, creeks, ditches, lakes, ocean fronts, mines, power lines, quarries, rivers, ravines, swamps, watercourses, and areas subject to flooding lie on or adjacent to the facility premises, the outdoor activity space shall be inaccessible to such hazards.
    - (A) Where a fence or wall is used to make the outdoor activity space inaccessible, the requirements of Section 80087(f)(1) shall be met.
  - (5) The administrator or facility manager, or his or her responsible designee, shall apply the "Reasonable and Prudent Parent Standard," as specified in Section 84067, when determining whether to allow a "child" to have access to fish ponds, fountains, and similar bodies of water.
    - (A) The licensee shall ensure safeguards that include but are not limited to; familiarity of the surroundings, and staff trained in water safety as specified in Section 80065(e)(2).
- (b) As a condition of licensure, the areas around and under high climbing equipment, swings, slides and other similar equipment shall be cushioned with material which absorbs falls.
- (1) Sand, woodchips, peagravel or rubber mats commercially produced for this purpose, shall be permitted.
  - (2) The use of cushioning material other than that specified in (1) above shall be approved by the licensing agency in advance of installation.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Sections 361.2(j)(2), 362.04, 362.05, and 727, Welfare and Institutions Code.

**84087.3 INDOOR ACTIVITY SPACE****84087.3**

- (a) As a condition of licensure, there shall be common rooms, including a living room, dining room, den or other recreation/activity room, which provide the necessary space and/or separation to promote and facilitate the program of planned activities specified in Section 84079; and to prevent such activities from interfering with other functions.
- (1) At least one such room shall be available to children for relaxation and visitation with friends and/or relatives.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**84088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES****84088**

- (a) In addition to Section 80088, the following shall apply.
- (b) As a condition of licensure, toilet, wash basin, bath and shower fixtures shall, at a minimum, meet the following requirements.
- (1) There shall be at least one toilet and wash basin maintained for each six persons residing in the facility, including children and personnel.
- (2) There shall be at least one shower or bathtub maintained for each ten persons residing in the facility, including children and personnel.
- (3) Toilets and bathrooms shall be located so that children do not have to go out-of-doors to have access to such accommodations.
- (4) Individual privacy shall be provided in all toilet, bath, and shower areas.
- (c) The licensee shall provide and make readily available to each child the following furniture, equipment and supplies necessary for personal care and maintenance of personal hygiene:
- (1) An individual bed maintained in good repair; equipped with good springs and a clean mattress; and supplied with pillow(s) which are clean and in good repair.

**84088****FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)****84088**

- (A) No group home shall have more beds for children's use than required for the maximum capacity approved by the licensing agency.
    - 1. This requirement shall not apply to the bed(s) made available for illness or separation of others in an isolation room or area as specified in Section 80075(b).
  - (B) Fillings and covers for mattresses and pillows shall be flame retardant.
  - (C) The use of cots, trundle, or bunk beds shall be prohibited.
- (2) Clean linen in good repair, including lightweight, warm blankets and bedspreads; top and bottom bed sheets; pillow cases; mattress pads; and bath towels, hand towels and wash cloths.
- (A) The quantity of linen provided shall permit changing the linen at least once each week, or more often when indicated to ensure that clean linen is in use by children at all times.
  - (B) Use of common towels and wash cloths shall be prohibited.

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- (C) Rubber or plastic sheeting or bed coverings should be provided when necessary.

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- (3) Items used to maintain basic personal hygiene practices, including but not limited to shampoo, feminine napkins, nonmedicated soap, toilet paper, toothbrush, toothpaste, and comb.
- (4) Portable or permanent closets and drawer space in the child's bedroom to accommodate the child's clothing and personal belongings.
  - (A) A minimum of two drawers or eight cubic feet (.2264 cubic meters) of drawer space, whichever is greater, shall be provided for each child.

**84088**      **FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)****84088**

- (d) The administrator or facility manager, or his or her responsible designee, shall:
- (1) Apply the "Reasonable and Prudent Parent Standard," as specified in Section 84067, when determining whether a child should have access to disinfectants and cleaning solutions; and
  - (2) Ensure that the child is properly trained to safely use disinfectants and cleaning solutions.
- (e) The following facilities shall maintain a signal system which meets the requirements specified in (e) and (f) below. Such system shall be used by children to summon staff during an emergency.
- (1) All facilities with a licensed capacity of 31 or more children.
  - (2) All facilities having separate floors and not providing full-time staff on each floor whenever children are present.
  - (3) All facilities having separate buildings and not providing full-time staff in each building whenever children are present.
- (f) The signal system shall have the ability to meet the following requirements:
- (1) Operation from each children's living unit.
  - (2) Transmission of a visual and/or auditory signal to a central location, or production of an auditory signal at the specific children's living unit which is loud enough to summon staff.
  - (3) Identification of the specific children's living unit from which the signal originates.

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- (A) Intercoms may be used to meet the requirement for a signal system as long as all facility clients are capable of using the intercom system, and the intercom system meets all the requirements of a signal system.

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- (g) Facilities having more than one wing, floor or building shall be allowed to have a separate signal system in each component provided that each such system meets the requirements specified in (e) above.



<b>84088</b>	<b>FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)</b>	<b>84088</b>
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- (h) The licensee shall provide and maintain the supplies, equipment and reading material necessary to implement the planned activities.
- (i) The licensee shall provide and make readily available to each child well-lighted desk or table space and necessary supplies, including reference materials, for school-related study.
- (j) Construction or other equipment, including but not limited to incinerators and air conditioning equipment, shall be made inaccessible to children.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Sections 361.2(j)(2), 362.04, 362.05, and 727, Welfare and Institutions Code.

<b>84088.3</b>	<b>OUTDOOR ACTIVITY EQUIPMENT</b>	<b>84088.3</b>
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- (a) Outdoor activity equipment shall be securely anchored to the ground unless it is portable by design.
  - (1) Equipment shall be maintained in a safe condition free of sharp, loose or pointed parts.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

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**Article 9. ADMINISTRATOR CERTIFICATION TRAINING PROGRAMS****84090 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS 84090**

- (a) Initial Certification Training Programs shall be approved by the Department prior to being offered to applicants seeking administrator certification.
- (b) Any vendor applicant seeking approval of an Initial Certification Training Program shall submit a written request to the Department's Administrator Certification Section using the Request for Course Approval form LIC 9140 and Vendor Application/Renewal form LIC 9141. The request shall be signed by an authorized representative of the vendor applicant certifying that the information submitted is true and correct, and contain the following:
- (1) Name, type of entity, physical address, e-mail address and phone number of the vendor applicant requesting approval and the name of the person in charge of the program.
  - (2) Subject title, classroom hours, proposed dates, duration, time, location and proposed instructor of each component.
  - (3) Written description and educational objectives for each subject matter component, hourly topical outline, teaching method, and description of course and participant evaluation methods.
    - (A) The use of videos, videotapes, video clips, or other visual recordings, are permitted as media teaching aids in an Initial Certification Training Program but shall not, in themselves, constitute the Program or any subject matter component thereof.
  - (4) Qualifications of each proposed instructor as specified in Section 84090(i)(7).
  - (5) Locality(ies) in which the Training Program will be offered.
  - (6) A list and the location(s) of records to be maintained pursuant to Section 84090(i)(5) below.
  - (7) A statement of whether or not the vendor applicant and each proposed instructor held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
  - (8) A statement of whether or not the vendor applicant and each proposed instructor held or currently holds a State-issued care facility license or was or is employed by a State-licensed care facility and the license number.
  - (9) A statement of whether or not the vendor applicant and each proposed instructor was the subject of any legal, administrative, or other action involving licensure, certification or other approvals as specified in (7) and (8) above.

**84090 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued) 84090**

- (10) A non-refundable processing fee of one hundred-fifty dollars (\$150).
- (c) Initial Certification Training Program approval shall expire two (2) years from the date the Initial Certification Program vendorship is approved by the Department.
- (d) A written request for renewal of the Initial Certification Training Program shall be submitted to the Department's Administrator Certification Section using the Request for Course Approval form LIC 9140 and Vendor Application/Renewal form LIC 9141 and shall contain the information and processing fee specified in Section 84090(b) above.
- (1) A vendor must have a current approved Group Home Initial Certification Training Program in order to renew its Group Home Initial Certification Training Program vendorship.
- (e) If a request for approval or renewal of an Initial Certification Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
- (1) The request is deficient, describing which documents or information are outstanding and/or inadequate, and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of notice.
- (f) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) The Group Home Initial Certification Training Program shall consist of the following components:
- (1) A minimum of forty (40) classroom hours, as defined in Section 84001(c)(4), with the following uniform Core of Knowledge curriculum:
- (A) Six (6) hours of instruction in laws, regulations, and policies and procedural standards that impact the operations of the type of facility for which the applicant will be an administrator.
- (B) Four (4) hours of instruction in business operations.
- (C) Four (4) hours of instruction in management and supervision of staff.
- (D) Four (4) hours of instruction in the psychosocial and educational needs of the facility residents.

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**84090 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued) 84090**

- (E) Three (3) hours of instruction in the use of community and support services to meet residents' needs.
- (F) Two (2) hours of instruction in the physical needs of facility residents.
- (G) Six (6) hours of instruction in the administration, storage, prevention of misuse and interaction of medication used by facility residents.
- (H) Five (5) hours of instruction on admission, retention, and assessment procedures, and nondiscrimination policies, including the child's right to fair and equal access to all available services, placement, care, treatment and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status
- (I) Four (4) hours of instruction on nonviolent, emergency intervention and reporting requirements.
- (J) One (1) hour of instruction on existing laws and procedures regarding the safety of foster youth at school as contained in the California Student Safety and Violence Prevention Act of 2000.
- (K) One (1) hour of instruction in cultural competency and sensitivity in issues relating to the underserved lesbian, gay, bisexual, and transgender community.

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Health and Safety Code section 1522.41(c)(1)(J) provides in pertinent part:

"Basic instruction on the existing laws and procedures regarding the safety of foster youth at school and the ensuring of a harassment and violence free school environment contained in the California Student Safety and Violence Prevention Act of 2000...."

Education Code section 32228 provides:

"(a) It is the intent of the Legislature that public schools serving pupils in any of grades 8 to 12, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools.

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**HANDBOOK CONTINUES**

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**84090 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND  
PROGRAM APPROVAL REQUIREMENTS (Continued)**
**84090**


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**HANDBOOK CONTINUES**

(b) It is also the intent of the Legislature that public schools have access to supplemental resources to combat bias on the basis of race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, as defined in subdivision (q) of Section 12926 of the Government Code, and to prevent and respond to acts of hate violence and bias related incidents. Sexual orientation shall not include pedophilia.

(c) It is further the intent of the Legislature that schoolsites receiving funds pursuant to this article accomplish all of the following goals:

- (1) Teach pupils techniques for resolving conflicts without violence.
- (2) Train school staff and administrators to support and promote conflict resolution and mediation techniques for resolving conflicts between and among pupils.
- (3) Reduce incidents of violence at the schoolsite with an emphasis on prevention and early detection.
- (4) Provide age-appropriate instruction in domestic violence prevention, dating violence prevention, and interpersonal violence prevention."

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(2) A standardized exam developed and administered by the Department.

(A) Individuals completing an Initial Certification Training Program must pass the exam with a minimum score of seventy percent (70%).

(B) The exam questions shall reflect the hour value of the Core of Knowledge areas specified in Sections 84090(h)(1) above.

(i) Initial Certification Training Program vendors shall:

(1) Offer all forty (40) classroom hours required for certification in a classroom setting as defined in Section 84001(c)(5).

(A) A minimum of ten (10) hours of instruction must be provided by an instructor(s) who meets the criteria specified in Section 84090(i)(7)(D).

(B) Where good faith efforts to employ an instructor who meets the criteria specified in (A) are unsuccessful, vendors may apply to the Department's Administrator Certification Section for a waiver of this requirement.

**84090 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued) 84090**

- (2) Establish a procedure to allow participants to make up any component necessary to complete the total program hours and content.
- (3) Issue certificates of completion to participants who successfully complete the program.
  - (A) The certificate of completion shall be signed by the vendor or its authorized representative and include the approved vendor's name and vendor number, approved course number, and the date(s), time(s) and location(s) of program classes.
- (4) Submit to the Department upon request a Roster of Participants (form LIC 9142A or other document which includes the same information) who completed the program.
- (5) Maintain and ensure that records are available for review by Department representatives. Records shall be maintained for three (3) years from the date of vendorship approval, course approval, or course offering, whichever is applicable and most recent. The records shall include the following information:
  - (A) Course schedules, dates, descriptions and course outlines.
  - (B) A list of instructors and documentation of qualifications of each, as specified in Section 84090(i)(7).
  - (C) A Roster of Participants (LIC 9142A or other document which includes the same information) and documentation of who completed the program.
  - (D) Evaluations by participants of courses and instructors.
  - (E) Audio-visual recordings of all Initial Certification Training Programs and program components offered outside of California.
- (6) Upon request, submit to the Department's Administrator Certification Section a schedule for at least the next calendar quarter specifying the subject title, approved course number, classroom hours, proposed dates, time, duration, location and proposed instructor(s) for each program/component.
- (7) Have instructors who have verifiable knowledge and/or experience in the subject matter and content to be taught and who meet at least one of the following criteria:
  - (A) Hold a bachelor's or higher degree from an accredited institution in a discipline or field related to the subject(s) to be taught, and have at least two (2) years of experience relevant to the subject(s) to be taught, or

**84090 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued) 84090**

- (B) Four (4) years of experience relevant to the course to be taught, or
  - (C) Be a professional, in a field related to the subject(s) to be taught, with a valid license or certification to practice in California and at least two (2) years of related field experience, or
  - (D) Have at least four (4) years of experience in California as an administrator of a group home, within the last six (6) years, with a record of administering the facility(ies) in substantial compliance, as defined in Section 80001(s)(7), and have verifiable training in the subject(s) to be taught.
- (8) Before adding or replacing an approved instructor, obtain the Department's approval by submitting a completed Request to Add or Replace Instructor form LIC 9140A and supporting documentation to the Department's Administrator Certification Section.
- (9) Encourage course instructors to elicit and respond appropriately to participants' questions.
- (10) Develop and provide to each course participant an end-of-course evaluation requesting feedback on, at minimum, instructor(s) knowledge of the subject(s), quality of instruction provided, attainment of learning objectives, and opportunity of participants to ask questions.
- (11) Report any changes of the information in 84090(b)(1) within thirty (30) days to the Department's Administrator Certification Section.
- (j) Initial Certification Training Program vendors shall allow Department representatives to monitor and inspect training programs.
- (1) Any duly authorized Department representative may, upon proper identification and upon stating the purpose of his/her visit, enter, inspect, and monitor Initial Certification Training Programs with or without advance notice. Such representatives may also request information and copies of records in advance of such visits and/or for desk monitoring.
  - (2) The vendor shall ensure that provisions are made for the private interview of any participant or instructor, and for the examination of any records relating to the program.
  - (3) The Department shall have the authority to inspect, audit, and copy all program records upon demand. Records may be removed if necessary for copying.
  - (4) Department representatives shall not remove any current emergency or health related personnel records unless the same information is otherwise readily available in another document or format. Department representatives shall return the records undamaged and in good order within three business days following the date the records were removed.



**84090 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued) 84090**

- (k) If, as a result of an investigation or inspection, the Department determines that a deficiency exists, the Department shall issue a notice of deficiency, unless the deficiency is minor and corrected immediately, and shall provide the Initial Certification Training Program Vendor with the notice of deficiency in person or by registered mail.
- (1) The notice of deficiency shall be in writing and shall include:
- (A) A reference to the statute or regulation upon which the deficiency is premised.
- (B) A factual description of the nature of the deficiency fully stating the manner in which the Initial Certification Training Program Vendor failed to comply with the specified statute or regulation.
- (C) The amount of penalty pursuant to Section 84092 which shall be assessed if the deficiency is not corrected and the date the penalty begins.
- (D) The appeal process as specified in Section 84093.
- (2) The Department and the Initial Certification Training Program Vendor shall develop a plan for correcting each deficiency which shall be added to the notice of deficiency.
- (3) Absent prior Department approval, all Program deficiencies shall be corrected prior to the next offering of the Initial Certification Training Program, and all other deficiencies (e.g., recordkeeping) shall be corrected within the number of days agreed to in the corrective action plan.
- (l) Initial Certification Training Program Vendors shall not instruct or "co-locate" more than one program type (Adult Residential Facility, Group Home, Residential Care Facility for the Elderly) at one time.
- (m) Initial Certification Training Program Vendors and their instructors who are also seeking administrator certification shall not be permitted to receive credit for attending the vendor's own Initial Certification Training Program.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 1 of Assembly Bill (AB) 458 (Chapter 331, Statutes of 2003); Sections 1501, 1522.08, 1522.41, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

**84090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL CERTIFICATION TRAINING PROGRAM****84090.1**

- (a) The Department may deny a request for approval of an Initial Certification Training Program in accordance with Section 1522.41(h)(1) of the Health and Safety Code. The Department shall provide the applicant with a written notice of the denial.

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Section 1522.41(h)(1) of the Health and Safety Code provides in part:

"(h)(1) The Department may deny vendor approval to any agency or person in any of the following circumstances:

- (A) The applicant has not provided the department with evidence satisfactory to the department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations adopted by the department pursuant to Subdivision (j).
- (B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in group home facilities.
- (C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in group homes and to pay directly for the services. The department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses."

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**HANDBOOK ENDS HERE**

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- (b) The applicant may appeal the denial of the application in accordance with Section 1551 of the Health and Safety Code.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code section 1520.3(b).

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Health and Safety Code section 1520.3(b) provides:

"(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

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**HANDBOOK CONTINUES**

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**84090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL  
CERTIFICATION TRAINING PROGRAM (Continued)****84090.1**

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**HANDBOOK CONTINUES**

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(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence."

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3(b), 1522.41(h), and 1551, Health and Safety Code.

**84090.2 REVOCATION OF AN INITIAL CERTIFICATION  
TRAINING PROGRAM****84090.2**

(a) The Department may revoke an Initial Certification Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Section 84090 or:

(1) Is unable to provide training due to lack of staff, funds, or resources, or

(2) Misrepresents or makes false claims regarding the training provided, or

(3) Demonstrates conduct in the administration or instruction of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program, or

(4) Misrepresents or knowingly makes false statements in the vendor application or during program instruction, or

(5) Fails to correct deficiencies and/or to pay civil penalties due.

(b) The vendor may appeal the revocation in accordance with Health and Safety Code section 1551.

(c) Any application for approval of an Initial Certification Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code section 1520.3.

**84090.2 REVOCATION OF AN INITIAL CERTIFICATION  
TRAINING PROGRAM (Continued)****84090.2****HANDBOOK BEGINS HERE**

Health and Safety Code Section 1520.3 in pertinent part provides:

"(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license 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) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law.

(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department or from a certified family home pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department."

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NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3, 1522.41(h) and 1551 Health and Safety Code.

**84091 CONTINUING EDUCATION TRAINING PROGRAM  
VENDOR REQUIREMENTS****84091**

- (a) Any vendor applicant seeking approval as a vendor of a Continuing Education Training Program shall obtain vendor approval by the Department prior to offering any course to certificate holders.
- (b) Any vendor applicant seeking approval to become a vendor of a Continuing Education Training Program shall submit a written request to the Department's Administrator Certification Section using the Vendor Application/Renewal form LIC 9141. The request shall be signed by an authorized representative of the vendor applicant certifying that the information submitted is true and correct, and contain the following:
- (1) Name, type of entity, physical address, e-mail address and phone number of the vendor applicant requesting approval and the name of the person in charge of the Program.
  - (2) A statement of whether or not the vendor applicant held or currently holds a license, certification, or other approval as a professional in a specified field and the license or certificate number.

**84091 CONTINUING EDUCATION TRAINING PROGRAM VENDOR REQUIREMENTS (Continued) 84091**

- (3) A statement of whether or not the vendor applicant held or currently holds a State-issued care facility license or was or is employed by a State-licensed care facility and the license number.
  - (4) A statement of whether or not the vendor applicant was the subject of any legal, administrative, or other action involving licensure, certification or other approvals as specified in Sections 84091(b)(2) and (3) above.
  - (5) A non-refundable processing fee of one hundred dollars (\$100).
- (c) Continuing Education Training Program vendor approval shall expire two (2) years from the date the vendorship is approved by the Department.
- (d) A written request for renewal of the Continuing Education Training Program vendorship shall be submitted to the Department's Administrator Certification Section using the Vendor Application/Renewal form LIC 9141 and shall contain the information and processing fee specified in Section 84091(b).
- (1) A continuing education vendor must have one or more current approved Group Home continuing education courses in order to renew its Group Home continuing education program vendorship.
- (e) If the request for approval or renewal of a Continuing Education Training Program vendorship is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
- (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (f) If the vendor applicant does not submit the requested information above within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) Continuing Education Training Program vendors shall:
- (1) Issue certificates of completion to participants who successfully complete the program.
    - (A) The certificate of completion shall be signed by the vendor or its authorized representative and include the approved vendor's name and vendor number, the approved course name and course number, the approved course hours, and the date(s), time(s) and location(s) of the course(s).

**84091 CONTINUING EDUCATION TRAINING PROGRAM  
VENDOR REQUIREMENTS (Continued)****84091**

- (2) Maintain and ensure that records are available for review by Department representatives. Records shall be maintained for three (3) years from the date of vendorship approval, course approval, or course offering, whichever is applicable and most recent. The records shall include the following:
  - (A) Course schedules, dates, descriptions and course outlines.
  - (B) Lists of instructors and documentation of qualifications of each, as specified in Section 84091(h)(3).
  - (C) Rosters of Participants (LIC 9142A or other document which includes the same information) and documentation of who completed the courses.
  - (D) Evaluations by participants of courses and instructors.
  - (E) Audio-visual recordings of all Continuing Education Training courses offered outside of California.
- (3) Have instructors who have verifiable knowledge and/or experience in the subject matter content to be taught and who meet at least one of the following criteria:
  - (A) Hold a Bachelor's or higher degree from an accredited institution in a discipline or field related to the subject(s) to be taught, and have at least two (2) years of experience relevant to the subject(s) to be taught, or
  - (B) Four (4) years of experience relevant to the course to be taught, or
  - (C) Be a professional, in a field related to the subject(s) to be taught, with a valid license or certification to practice in California and at least two (2) years of related field experience, or
  - (D) Have at least four (4) years of experience in California as an administrator of a group home, within the last six (6) years, with a record of administering the facility(ies) in substantial compliance as defined in Section 80001(s)(7), and have verifiable training in the subject(s) to be taught.
- (4) Upon request, submit to the Department's Administrator Certification Section a schedule for at least the next calendar quarter specifying the subject title, approved course number, classroom hours, proposed dates, time, duration, location and proposed instructor for each future course.
- (5) Before adding or replacing an approved instructor, obtain the Department's approval by submitting a completed Request to Add or Replace Instructor form LIC 9140A and supporting documentation to the Department's Administrator Certification Section.

**84091 CONTINUING EDUCATION TRAINING PROGRAM  
VENDOR REQUIREMENTS (Continued)****84091**

- (6) Encourage course instructors to elicit and respond appropriately to participants' questions.
  - (7) Develop and provide to each course participant an end-of-course evaluation requesting feedback on, at minimum, instructor(s) knowledge of the subject(s), quality of instruction provided, attainment of learning objectives, and opportunity of participants to ask questions.
  - (8) Report any changes of the information in 84091(b)(1) within thirty (30) days to the Department's Administrator Certification Section.
- (i) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting, as defined in Section 84001(c)(5) except that:
- (1) The Department may approve online courses pursuant to Health and Safety Code section 1522.41(h)(7) where technology permits the interactive participation of the certificate holder and such participation is verifiable. Interactive online training courses require the participant to respond to prompts and receive feedback at various intervals throughout the course in order to progress through the training and to successfully pass a test at the conclusion of the course in order to receive a certificate of completion for the course.
    - (A) A Webinar or similar type of live broadcast of a training course may be approved by the Department for online continuing education hours pursuant to Health and Safety Code section 1522.41(h)(7) where the technology permits interactive participation of the certificate holder and such participation is verifiable, and where it can be verified that the certificate holder was logged on and interacting throughout the entire length of the Webinar.
    - (B) All online training courses shall be designed to ensure participation for the actual number of hours approved and to ensure that participants cannot print a certificate of completion until the approved course hours have been completed.

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Health and Safety Code section 1522.41(h)(7) provides that:

"(A) A vendor of online programs for continuing education shall ensure that each online course contains all of the following:

(i) An interactive portion in which the participant receives feedback, through online communication, based on input from the participant.

(ii) Required use of a personal identification number of personal identification information to confirm the identity of the participant.

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**HANDBOOK CONTINUES**

**84091 CONTINUING EDUCATION TRAINING PROGRAM  
VENDOR REQUIREMENTS (Continued)****84091****HANDBOOK CONTINUES**

(iii) A final screen displaying a printable statement, to be signed by the participant, certifying that the identified participant completed the course. The vendor shall obtain a copy of the final screen statement with the original signature of the participant prior to the issuance of a certificate of completion. The signed statement of completion shall be maintained by the vendor for a period of three years and be available to the department upon demand. Any person who certifies as true any material matter pursuant to this clause that he or she knows to be false is guilty of a misdemeanor.

(B) Nothing in this subdivision shall prohibit the department from approving online programs for continuing education that do not meet the requirements of subparagraph (A) if the vendor demonstrates to the department's satisfaction that, through advanced technology, the course and the course delivery meet the requirements of this section."

**HANDBOOK ENDS HERE**

- (j) Any changes to courses previously approved by the Department must be submitted and approved by the Department prior to being offered.
- (k) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect Training Courses and Programs.
- (1) Any duly authorized Department representative may, upon proper identification and upon stating the purpose of his/her visit, enter, inspect, and monitor continuing education training courses with or without advance notice. Such representatives may also request information and copies of records in advance of such visits and/or for desk monitoring.
  - (2) The vendor shall ensure that provisions are made for the private interview of any participant or instructor, and for the examination of any records relating to the program.
  - (3) The Department shall have the authority to inspect, audit, and copy all program records upon demand. Records may be removed if necessary for copying.
  - (4) Department representatives shall not remove any current emergency or health related personnel records unless the same information is otherwise readily available in another document or format. Department representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (l) If, as a result of an investigation or inspection, the Department determines that a deficiency exists, the Department shall issue a notice of deficiency, unless the deficiency is minor and corrected immediately, and shall provide Continuing Education Training Program Vendor with the notice of deficiency in person or by registered mail.
- (1) The notice of deficiency shall be in writing and shall include:



**84091 CONTINUING EDUCATION TRAINING PROGRAM  
VENDOR REQUIREMENTS (Continued)****84091**

- (A) A reference to the statute or regulation upon which the deficiency is premised.
- (B) A factual description of the nature of the deficiency fully stating the manner in which the Vendor failed to comply with the specified statute or regulation.
- (C) The amount of penalty pursuant to Section 84092 which shall be assessed if the deficiency is not corrected and the date the penalty begins.
- (D) The appeal process as specified in Section 84093.
- (2) The Department and the Vendor shall develop a plan for correcting each deficiency which shall be added to the notice of deficiency.
- (3) Absent prior Department approval, all course deficiencies shall be corrected prior to the next offering of the deficient course(s), and all other deficiencies (e.g., recordkeeping) shall be corrected within the number of days agreed to in the corrective action plan.
- (m) Continuing Education Training Program vendors who teach courses that the Department has approved for more than one program type (Adult Residential Facility, Group Home, Residential Care Facilities for the Elderly), may provide "multiple crediting," that is, more than one certification for the course, to participants who complete the course satisfactorily.
- (n) Continuing Education Training Program vendors that the Department has approved for more than one program type (Adult Residential Facility, Group Home, Residential Care Facilities for the Elderly), may "co-locate" or instruct specified courses for more than one program type.
  - (1) The approved hours for co-located courses may differ depending on the content pertinent to each program type.
- (o) Continuing Education Training Program vendors and their instructors who are also certificate holders shall not be permitted to receive credit for attending the vendor's own Continuing Education Training Program courses.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 1522.08, 1522.41(f) and (h), Health and Safety Code.

**84091.1 CONTINUING EDUCATION TRAINING PROGRAM COURSE  
APPROVAL REQUIREMENTS****84091.1**

- (a) Any Continuing Education Training Program course shall be approved by the Department prior to being offered to certificate holders.
- (b) Any vendor seeking approval of a Continuing Education Training Program course shall submit a written request to the Department's Administrator Certification Section using the Request for Course Approval form LIC 9140 for each course. The request shall be signed by an authorized representative of the vendor certifying that the information submitted is true and correct, and contain the following:
- (1) Subject title, classroom hours, scheduled dates, duration, time, location, and proposed instructor(s).
  - (2) Written description and educational objectives, teaching methods, hourly topical content outline, and a description of course and participant evaluation methods.
    - (A) The use of videos, videotapes, video clips, or other visual recordings are permitted as media teaching aids in a continuing education course but shall not, in themselves, constitute the course.
  - (3) Qualifications of each proposed instructor, as specified in Section 84091(h)(3).
  - (4) A list and the location(s) of records to be maintained pursuant to Section 84091(h)(2).
  - (5) A statement of whether or not the proposed instructor held or currently holds a license, certification or other approval as a professional in a specified field and the license or certificate number.
  - (6) A statement of whether or not the proposed instructor held or currently holds a State-issued care facility license or was or is employed by a State-licensed care facility and the license number.
  - (7) A statement of whether or not the proposed instructor was the subject of any legal, administrative, or other action involving licensure, certification or other approvals as specified in Sections 84091.1(b)(5) and (6) above.
- (c) Course approval shall expire on the expiration date of the vendor's Continuing Education Training Program vendorship approval as provided in Section 84091(c).
- (1) To renew a course, the vendor shall submit a written request to the Department's Administrator Certification Section using the Renewal of Continuing Education Course Approval form LIC 9139 and Vendor Application/Renewal form LIC 9141, at least thirty (30) days prior to the course expiration.
  - (2) Course renewal requests received by the Department after the course expiration date shall be denied, and the vendor is required to resubmit the courses for approval pursuant to Section 84091.1(b).

**84091.1 CONTINUING EDUCATION TRAINING PROGRAM COURSE APPROVAL REQUIREMENTS (Continued) 84091.1**

- (3) Course renewal requests received for courses where the content is known to have changed, or needs to be updated, shall be denied. The vendor will need to submit the revised course for approval pursuant to Section 84091.1(b).
- (d) If a request for approval or renewal of a Continuing Education Training Program course is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
  - (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (e) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.
- (f) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the course has been approved or denied.
- (g) Any changes to previously approved courses must be submitted to the Department for approval prior to being offered as specified in Section 84091.1(b).

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1522.08 and 1522.41(f) and (h), Health and Safety Code.

**84091.2 ADMINISTRATIVE REVIEW OF DENIAL OR REVOCATION OF A CONTINUING EDUCATION COURSE 84091.2**

- (a) A vendor may seek administrative review of the denial or revocation of course approval as follows:
  - (1) The vendor must request administrative review, in writing to the Department's Administrator Certification Section Manager, within ten (10) days of the receipt of the Department's notice denying or revoking course approval.
  - (2) The administrative review shall be conducted by a higher-level staff person than the person who denied or revoked course approval.
  - (3) If the reviewer determines that the denial or revocation of course approval was not issued in accordance with applicable statutes and regulations of the Department, or that other circumstances existed that would have led to a different decision, he/she shall have the authority to amend the denial or revocation of course approval.

**84091.2 ADMINISTRATIVE REVIEW OF DENIAL OR REVOCATION OF A CONTINUING EDUCATION COURSE (Continued) 84091.2**

- (4) The reviewer shall send a written response to the vendor within thirty (30) days of the Section's receiving the request per Section 84091.2(a)(1).
- (5) The decision of the higher-level staff person shall be final.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 1522.41(h), Health and Safety Code.

**84091.3 DENIAL OF A REQUEST FOR APPROVAL OF A CONTINUING EDUCATION TRAINING PROGRAM 84091.3**

- (a) The Department may deny a request for approval of a Continuing Education Training Program in accordance with Health and Safety Code section 1522.41(h)(1). The Department shall provide the applicant with a written notice of the denial.

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Section 1522.41(h)(1) of the Health and Safety Code provides in part:

"(h)(1) The Department may deny vendor approval to any agency or person in any of the following circumstances:

- (A) The applicant has not provided the department with evidence satisfactory to the department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations.
- (B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in group home facilities.
- (C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in group home facilities and to pay directly for the services. The Department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses."

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- (b) The vendor applicant may appeal the denial in accordance with Health and Safety Code section 1551.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code section 1520.3(b).

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**84091.3 DENIAL OF A REQUEST FOR APPROVAL OF A CONTINUING  
EDUCATION TRAINING PROGRAM (Continued)****84091.3**

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Health and Safety Code section 1520.3(b) provides:

"(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence."

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NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3(b), 1522.41(h)(1), and 1551 Health and Safety Code.

**84091.4 REVOCATION OF A CONTINUING EDUCATION  
TRAINING PROGRAM****84091.4**

(a) The Department may revoke a Continuing Education Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Sections 84091 and 84091.1, or:

(1) Is unable to provide training due to lack of staff, funds, or resources; or

(2) Misrepresents or make false claims regarding the training provided; or

(3) Demonstrates conduct in the administration or instruction of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program; or

(4) Misrepresents or knowingly makes false statements in the vendor application or during program instruction, or

**84091.4 REVOCATION OF A CONTINUING EDUCATION TRAINING PROGRAM (Continued)****84091.4**

- (5) Fails to correct deficiencies and/or to pay civil penalties due.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code section 1551.
- (c) Any application for approval of an Continuing Education Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code section 1520.3.

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Health and Safety Code section 1520.3 in pertinent part provides:

"(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license 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) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law.

(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department or from a certified family home pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department."

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NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3, 1522.41(h), and 1551, Health and Safety Code.

**84092 PENALTIES****84092**

- (a) A penalty of \$50 per day, per cited violation, shall be assessed for all deficiencies that are not corrected as specified in the notice of deficiency.
- (b) Unless otherwise ordered by the Department, all penalties are due and payable upon receipt of notice of payment, and shall be paid only by money order or cashier's check made payable to the Department.
- (c) The Department shall have authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (b) above.

NOTE: Authority cited: Sections 1522.41(h) and 1530, Health and Safety Code. Reference: Sections 1523.1, 1548 and 1549, Health and Safety Code.

**84093 APPEAL PROCESS****84093**

- (a) A vendor may request in writing to the Department's Administrator Certification Section Manager a review of a notice of deficiency or notice of penalty within ten (10) working days of receipt of the notice. This review shall be conducted by a higher level staff person other than the evaluator who issued the notice.
- (b) If the reviewer determines that a notice of deficiency or notice of penalty was not issued in accordance with applicable statutes and regulations, the reviewer shall amend or dismiss the notice. In addition, the reviewer may extend the date specified for correction of a deficiency if warranted by the facts or circumstances to support a request for extension.
- (c) The reviewer will send a written response to the vendor within thirty (30) days of the Section's receiving a request as described in (a) above.

NOTE: Authority cited: Sections 1522.41(h) and 1530, Health and Safety Code. Reference: Section 1534, Health and Safety Code.

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**SUBCHAPTER 1. COMMUNITY TREATMENT FACILITIES****Article 1. GENERAL REQUIREMENTS AND DEFINITIONS****84110 GENERAL****84110**

- (a) Community treatment facilities, as defined in Section 80001(c)(11), shall be governed by the provisions specified in this subchapter. In addition, community treatment facilities, except where specified otherwise, shall be governed by Title 22, Division 6, Chapter 5, Group Homes, Articles 1 through 7, and Chapter 1, General Licensing Requirements.
- (b) In addition to Section 84110(a), community treatment facilities shall be governed by the provisions specified in the California Code of Regulations, Title 9, Chapter 11, Sections 1900 through 1938.

NOTE: Authority cited: Section 1530.9, Health and Safety Code. Reference: Sections 1501, 1502, 1530, 1530.9 and 1531, Health and Safety Code; and Section 4094, Welfare and Institutions Code.

**84111 DEFINITIONS****84111**

In addition to Section 84001, the following shall apply:

- (a) (1) "Advocate" means the person or persons authorized to provide advocacy services pursuant to Section 5520 et seq. of the Welfare and Institutions Code.
- (b) (Reserved)
- (c) (1) "Certified" means a community treatment facility that has been approved by the Department of Mental Health as complying with the standards established for that program.
- (2) "Child" means a person under 18 years of age who is seriously emotionally disturbed as defined in Section 5600.3 of the Welfare and Institutions Code, including those individuals 18 through 21 years of age as specified in Section 1924(b) of the California Code of Regulations, Title 9, Chapter 11.

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- (A) Section 1924(b) of the California Code of Regulations, Title 09, Chapter 11, is contained in Handbook Section 84168.2(e).

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**84111 DEFINITIONS (Continued)****84111**

- (3) "Conservator" means a person appointed pursuant to Section 5350 of the Welfare and Institutions Code. In the event a child has a conservator and a parent(s), the conservator shall take precedence.
- (d) (Reserved)
- (e) (1) "Emergency" as defined in Section 1901(k) of the California Code of Regulations, Title 9, Chapter 11.

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- (A) Title 9, California Code of Regulations Section 1901(k) states:

"'Emergency' means an unforeseen situation that calls for immediate action without time for full deliberation to prevent the physical injury of a child or others or extreme property damage which could result in such injury."

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- (f) (Reserved)
- (g) (Reserved)
- (h) (Reserved)
- (i) (1) "Interagency Placement Committee" (IPC) means a committee established by the county, with a membership that includes at least the county placement agency and a licensed mental health professional from the county department of mental health pursuant to Section 4096(c) of the Welfare and Institutions Code.
- (j) (Reserved)
- (k) (Reserved)
- (l) (1) "Licensed Mental Health Professional" as defined in Section 1901(p) of the California Code of Regulations, Title 9, Chapter 11.

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(A) Title 9, California Code of Regulations Section 1901(p) states:

"Licensed mental health professional' means any of the following:

"(1) A psychiatrist;

"(2) A clinical psychologist;

"(3) A licensed marriage, family and child counselor;

"(4) A licensed clinical social worker;

"(5) A licensed registered nurse with a masters or doctorate degree in psychiatric nursing."

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(m) (1) "Mental Health Program Director" means the licensed mental health professional who has been designated by a community treatment facility licensee to oversee and implement the overall mental health treatment program.

(n) (Reserved)

(o) (Reserved)

(p) (1) "Physical Restraint" as defined in Section 1901(v) of the California Code of Regulations, Title 9, Chapter 11.

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(A) California Code of Regulations, Title 9, Section 1901(v) states:

"Physical restraint' means physically controlling a child's behavior. Physical control includes restricting movement by positioning staff, restricting motion by holding, the application of mechanical devices and involuntary placement of a child in a seclusion room or any other room in which they are involuntarily isolated."

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**84111 DEFINITIONS (Continued)****84111**

(q) (Reserved)

(r) (Reserved)

(s) (1) "Seclusion" as defined in Section 1901(dd) of the California Code of Regulations, Title 9, Chapter 11.

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(A) California Code of Regulations, Title 9, Section 1901(dd) states:

"Seclusion' means the involuntary confinement of a child in a room."

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(2) "Secure Portion of the Facility" as defined in Section 1901(ee) of the California Code of Regulations, Title 9, Chapter 11.

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(A) California Code of Regulations, Title 9, Section 1901(ee) states:

"Secure portion of the facility' means that part of a CTF which has entrances and exits, including windows, which are controlled with locking mechanisms that are inaccessible to the children. Any additional outside spaces and recreational areas that are attached to the facility must similarly be enclosed to preclude egress or ingress from the premises."

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(3) "Seriously Emotionally Disturbed" as defined in Section 5600.3(a)(2) of the Welfare and Institutions Code.

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- (A) Welfare and Institutions Code Section 5600.3(a)(2) states:

"For the purposes of this part, 'seriously emotionally disturbed children or adolescents' means minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child's age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

- "(A) As a result of the mental disorder the child has substantial impairment in at least two of the following areas: self-care, school functioning, family relationships, or ability to function in the community; and either of the following occur:
- "(i) The child is at risk of removal from home or has already been removed from the home.
  - "(ii) The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.
- "(B) The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.
- "(C) The child meets special education eligibility requirements under Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code."

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- (t) (Reserved)
- (u) (Reserved)
- (v) (Reserved)

**84111**      **DEFINITIONS** (Continued)**84111**

(w) (Reserved)

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

NOTE: Authority cited: Sections 1502, 1530, and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**Article 2. LICENSING (Reserved)****Article 3. APPLICATION PROCEDURES****84118 APPLICATION FOR LICENSE 84118**

- (a) In addition to Section 84018, with the exception of Sections 84018(b)(2) and (3), the following shall apply.
- (b) Prior to licensure each applicant shall submit to the Department evidence of a current community treatment facility mental health program certification, which shall be signed by an authorized representative of the Department of Mental Health.

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501, 1520, and 1531, Health and Safety Code; and Section 4094(b), Welfare and Institution Code.

**84120 FIRE CLEARANCE 84120**

- (a) In addition to Section 80020, the following shall apply:
- (b) The applicant shall notify the Department if the facility plans to use the following:
  - (1) Mechanical restraint devices.
  - (2) Seclusion room(s).

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 4094.5(d), Welfare and Institutions Code.

**84122 PLAN OF OPERATION 84122**

- (a) In addition to Section 84022, the following shall apply.
- (b) The plan of operation shall include the following:
  - (1) A utilization review plan and program to monitor the appropriateness of a child's admission and continued stay or discharge, and to establish the basis for identifying and assessing the utilization of mental health program services and continued need for placement.

**84122 PLAN OF OPERATION (Continued) 84122**

- (A) The utilization review plan shall include a description of the procedures to be used by the facility to determine the placement, continued stay, or transfer of a child into either the secure or nonsecure portion of the facility.
- (B) These procedures shall include documentation of approval of the proposed change of a child's placement within the facility and continued stay.
- (2) A description of the array of mental health treatment services that can be made available to a child during their placement with the community treatment facility.
- (3) A listing of and copies of all agreements, contracts, or memorandums of understanding with participating private or public mental health and health providers.
- (4) A quality assurance program designed to enhance services and care through an objective assessment of the facility's overall programs to ensure the correction of identified problems.
  - (A) The quality assurance program shall include procedures for insuring the accountability of the facility's licensed mental health professional(s) and child care workers for the services and care provided to residents of the facility, and implementation of indicated changes.
- (5) The name of the proposed mental health program director and his or her professional license number(s).
- (6) A description of procedures and policies which shall include:
  - (A) Policies and procedures for the daily recording of observations and interactions with each child, psychotropic medication control, monthly review of each child's needs and services plan, and seclusion and restraint procedures.
  - (B) Procedures for ensuring a child's due process rights as specified in Section 84172(c).
  - (C) Policies and procedures for providing access to community resources to be utilized, as necessary, in the delivery of prescribed services, including medical and crisis intervention, inpatient psychiatric hospitalization, and education placements and classes.
- (7) A written plan for the orientation, continuing education, on-the-job training, supervision, and evaluation of staff as required by Section 84165(f).



<b>84122</b>	<b>PLAN OF OPERATION (Continued)</b>	<b>84122</b>
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- (8) A written plan for activities as specified in Sections 84079(a) through (a)(5).
- (9) A written description of the facility's security features and procedures.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 1919, Title 9, Chapter 11, Article 5, California Code of Regulations.

<b>84128</b>	<b>CAPACITY DETERMINATION</b>	<b>84128</b>
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- (a) In addition to Section 80028, the following shall apply.
- (b) A license for a community treatment facility shall not exceed the Department of Mental Health's certification of specified number of beds.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Section 4094.7(b), Welfare and Institutions Code; and Section 1531, Health and Safety Code.

<b>84134</b>	<b>SUBMISSION OF NEW APPLICATION</b>	<b>84134</b>
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- (a) In addition to Section 80034, the following shall apply.
- (b) The Department may only approve capacity increases that have been approved by the Department of Mental Health.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Section 1531, Health and Safety Code; and Section 4094.7(b), Welfare and Institutions Code.

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**Article 4. ADMINISTRATIVE ACTIONS****84140 DENIAL OF LICENSE 84140**

- (a) In addition to Section 80040, the following shall apply.
- (b) An application shall be denied if it is determined that the applicant has not been certified by the Department of Mental Health as specified in Section 84118(b).
  - (1) A single proceeding to hear an appeal for denial of an application will be held jointly with the Department of Mental Health and conducted by the Department.

NOTE: Authority cited: Section 1530 and 1530.9, Health and Safety Code. Reference: Sections 1520 and 1525, Health and Safety Code; and Section 4094(b), Welfare and Institutions Code.

**84142 REVOCATION OR SUSPENSION OF LICENSE 84142**

- (a) In addition to Section 80042, the following shall apply.
- (b) The Department shall suspend or revoke the license of a community treatment facility upon written notification from the Department of Mental Health that the facility's certification has been revoked or suspended.
  - (1) A single proceeding to hear a revocation or a temporary suspension action will be held jointly with the Department of Mental Health and conducted by the Department.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 4094(b) and (c), Welfare and Institutions Code.

**84145 EVALUATION VISITS 84145**

- (a) The Department shall notify the Department of Mental Health when there is reasonable cause to believe that a community treatment facility is not in compliance with program standards as specified in the California Code of Regulations, Title 9, Chapter 11, Articles 5 and 6.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Section 4094(c)(4), Welfare and Institutions Code.

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**Article 5. ENFORCEMENT PROVISIONS****84151 SERIOUS DEFICIENCIES****84151**

- (a) In addition to Section 80051, with the exception of Section 84051, the following are regulations which, if not complied with, nearly always result in a serious deficiency.
- (1) Sections 84164 and 84164.1 - related to the qualifications and duties of the administrator and mental health program director.
  - (2) Section 84165(b) - related to personnel requirements.
  - (3) Sections 84165.5 and .6 - related to staff/child ratios.
  - (4) Section 84168.1 - related to admission criteria.
  - (5) Section 84168.3 - related to the needs and services plan for the child.
  - (6) Section 84172 - related to personal rights.
  - (7) Section 84172.2 - related to complaint procedures.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

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**Article 6. CONTINUING REQUIREMENTS****84161 REPORTING REQUIREMENTS****84161**

- (a) In addition to Section 84061, the following shall apply.
- (b) The licensee shall furnish a report to the licensing agency and the admitting parent(s), conservator, or the person designated by the court to manage the placement as specified in Section 80061(b) for all occurrences of a physical restraint as specified in Section 84175.2(a).
- (c) The licensee shall notify the child's parent(s), conservator or person designated by the court to manage placement before the child is transferred between the nonsecure and secure program, except in an emergency.
  - (1) In an emergency, notification shall occur within 24 hours if the child has been transferred between the nonsecure and secure program without the participation of the parent(s), conservator, or person designated by the court to manage placement.
- (d) The licensee shall notify the Department in writing, within 10 working days, of a change of mental health program director. The notification of a change shall include the following:
  - (1) Name, residence, and mailing address of the new employee.
  - (2) Effective date of position change.
  - (3) Description of the new employee's background and qualifications, including documentation of required education. A photocopy of the documentation shall be permitted.

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1531 and 1562, Health and Safety Code; and Section 11406(c), Welfare and Institutions Code.

**84164 ADMINISTRATOR QUALIFICATIONS AND DUTIES****84164**

- (a) In addition to Sections 84064(a) and (f), with the exception of Sections 84064(b) through (e), the following shall apply.
- (b) All community treatment facilities shall have an administrator.
- (c) The administrator shall be on the premises for the number of hours necessary to manage and administer the facility in compliance with applicable law and regulation.
- (d) The administrator shall meet one of the following requirements:
- (1) Have a master's degree in a behavioral science from an accredited college or university, and one year of full-time administrative or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
  - (2) Have a master's degree in a behavioral science from an accredited college or university, and two years of full-time employment as a mental health professional or social worker, as defined in Section 80001s.(4), in an agency serving children or in a group residential program serving children.
  - (3) Have a bachelor's degree from an accredited college or university, and three years of full-time administrative or supervisory experience over social work, child care, and/or support staff providing direct care services to children in an agency or in a community care facility with a licensed capacity of seven or more.
- (e) When the administrator is absent, there shall be coverage by a designated substitute whose qualifications are at minimum, a bachelor's degree from an accredited college or university, plus at least two years of full-time administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
- (f) The administrator shall perform the duties as specified in Section 84064(f) and the following:
- (1) Development of a plan for the orientation, development, and training of child care staff, as specified in Section 84165(f).



**84164 ADMINISTRATOR QUALIFICATIONS AND DUTIES 84164**  
(Continued)

- (2) Review of complaints made by children or on behalf of children, as specified in Section 84172.2(b), and the determination of the action to be taken to handle the complaint.

NOTE: Authority Cited: Sections 1522.41(j), 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501, 1522.41(h), 1531, and 1562, Health and Safety Code.

**84164.1 MENTAL HEALTH PROGRAM DIRECTOR QUALIFICATIONS AND DUTIES 84164.1**

- (a) All community treatment facilities shall have a Mental Health Program Director that meets the qualifications and responsibilities as specified in Section 1920 of the California Code of Regulations, Title 9, Chapter 11.

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- (1) California Code of Regulations, Title 9, Section 1920 states:
- "(a) A CTF shall have a mental health program director who shall be a licensed mental health professional as defined in this chapter. The mental health program director shall have at least three years of post graduate direct clinical experience with seriously emotionally disturbed children, at least one year of which shall be in position of supervising direct staff.
- "(b) The mental health program director shall be responsible for the following:
- "(1) Ensuring the provision of appropriate mental health services to the children in the facility;
- "(2) Ensuring timely completion of all activities, documentation and reports as required by Section 1927(a-j) of this chapter;
- "(3) Assessing the facility's mental health services on a quarterly basis and providing a signed and dated report summary to the CTF certificate holder with any recommendations that address identified problems;

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**84164.1 MENTAL HEALTH PROGRAM DIRECTOR QUALIFICATIONS  
AND DUTIES (Continued)****84164.1**

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- "(4) Supervising, or ensuring supervision by a qualified individual, of licensed mental health professionals and child care staff regarding specific roles and responsibilities in the delivering and monitoring mental health services for each child in a CTF;
- "(5) Reviewing all incidents of physical restraint and seclusion within the facility, including all necessary staff debriefings, staff meetings, individual supervision of staff, recommended changes in facility staffing patterns, recommended additional training, and each child's NSP, for the purpose of reducing physical restraint and seclusion.
- "(c) If the mental health program director is not a board eligible psychiatrist, the provider must employ or contract with a board eligible psychiatrist to assume medical responsibility for mental health services."

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NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501, 1531, and 1562, Health and Safety Code; and Section 4094(d), Welfare and Institutions Code.

**84165 PERSONNEL REQUIREMENTS****84165**

- (a) In addition to Section 80065, Section 84065(k) shall apply.
- (b) The licensee shall employ administrative, child care, licensed mental health professional, and support staff necessary to perform the assigned duties specified in Sections 84164(f), 84164.1, and 84165.1.
- (c) The licensee shall designate at least one facility manager to be present at the facility at all times when children are present.

**84165 PERSONNEL REQUIREMENTS (Continued)****84165**

- (1) The facility manager shall meet one of the following minimum requirements prior to employment:
  - (A) Have two years of full-time experience as a social work staff person in a group home performing those duties specified in Sections 84165.1(b)(1) through (3).
  - (B) Have an associate of arts or science degree from an accredited college or university and four years providing full-time direct care to children in an agency serving children or in a group residential program serving children.
  - (C) Have five years of full-time residential child care experience and completion, with a passing grade, of 18 college semester or equivalent quarter units in behavioral science from an accredited or approved college or university. Nine of those units must be in courses relating to children with behavioral problems which may be the result of abuse, neglect, or emotional trauma. The courses may include, but are not limited to, curriculums in corrections, psychology, social work, or social welfare.
- (d) The licensee shall ensure that all child care staff meet one of the following minimum qualifications prior to employment:
  - (1) Have two years of full-time residential child care experience and an associate of arts or science degree from an accredited or approved college or university, with a major or emphasis in behavioral science. Nine of those units must be in courses relating to children with behavioral problems which may be the result of abuse, neglect, or emotional trauma. The courses may include, but are not limited to, curriculums in corrections, psychology, social work, or social welfare.
  - (2) Have two years of full-time work experience in a program serving persons with mental disabilities and be currently a licensed psychiatric technician by the Board of Vocational Nurse and Psychiatric Technician Examiners.
- (e) Child care staff, employed by the facility prior to the effective date of these regulations, who do not have the required degree or semester units or equivalent quarter units relating to children with behavioral problems as specified in Section 84165(d), shall successfully complete the required units within one year of the effective date of these regulations.
- (f) The licensee shall develop, maintain, and implement a written plan for the orientation, continuing education, on-the-job training and development, supervision, and evaluation of all child care staff.

**84165 PERSONNEL REQUIREMENTS (Continued)****84165**

- (1) The plan shall require child care staff to receive and document a minimum of 20 hours of continuing education during the first 12 months of employment and during each year thereafter.
  - (A) Continuing education shall include completion of courses related to the principles and practices of child care, mental health and care of the mentally ill including, but not limited to, workshops, seminars, and academic classes.
  - (B) Continuing education, training, and classes may be provided at the facility.
  - (C) Proof of course attendance and completion shall be limited to official grade slips, transcripts, certificates, or signed documentation from a college, adult education department, a bona fide educational institution/organization, or licensee association.
- (2) The on-the-job training and development program shall include training in the following areas:
  - (A) Assaultive behavior management and preventing assaultive behavior training course which shall be approved by the Department of Mental Health. Staff shall complete at least 16 hours of a basic assaultive behavior and prevention training course prior to their participation in the containment, seclusion, and/or restraint of a child. The staff shall also participate in a four- hour semiannual review course.
    1. The behavior management training courses shall be pre-approved by the Department of Mental Health.
  - (B) Recognition of possible side effects of psychotropic medication.
  - (C) Children's personal rights, including the child's right to fair and equal access to all available services, placement, care, treatment and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.
  - (D) Due process rights and procedures for accessing due process and personal rights.
  - (E) Staff responsibilities.
  - (F) The facility's emergency and safety procedures including, but not limited to, fire drills and disaster plan procedures.
  - (G) The facility's policies and procedures concerning when and how to involve law enforcement in response to an incident involving a child residing in the facility.
- (g) During orientation or when changes are made which affect job assignments, and upon request to placement agencies, all employees shall be given a copy of the job description and staff assignment information specified in Sections 84066(b)(1) and (2) which is relevant to their duties. All employees shall have access to all other job descriptions.

**84165 PERSONNEL REQUIREMENTS(Continued)****84165**

- (h) Upon employment, staff shall receive copies of the discharge policies and procedures specified in Section 84168.5, due process procedures specified in Section 84172(c), complaint procedures specified in Section 84172.2, and the restraint policies specified in Section 84175.2.

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Section 51, Civil Code; Sections 1501, 1522.4, 1531, and 1562, Health and Safety Code; Section 16001.9, Welfare and Institutions Code.

**84165.1 PERSONNEL DUTIES****84165.1**

- (a) In addition to Section 84065.1, with the exception of Section 84065.1(c), the following shall apply.
- (b) Licensed mental health professional staff shall complete or perform the following for each child:
- (1) An intake report and admission assessment as specified in Sections 84168.2(c) and (d)(1).
  - (2) A needs and services plan, as specified in Sections 84168.3 and 84168.4.
  - (3) A discharge plan, discharge summary, and discharge report as specified in Section 84168.5.
  - (4) The medication report and Monthly Clinical Review report as specified in Section 84175.1.
  - (5) The required procedures for denying a child's personal right as specified in Section 1934 of the California Code of Regulations, Title 9, Chapter 11.
  - (6) An authorization to initiate and document any form of restraint and/or seclusion as specified in Section 84175.2.
  - (7) Progress notes or descriptions documenting the client's participation and responses to the implementation of prescribed mental health treatment services.
  - (8) Administration and monitoring of the mental health treatment services.
  - (9) Develop and record the information necessary for the completion of Sections 84165.1(b)(1) through (8) as specified in Section 84170.

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501, 1522.4, and 1531, Health and Safety Code.

**84165.5 STAFF/CHILD RATIOS****84165.5**

- (a) Section 84065.5 is not applicable to community treatment facilities.
- (b) In community treatment facilities, there shall be one child care person awake and on duty for each five children, or fraction thereof, present from 7 a.m. to 10 p.m.
- (c) If the children require special care and supervision because of age, problem behavior, or other factors, the number of on-duty child care staff shall be increased to meet the needs of the children in accordance with Section 80065(a).
- (d) Each community treatment facility shall meet mental health treatment full-time staffing to client census ratio as specified in Sections 1921(a) and (e) of the California Code of Regulations, Title 9.

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- (1) California Code of Regulations, Title 9, Sections 1921(a) and (e) state:
  - "(a) A certificate holder shall employ sufficient numbers of licensed mental health professionals and licensed nursing staff."
  - "(e) Each CTF shall have qualified nursing staff in the facility on a twenty-four (24) hour basis."

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NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**84165.6 NIGHT SUPERVISION****84165.6**

- (a) Section 84065.7 is not applicable to community treatment facilities.
- (b) In community treatment facilities providing care and supervision to 10 or fewer children, there shall be one child care staff person awake and on duty from 10 p.m. to 7 a.m.
  - (1) Another staff person shall be on call and capable of arriving at the facility site within 30 minutes.

**84165.6 NIGHT SUPERVISION (Continued)****84165.6**

- (c) In community treatment facilities providing care and supervision to 11 or more children, there shall be two child care staff persons awake and on duty from 10 p.m. to 7 a.m. for the first 20 children, and one child care staff person awake and on duty for each additional 20 children or fraction of that amount.
- (d) In facilities required to have a signal system as specified in Section 84088(d), at least one staff person shall be responsible for responding to such system.

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**84168.1 ADMISSION CRITERIA****84168.1**

- (a) The licensee shall develop, maintain, and implement admission procedures which only admit children who meet the criteria specified in this section.
- (b) Prior to admitting a child, the facility shall obtain and keep in each child's record the following documentation which substantiates that the appropriate requirements have been met:
  - (1) A written statement, signed by an appropriate licensed mental health professional, certifying that the child is seriously emotionally disturbed, as defined in Section 84111(s)(3); requires periods of containment to participate in and benefit from mental health treatment; that a proposed treatment program is reasonably expected to improve the child's mental disorder; and meets one of the following requirements:
    - (A) The child's records must indicate that the child has participated in other less restrictive mental health interventions.
      - 1. Less restrictive interventions include, but are not limited to, outpatient therapy, family counseling, case management, family preservation efforts, special education classes, or nonpublic schooling.
    - (B) The child is currently placed in a psychiatric or state hospital or a facility outside the state for mental health treatment.

**84168.1 ADMISSION CRITERIA (Continued)****84168.1**

- (2) A written consent to treatment on behalf of each child in one of the following forms:
- (A) An application for a child of any age under the jurisdiction of juvenile court and the court's consent to treatment shall be documented by a copy of the juvenile court ruling making the findings specified in Section 6552 of the Welfare and Institutions Code, together with the child's application for treatment.
  - (B) An application made by the conservator for a child of any age in custody of a conservator appointed in accordance with Section 5350 of the Welfare and Institutions Code, shall be documented by the court papers appointing the conservator and delineating the conservator's authorization to place the child in a community treatment facility as well as any other powers that may be relevant in this setting along with the conservator's written consent for treatment.
  - (C) An application made by the parent(s) of a child under the age of 14 shall be documented by a written consent to treatment signed by both parents or the admitting parent must submit a court order demonstrating that they have sole legal custody and control of the child.
  - (D) An application for a child 14 through 17 years of age not within the jurisdiction of the juvenile court shall be documented by a written consent to treatment signed by both parents or the admitting parent must submit a court order demonstrating that they have sole legal custody and control of the child and one of the following:
    - 1. A statement signed by the child and the child's attorney or patients' rights advocate that the child has made a knowing and voluntary waiver of his or her right to a pre-admission administrative hearing after being advised by the attorney or notified by the advocate of his or her rights to a pre-admission hearing in accordance with *In re Roger S.* (1977) 19 Cal. 3d 921. If the child waives his or her right to a pre-admission hearing based on the notification of rights by the advocate the child's statement must also indicate that he or she has been notified of his or her right to receive the advice of an attorney and has made a knowing and voluntary waiver of that right; or



**84168.1 ADMISSION CRITERIA (Continued)****84168.1**

2. The findings and order from a pre-admission hearing conducted in accordance with Section 1923(b)(4)(B) of the California Code of Regulations, Title 9, Chapter 11, pursuant to Section 4094(g) of the Welfare and Institutions Code that specifies all of the following findings:
  - (i) The child suffers a mental disorder;
  - (ii) There is a substantial probability that treatment will significantly improve the minor's mental disorder;
  - (iii) The proposed placement is the least restrictive setting necessary to achieve the purposes of the treatment; and
  - (iv) There is no suitable alternative to the community treatment facility placement.

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3. Title 9, California Code of Regulations Section 1923(b)(4)(B) states in pertinent part:

"...A hearing held in accordance with this provision shall include but not be limited to the following:

  - "(1) A neutral and detached fact finder and decision maker who shall have no personal, administrative or financial ties to any parties represented at the hearing nor to the proposed placement facility;
  - "(2) Adequate written notice to the child before the hearing stating the basis for the proposed admission to a CTF;
  - "(3) An informal setting to minimize the anxiety of both parents and children and to promote cooperation and communication between all parties. All parties shall speak in terms the child understands and shall explain any terminology with which he is unfamiliar;

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- "(4) The stipulation that formal rules of evidence are not applicable and that the standard for decision shall be by a preponderance of the evidence;
- "(5) The requirement that the hearing shall be closed to anyone other than the child, his parents or parent, the child's attorney, the person conducting the hearing, the professional person presenting evidence in favor of the commitment, and other persons requested to be in attendance by the child, or by the child's attorney;
- "(6) Assistance provided by an attorney to the child who shall be allowed to call witnesses, examine evidence, present evidence on his own behalf and question persons presenting evidence in support of the admission; and
- "(7) Maintenance of a record of the proceedings adequate to permit meaningful judicial or appellate review which shall be confidential in accordance with Section 5328 of the Welfare and Institutions Code."

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- (3) A written authorization from the placing county's Interagency Placement Committee certifying that the child is in need of the level of care and services provided by the community treatment facility and to the appropriateness of the following documentation:
  - (A) The written statement by a licensed mental health professional demonstrates that the child meets the requirements of Section 84168.1(b)(1).
  - (B) Informed consent is given by the child, the child's parents, or the parent having sole legal custody and control of the child or conservator as specified in Sections 84168.1(b)(2)(A) through (D)(1).
  - (C) The findings and order by the pre-admission administrative hearing officer specifying that all of the findings specified in Sections 84168.1(b)(2)(D)2.(i) through (iv) have been made for a child 14-17 years of age under parental custody who has not waived their right to a pre-admission hearing.

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Section 1502.4, Health and Safety Code; and Sections 4094(f) and (g), 4094.5(a) and (e)(1), Welfare and Institutions Code.

**84168.2 INTAKE PROCEDURES****84168.2**

- (a) Section 84068.1 is not applicable to community treatment facilities.
- (b) The licensee shall develop, maintain, and implement intake procedures which meet the requirements specified in this section.
- (c) Before a child can be admitted to a community treatment facility, the facility must obtain sufficient information to determine whether the facility can provide the services necessary to meet the child's needs. This information shall be recorded in the intake report. Admission decisions shall be made by the licensed mental health professional who shall sign and date the intake report. The intake report shall be typed and include at a minimum:
  - (1) The child's name, birth date, and sex;
  - (2) The name, address, and telephone numbers of the parents, conservator, or if applicable, the person and agency designated by the court to manage the child's placement;
  - (3) A medical assessment, including ambulatory status as specified in Section 80069.
  - (4) The child's presenting problems;
  - (5) The child's current Diagnostic and Statistical Manual of Mental Disorders (DSM) diagnosis;
  - (6) An assessment of the child's danger to self and others;
  - (7) Medications;
  - (8) The child's immediate educational, service, and treatment needs;
  - (9) Certification that the child is seriously emotionally disturbed and meets the requirements as specified in Section 84168.1(b)(1);
  - (10) Consent to treatment as specified in Section 84168.1(b)(2); and
  - (11) Authorization from the placing county's Interagency Placement Committee as specified in Section 84168.1(b)(3).

**84168.2 INTAKE PROCEDURES (Continued)****84168.2**

(d) When the child is accepted for placement, the following requirements shall be met:

- (1) An admission assessment shall be completed and signed as specified in Sections 1927(c) and (d) of the California Code of Regulations, Title 9, Chapter 11.

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(A) California Code of Regulations, Title 9, Sections 1927(c) and (d) state:

"(c) The admission assessment shall be a typed document which shall be completed and signed by a member of the facility's licensed mental health professional staff person within five (5) calendar days of admission. A typed copy of the admission assessment shall be provided to the child's parents, conservator, or person designated by the court to manage the placement within ten (10) working days of assessment completion and it shall be included in the child's facility record. The admission assessment shall contain a prognosis and estimated length of stay based upon and including:

"(1) The reasons for referral;

"(2) A statement of presenting problems;

"(3) Precipitating events;

"(4) Factors relating to presenting problems;

"(5) Psychiatric history including onset of symptoms and progressions;

"(6) Medical history;

"(7) Psychological history including the review and summary of existing psychological evaluation material;

"(8) Academic and school history;

"(9) Social history;

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- "(10) Family history;
  - "(11) Work history if applicable;
  - "(12) Developmental status;
  - "(13) DSM Diagnosis;
  - "(14) A summary of the child's strengths and weaknesses as related to his family, school and social relationships.
- "(d) A psychiatric evaluation shall be completed by a psychiatrist within five (5) calendar days of admission but may be performed up to sixty (60) calendar days prior to admission unless CTF mental health professionals admitting the child feel it is no longer accurate. It shall be part of the admission assessment and shall include:
- "(1) A mental status examination;
  - "(2) Indications and contradictions for medications; and
  - "(3) Therapeutic response to medications, including an assessment of side effects, if available, and the child's compliance with medications when appropriate."

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- (2) An admission agreement shall be completed and signed as specified in Section 80068.
- (3) The administrator or his/her designee, the child, and his/her parent(s), conservator, or person designated to manage the placement shall sign copies of documentation of the following:
  - (A) Procedures regarding the continuing stay criteria as specified in Section 84168.2(e);
  - (B) Procedures regarding transfer of a child to and from secure and nonsecure portions of the facility as specified in Section 84122(b)(1)(A);

**84168.2 INTAKE PROCEDURES (Continued)****84168.2**

- (C) Due process rights procedures as specified in Section 84172(c);
  - (D) Discharge procedures as specified in Section 84168.5;
  - (E) Discipline policies and procedures as specified in Section 84072.1;
  - (F) Complaint procedures as specified in Section 84172.2; and
  - (G) Informed consent of prescribed psychotropic medications as specified in Section 84175.1.
- (4) Any other information specified in Sections 80070 and 84170 necessary to complete the child's record shall be obtained.
- (e) Continuing stay criteria shall be met as specified in Section 1924 of the California Code of Regulations, Title 9, Chapter 11.

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- (1) California Code of Regulations, Title 9, Section 1924 states:
- "(a) Continuing stay criteria used by a CTF shall include documentation by the CTF psychiatrist of the continuation of admission criteria in addition to written documentation from the appropriate interagency placement committee, or other designated external case manager, such as the probation department, county mental health department, or private insurance utilization review personnel, supporting the decision for continued placement of the child within a CTF. Continuing stay criteria shall be reviewed by a CTF in intervals not to exceed ninety (90) days. Findings shall be entered into each child's facility record.
  - "(b) Individuals who are special education pupils identified in paragraph (4) of subdivision (c) of Section 56026 of the Education Code and who are placed in a CTF prior to age eighteen pursuant to Chapter 26.5 of the Government Code may continue to receive services through age 21 provided the following conditions are met:

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**84168.2 INTAKE PROCEDURES (Continued)****84168.2**

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- "(1) They continue to satisfy the requirements of subsection (a);
- "(2) They have not graduated from high school;
- "(3) They sign a consent for treatment and a release of information for CTF staff to communicate with education and county mental health professionals after staff have informed them of their rights as an adult.
- "(4) A CTF obtains an exception from the California Department of Social Services to allow for the continued treatment of the young adult in a CTF pursuant to Section 80024, Title 22, Chapter 6, Chapter 1 of the California Code of Regulations."

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NOTE: Authority Cited: Section 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 4094.5, Welfare and Institutions Code.

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**84168.3 NEEDS AND SERVICES PLAN****84168.3**

- (a) The licensed mental health professional(s) shall complete the needs and services plan and include the information required by Section 84068.2 and Section 1927(e) of the California Code of Regulations, Title 9, Chapter 11.

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- (1) California Code of Regulations, Title 9, Section 1927(e) states in pertinent part:
  - "(e) Each child residing within a CTF shall have an NSP completed by a licensed mental health professional within fifteen (15) calendar days of admission which shall include:
    - "(1) Identified specific behavioral goals and specific actions to be undertaken by facility staff to assist the child in accomplishing these goals within a defined period of time through appropriate behavioral interventions and treatment modalities which shall include but not be limited to a determination of the expected duration of each use of secure containment;

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**84168.3 NEEDS AND SERVICES PLAN (Continued)****84168.3**

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**HANDBOOK CONTINUES**

- "(2) Discharge goals that are general indicators of a child's readiness for transition to alternative treatment settings;
- "(3) Participation of the child, and, when appropriate, parent, conservator or person identified by the court to manage the child's placement in the development or modification of the NSP;
- "(4) A review at least every thirty (30) calendar days;..."

**HANDBOOK ENDS HERE**

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NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**84168.4 MODIFICATIONS TO NEEDS AND SERVICES PLAN****84168.4**

- (a) Section 84068.3 is not applicable to community treatment facilities.
- (b) The needs and services plan specified in Section 84168.3 shall be updated at least every 30 days to determine the following:
  - (1) The child's need for continuing services.
  - (2) The types and intensity of services provided to the child including the use of secure containment and the impact of these services upon treatment goals, changes in or continuation of treatment plan objectives.
  - (3) The progress of the child toward his or her discharge goals.



**84168.4 MODIFICATIONS TO NEEDS AND SERVICES PLAN**  
(Continued)**84168.4**

- (c) The licensee shall ensure that the child and his or her admitting parent, conservator, or person authorized by the court to manage the placement are offered the opportunity to participate in the modification of the child's needs and services plan.
- (1) Modifications to the needs and services plan shall not be implemented until written approval is provided by the child's admitting parent, conservator, or person designated by the court to manage the placement.

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 5699.3, Welfare and Institutions Code.

**84168.5 DISCHARGE PROCEDURES****84168.5**

- (a) In addition to Section 84068.4, the following are applicable.
- (b) If it is determined that the facility cannot meet the needs of the child, the licensee shall notify the child's parent(s), conservator, or person designated by the court to manage the placement of the determination and shall request that the child be placed elsewhere.
- (c) When it is deemed clinically appropriate, a child shall be discharged after completing normal discharge procedures.
- (d) When it is not deemed clinically appropriate for a child to be discharged from the facility, a child shall be released as specified in Section 1925(b) of the California Code of Regulations, Title 9, Chapter 11.

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- (1) California Code of Regulations, Title 9, Section 1925(b) states:
- "(b) When it is not deemed clinically appropriate for a child to be discharged from a CTF a child shall be released under the following circumstances:
- "(1) A child admitted to the facility pursuant to Subsection (b)(1) of Section 1923 is deemed to be a voluntary patient and may revoke the voluntary status by giving notice of his desire to leave the facility to any member of the CTF staff. The child may make this notification directly or through an attorney or advocate. When staff is notified of a child's desire to revoke his voluntary consent to treatment, the court shall be notified no later than within one working day by a CTF staff person pursuant to Section 6552 of the Welfare and Institutions Code, and arrangements shall be made to return the child to the court. If the child leaves the care and custody of a CTF without permission prior to being discharged by a CTF, the court shall be notified immediately;
- "(2) A child admitted to a CTF pursuant to subsection (b)(2) of Section 1923 is deemed to be a voluntary patient and the child's conservator, appointed in accordance with Section 5350 of the Welfare and Institutions Code, may revoke the voluntary status by giving notice to the facility;
- "(3) A child admitted to a CTF pursuant to Subsection (b)(3) or (b)(4) of Section 1923 and the child's parents, or the parent entitled to the custody of the minor may remove the child from a CTF after completing normal CTF discharge procedures."
- "(4) A special education pupil over the age of eighteen who is continuing to receive treatment pursuant to Section 1924(b) need only withdraw consent to be discharged if he is not a ward of the court or under the care and custody of a conservator."

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**HANDBOOK ENDS HERE**

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- (e) The licensed mental health professional staff shall complete and provide to the child's parent, conservator, or person designated by the court to manage the placement a typed discharge summary and discharge report as specified in Sections 1927(i) and (j) of the California Code of Regulations, Title 9, Chapter 11.

**HANDBOOK BEGINS HERE**

(1) California Code of Regulations, Title 9, Section 1927(i) states:

"(i) The typed discharge summary for a child shall be completed and signed by a member of the facility's licensed mental health professional staff and provided to the child's parent, conservator, or the person identified by the court to manage the placement on the date of discharge which shall include:

"(1) Demographic information as specified in Section 84168.2(c)(1) of Title 22, California Code of Regulations;

"(2) Date of admission;

"(3) DSM diagnosis;

"(4) Current emotional and/or behavioral problems;

"(5) Continuing therapeutic and educational needs;

"(6) Medications;

"(7) Reason for discharge."

(2) California Code of Regulations, Title 9, Section 1927(j) states:

"(j) A typed discharge report shall be completed and signed by a member of the facility's licensed mental health professional staff within fourteen (14) calendar days of the date of discharge for each child, and a copy provided to the parent, conservator or the person identified by the court to manage the placement. It shall include:

"(1) The reason for admission;

"(2) The reason for discharge, referencing the child's discharge planning goals, or the reason for removal;

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**HANDBOOK CONTINUES**

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**84168.5 DISCHARGE PROCEDURES (Continued)****84168.5**

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**HANDBOOK CONTINUES**

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- "(3) The course of treatment, including medications and the child's response;
- "(4) The child's discharge diagnosis according to the current edition of the DSM;
- "(5) Medical and dental services received while in the CTF;
- "(6) The child's prognosis and recommendations for further mental health treatment, educational programs or placement;
- "(7) A signed written approval of discharge or removal from the child's parent, conservator, or the person identified by the court to manage the placement, and the name, address and relationship to the child of the person to whom the child was released. If the written approval cannot be secured, the child's record shall include an explanation of why the written approval was not obtained."

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**HANDBOOK ENDS HERE**

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NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**84170 CHILDREN'S RECORDS****84170**

- (a) In addition to Section 84070, the following shall apply.
- (b) The following information regarding the child shall be obtained and maintained in the child's record:
  - (1) Signed copies of the facility's policies and procedures regarding the child's transfer to and from secure and nonsecure portions of the facility, due process rights, and the continued stay criteria as specified in Section 84168.2(d)(3).
  - (2) A complete mental health record as specified in Section 1927(a) of the California Code of Regulations, Title 9, Chapter 11.

**HANDBOOK BEGINS HERE**

(A) California Code of Regulations, Title 9, Section 1927(a) states:

"(a) The certificate holder of a CTF shall ensure that the required child facility records are kept on each child residing within the facility. Required child facility records include:

"(1) A signed and dated copy of the interagency placement committee's placement authorization letter from the child's county of residence;

"(2) Documentation of the child's and his parents' or conservator's voluntary consent to treatment, when applicable;

"(3) The intake report;

"(4) The admission assessment;

"(5) A psychiatric evaluation;

"(6) A needs and services plan;

"(7) Daily progress notes;

"(8) Monthly clinical review reports;

"(9) Written informed consent by the child for prescribed psychotropic medication, and, when applicable, by the parents, conservator or judge pursuant to Section 851 of Chapter 4;

"(10) A copy of the court order for conservatorship if the child is conserved;

"(11) A copy of the administrative hearing ruling if the child contested placement and a pre-admission administrative hearing was held or a copy of the form waiving this right signed by the child;

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**HANDBOOK CONTINUES**

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**84170 CHILDREN'S RECORDS (Continued)****84170**

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**HANDBOOK CONTINUES**

- "(12) A discharge summary;
- "(13) A discharge report."
- "(14) A Welfare and Institutions Code Section 6552 order if the child is a ward or dependent of the court."

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- (3) A copy of a child's request for release and any notification documents to the superior court as specified in Section 84172(c).

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501, 1507, and 1531, Health and Safety Code.

**84172 PERSONAL RIGHTS****84172**

- (a) Sections 80072 and 84072 are not applicable to community treatment facilities.
- (b) The licensee shall ensure that every child admitted to a community treatment facility is informed and afforded the personal rights as specified in Sections 5325, 5325.1, 5325.2, 5326, and 16001.9 of the Welfare and Institutions Code; Section 1530.91 of the Health and Safety Code; Sections 862 through 865 and 867 of the California Code of Regulations, Title 9, Chapter 4; and Sections 1934, 1935, 1936, and 1937 of the California Code of Regulations, Title 9, Chapter 11.

**HANDBOOK BEGINS HERE**

- (1) Welfare and Institutions Code Section 5325 states in pertinent part:

"Each person involuntarily detained for evaluation or treatment under provisions of this part, each person admitted as a voluntary patient for psychiatric evaluation or treatment to any health facility, as defined in Section 1250 of the Health and Safety Code, in which psychiatric evaluation or treatment is offered, and each mentally retarded person committed to a state hospital pursuant to Article 5 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 shall have the following rights, a list of which shall be prominently posted in the predominant languages of the community and explained in a language or modality accessible to the patient in all facilities providing such services and otherwise brought to his or her attention by such additional means as the Director of Mental Health may designate by regulation:

- "(a) To wear his or her own clothes; to keep and use his or her own personal possessions including his or her toilet articles; and to keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases.
- "(b) To have access to individual storage space for his or her private use.
- "(c) To see visitors each day.
- "(d) To have reasonable access to telephones, both to make and receive confidential calls or to have such calls made for them.
- "(e) To have ready access to letterwriting materials, including stamps, and to mail and receive unopened correspondence.
- "(f) To refuse convulsive treatment including, but not limited to, any electroconvulsive treatment, any treatment of the mental condition which depends on the induction of a convulsion by any means, and insulin coma treatment.
- "(g) To refuse psychosurgery. Psychosurgery is defined as those operations currently referred to as lobotomy, psychiatric surgery, and behavioral surgery and all other forms of brain surgery if the surgery is performed for the purpose of any of the following:
  - "(1) Modification or control of thoughts, feelings, actions, or behavior rather than the treatment of a known and diagnosed physical disease of the brain.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

"(2) Modification of normal brain function or normal brain tissue in order to control thoughts, feelings, actions, or behavior.

"(3) Treatment of abnormal brain function or abnormal brain tissue in order to modify thoughts, feelings, actions or behavior when the abnormality is not an established cause for those thoughts, feelings, actions, or behavior...."

"(h) To see and receive the services of a patient advocate who has no direct or indirect clinical or administrative responsibility for the person receiving mental health services.

"(i) Other rights, as specified by regulation.

"Each patient shall also be given notification in a language or modality accessible to the patient of other constitutional and statutory rights which are found by the State Department of Mental Health to be frequently misunderstood, ignored, or denied.

"Upon admission to a facility each patient shall immediately be given a copy of a State Department of Mental Health prepared patient's rights handbook.

"The State Department of Mental Health shall prepare and provide the forms specified in this section and in Section 5157.

"The rights specified in this section may not be waived by the person's parent, guardian, or conservator."

(2) Welfare and Institutions Code Section 5325.1 states:

"Persons with mental illness have the same legal rights and responsibilities guaranteed all other persons by the Federal Constitution and laws and the Constitution and laws of the State of California, unless specifically limited by federal or state law or regulations. No otherwise qualified person by reason of having been involuntarily detained for evaluation or treatment under provisions of this part or having been admitted as a voluntary patient to any health facility, as defined in Section 1250 of the Health and Safety Code, in which psychiatric evaluation or treatment is offered shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity, which receives public funds.

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"It is the intent of the legislature that persons with mental illness shall have rights including, but not limited to, the following:

- "(a) A right to treatment services which promote the potential of the person to function independently. Treatment should be provided in ways that are least restrictive of the personal liberty of the individual.
  - "(b) A right to dignity, privacy, and humane care.
  - "(c) A right to be free from harm, including unnecessary or excessive physical restraint, isolation, medication, abuse, or neglect. Medication shall not be used as punishment, for the convenience of staff, as a substitute for program, or in quantities that interfere with the treatment program.
  - "(d) A right to prompt medical care and treatment.
  - "(e) A right to religious freedom and practice.
  - "(f) A right to participate in appropriate programs of publicly supported education.
  - "(g) A right to social interaction and participation in community activities.
  - "(h) A right to physical exercise and recreational opportunities.
  - "(i) A right to be free from hazardous procedures."
- (3) Welfare and Institutions Code Section 5325.2 states:

"Any person who is subject to detention pursuant to Section 5150, 5250, 5260, or 5270.15 shall have the right to refuse treatment with antipsychotic medication subject to provisions set forth in this chapter."

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- (4) Welfare and Institutions Code Section 5326 states:

"The professional person in charge of the facility or his or her designee may, for good cause, deny a person any of the rights under Section 5325, except under subdivision (g) and (h) and the rights under subdivision (f) may be denied only under the conditions specified in Section 5326.7. To ensure that these rights are denied only for good cause, the Director of Mental Health shall adopt regulations specifying the conditions under which they may be denied. Denial of a person's rights shall in all cases be entered into the person's treatment record."

- (5) Welfare and Institutions Code Section 16001.9 states:

- (a) It is the policy of the state that all children in foster care shall have the following rights:

- (1) To live in a safe, healthy, and comfortable home where he or she is treated with respect.
- (2) To be free from physical, sexual, emotional, or other abuse, or corporal punishment.
- (3) To receive adequate and healthy food, adequate clothing, and, for youth in group homes, an allowance.
- (4) To receive medical, dental, vision, and mental health services.
- (5) To be free of the administration of medication or chemical substances, unless authorized by a physician.
- (6) To contact family members, unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.
- (7) To visit and contact brothers and sisters, unless prohibited by court order.
- (8) To contact the Community Care Licensing Division of the State Department of Social Services or the State Foster Care Ombudsperson regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.

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- (9) To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.
- (10) To attend religious services and activities of his or her choice.
- (11) To maintain an emancipation bank account and manage personal income, consistent with the child's age and developmental level, unless prohibited by the case plan.
- (12) To not be locked in any room, building, or facility premises, unless placed in a community treatment facility.
- (13) To attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level.
- (14) To work and develop job skills at an age-appropriate level that is consistent with state law.
- (15) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends.
- (16) To attend Independent Living Program classes and activities if he or she meets age requirements.
- (17) To attend court hearings and speak to the judge.
- (18) To have storage space for private use.
- (19) To be involved in the development of his or her own case plan and plan for permanent placement.
- (20) To review his or her own case plan if he or she is over 12 years of age and to receive information about his or her out-of-home placement and case plan, including being told of changes to the plan.
- (21) To be free from unreasonable searches of personal belongings.
- (22) To confidentiality of all juvenile court records consistent with existing law.

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- (23) To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.
- (24) At 16 years of age or older, to have access to existing information regarding educational options available, including, but not limited to, the coursework necessary for vocational and postsecondary educational programs, and information regarding financial aid for postsecondary education.
- (b) Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placements.
- (6) Section 1530.91 of the Health and Safety Code states:
- (a) Except as provided in subdivision (b) any care provider that provides foster care for children pursuant to this chapter shall provide each school age child and his or her authorized representative, as defined in regulations adopted by the department, who is placed in foster care, with an age and developmentally appropriate orientation that includes an explanation of the rights of the child, as specified in Section 16001.9 of the Welfare and Institutions Code, and addresses the child's questions and concerns.
- (b) A facility licensed to provide foster care for six or more children pursuant to this chapter shall post a listing of a foster child's rights specified in Section 16001.9 of the Welfare and Institutions Code. The office of the State Foster Care Ombudsperson shall design posters and provide the posters to each facility subject to this subdivision. The posters shall include the telephone number of the State Foster Care Ombudsperson.
- (7) California Code of Regulations, Title 9, Section 862 states:
- "(a) A list of the rights set forth in Section 5325 of the Welfare and Institutions Code and in Section 861, as well as the complaint procedure, prescribed in Section 864, shall remain posted, in English and Spanish, in all wards and common living areas of facilities specified in Section 860.

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- "(b) Each person admitted to a facility specified in Section 860 shall be personally notified of his rights in writing, in language he can understand, or shall have his rights brought to his attention by other means if he is unable to read or understand the information provided him.
- "(c) A notation to the effect that notification, or an attempt to provide notification, has occurred, shall be entered in the patient's/resident's record within 24 hours of admission."
- (8) California Code of Regulations, Title 9, Section 863 states:
- "(a) The 'Patients' Rights Specialist' means the person in the Headquarters Office of the Department of Health delegated the responsibility for ensuring that mentally and developmentally disabled persons in facilities providing mental health services or residential care are afforded their statutory and constitutional rights.
- "(b) The 'Patients' Advocate' means the person in a local mental health program delegated the responsibility for ensuring that mentally disabled persons in facilities specified in Section 860 are afforded their statutory and constitutional rights.
- "(c) The Residents' Advocate' means the persons in a regional center program delegated the responsibility for ensuring that developmentally disabled residents in facilities specified in Section 860 are afforded their statutory and constitutional rights."

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(9) California Code of Regulations, Title 9, Section 863.1 states:

"(a) Each county mental health director shall assign a Patients' Advocate to handle complaints of mentally disabled patients and residents regarding the abuse, unreasonable denial, or punitive withholding of a right guaranteed under Section 861 of this article. Each regional center director shall assign a Residents' Advocate to handle similar complaints from developmentally disabled residents. If the person assigned to handle complaints is a member of the staff of a particular facility, he shall not be involved in the direct supervision of patients or residents of that facility.

"(b) The appointment of a Patients'/Residents' Advocate in a state hospital, as well as the complaint procedure to be observed there, shall be in accordance with Department of Health directives on the patient's rights program for state hospitals."

(10) California Code of Regulations, Title 9, Section 863.2 states:

"(a) The Patients'/Residents' Advocate shall:

"(1) Ensure that the rights listed in Section 5325 of the Welfare and Institutions Code and in Section 861 remain posted in all facilities where posting is required pursuant to Section 860.

"(2) Ensure that all incoming patients/residents are notified of these rights.

"(3) Assist in training staff of facilities specified in Section 860 regarding patients'/residents' rights.

"(4) Investigate complaints of patients/residents or their responsible relatives, and, if necessary, act as advocate for patients/residents.

"(5) Act as advocate in behalf of patients/residents who are unable to register a complaint because of their mental or physical condition.

"(6) Act as local consultant in the area of patients'/residents' rights.

"(7) Act as liaison to the Patient Rights Specialist, Department of Health."

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(11) California Code of Regulations, Title 9, Section 865 states:

"(a) (Reserved)

"(b) 'Professional person in charge of the facility' is defined in Section 822 of this Chapter, Title 9, California Administrative Code; in community care facilities it is the administrator of the facility. Prior to denying the rights, as listed in Section 861, of a resident for good cause, the administrator of a community care facility shall first obtain concurrence from the resident's physician or social worker that good cause for denial exists.

"(c) Notwithstanding the provisions of this article, good cause denial of that right listed under subdivision (f) of Section 5325 shall be in accordance with the provisions set forth in Article 7 (commencing with Section 5325) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, as interpreted by court decision.

"(d) Any person who has the lawful right on his own choice to discharge himself from a facility shall be informed of said right at the time of admission to the facility. If the person elects to discharge himself from the facility rather than voluntarily accepting any denial of his rights, such election shall be documented in this treatment record, and the person shall be permitted to leave the facility."

(12) California Code of Regulations, Title 9, Section 867 states:

"Information in a patient's/resident's treatment record pertaining to a denial of a right shall be available on request to the child, his attorney/conservator/guardian, the Department of Health, a member of the State Legislature, or a member of a county board of supervisors."

(13) California Code of Regulations, Title 9, Section 1934 states:

"(a) The rights listed in subsection (a) through (e) of Section 5325 of the Welfare and Institutions Code, and the right to participate in daily outdoor activities, weather permitting, may be denied a child in a CTF only upon the failure of all other means taken to resolve the behavior necessitating denial.

"(b) Agreements and negotiations between the child, administrator and social worker shall be the primary means of resolving problems regarding the rights of the child.

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"(c) If a CTF, after complying with subsections (a) and (b) of this section, wishes to deny one or more of the rights delineated in subsection (a), the procedures outlined in Section 1935 must be followed."

| (14) California Code of Regulations, Title 9, Section 1935 states:

"(a) The rights delineated in Subsection (a) of Section 1934 may be denied only for good cause. Good cause for denying a child a right exists when the professional person in charge of a CTF or his designee has good reason to believe:

"(1) That the exercise of the specific right would be injurious to the child;

"(2) That there is evidence that the specific right, if exercised, would seriously infringe on the rights of others;

"(3) That the facility would suffer serious damage if the specific right is not denied; and

"(4) That there is no less restrictive way of protecting the interests specified in (1), (2), or (3).

"(b) The reason used to justify the denial of a right to a child must be related to the specific right denied. A right shall not be withheld or denied as a punitive measure, nor shall a right be considered a privilege to be earned.

"(c) Treatment modalities shall not include denial of any right specified in Section 1931. Waivers signed by the child, parent, conservator or person appointed by the court to manage the placement shall not be used as a basis for denying rights prescribed in Section 1931 in any treatment modality."

| (15) California Code of Regulations, Title 9, Section 1936 states:

"(a) Each denial of a child's right shall be noted in his facility record. Documentation shall take place immediately whenever a right has been denied. The notation shall include:

"(1) Date and time the right was denied;

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**HANDBOOK CONTINUES**

- "(2) Specific right denied;
- "(3) Good cause for denial of the right;
- "(4) Date of review if denial was extended beyond 30 days;
- "(5) Signature of the professional person in charge of the facility or his designee authorizing denial of the right.

"(b) The child shall be told of the content of the notation.

"(c) Each denial of a right shall be documented regardless of the gravity of the reason for the denial or the frequency with which a specific right is denied in a particular facility or to a particular child."

(16) California Code of Regulations, Title 9, Section 1937 states:

- "(a) A right shall not continue to be denied a child when the good cause for its denial no longer exists. When a right has been denied, staff shall employ the least restrictive means of managing the behavior problem which led to the denial. The date a specific right is restored shall be documented in the child's facility record.
- "(b) A child who has been denied a patients' right shall have the good cause for this denial reviewed every five (5) days after the denial by a CTF mental health program director or his designee. This review shall result in either the restoration of right to the child or continuation of the denial due to the determination that good cause for the denial of the right still exists. The results of the review will be documented in the child's facility record."

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**84172 PERSONAL RIGHTS (Continued)****84172**

(c) Every child has a right to a hearing by writ of habeas corpus. The licensee shall develop, maintain and implement written procedures that shall meet the following requirements:

(1) Any member of the facility staff to whom a request is made shall promptly do the following:

(A) Provide the child making the request with a form for a request for release or mark a copy of the form for the child. The form shall be substantially as follows:

(Name of the Facility) \_\_\_\_\_ day of \_\_\_\_ 19

I, \_\_\_\_\_ (member of the community treatment facility staff) have today received a request for the release of \_\_\_\_\_ (name of patient) from the undersigned patient on his or her own behalf or from the undersigned person on behalf of the patient.

Signature or mark of patient making request for release

Signature or mark of patient making request for release on behalf of patient

Signature of staff person receiving request for release

(B) Deliver the completed request form to the Administrator and note the request in the child's facility record.

(2) Submit the request for release form to the superior court for the county in which the facility is located by the next working day of the request for release.

(3) Inform the person who admitted the child of the request for release within 24 hours of the request for release.

**84172 PERSONAL RIGHTS (Continued)****84172**

- (4) Maintain a copy of the child's request for release as specified in Section 84172(c)(1)(A) along with notification documents to the superior court in the child's record.
  - (5) The facility's administrator shall ensure that the child is informed as soon as possible of the date, time, and location of the hearing.
  - (6) The child shall be permitted to communicate with counsel confidentially and to prepare for and attend the judicial hearing demanding his or her release.
- (d) The facility's policy concerning family visits and other communications with clients shall be provided as specified in Section 1512 of the Health and Safety Code.

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- (1) Section 1512 of the Health and Safety Code states in pertinent part:

Each residential community care facility shall state, on its client information form or admission agreement, and on its patient's rights form, the facility's policy concerning family visits and other communication with resident clients and shall, except as otherwise provided in this section, promptly post notice of its visiting policy at a location in the facility that is accessible to residents and families.

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NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501, 1530.91 and 1531, Health and Safety Code; Sections 4096(g), 4094.6, 5275, and 16001.9, Welfare and Institutions Code.

**84172.2 COMPLAINT PROCEDURES****84172.2**

- (a) Section 84072.2 is not applicable to community treatment facilities.
- (b) The licensee of a community treatment facility shall develop, maintain, and implement written complaint procedures by which children or their authorized representatives are permitted to file, without fear of retaliation, complaints regarding facility staff or operations with the facility administrator or mental health program director, an advocate, and/or the Department.
- (c) The following information shall be posted, in English and Spanish, in all wards and common living areas of the facility.
  - (1) A list of the personal rights in Sections 5325, 5325.1, and 5325.2 of the Welfare and Institutions Code.

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Refer to Handbook Sections 84172(b)(1), (2), and (3) for Welfare and Institutions Code Sections 5325, 5325.1, and 5325.2.

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- (2) A statement that any child admitted to a community treatment facility has the right to a hearing by writ of habeas corpus pursuant to Section 4094.6 of the Welfare and Institutions Code.
- (3) The facility's complaint procedures which shall include the following:
  - (A) The name, address and telephone number for filing a complaint with the Department.
  - (B) The information on filing a complaint with a Patients' Advocate as specified in Section 1933 of California Code of Regulations, Title 9, Chapter 11.

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1. California Code of Regulations, Title 9, Section 1933 states:
  - "(a) The list of rights and resources that must be posted, provided or explained to the children in a CTF pursuant to Section 1932 shall contain:
    - "(1) Notification that any child who believes a right of his has been abused, punitively withheld or unreasonably denied may file a complaint with the Department [Mental Health] or the county patients' rights advocate;
    - "(2) The human rights unit of the Department [Mental Health] and the name of the county patients' rights advocate who has been assigned to handle such complaints, and his telephone number.
  - "(b) When a complaint is received by the county patients' rights advocate he or she shall, within two working days, take action to investigate and resolve it.
  - "(c) If the complainant expresses dissatisfaction to the county patients' rights advocate with the action taken, the matter shall be referred, within five (5) working days, to the local mental health director if the complaint originated in the mental disabilities program or to the regional center director if the complaint originated in the developmental disabilities program.
  - "(d) If the complaint cannot be satisfactorily resolved by the local mental health director within ten (10) working days, it shall be referred to the patients' rights specialist at the Department [of Mental Health] whose responsibility it shall be to resolve the complaint. Appeal of the resolution provided by the patients' rights specialist may be made to the Director of the Department [of Mental Health], or his designee."

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NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 4094.6, Welfare and Institutions Code.

**84175.1 MEDICATION CONTROL/MONITORING****84175.1**

- (a) The licensee shall develop, maintain, and implement medication control and monitoring procedures/protocols which meet the requirements specified in the California Code of Regulations, Title 9, Chapter 11, Section 1928.

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- (1) California Code of Regulations, Title 9, Section 1928 states:

"(a) A CTF shall have written protocols for psychotropic medication control and monitoring that require:

"(1) Examination of each child by the prescribing physician, prior to prescribing of any psychotropic medication which shall include screening for medical complications which may contribute to the child's mental disorder;

"(2) A written medication review by the treating physician at least every thirty (30) days as clinically appropriate, based upon actual observations of the child and a review of a child's progress notes recorded by treatment team staff. This review shall be included in the child's facility record and shall include:

"(A) Observations concerning the presence or absence of any side effects;

"(B) Response to each psychotropic medication currently prescribed;

"(C) Compliance with the medication plan;

"(D) Justification for continued medication use and/or any changes in the medication plan.

"(3) Appropriate documentation of informed consent from the child, and, when applicable, the parent, conservator, or judge pursuant to Title 9, Division 1, Chapter 4, Article 5.5, Section 851 of the California Code of Regulations;

"(A) Psychotropic medications for a child placed in a CTF shall only be prescribed by the attending physician with the written informed consent of the child, and, when applicable, the parents, conservator or judge pursuant to Title 9, Division 1, Chapter 4, Article 5.5, Section 851 of the California Code of Regulations.

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**HANDBOOK CONTINUES**

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**84175.1 MEDICATION CONTROL/MONITORING**  
(Continued)**84175.1**

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**HANDBOOK CONTINUES**

- "(B) No provisions included within the facility's written protocols shall allow for prior blanket consent for psychotropic medications to be prescribed for, administered to, or passed to a child.
- "(4) Procedures for monitoring psychotropic medications by a person licensed to prescribe or dispense prescription drugs, with the current name and qualifications of the person who shall conduct the monitoring.
- "(b) Any psychotropic medication control and/or monitoring practices employed by a designated CTF licensed mental health professional shall ensure that any use of prescribed psychotropic medications are consistent with the goals and objectives of the child's NSP."

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NOTE: Authority cited: Section 1530 and 1530.9, Health and Safety Code. Reference: Section 1501 and 1531, Health and Safety Code; and Section 4094(d), Welfare and Institutions Code.

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**84175.2 RESTRAINT AND SECLUSION****84175.2**

- (a) The licensee shall develop, maintain, and implement seclusion and restraint policies and procedures which meet the requirements specified Section 1929 of the California Code of Regulations, Title 9, Chapter 11.

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- (1) California Code of Regulations, Title 9, Section 1929 states:
- "(a) Physical restraint and seclusion shall be used only when alternative methods are not sufficient to protect the child or others from immediate injury.
- "(b) Physical restraint and seclusion shall not be used as aversive treatment, punishment, as a substitute for more effective programming, or for the convenience of the staff.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

- "(c) Physical restraint and seclusion shall only be used with a written order designed to lead to a less restrictive way of managing, and ultimately eliminating, the behavior for which the physical restraint or seclusion is applied.
- "(d) A CTF shall adhere to written policies and procedures concerning the use of physical restraints and seclusion that include:
- "(1) The medical evaluation of each child upon admission to the facility to determine the existence of any condition that would contraindicate the use of physical restraint or seclusion;
- "(2) A requirement that they be used only with a signed order of a physician or licensed psychologist, except in an emergency as defined in Section 1901(k). In such an emergency a child may be placed in physical restraint at the discretion of a registered nurse. An order shall be received by telephone within sixty (60) minutes of the application of physical restraint, and shall be signed by the prescriber within twenty-four (24) hours. Telephone orders shall be received only by authorized mental health professional staff, and be recorded immediately in the child's facility record;
- "(A) The order shall include reasons for the physical restraint or seclusion in specific behavioral terms, type and number of points, if applicable, conditions for release or termination of physical restraint, with specific directions for discussing with the child the conditions that required the application of the physical restraint, the level of nursing care the child is entitled to while in physical restraint and the types of behaviors that will meet the criteria for terminating the order for the physical restraint.
- "(B) Full documentation of the episode leading to the use of physical restraint, including the antecedent behaviors, and less restrictive means attempted by staff prior to the use of physical restraint, the type of physical restraint used, the length of effectiveness of the physical restraint time and the name of the individual(s) applying such measures shall be entered in the child's facility record.

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- "(C) At the time physical restraint or seclusion is initiated, or as soon as practical, but in every case within one (1) hour, information regarding the child's medical condition including vital signs, medications, current medical treatments and any relevant medical circumstances specific to the child shall be reviewed by the facility's on duty licensed nursing staff and noted in the child's facility record.
- "(D) All orders for physical restraint shall become invalid two (2) hours after the restraint or seclusion is initiated for children ages 9 to 17, one (1) hour for children under age 9, and four (4) hours for any special education pupils ages 18 through 21 remaining in the facility under continuing stay provisions. If continued physical restraint or seclusion is needed a new order shall be required.
- "(3) A prohibition that physical restraint shall not be allowed for longer than twenty-four (24) hours.
- "(4) A prohibition against as-needed, also known as "PRN" orders for physical restraint or seclusion.
- "(5) A description of acceptable forms of physical restraint or seclusion which shall be:
- "(A) Seclusion in either a designated seclusion room with a door which may be held shut to prevent a child's egress by a staff member or by a mechanism which releases upon removal of a staff person's foot and/or hand or any other room or part of the facility where the child is prevented from physically leaving for any period of time thus limiting their movement, activities and contact with the other children;
- "(B) Physical containment of the child by two or more trained staff persons utilizing methods approved by the Department [of Mental Health];
- "(C) The application of mechanical devices such as well padded belts and cuffs, mittens without thumbs which are securely fastened about the wrists with a small tie and vests consisting of sleeveless cloth webbing;

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

- "(6) A requirement that restraints shall be applied in such a way as not to cause physical injury and to insure the least possible discomfort to the child;
- "(7) A requirement that restraints using mechanical devices shall be applied in such a manner that the device can be speedily removed in case of fire or other emergencies;
- "(8) A requirement that staff shall make provisions for regularly scheduled periods, at intervals not to exceed two (2) hours, for range of motion exercises, toileting, and access to liquids and meals;
- "(9) A requirement that staff shall make provisions for responding promptly and appropriately to a child's request for services and assistance, and for repositioning the child when appropriate;
- "(10) A requirement for staff to take precautions to insure the safety of children in restraints by insuring that they remain in staffs' line of vision, by isolating them from other children and by insuring that the restraints can be easily removed in case of fire or emergency;
- "(11) A requirement that staff shall make provisions to insure that a child placed in physical restraint shall be checked at a minimum of every fifteen (15) minutes by the licensed nursing staff to insure that the restraint remains properly applied and that the child has not harmed himself. A written record of each check shall be placed in the child's record and shall include:
- "(A) Vital signs which shall be measured at least every half hour, unless otherwise indicated by the prescribing professional;
- "(B) Justification for continued physical restraint;
- "(C) The child's responses to information regarding his behavioral criteria for termination of the physical restraint.
- "(e) A child's parent(s), conservator or person identified by the court to manage the placement shall be informed of a restraint or seclusion with twenty four (24) hours, excepting weekends.
- "(f) Under no circumstances shall physical restraints be used as a disciplinary action."

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**84175.2 RESTRAINT AND SECLUSION (Continued)****84175.2**

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 4094(d), Welfare and Institutions Code.

**Article 7. PHYSICAL ENVIRONMENT****84187 BUILDINGS AND GROUNDS****84187**

- (a) In addition to Section 84087, the following shall apply.
- (b) A room used for seclusion as defined in Section 84111(s)(1), shall meet the following requirements:
  - (1) No room door shall include locking or jamming devices.
  - (2) A control for the lighting shall be located outside the room.
  - (3) The room shall be absent of any hazards such as objects which can be broken or used by a child to inflict injury to himself/herself or others.
- (c) The licensee shall meet the local building code requirements for any fence enclosures of outside spaces and recreational areas that are associated with the facility.
- (d) The licensee shall secure and maintain a fire clearance approval for locking devices and their use on exterior doors, windows, and perimeter fence gates.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**84188 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES****84188**

- (a) In addition to Section 84088, the following shall apply.
- (b) No community treatment facility shall have more beds for children's use than required for the maximum license capacity except for the bed(s) made available for seclusion room(s) as specified in Section 84187(b).

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**SUBCHAPTER 2. CARE FOR CHILDREN UNDER THE AGE OF SIX YEARS****Article 1. GENERAL REQUIREMENTS AND DEFINITIONS****84200 GENERAL****84200**

- (a) The provisions in this subchapter shall govern group homes that care for children under the age of six years who are dependents of the court, regional center placements, or voluntary placements and who are not accompanied by the minor parent, unless otherwise specified. In addition, the provisions in Title 22, Chapter 1, General Licensing Requirements, and in Title 22, Chapter 5, Group Homes, shall govern such facilities, unless specified otherwise.
- (1) The provisions of this subchapter shall also govern group homes that care for minor parents and their child(ren) who are dependents of the court, nondependents, voluntary, and/or regional center placements, unless otherwise specified.

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Welfare and Institutions Code Section 11400(n) defines voluntary placement as follows:

". . . an out-of-home placement of a minor by (1) the county welfare department after the parents or guardians have requested the assistance of the county welfare department and have signed a voluntary placement agreement; or (2) the county welfare department licensed public or private adoption agency, or the department acting as an adoption agency, after the parents have requested the assistance of either the county welfare department, the licensed public or private adoption agency, or the department acting as an adoption agency for the purpose of adoption planning, and have signed a voluntary placement agreement."

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- (b) The provisions of Title 22, Chapter 1, General Licensing Requirements; Title 22, Chapter 5, Group Homes; and this subchapter 2, Care for Children Under the Age of Six Years, shall govern minor parent programs, unless otherwise specified.
- (1) Minor parent programs are exempt from the "family group," "family-like setting," and "houseparent" requirements as defined in Sections 84201(f)(1), (f)(2), and (h)(1) respectively.

## 84200

## GENERAL (Continued)

84200

- (2) Minor parent programs are exempt from the “primary caregiver” requirements as defined in Sections 84201(p)(2) and (3), but shall comply with the provisions of Section 84065.2(b).
  - (3) Minor parent programs are exempt from the staff to child ratio requirements of Sections 84265.5 and 84265.7, but shall comply with the provisions of Sections 84065.5 and 84065.7.
  - (4) Minor parent programs are exempt from the facility manager training requirements of Section 84265(b), but shall comply with the provisions of Section 84065(d)(3).
  - (5) Minor parent programs are exempt from the training plan requirements of Section 84265(i), but shall comply with the provisions of Section 84065(h).
- (c) Those group homes that operate solely as a county-operated or county-contracted emergency shelter care facility and retain children under the age of six years for no more than 30 days, shall be exempt from the licensing standards specified in Sections 84201(f)(2), 84201(h)(1), 84222(a)(1) through (3), 84265(g) and (i), 84268.1(e) and (f), and 84270(a)(7).
- (1) These facilities shall also be exempt from Section 84268.2, but must provide for the immediately known needs and services of the child.
  - (2) When children are awake, the care and supervision must be provided by houseparents, as described at Section 84201(h)(1), or primary caregivers, as described at Section 84201(p)(2).
  - (3) These facilities may employ child care staff who meet the qualifications specified in Section 80065 to provide the care and supervision of children who are sleeping.
- (d) A group home that accepts children with special health care needs is also governed by the provisions of Sections 84001c.(2), g., h.(1), i.(1) and (2), m.(1), p.(1), and s.(3) and (4); 84010.1(a) and (b); 84010.2(a)(1) and (2); 84064.1(a); 84065.1(a) through (c); 84065.6(a); 84066.1(a) through (c); 84069.2(a) through (d); 84070.1(a) and (b); 84072.3(a) and (b); 84078; 84087(b)(6)(A) and (B); and 84087.1(a) and (b).
- (e) Group home applicants, who intend to accept children described in Section 84200(a) above, shall meet the standards of this subchapter and all other regulations specified in (a) above, as of the effective date of the regulations.
- (f) Group home licensees, who accept children described in Section 84200(a) above, are exempted from the education requirements for houseparents as specified in Section 84265(d) and (h) and the requirements of Sections 84222(a)(1) and (2) for one year from the effective date of the regulations.

<b>84200</b>	<b>GENERAL (Continued)</b>	<b>84200</b>
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(1) For one year from the effective date of the regulations, in the absence of a houseparent, all duties of the houseparent shall be by individuals qualified to provide the services identified in Section 84265.1(d).

(g) Group home licensees, who accept children described in Section 84200(a) above, must meet the standards of this subchapter and all other regulations specified in (a) above, other than those specified in Section 84200(d) above, within 30 days of the effective date of the regulations.

NOTE: Authority cited: Section 1530, Health and Safety Code; and Section 17730, Welfare and Institutions Code. Reference: Sections 1501, 1502, 1530.8, and 1531, Health and Safety Code; and Sections 11467.1, 17710, 17730, 17731, 17732, and 17736, Welfare and Institutions Code.



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## 84201 DEFINITIONS

84201

(a) (Reserved)

(b) (Reserved)

(c) (Reserved)

(d) (Reserved)

(e) (1) "Early childhood education" means course work regarding children under the age of six years completed with a passing grade from an approved or accredited school, college or university.

(f) (1) "Family Group" means no more than six children, under the age of six years, and the houseparent(s).

(2) "Family-like setting" means a physical environment that is an individual house, cottage, or similar building with a capacity for no more than six children and two adults.

(3) "Family member" means a child's relative as defined in Section 80001r.(1) or another caring adult who is significant to the child, such as a foster parent, family friend, or court advocate.

(g) (Reserved)

(h) (1) "Houseparent" means the consistent, nurturing adult(s) who resides with the family group, provides daily care for no more than three children, and is involved in the long-range planning for those children during the group home placement.

(i) (Reserved)

(j) (Reserved)

(k) (Reserved)

(l) (Reserved)

(m) (Reserved)

(n) (1) "Needs and Services Plan" means that plan and services defined in Section 84001(n)(1) and includes those items specified in Section 84068.2 and Section 84268.2.

**84201 DEFINITIONS (Continued)****84201**

(o) (Reserved)

(p) (1) "Health and safety training" includes pediatric cardiopulmonary resuscitation, pediatric first aid, recognition, management, and prevention of infectious diseases, including immunizations, and prevention of childhood injuries.

(2) "Primary Caregiver" means the facility staff who performs the duties described in Section 84201(p)(3) during normal working hours for no more than three specific children under the age of six for the duration of their stay in a county-operated or county-contracted emergency shelter care facility.

(3) "Primary Caregiver Duties" means the major portion of daily care provided to three specifically assigned children and includes meeting their needs in the areas of physical health and well-being, self-care, motor skills, social skills, emotional development, cognition, language and communication, and other child care worker duties as defined at Section 84065.2(b).

(q) (Reserved)

(r) (Reserved)

(s) (Reserved)

(t) (Reserved)

(u) (1) "Universal health precautions" means a set of precautions designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other bloodborne pathogens when providing first aid or health care.

(v) (1) "Voluntary placement" means the type of placement defined in Welfare and Institutions Code Section 11400(n).

(w) (Reserved)

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8, 1531, and 1596.866, Health and Safety Code; and Sections 11400(n) and 11467.1, Welfare and Institutions Code.

**ARTICLE 3. APPLICATION PROCEDURES****84222 PLAN OF OPERATION****84222**

- (a) The plan of operation shall include the following:
- (1) A description of the family-like setting in which the children will live.
  - (2) A description of the staffing pattern, including:
    - (A) The provision of care by houseparents.
    - (B) The provision for breaks, vacations, and sick days for the houseparents while ensuring that another qualified houseparent cares for the children.
  - (3) The policies and procedures for family member involvement in the needs and services plan and in the caregiving.
  - (4) The toilet training policies and procedures.
  - (5) The plan for indoor and outdoor activities designed to meet the developmental and therapeutic needs of these children.
    - (A) This plan must include quiet and active play, rest and relaxation, eating, toileting, individual attention from the houseparent or child care worker, and activities that foster the child's cognitive development.
    - (B) In minor parent programs, the plan must include time for the parent to spend with his or her child in activities appropriate to the child's development and to the parent's development of parenting skills.
  - (6) The plan for therapeutic interventions by trained professionals to evaluate and address each child's needs and to alleviate the effects of past trauma.
  - (7) A list and copies of all agreements and contracts with participating private or public service providers.

**84222 PLAN OF OPERATION (Continued)****84222**

- (8) Description of quality assurance procedures to ensure accountability of the facility's service providers.
- (9) The policies and procedures for discipline and guidance.
- (10) The policies and procedures to prevent disease and control infection.
- (11) The procedures to prepare children for transitions, such as changes in daily schedules or in caregiving.
- (12) The plan for providing appropriate parenting education to the minor parents.
- (13) The plan for assuring that each minor parent complies with the requirements in Sections 84276, 84277, and 84278.1 when caring for his or her child.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8, 1531, Health and Safety Code, and Section 11467.1, Welfare and Institutions Code.

**ARTICLE 6. CONTINUING REQUIREMENTS****84261 REPORTING REQUIREMENTS****84261**

- (a) Before implementing any changes in the plan of operation, the licensee shall obtain written approval from the Department.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530.8, 1531 and 1562, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84265 PERSONNEL REQUIREMENTS****84265**

- (a) Sections 84065(d)(2), (h), (i), (j), (l), (m), (n), (p), and (q) do not apply.
- (b) The facility manager shall have completed one of the following before employment:
- (1) Fifteen (15) semester or equivalent quarter units in behavioral science with a passing grade from an accredited or approved college or university. In addition, the facility manager must have four years of experience providing full-time direct care to children in an agency, or a group residential program, serving children.
    - (A) At least three of the semester units, or equivalent quarter units, shall include coursework in the care of infants.
    - (B) At least nine semester units, or equivalent quarter units, shall include coursework in abused and drug-exposed children.
    - (C) At least three semester units, or equivalent quarter units, shall include coursework in administration.
  - (2) An AA degree from an accredited or approved college or university with a major or emphasis in early childhood education or child development and at least two years of full-time direct care to children in an agency, or a group residential program, serving children.
    - (A) At least three semester units, or equivalent quarter units, shall include coursework in administration.
    - (B) At least nine semester units, or equivalent quarter units, shall include coursework in abused and drug-exposed children.

**84265 PERSONNEL REQUIREMENTS (Continued)****84265**

- (3) A bachelor's degree from an accredited or approved college or university with a major or emphasis in early childhood education or child development and at least one year providing full-time direct care to children in an agency, or a group residential program, serving children.
- (A) At least three semester units, or equivalent quarter units, shall include coursework in administration.
- (B) At least nine semester units, or equivalent quarter units, shall include coursework in abused and drug-exposed children.
- (4) A Child Development Site Supervisor Permit issued by the California Commission for Teacher Preparation and Licensing pursuant to California Code of Regulations, Title 5, Sections 80105 through 80116.
- (A) At least nine semester units, or equivalent quarter units, shall include coursework in abused and drug-exposed children.

(c) Each facility manager shall complete 15 hours of health and safety training.

- (1) The training shall include pediatric cardiopulmonary resuscitation, pediatric first aid, recognition, management, and prevention of infectious diseases, including immunizations, and prevention of childhood injuries.
- (A) Training shall be completed through on-the-job training, workshops, or classes.
- (B) A home study course does not meet the 15-hour requirement.

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Licensees may contact the following to obtain information regarding health and safety training: the local child care resource and referral agency, the local health department, and Healthline at (800) 333-3212.

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- (C) The pediatric cardiopulmonary resuscitation and pediatric first aid training shall be current as determined by the expiration date on the card.
- (D) Training in health and safety (preventative health practices) is a one-time-only requirement.

**84265 PERSONNEL REQUIREMENTS (Continued)****84265**

- (2) The following training shall not substitute for the training specified in Section 84265(c)(1):
- (A) Sanitary food handling, child nutrition, emergency preparedness and evacuation, caring for children with special needs, and identification and reporting of signs and symptoms of child abuse.
- (3) The training requirements shall be met in courses conducted by the American Red Cross, or in courses conducted by the American Heart Association, or any course approved by the Emergency Medical Services Authority (EMSA), or any course offered or approved by an accredited college or university.
- (4) The facility manager shall maintain verification of completed health and safety training in the facility files.
- (A) Verification of completion of pediatric cardiopulmonary resuscitation and pediatric first aid training shall be a current, unexpired card issued by the American Red Cross, the American Heart Association or a training program approved by the State Emergency Medical Services Authority (EMSA).

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To verify that EMSA has approved a particular training program, licensees may call Healthline at (800) 333-3212.

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- (B) Verification of completion of health and safety training shall be a course completion card issued by a training program approved by the EMSA.
- (C) Verification of completion of health and safety (preventive health practices) training taken on or before September 20, 1998, shall be a certificate of completion or certified copies of transcripts that identify the number of hours and the specific course or courses.
- (D) If health and safety training is taken at an accredited college or university, on or after September 21, 1998, verification shall be a certificate of course completion, course completion cards, or certified copies of transcripts that identify the number of hours and specified course(s) taken.



**84265 PERSONNEL REQUIREMENTS (Continued)****84265**

- (5) Facility managers employed before the effective date of these regulations shall complete the training within 90 days of the effective date of this regulation.
- (d) The houseparent shall have one of the following education and experience qualifications:
- (1) Completion of 12 postsecondary semester units, or equivalent quarter units, with a passing grade, in early childhood education or child development at an accredited or approved college or university and 6 months of work experience in a licensed group home, licensed infant care center, or comparable group child care program.
    - (A) At least three semester units, or equivalent quarter units, shall include coursework in the care of infants.
    - (B) At least three semester units, or equivalent quarter units, shall include coursework in abused and drug-exposed children.
    - (C) The written verification of experience shall include statements that the individual worked satisfactorily for at least 3 hours per day for 50 days in a 6-month period, as a paid or volunteer staff member, and that a person who would qualify as a houseparent under these regulations supervised the experience.
  - (2) A current and valid Child Development Associate (CDA) credential, with the appropriate age level endorsement issued by the CDA National Credentialing Program, and at least six months of on-the-job training and/or work experience in a licensed child care center or comparable group child care program.
    - (A) The houseparent shall provide verification of the work experience, as specified in Section 84265(d)(1)(C) above, from the National Credentialing Program, 1718 Connecticut Avenue, Northwest, Suite 500, Washington, D.C. 20009, (1-800-424-4310).
    - (B) At least three semester units, or equivalent quarter units, shall include coursework in abused and drug-exposed children.
  - (3) A current and valid Child Development Associate Teacher Permit issued by the California Commission on Teacher Credentialing pursuant to California Code of Regulations, Title 5, Sections 80105 through 80116.

**84265 PERSONNEL REQUIREMENTS (Continued)****84265**

- (A) At least three semester units, or equivalent quarter units, shall include coursework in abused and drug-exposed children.
- (e) The child care worker in a minor parent program shall meet the education and experience qualifications specified at Section 84265(d), except for the following:
- (1) The specific courses and work experience shall include infant care, child development or early childhood education, adolescent development, parenting skills, and other courses appropriate to the care and supervision of the client population of pregnant minors and their children.
- (f) Facility managers, houseparents employed before September 24, 1998, and child care workers in a minor parent program employed before the effective date of these regulations for a minor parent program, who do not meet the requirements of Sections 84265(b), (d), and (e) respectively, shall remain qualified, provided they maintain continuous enrollment in an accredited college or university, and complete, with a passing grade, at least three semester units, or equivalent quarter units, each semester or quarter until the appropriate educational requirement is met.
- (g) Houseparents, and child care workers in a minor parent program, shall have a current and valid certificate verifying successful completion of pediatric first aid and pediatric cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, a training program approved by the State Emergency Medical Service Authority, or effective September 21, 1998, from an accredited college or university.

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**84265 PERSONNEL REQUIREMENTS (Continued)****84265**

- (h) The licensee shall employ or contract with a social worker with a master's degree in a behavioral science from an accredited college or university.
  - (1) The social worker shall carry no more than 12 children's cases. For minor parent programs, the social worker may consider the minor parent and child as one case and shall carry no more than 12 cases.
- (i) The licensee shall develop, maintain and implement a written plan for the orientation, continuing education, on-the-job training and development, supervision, and evaluation of all houseparents.
  - (1) Houseparents shall have a minimum of 24 hours of training and orientation before working with children under 6 years of age.
    - (A) The training shall include instruction regarding childhood illnesses, symptoms of illnesses, and infection control procedures.
  - (2) An experienced houseparent shall accompany a new houseparent for a minimum of 20 hours before the new houseparent works alone with children.
    - (A) The facility manager shall assure that the new houseparent can provide all aspects of appropriate caregiving, before allowing that new houseparent to work alone with children under six years of age.
  - (3) The written plan shall require houseparent to receive and document a minimum of four clock hours a month of continuing education.
    - (A) Continuing education shall include completion of courses in the neurological and psychosocial development of children from birth through five; bonding and attachment; language acquisition; basic life support including best methods of toilet training; cultural competency; separation; grieving; discipline and limit setting; the dynamics of trauma and brain damage; compensatory caregiving techniques for children with significant disorders; sexual abuse; interdisciplinary team work; communication enhancement; preventive health practices, and the dynamics of various causes and effects of family function and dysfunction.

**84265 PERSONNEL REQUIREMENTS (Continued)****84265**

- (B) Documentation of training shall include the date of training, the location, the title, a brief description of the training, names and signatures of staff attending onsite training, independent third-party verification of offsite training (i.e., official grade slips, transcripts, certificates, signed documentation from an approved or accredited institution or a licensee association), hours of training, name and qualifications of trainer(s), list of materials distributed and used by the trainer, type of training (i.e., in-person, video, onsite, offsite), and the provider-paid costs, such as employee wages and benefits and any travel.
- (j) Training for all staff shall address the child's right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.
- (k) Children shall be cared for in family groups, as defined in Section 84201(f)(1).
- (1) Each child shall remain in the same family group for the duration of the placement, unless the needs and services plan documents reasons that this is not in the best interests of the child.
- (2) Siblings shall be in the same family group, unless the needs and services plan documents reasons that this living arrangement is not in the best interest of each child.
- (3) Persons unknown to the children shall not perform any caregiving.
- (l) Personnel and consultants subject to occupational licensing shall have a current and active license issued by the appropriate State of California licensing board.
- (m) Upon employment, staff shall receive copies of the removal and/or discharge procedures specified in Section 84268.4, the discipline policies and procedures specified in Section 84272.1, and the complaint procedures specified in Section 84072.2.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 51, Civil Code; Sections 1530.8, 1531, 1562, and 1596.866, Health and Safety Code; Sections 11467.1 and 16001.9, Welfare and Institutions Code.

**84265.1 PERSONNEL DUTIES****84265.1**

- (a) Section 84065.2(c) does not apply.
- (b) The social worker shall complete and record the following for each child:
- (1) An intake study, as specified in Section 84268.1.
- (2) A needs and services plan, as specified in Sections 84268.2 and 84268.3.

**84265.1 PERSONNEL DUTIES (Continued)****84265.1**

- (3) A discharge plan, as specified in Section 84068.4.
- (c) Volunteers shall not perform houseparent duties and shall be supervised by the houseparent when around the children.
- (d) Houseparents shall perform the following duties, as well as those specified in Section 84065.2(b):
  - (1) Teach social skills.
  - (2) Teach motor skills.
  - (3) Teach self-care skills.
- (e) Houseparents shall not perform support staff duties, as specified in Section 84065.2(d), unless such assignments are directly related to the care of the children and do not interfere with the performance of the child care duties.
- (f) The administrator, facility manager, and houseparent or child care worker in a minor parent program may be the same person, if the applicable education and experience standard is met for the position being performed.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530.8 and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84265.5 STAFF/CHILD RATIOS****84265.5**

- (a) Section 84065.5 does not apply.
- (b) Licensees shall maintain a staffing level of one houseparent for each group of no more than three children.
- (c) In the family-like setting, the on-duty houseparent may sleep when the children are asleep.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1530.8, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84265.7 SLEEP SUPERVISION****84265.7**

- (a) Sections 84065.6(a) through (c) do not apply.
- (b) Licensees shall maintain a staffing level of one houseparent for each group of no more than three children.
- (c) In the family-like setting, the on-duty houseparent may sleep when the children are asleep.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530.8 and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84266 PERSONNEL RECORDS****84266**

- (a) Section 84066(b)(4) does not apply.
- (b) Licensees shall maintain documentation for each staff person of the requirements specified in Section 84265.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530.8, 1531 and 1562, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84268.1 INTAKE PROCEDURES****84268.1**

- (a) Sections 84068.1(b)(1)(B), 84068.1(b)(4)(B), 84068.1(c)(2), and 84068.1(c)(3) do not apply to group homes that care only for children under the age of six years.
- (1) The licensee shall complete an appraisal form within five days of a child's placement.
- (b) A group home shall not accept a child under the age of six years who has received psychiatric services, unless the placing agency provides the following information, if known, before the child's admission:
- (1) All available psychiatric hospitalization summaries.
  - (2) All reports from the previous treating psychiatrist with diagnosis and recommendation for further treatment.
  - (3) The name and telephone number of the previous treating psychiatrist.
  - (4) All psychological and educational testing.
  - (5) A list of current psychotropic medications, dosages, and length of time on each medication.
  - (6) An appointment with the treating psychiatrist before the supply of medication is exhausted.
- (c) A group home that cares for children under the age of six years shall not accept older children in the same family-like setting, unless the needs and services plan of a younger sibling recommends the presence of that older sibling.
- (1) The needs and services plan of each child in the family group must document the older child's compatibility, and
  - (2) A licensee shall not accept an older child, if the older child has a history of sexually threatening behavior with other children or has engaged in any conduct that may represent a threat to younger children.
- (d) In addition to the information required at Section 84068.1, with the exception of those subsections specified in Section 84268.1(a) above, the intake staff shall obtain information regarding any special treatment needs due to illness, injury, or trauma.



**84268.1 INTAKE PROCEDURES (Continued)****84268.1**

- (e) If the social worker determines that the facility cannot provide the necessary services, the discharge procedures specified in Sections 84268.4, 84068.4, and 84070(d)(1) through (3) shall be followed.
- (f) Notwithstanding Sections 84068.1(b)(4)(C-D), if a child is accepted for placement, the licensee shall meet the following requirements:
  - (1) Verify receipt of specified information by the child's authorized representative or designee and the child's parent(s) or family member(s), if involved, by obtaining their signatures and that of the administrator or designee on copies of:
    - (A) The removal/discharge policies and procedures specified in Sections 84068.4 and 84268.4.
    - (B) The discipline policies and procedures specified in Sections 84072.1 and 84272.1.
    - (C) The complaint procedures specified in Section 84072.2.
  - (2) Obtain the information specified in Sections 84070 and 84270.
  - (3) Ensure completion of a needs and services plan, as specified in Sections 84068.2 and 84268.2.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530.8 and 1531, Health and Safety Code; and Sections 361.2 and 11467.1, Welfare and Institutions Code.

**84268.2 NEEDS AND SERVICES PLAN****84268.2**

- (a) The licensee's social worker shall complete the needs and services plan within 30 days of admission.
  - (1) The plan shall be consistent with the placement agency's case plan.
- (b) The plan shall contain information from the following:
  - (1) Therapeutic and medical staff.
  - (2) The child's parent(s) or involved family member(s), if appropriate.
  - (3) The child's authorized representative.

**84268.2 NEEDS AND SERVICES PLAN (Continued)****84268.2**

- (4) Others with an interest in or with information about the child.
- (c) The authorized representative and involved parent(s) or family member(s) shall sign the needs and services plan to verify participation.
- (d) The needs and services plan shall contain the following:
  - (1) Plans for family preservation and reunification, including:
    - (A) Plans for sibling contact.
    - (B) Assessment of the parent(s)' capacity to meet the needs of the child.
    - (C) Needs of involved parent(s) or family members.
    - (D) Any plans for parental or family member involvement in the care of the child.
  - (2) The reason for placement, including:
    - (A) Presenting problems.
    - (B) Precipitating events.
    - (C) Family history.
    - (D) Child's developmental status.

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Examples of commonly-used developmental assessments for infants and toddlers are the Neonatal Behavioral Assessment Scale and the Bayley Scales of Infant Development. For older children, examples are the Wechsler Intelligence Scale for Children, the Woodcock Johnson, the Bender Visual Motor Test, the Brigance Inventory, the Carol Westly Play Diagnosis and Assessment, and the Tony Linder Transdisciplinary Play-based Assessment.

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**84268.2 NEEDS AND SERVICES PLAN (Continued)****84268.2**

- (E) Assessment of the child's mental status.
- (F) If available, the child's diagnosis using the terminology and criteria of psychiatric diagnostic manuals generally approved and accepted nationally by practitioners in the field of psychiatric medicine, such as, the Diagnostic and Statistical Manual of Mental Disorders (DSM), published by the American Psychiatric Association.
- (3) Types of services needed, including:
  - (A) Therapeutic interventions to alleviate the effects of past trauma.
  - (B) The social, emotional, cognitive, and physical developmental needs of the child.
  - (C) Special bedtime routines to prepare the child for sleeping.
- (4) Goals, implementation plans, and the timeline for each goal.
- (5) The specific interval for developmental screening by medical staff.
- (e) In addition to the requirements of Sections 84268.2(a) through (d) above, an infant's needs and services plan shall include the feeding plan.
- (f) In addition to the requirements of Sections 84268.2(a) through (d) above, each child's needs and services plan shall include the toilet training plan, if appropriate.
- (g) The licensee or designee shall provide a copy of the needs and services plan and any subsequent updates to all participants in the development and to all persons responsible for implementation of that plan.
  - (1) A copy of that plan and any updates shall be provided to the above specified individuals within seven days of completion.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530.8 and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84268.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN****84268.3**

- (a) Section 84068.3(a) does not apply to children under the age of six years who are not accompanied by the minor parent and are dependents of the court, regional center placements, or voluntary placements.
  - (1) Minor parent programs are exempt from the requirements of Section 84268.3, but shall comply with the provisions of Section 84068.3.
- (b) All participants of the initial needs and services plan, as specified in Section 84268.2, and the child's houseparent shall review and update that plan as follows:
  - (1) Weekly for children from birth through three years of age.
  - (2) Biweekly for children four to five years old.
- (c) The updates to the needs and services plan shall contain the following:
  - (1) The date of the meeting.
  - (2) A list of participants.
  - (3) The progress toward achieving each case plan goal.
  - (4) The barriers to progress and actions planned to reduce or remove those barriers.
  - (5) The child's need for continuing services.
  - (6) The modified plan.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530.8 and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84268.4 REMOVAL AND/OR DISCHARGE PROCEDURES****84268.4**

- (a) The licensee or designee shall cooperate with the placement agency in developing a discharge plan for the child.

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Whenever possible, the group home should transition the child into the new placement as follows:

- (1) Introduce the child to the family or staff associated with the new placement before discharge and in the current facility.
- (2) Allow a group home staff, trusted by the child, to accompany the child on a visit to the next placement.

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- (b) The following items shall accompany the child to the new placement:
- (1) Copies of case files, assessments, the discharge plan, the daily activity schedule, and the child's medical history.
  - (2) The child's prognosis and the facility's recommendations for further treatment, education, and placement.
    - (A) The discharge plan may include this information.
  - (3) Personal clothing, toys and objects and the child's scrapbook.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530.8 and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84269.1 IMMUNIZATIONS****84269.1**

- (a) In addition to Section 84069.1, the licensee shall cooperate with the placing agency in obtaining vaccination against haemophilus influenzae type B.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530.8, 1507, and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84270 CHILDREN'S RECORDS****84270**

- (a) The licensee or designee shall obtain and maintain the following information in the child's record:
- (1) A recent photograph and physical description of the child.
  - (2) The child's initial and modified needs and services plan.
  - (3) Any prescribed psychotropic medication, including:
    - (A) The name, address, telephone number, and contact date with the physician who prescribed the medication.
    - (B) The dates that the prescribing physician monitors the continuing appropriateness of the psychotropic medication.
  - (4) An assessment of the child's danger to self and others.
  - (5) Daily records of emotional state, dietary patterns, and accomplishments.
  - (6) Social worker notes, e.g., family member contacts, visitations, and legal documentation.
  - (7) The child's scrapbook, reflecting significant events and accomplishments during the placement.
  - (8) The name, address, and telephone number of the involved family member(s), if any.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, 1530.8 and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84272 PERSONAL RIGHTS****84272**

- (a) Sections 84072(d)(5) do not apply to children under six years of age.
- (b) When family member involvement is part of the child's needs and services plan, visiting shall be allowed as indicated in the plan. Visiting does not include the time spent by a minor parent as the primary caregiver for his or her child.
  - (1) Visiting shall be only under the supervision of the social work staff, a houseparent or child care worker, or a facility manager, unless the case plan provides for unsupervised visits.
- (c) The licensee shall impose differing visiting rules, depending on the visitor, that person's role in the child's needs and services plan, and the need to protect the child from that person.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8, and 1531, Health and Safety Code; Section 11467.1, Welfare and Institutions Code.

**84272.1 DISCIPLINE POLICIES AND PROCEDURES****84272.1**

- (a) Discipline for children under the age of six years shall be education-based, consistent among caregivers, and include the following:
  - (1) Redirecting the child's attention.
  - (2) Focusing on the rule to learn and the reason for the rule.
  - (3) Providing acceptable alternatives.
  - (4) Providing time away from the precipitating situation.
  - (5) Arranging the environment to allow safe testing of limits.
- (b) Discipline shall not include confinement to cribs, high chairs, playpens or other similar furniture or equipment.
- (c) The licensee or designee shall provide a copy of the discipline policies and procedures to involved parents and family members, staff, children, and authorized representatives.
- (d) The licensee shall prohibit any form of discipline that violates a child's personal rights as specified in Sections 80072, 84072, and 84272.
- (e) The licensee shall assure that the minor parent disciplines his or her child in a manner consistent with the requirements of Sections 84272.1(a), (b), and (d).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8 and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84272.2 COMPLAINT PROCEDURES****84272.2**

- (a) The licensee or designee shall provide a copy of the complaint procedures to the involved parent(s) and family member(s) and the child's authorized representative.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.



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**84274 TRANSPORTATION****84274**

- (a) Individuals who transport children shall be at least 18 years old and have a valid California driver's license.
- (b) Vehicles used to transport children shall contain a first aid kit containing at a minimum the supplies specified at Section 80075(i)(1).
- (c) The licensee or designee shall secure children in the vehicle in an appropriate restraint device according to the California Vehicle Code and, if applicable, the manufacturers' instructions for the infant car seat(s).
  - (1) The licensee or designee shall use other restraint or protective devices that are required due to the child's disabilities or physical and medical condition.
  - (2) The licensee or designee shall secure children in the vehicle so that the child is not in danger of being injured by the vehicle's airbag.
  - (3) When a minor parent accompanies his or her child in a vehicle, the licensee or designee shall supervise the minor parent in securing his or her child as required by California Vehicle Code Section 27360(a).

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Sections 27360(a) and (b) of the California Vehicle Code provide as follows:

- (a) No parent or legal guardian, when present in a motor vehicle, as defined in Section 27315, shall permit his or her child or ward under the age of four years, regardless of weight, or weighing less than 40 pounds, regardless of age, to be transported upon a highway in a motor vehicle without providing and properly using, for each child or ward, a child passenger restraint system meeting applicable federal motor vehicle safety standards.
- (b) No driver shall transport on a highway any child under four years of age, regardless of weight, or weighing less than 40 pounds, regardless of age, in a motor vehicle, as defined in Section 27315, without providing and properly securing the child in a child passenger restraint system meeting applicable federal motor vehicle safety standards. This subdivision does not apply to a driver if the parent or legal guardian of the child is also present in the vehicle and is not the driver.

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Section 27360.5(b) of the California Vehicle Code provides as follows:

- (b) No driver shall transport on a highway any child who is four years of age or older but less than 16 years of age and weighs more than 40 pounds in a private passenger motor vehicle, as defined in Section 27315, without providing and properly using a safety belt meeting applicable federal motor vehicle safety standards. This subdivision does not apply to a driver if the parent or legal guardian of the child is also present in the vehicle and is not the driver.

Sections 27363(a) and (b) of the California Vehicle Code provide as follows:

- (a) The court may exempt from the requirements of this article any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size. The court may require satisfactory proof of the child's physical unfitness, medical condition, or size.
- (b) In case of an emergency, or when a child is being transported in an authorized emergency vehicle, if there is no child passenger restraint system available, a child may be transported without the use of such a system, but the child shall be secured by a seat belt.

Section 27315(c) of the California Vehicle Code provides as follows:

- (c) As used in this section, "motor vehicle" means any passenger vehicle or any motortruck or truck tractor, but does not include a motorcycle.

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- (d) The licensee or designee shall maintain the staff-child ratio whether the vehicle is moving or parked.
- (e) No child shall be left unattended in a vehicle.
- (f) The licensee and his/her staff are prohibited from smoking, or permitting any person from smoking a pipe, cigar or cigarette containing tobacco or any other plant in a motor vehicle when minor children are present. This prohibition applies when the motor vehicle is moving or at rest.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8, 1531, and 118948, Health and Safety Code; Section 11467.1, Welfare and Institutions Code.

**84275 HEALTH-RELATED SERVICES****84275**

- (a) The licensee shall cooperate with the placing agency or the person making a voluntary placement to ensure that children have a thorough physical examination by a pediatrician within 30 days of admission according to Section 31-206.36 of the Department's Child Welfare Services Manual of Policies and Procedures.
- (1) Each child's needs and services plan shall contain a time frame for the medical services determined necessary by this physical examination.
  - (2) Each child's needs and services plan shall contain specific intervals for developmental screening by medical staff.
- (b) The licensee shall cooperate with the placing agency or the person making a voluntary placement to ensure that children who have prescriptions for psychotropic medications at the time of placement receive a reevaluation with the child's physician to determine whether the need for the medication continues.
- (1) The child shall receive a reevaluation of the medication within 60 days of the date the prescription was filled.
- (c) Child care staff shall monitor the minor parent's administration of medication to self and child according to the needs and services plan, when the minor parent is capable of doing so and when approved by a physician, psychiatrist, or psychologist.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, 1530.8 and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84276 FOOD SERVICE****84276**

- (a) The facility staff shall prepare menus in consultation with a licensed nutritionist, dietitian, home economist, or physician.
- (1) For children under the age of six years, a nutritionist, dietitian, home economist, or physician, as appropriate, shall reevaluate the meals/formulas every three months.
    - (A) The licensee or designee shall keep a record of the frequency and nature of the initial consultation and the reevaluation.
  - (2) Meals shall be age-appropriate for food groups, special needs, and portion control.
  - (3) Meals shall vary weekly for children no longer on an infant bottle as a primary source of nutrition.

**84276 FOOD SERVICE (Continued)****84276**

- (4) Children who are not bottle-fed, as a primary source of nutrition, shall be given at least three nutritious snacks daily.
- (5) Staff shall not serve a child food to which the child has an allergy or as indicated in the child's record.
- (6) The facility shall not serve honey or corn syrup to any infant.

(b) Houseparents and child care workers supervising children under the age of six years shall wash their hands with antibacterial soap and water before each meal as follows:

- (1) Using only soap in a dispenser, either liquid or powder.
- (2) Using only disposable paper towels or an air drying machine for hand drying.

(c) The facility shall serve meals in a family-like setting with houseparents eating with the children.

- (1) Mealtimes shall be flexible and children shall be allowed to eat frequently and on demand, as indicated in the child's individual feeding plan.
- (2) Commercially prepared baby food in jars shall be transferred to a dish before being fed to an infant.
  - (A) The staff shall discard any food left over in the dish at the end of the meal.

(d) The staff shall use appropriate seating equipment while feeding children under the age of six years.

- (1) Children under the age of six years who are unable to sit unassisted shall be held by the houseparent, child care worker or minor parent.
- (2) If staff or minor parents use high chairs or feeding tables, the high chairs or feeding tables shall have the following:
  - (A) A wide base.

**84276 FOOD SERVICE (Continued)****84276**

- (B) A safety strap that the houseparent, child care worker or minor parent shall properly secure around the child or a tray that the houseparent, child care worker or minor parent shall properly latch on both sides.
- (3) Houseparents, child care workers and minor parents shall not allow an infant to pull on, climb on, climb into, or stand up in a high chair.
- (e) There shall be an individual feeding plan for each infant that includes the following:
  - (1) Instructions from the child's physician that address:
    - (A) The feeding schedule.
    - (B) The kind of milk or formula.
    - (C) The schedule for introduction of solid and new foods.
    - (D) Food consistency.
    - (E) Food likes and dislikes.
    - (F) Food allergies.
    - (G) Schedule for introduction of cups and utensils.

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**84276 FOOD SERVICE (Continued)****84276**

- (f) Staff or the minor parent shall feed an infant according to the individual plan.
  - (1) The houseparent, child care worker or minor parent shall hold the infant while bottle-feeding, unless it is necessary to protect the infant from overstimulation during mealtimes.
  - (2) If an infant holds the bottle, it shall be unbreakable and the child shall not be allowed to carry a bottle while ambulating.
  - (3) At no time shall a bottle be propped for an infant.
- (g) The facility shall not use the food preparation area for the following:
  - (1) Children's play activities, unless such activities are part of a supervised food education program.
  - (2) Napping.
  - (3) Children's passageway, while food is being prepared or served.
  - (4) Bathing infants or rinsing diapers or clothing.
- (h) Bottles and nipples shall be sterilized using any of the following methods after each use:
  - (1) Boiled for a minimum of five minutes and air dried.
  - (2) Soaked for a minimum of one minute in a sterilizing solution of 2 cup bleach and five gallons of water and air dried.
  - (3) Washed and sterilized using a commercial bottle sterilizer according to the manufacturer's directions or a dishwasher.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8 and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.



## 84277 PERSONAL SERVICES

84277

- (a) The staff shall keep children under the age of six years clean and dry at all times.
- (1) When the minor parent is the primary caretaker of his or her child, the staff shall supervise the minor parent to ensure that his or her child is clean and dry.
- (b) The staff shall wash his/her hands with soap and water before and after each diaper change or toilet training session.
- (1) Staff shall use only soap in a dispenser, either liquid or powder.
- (2) Staff shall use only disposable paper towels in an appropriate holder or dispenser or an air drying machine, for hand drying.
- (c) Staff shall diaper each infant on a changing table, or on a changing pad placed on the floor, which meets the following specifications:
- (1) Has a padded surface no less than one inch thick, covered with washable vinyl or plastic.
- (2) Is in good repair and safe condition.
- (3) Is located outside the kitchen/food preparation area.
- (4) Is disinfected after each use, even when disposable covers are used.
- (5) If disposable paper towels or similar materials cover infant changing tables or pads, they shall be discarded following each diaper change.
- (6) Changing tables shall have raised sides at least three inches high.
- (7) Changing tables and pads shall be placed within arms reach of a sink, when in use.
- (d) Children shall be toilet trained according to a written toilet training plan.
- (1) The written plan shall be developed by the licensee and placing agency in consultation with the child's physician and include:
- (A) The method of toilet training.
- (B) How to introduce and use appropriate training equipment.
- (C) How to introduce and use appropriate clothing.
- (D) Specifications regarding whether to use diapers.

**84277 PERSONAL SERVICES (Continued) 84277**

- (2) If children use potty chairs, staff shall assure the following:
  - (A) Potty chairs are placed on the floor and used according to the manufacturer's instructions.
  - (B) Contents are emptied into a flushing toilet promptly after each use.
  - (C) The surfaces are thoroughly cleaned and disinfected after each use.
  - (D) Children do not play with potty chairs.
- (3) Staff shall instruct and help children in handwashing after use of the toilet.
- (e) Sleeping arrangements shall meet the following requirements:
  - (1) Only one child at a time shall occupy a crib, floor mat, cot, or bed.
  - (2) Licensees shall provide houseparents with backup staff, if necessary, to help children who have difficulty preparing to sleep.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8 and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84278 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION 84278**

- (a) A houseparent shall supervise at all times a child under the age of six years who is not accompanied by the minor parent.
- (b) The licensee shall not allow visiting by an apparently intoxicated individual or one who disrupts the child care function of the facility.
- (c) If a parent or family member picks up and transports a child for a home visit, allowed pursuant to the needs and services plan, the licensee shall maintain a log with the following:
  - (1) The parent or family member's legal identification type and identifying number.

**84278 RESPONSIBILITY FOR PROVIDING CARE  
AND SUPERVISION (Continued)****84278**

- (2) The vehicle type, license plate number, and the state which issued the license plate.
- (d) The licensee shall provide each child a personal, seasonally-appropriate wardrobe.
- (e) Staff shall inventory and label each child's clothing and personal belongings.
- (f) The licensee may give outgrown clothing to another child, if this does not create feelings of deprivation by either child.
- (g) For minor parent programs, the licensee shall not allow the minor parent and his or her infant to sleep in the same bed.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8 and 1531, Health and Safety Code; Sections 11465 and 11467.1, Welfare and Institutions Code.

**84278.1 SANITATION REQUIREMENTS****84278.1**

- (a) The licensee shall ensure that staff use universal health precautions and preventive health practices including the following:
  - (1) Wear latex gloves and eye protective gear when dealing with bleeding wounds and/or handling objects contaminated with blood.
  - (2) Wash hands before and after diapering, after handling objects contaminated with secretions (saliva, blood, nasal discharge) or excreta, and before and after meals.
  - (3) Assure that the children wash their hands after toileting and before meals.
  - (4) Thoroughly wash bedding, towels, and washcloths used on or by infants daily or more often, if necessary.
  - (5) Thoroughly wash toys.
    - (A) Clean and disinfect daily all frequently touched toys in rooms occupied by diapered children.

**84278.1 SANITATION REQUIREMENTS (Continued)****84278.1**

- (B) Clean and disinfect weekly, and when soiled, toys in rooms occupied by nondiapered children.
  - (6) Dispose of potentially infectious waste in containers closed and inaccessible to children.
  - (7) Cover open wounds, cuts or sores with bandages.
  - (8) Wipe noses with disposable, one-use tissues.
  - (9) Clean up blood spills promptly with a freshly prepared solution of 1/4 cup household bleach to one gallon of water or equally effective commercial disinfecting solution.
  - (10) Dispose of all blood and secretion contaminated items in containers that cannot be opened by the children.
  - (11) Keep all items used by animals beyond the reach of infants.
- (b) Maintenance staff shall clean those areas used by infant care staff or to which infants have access as follows:
- (1) Vacuum or sweep, and mop with a disinfectant the uncarpeted floors at least daily or more often if soiled.
  - (2) Vacuum carpeted floors and large unwashable throw rugs at least daily and clean them at least every six months or more often if soiled.
  - (3) Shake or vacuum small washable rugs at least daily and wash them at least weekly or more often if soiled.

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To clean carpets and large rugs, licensees may rent commercial cleaning machines or hire a professional cleaning service.

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- (4) Wash walls and portable partitions with a disinfectant at least weekly or more often if soiled.
- (5) Wash and disinfect high chairs, feeding tables, food preparation areas, bathtubs, changing areas, toilets, and potty chairs at least daily.
- (6) Wash and disinfect at least daily, or more often if soiled, objects mouthed by infants, such as but not limited to, toys and blankets.
- (7) Use washing/disinfecting solutions as follows:
  - (A) Freshly prepare it each day, using 1/4 cup of bleach per gallon of water, or
  - (B) Use commercial disinfecting solutions according to label directions.
- (c) The bedding of infants shall meet the following standards:
  - (1) Each infant shall have bedding replaced when wet or soiled.
  - (2) Staff shall wipe crib mattresses with a detergent/disinfectant daily and when soiled or wet.
  - (3) Staff shall place soiled bedding in a suitable container, inaccessible to children.
- (d) Staff shall handle soiled disposable diapers as follows:
  - (1) Discard them as recommended on the packaging, or
  - (2) Place them in an airtight container for daily disposal outside the facility and
  - (3) Sanitize any soiled diaper containers daily.

**84278.1 SANITATION REQUIREMENTS (Continued)****84278.1**

- (e) Staff shall handle soiled cloth diapers as follows:
- (1) Place them in an airtight container.
  - (2) Rinse, wash, and sanitize them daily.
  - (3) If the facility uses a diaper service, staff shall place the diapers in the diaper service company's container for pickup, as instructed by the diaper service.
- (f) After each diaper change, staff shall wash and disinfect soiled items and surfaces around the diaper changing area, including but not limited to the following:
- (1) Walls and floors surrounding the immediate diaper changing area.
  - (2) Dispensers for talc, lotion, soap and paper towels.
  - (3) Countertops, sinks, drawers and cabinets.
  - (4) Sinks used to wash infants or to rinse soiled clothing or diapers.
- (g) When the minor parent is the primary caretaker of his or her child, the staff shall supervise the minor parent to ensure he or she complies with the sanitation requirements of Section 84278.1.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8 and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84279 PLANNED ACTIVITIES****84279**

- (a) The licensee shall provide a variety of developmental activities designed to meet the physical, cognitive, social, and emotional needs of the children including the following:
- (1) Therapeutic interventions by trained professionals.
  - (2) Parental or family member involvement in the caregiving, if this involvement is in the needs and services plan.

**84279 PLANNED ACTIVITIES (Continued)****84279**

- (3) Predictable and consistent daily scheduling that balances the following:
- (A) Group and individual activities.
  - (B) Active and quiet play.
  - (C) Structured and flexible play.
  - (D) Rest.
  - (E) Eating.
  - (F) Toileting.
  - (G) Individual attention to the child under the age of six years from the houseparent or child care worker. In the minor parent programs, individual attention from the minor parent to his or her child.
  - (H) If in the needs and services plan of a child under the age of six years, holding by the houseparent, child care worker, or minor parent.
- (4) Opportunity for ever increasing self-care.
- (5) Preparation for transitions in daily activities and changes in the daily schedule.

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**HANDBOOK BEGINS HERE**

Following is an example of a goodbye ritual that prepares a child for the transition from a visiting mother to the houseparent.

The parent and child settle into a quiet place and the parent reads the child a story. The parent then calls the child's houseparent and the three of them walk to the door together. On the way, they discuss the fact that the parent is leaving and talk about when the parent will return. The houseparent remains with the child after the parent leaves and is available to respond to sadness, anger or other emotions expressed by the child. This ritual provides consistency for the child.

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- (6) The opportunity to nap/sleep without distraction or disturbance from other activities.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8 and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.



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**Article 7. PHYSICAL ENVIRONMENT****84287 BUILDINGS AND GROUNDS****84287**

- (a) The facility shall comply with all regulations of the county health department and other local governing ordinances concerning building and health and safety codes.
- (b) Stairways, inclines, ramps, and open porches shall have hand railings and gates to prevent unsupervised climbing and shall be well lighted.
- (c) Surfaces accessible to children shall be free of lead paint.
- (d) Houseparents shall have a room to rest with a day bed or couch and space for storage of personal belongings. This requirement does not apply to minor parent programs.
- (e) The licensee shall prohibit smoking in the facility or on the grounds.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8 and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84287.2 OUTDOOR ACTIVITY SPACE****84287.2**

- (a) If the licensee has an outdoor activity space, it shall be arranged to assure the following:
  - (1) Safe access by the children.
  - (2) Separation of children under six years from older children, except for minor parents when they are with their children.
    - (A) The separation may be by the time scheduled for use of the outdoor activity space by separate age groups.
  - (3) Inaccessibility to the children of any construction or equipment that causes a hazardous situation, including but not limited to incinerators, air-conditioning equipment, water heaters, or fuse boxes.
  - (4) The absence of hazards from conflicting activities.
    - (A) Houseparents shall place playpens so that they are not hazards to other individuals in the outdoor play area.

**84287.2 OUTDOOR ACTIVITY SPACE (Continued)****84287.2**

- (b) The licensee shall equip the outdoor activity space with a variety of developmentally appropriate toys and equipment.
- (A) The equipment shall be age appropriate and used in accordance with the manufacturers' instructions.

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**HANDBOOK BEGINS HERE**

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Licensees should select equipment tailored in placement, size, height and complexity to the children who use it. Look for the following:

- X Foundation anchors firmly embedded in the ground so children will not trip on them.
- X Merry-go-rounds with solid, flat riding surfaces and handholds for sitting and standing.
- X Slides with large decks and hand rails at the top.
- X Swings placed two to three feet apart to reduce chances of midair collisions.

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**HANDBOOK ENDS HERE**

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- (c) The licensee shall maintain the outdoor activity area in a safe condition for the activities planned.
- (1) Staff shall visually inspect equipment, gates, and surfaces before children enter to assure that the area is free of hazards.
- (A) Staff shall inspect sand boxes daily and keep them free of hazardous or foreign materials.
- (2) The licensee shall cover with impact-absorbing material areas where children may jump or fall from playground equipment.

**84287.2 OUTDOOR ACTIVITY SPACE (Continued)****84287.2**

- (d) The licensee shall enclose the outdoor activity area with a fence to provide protection for children and to keep them in the outdoor activity area.
- (1) The fence shall be at least four feet in height.

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**HANDBOOK BEGINS HERE**

The intent of this requirement is to keep children from leaving unnoticed without creating a hazard to the children. For example, a split rail fence is inefficient at keeping children in and a barbed wire fence presents a hazard. Therefore, both types of fencing are inappropriate.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8 and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84287.3 INDOOR ACTIVITY SPACE****84287.3**

- (a) The licensee shall equip the indoor activity space with a variety of equipment, materials, and toys that meet the following requirements:
- (1) Are appropriate to the developmental needs of the children.
- (2) Are maintained in good condition.
- (3) Are sufficient in quantity to allow children to fully participate in planned activities and have opportunities for flexible play.
- (4) Are stored safely in the facility.
- (b) The floors of all rooms shall have a surface that is safe and clean.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8 and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**84288 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES****84288**

- (a) The licensee shall provide safe fixtures, furniture, equipment, supplies, and toys.
- (1) They shall be free from toxic materials or substances.
- (2) They shall be in good condition, free of sharp, loose, or pointed parts.

**84288      FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES**  
(Continued)**84288**

- (3) Baby walkers are prohibited in accordance with Health and Safety Code Sections 1596.846.

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Section 1596.846 reads in pertinent part as follows:

"(b) A baby walker shall not be kept or used on the premises. . .

"(c) A "baby walker" means any article described in paragraph (4) of subdivision (a) of Section 1500.86 of Part 1500 of Title 16 of the Code of Federal Regulations."

Section 1500.86 of Part 1500 of Title 16 of the Code of Federal Regulations reads in pertinent part as follows:

"(a)(4) Any article . . . described in 1500.18(a)(6). . ."

Section 1500.18(a)(6) of Part 1500 of Title 16 of the Code of Federal Regulations reads in pertinent part as follows:

"Any article known as a 'baby-bouncer,' 'walker-jumper,' or 'baby-walker' and any other similar article which is intended to support very young children while sitting, walking, bouncing, jumping, and/or reclining and which because of its design has any exposed parts capable of causing amputation, crushing, lacerations, fractures, hematomas, bruises, or other injuries to fingers, toes, or other parts of the anatomy of young children . . . "

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- (b) The licensee shall provide furniture which is age appropriate in type, height, and size as follows:
- (1) Tables and chairs.
  - (2) High chairs, low wheeled feeding tables, or other furniture used for feeding an infant which meets the following requirements:
    - (A) Has broad base legs.
    - (B) Has seats and backrests made of washable, moisture resistant material.
    - (C) Has a safety strap and/or tray to secure a seated infant.
  - (3) Changing tables or changing pads.

**84288**      **FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES**  
(Continued)**84288**

- (4) For each infant who is unable to climb from a crib, a standard crib that meets the following requirements:
  - (A) Spaces between the crib slats are no more than 2 3/8 inches.
  - (B) Crib mattresses and any bumper pads are covered with moisture resistant material.
  - (C) Bumper pads, if any, are around the entire inner portion of the crib and tied or snapped into place in at least six places.
  - (D) The crib, mattress, and any bumper pads, are in a safe condition with no exposed foam, batting, or coils.
  - (E) Is equipped with a sheet to cover the mattress and a blanket and/or sheet to cover the child, depending on the temperature.
  - (F) When an infant is in the crib, the mattress is at its lowest position and the side rail is in its highest position.
  - (G) Is arranged so that staff can see the child.
  - (H) Allows a child to stand upright.
  - (I) Are not stacked or tiered with other cribs.
- (5) An age-appropriate bed shall be provided for each child who can climb from a crib.
- (c) The licensee shall provide equipment as follows:
  - (1) Equipment purchased already assembled shall not be modified.
  - (2) Toy containers shall meet the following requirements:
    - (A) Boxes or chests shall not have lids or the hardware used to hinge lids.
    - (B) All edges and corners shall be rounded and padded.
    - (C) The container shall be well ventilated.
    - (D) The container shall not be lockable.
    - (E) The container shall be in good repair and safe condition.
    - (F) Metal toy boxes shall not have rough or sharp edges and wooden toy boxes shall not have splinters and other rough areas.

**84288      FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES**  
(Continued)**84288**

(d) The licensee shall provide the following fixtures and/or supplies:

- (1) Readily available drinking water from a noncontaminating fixture.
  - (A) Children shall be free to drink water as they wish.
  - (B) The facility may use bottled water or portable containers if (1) the water and containers are free of contamination, and (2) bottled water containers are secured to prevent tipping and breaking.
  - (C) All water for drinking shall be potable as defined in California Administrative Code, Title 24, Part 5.

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**HANDBOOK BEGINS HERE**

Title 24, Part 5, defines potable water as that which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the health authority having jurisdiction.

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**HANDBOOK ENDS HERE**

- (2) Pacifiers that have a shield or guard large enough so that infants cannot choke on them.
- (e) The licensee shall provide toys that meet the following requirements:
- (1) Are appropriate to the developmental needs of the children.
  - (2) Are sufficient in quantity to avoid excessive competition and long waits by the children.
  - (3) Are free from sharp points, edges, or splinters.
  - (4) Are made of parts too large to be swallowed.
    - (A) Any rattles are large enough so that they cannot become lodged in an infant's throat and constructed so that they will not separate into small pieces.
  - (5) Are sufficient in variety to enhance the following:
    - (A) Intellectual and creative development.
    - (B) Social development.

**84288      FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES**  
(Continued)**84288**

- (C)      Auditory development.
  - (D)      Visual development.
  - (E)      Gross and fine motor development.
- (6)      Are clean and safe for the children.

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**HANDBOOK BEGINS HERE**

The Department recommends that the facility comply with the following U.S. Consumer Product Safety Commission advice for the selection and safe use of children's toys.

- (A)      Avoid toys with small parts.
- (B)      Look for labels that give age recommendations.
- (C)      Choose toys suited to the skills, abilities and interests of the children.

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**HANDBOOK ENDS HERE**

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- (f)      The licensee shall arrange furniture and equipment as follows:
- (1)      So that no exit is blocked.
    - (A)      Placement of cribs, mats or cots, and beds shall not hinder entrance to or exit from the sleeping area.
  - (2)      So that toilets, potty chairs, and handwashing sinks for children are near indoor and outdoor activity spaces.
  - (3)      So there is a walkway and workspace between the sleeping furniture (cribs, mats or cots, and beds).
    - (A)      Staff must be able to reach each child without having to step or reach over any other child.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8, 1530, and 1596.846, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.



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**SUBCHAPTER 3. EMERGENCY INTERVENTION IN GROUP HOMES****Article 1. GENERAL REQUIREMENTS****84300 GENERAL PROVISIONS****84300**

- (a) Group homes, as defined in Section 80001g.(1) and 84001g.(1), which utilize or it is reasonably foreseeable that they will utilize, emergency interventions to prevent a child who exhibits assaultive behavior from injuring or endangering himself, herself or others, shall be governed by the provisions of this Article in addition to Chapter 1, General Licensing Requirements and Chapter 5, Group Homes, which prohibit the use of restraint.
- (b) Group home staff may be justified/excused in using emergency interventions which include restraint if:
  - (1) The restraint is reasonably applied to prevent a child exhibiting assaultive behavior from exposure to immediate injury or danger to himself, herself or others; and
  - (2) The force used does not exceed that reasonably necessary to avert the injury or danger; and
  - (3) The danger of the force applied does not exceed the danger being averted; and
  - (4) The duration of the restraint ceases as soon as the danger of harm has been averted.
- (c) The licensee must use a continuum of interventions, starting with the least restrictive intervention. More restrictive interventions may be justified when less restrictive techniques have been attempted and were not effective and the child continues to present an imminent danger for injuring or endangering himself, herself or others.
- (d) An emergency intervention plan as specified in Section 84322, is required for all group homes, and must be submitted to, and approved by the Department prior to use by the group home.
  - (1) The Department shall review and approve the emergency intervention plan as specified in Sections 84322(l) and 84322 (l)(1).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1522.41(c)(1)(I) and 1531, 1563(c)(4), Health and Safety Code.

**84300.1 EMERGENCY INTERVENTION PROHIBITION****84300.1**

- (a) The following emergency interventions techniques must not be used on a child at any time.
- (1) Mechanical Restraints, except postural supports as specified in Section 80072(a)(8).
  - (2) Aversive behavior modification interventions including, but not limited to, body shaking, water spray, slapping, pinching, ammonia vapors, sensory deprivation and electric shock.
  - (3) Intentionally producing pain to limit the child's movement, including but not limited to, arm twisting, finger bending, joint extensions and headlocks.
  - (4) Methods of restricting a child's breathing or circulation.
  - (5) Corporal Punishment.
  - (6) Placing blankets, pillows, clothing or other items over the child's head or face; body wraps with sheets or blankets.
    - (A) Pillows or padding, placed under the head of a thrashing child to prevent injury are permitted.
  - (7) The use of psychotherapeutic or behavior modifying drugs as punishment or for the convenience of facility personnel to control a child who is exhibiting assaultive behavior.
  - (8) Techniques that can reasonably be expected to cause serious injuries to the child that require medical treatment provided by a health practitioner, licensed under Division 2 of the Business and Professions Code. A health practitioner would include a physician, surgeon, osteopath, dentist, licensed nurse, optometrist, etc.
  - (9) Verbal abuse or physical threats by facility personnel.
  - (10) The isolation of a child in a room which is locked by means of: key lock; deadbolt; security chain; flush, edge or surface bolt; or similar hardware which is inoperable by the child inside the room.
  - (11) Manual restraints for more than 15 consecutive minutes in a 24-hour period, unless as specified in Section 84322.
  - (12) Manual restraints for more than four (4) cumulative hours in a 24-hour period.

**84300.1 EMERGENCY INTERVENTION PROHIBITION**  
(Continued)**84300.1**

- (b) In addition to techniques specified in Section 84300.1(a), any emergency intervention technique not approved for use as part of the licensee's emergency intervention plan must not be used at any time.
- (c) Manual restraints must never be used for the following purposes:
  - (1) Punishment or discipline.
  - (2) Replacement for on-duty child care staff.
  - (3) Convenience of facility personnel.
  - (4) As a substitute for, or as part of a treatment program.
  - (5) As a substitute for, or as part of a behavior modification program.
  - (6) Harassment or humiliation.
  - (7) To prevent a child from leaving the facility, except as specified in Section 84322.2.
- (d) Manual restraints must not be used when a child's medical assessment, as specified in Section 80069, documents that he or she has a medical condition that would contraindicate the use of manual restraints; and when the child's current condition contraindicates the use of manual restraints.
- (e) Law enforcement must not be contacted as a substitute for effective care and supervision or the facility's approved continuum of emergency interventions.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, and 1531, Health and Safety Code.

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**Article 3. APPLICATION PROCEDURES****84322 EMERGENCY INTERVENTION PLAN****84322**

- (a) The emergency intervention plan is to be designed and approved, in conjunction with the licensee, by an individual with the qualifications of a behavior management consultant as defined in Section 84001(b)(1).
- (1) The plan must be appropriate for the client population served by the group home;
  - (2) The plan must be appropriate for the staff qualifications and staff emergency intervention training.
- (b) The emergency intervention plan is to be included in the group home program statement.
- (c) In addition to Sections 80022 and 84022, the written emergency intervention plan must be submitted to, and approved by the Department prior to implementation. The plan must include the requirements specified in Sections 84322(d) through (h).
- (d) General Provisions:
- (1) Name(s) of facility personnel trained to use emergency interventions.
  - (2) A description of the continuum of emergency interventions, commencing with early interventions, specifying the emergency intervention techniques to be utilized. For each type of emergency intervention, the plan must include the following:
    - (A) A description of each emergency intervention technique to be used.
    - (B) Maximum time limits for each emergency intervention technique, not to exceed maximum time limits as specified in Sections 84322(f) 1 and 84300(b).
    - (C) In what situations each emergency intervention technique is not to be used.
    - (D) Expected outcome, benefits to the child.
  - (3) A statement specifying what emergency interventions will never be used.
  - (4) A description of the circumstances and the types of behaviors that may require the use of emergency intervention.
  - (5) Procedures for using age and size appropriate emergency intervention techniques.

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**84322 EMERGENCY INTERVENTION PLAN 84322**  
(Continued)

- (6) Procedures for using emergency interventions if more than one child requires the use of emergency intervention at the same time.
  - (7) Procedures for ensuring care and supervision is maintained in the facility when all available facility personnel are required for the use of emergency interventions.
  - (8) Procedures for re-integrating the child back into the facility routine after an emergency intervention technique has been used.
  - (9) Criteria for assessing when an emergency intervention plan needs to be modified or terminated.
  - (10) Criteria for assessing when the facility does not have adequate resources to meet the needs of a specific child.
- (e) The manual restraint plan is to be included as a component of the emergency intervention plan. If the facility will not use manual restraints, the plan must include the following:
- (1) Procedures for responding to a crisis situation to prevent a child who is exhibiting assaultive behavior from injuring or endangering himself, herself or others.
    - (A) The external community resources to be used to assist facility personnel must be identified and listed in the plan.
    - (B) The facility's policies and procedures concerning when and how to involve law enforcement in response to an incident involving a child residing in the facility must be included in the plan.
    - (C) Nothing in Section 84322(e)(1)(A) or (B) shall be interpreted to require a licensee to take any action that would endanger, or to prevent a licensee from taking any action that would protect, the health and safety of children in care, staff, or others.
- (f) The manual restraint plan is to be included as a component of the emergency intervention plan. If the facility will use, or it is reasonably foreseeable that the facility will use, manual restraints, the plan must include the following:
- (1) Procedures for ensuring a child's safety when a manual restraint is being used including, but not limited to, the titles of facility personnel responsible for checking the child's breathing and circulation.
    - (A) Procedures for determining when a medical examination is needed during a manual restraint, as specified in Section 84369.



**84322 EMERGENCY INTERVENTION PLAN**  
(Continued)**84322**

- (2) Procedures for ensuring that: (a) the amount of time a child is restrained is limited to the amount of time when the child is presenting an immediate danger to himself/herself or others; (b) restraints will not cause injury to the child. Such procedures must include provisions that ensure the following:
- (A) A child does not remain in a manual restraint for more than 15 consecutive minutes, unless written approval to continue the restraint after the initial 15 minutes is obtained from the administrator or administrator's designee.
1. The individual who approves the continuation of restraint must be a person other than the individual who restrained the child.
  2. The individual who visually checks the child after 15 minutes to ensure the child is not injured and that the child's personal needs, such as access to toilet facilities, are being met, must be a person other than the individual restraining the child.
  3. After the initial 15 minutes, the individual who approves the continuation of the manual restraint observes the child's behavior while the child is being restrained to determine whether continued use of the manual restraint is justified.
  4. Written approval to continue a manual restraint beyond 15 consecutive minutes must be documented in the child's record.
- (B) A child does not remain in a manual restraint for more than 30 consecutive minutes in a 24-hour period unless the child is still presenting a danger to himself, herself or others and written approval to continue the restraint after the initial 30 minutes is obtained from the administrator or administrator's designee and the facility social work staff. If facility social work staff are not onsite to provide written approval, the facility may obtain verbal approval. Written approval must be obtained within 24 hours of the verbal approval.
1. The individual who approves the continuation of the restraint must be a person other than the individual who restrained the child.
  2. The child is visually checked after the initial 30 minutes, by persons other than the individuals who restrained the child, to ensure the child is not injured and that the child's personal needs, such as access to toilet facilities, are being met.
  3. After the initial 30 minutes, the individuals who approve the continuation of the restraint observe the child's behavior while the child is being restrained to determine whether continued use of the manual restraint is justified.

84322

**EMERGENCY INTERVENTION PLAN**

84322

(Continued)

4. Written approval to continue the use of the manual restraint must be documented in the child's record.
- (C) After the initial 30 minutes, a child placed in a manual restraint must be visually checked every 15 minutes until the manual restraint is terminated, to ensure the child is not injured, that personal needs are being met, and that the continued use of the manual restraint is justified.
1. This visual check must be documented in the child's record.
  2. The person conducting the check must not be the individual who restrained the child.
- (D) After the initial 30 minutes, and at 30 minute intervals, if the child is still presenting a danger to himself, herself or others, the administrator or administrator's designee and facility social work staff must evaluate whether the facility has adequate resources to meet the child's needs.
- (E) Manual restraints used in excess of 60 consecutive minutes must be approved, every 30 minutes, in writing by the administrator or administrator's designee, facility social work staff and the child's authorized representative. If the child's authorized representative is not available to provide written approval, the facility may obtain verbal approval. Written approval must be obtained within 24 hours of the verbal approval. The continued use of a manual restraint shall be documented in the child's record.
- (F) Within 48 hours of a manual restraint of 60 cumulative minutes or longer, in a 24-hour period, the child's needs and services plan must be reviewed by the facility administrator or administrator's designee, facility social work staff and the child's authorized representative, and modified as needed.
- (G) Manual restraints must not exceed four (4) cumulative hours in a 24-hour period.
1. If a child continues to present an immediate danger of injuring or endangering himself, herself or others, the facility must inform the child's authorized representative; and contact community emergency services to determine whether or not the child should be removed from the facility.

**84322 EMERGENCY INTERVENTION PLAN**  
(Continued)**84322**

- (H) If a manual restraint exceeds two (2) hours, at regular intervals not exceeding two (2) hours, the child must be allowed to access liquids, meals and toileting and range of motion exercises.
- (I) Staff must make provisions for responding promptly and appropriately to a child's request for services and assistance and repositioning the child when appropriate.
- (3) Procedures for documenting each use of manual restraints in the child's record.
- (4) Procedures for reviewing each use of manual restraints with the child and authorized representative or parent.
- (5) Procedures for accessing community emergency services, including, but not limited to, law enforcement, if the use of emergency interventions is not effective or appropriate.
  - (A) The facility's policies and procedures concerning when and how to involve law enforcement in response to an incident at the facility must be included in the plan.
  - (B) Nothing in Section 84322(f)(5)(A) shall be interpreted to require a licensee to take any action that would endanger, or to prevent a licensee from taking any action that would protect, the health and safety of children in care, staff, or others.
- (6) Procedures for requiring a licensed professional, as defined in Section 80001(1)(2), to approve the initiation and continued use of manual restraints, if the licensee chooses to require this authorization.
- (g) The Emergency Intervention Staff Training Plan is to be included as a component of the emergency intervention plan. The plan must include the following:
  - (1) The type, title, and a brief description of the training that all facility personnel have completed.
  - (2) Training requirements for new personnel.
  - (3) The ongoing training required for existing personnel.
  - (4) Training curriculum as specified in Section 84365(b).
  - (5) Training schedule which identifies when staff training will be offered and provided.
  - (6) The name(s) and qualification(s) of the instructor(s) who will provide the training.

**84322 EMERGENCY INTERVENTION PLAN**  
(Continued)**84322**

- (h) Procedures for an internal biannual review of the use of emergency interventions must be developed. Such procedures must include at least the following:
- (1) A review is to be conducted by the administrator or the administrator's designee.
  - (2) Analysis of patterns/trends of use of emergency interventions in the previous six (6) month period, based on:
    - (A) Review of all records related to the use of emergency interventions for accuracy and completeness.
    - (B) Review of the use, effectiveness and duration of each emergency intervention including, a determination of the effectiveness and appropriateness of the intervention technique used in each situation.
    - (C) Review of the frequency of emergency interventions in the previous six (6) month period.
  - (3) Corrective action plan, if needed.
  - (4) The biannual review and corrective action plan must be submitted to the Department no later than the fifth (5th) day of the month following the review.
  - (5) The licensee shall provide a copy of the biannual review and corrective action plan, if applicable, to the authorized representative upon request.
- (i) In addition to the requirements in Section 80068, the admission agreement must include a written statement regarding the type(s) of emergency interventions the licensee has been approved to use.
- (1) The facility's policy regarding the use of emergency intervention must be reviewed with the child and the authorized representative at the time of admission.
    - (A) The licensee shall provide a copy of the approved emergency intervention plan to the authorized representative, upon request.
- (j) Only trained facility personnel as specified in Section 84365 will be allowed to use emergency interventions on children.

**84322 EMERGENCY INTERVENTION PLAN**  
(Continued)**84322**

- (k) Prior to using the emergency intervention plan, the licensee's Board of Directors must approve the plan, and any subsequent amendments. The approval must be documented in the minutes of the Board of Directors meeting. Each board member must receive a copy of the plan prior to its use and any modifications to it.
- (l) The Department must review the emergency intervention plan, including any amendments, and notify the licensee within 30 days of the receipt of the plan, whether the plan has been approved or denied or if additional information is needed.
  - (1) If the plan is disapproved, the licensee may appeal the decision using the procedures specified in Section 80040(d).
- (m) If the Department determines that the licensee has not complied with the emergency intervention plan requirements as specified in Sections 84322(a) through (k), the licensee must discontinue the use of emergency interventions immediately upon written notice of deficiency by the Department.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**84322.1 PROTECTIVE SEPARATION ROOM****84322.1**

- (a) In addition to Section 84322, any licensee with an approved emergency intervention plan which includes the use of a protective separation room, must comply with the following requirements:
  - (1) No protective separation room may be used for another purpose, e.g. bedroom, bathroom, storage.
  - (2) No protective separation room may be used without a fire clearance from the local fire authority.
    - (A) The request for the fire clearance must be made through and maintained by the Department.
  - (3) No protective separation room may be used without prior inspection and approval by the Department.

**84322.1 PROTECTIVE SEPARATION ROOM****84322.1**

(Continued)

- (4) Protective separation rooms must be safe and free of hazards such as objects or fixtures which can be broken or used by a child to inflict injury to himself, herself or others.
- (5) Procedures regarding the use of the protective separation room must be included in the manual restraint plan component of the emergency intervention plan. These procedures must include the following to ensure a child's safety when placed in a protective separation room:
  - (A) Facility personnel must maintain direct visual contact with the child at all times, and be free from other responsibilities, to ensure the child's safety while in the room.
    1. Facility personnel must remain in the room, when necessary, to prevent injury to the child.
  - (B) Facility personnel must ensure that there are no objects in the child's possession that could be used to inflict injury to himself/herself or others while in the protective separation room.
  - (C) No more than one child shall be placed in the protective separation room at any one time.
  - (D) Physical abuse, corporal punishment, threats or prohibited restraints may not be used as a method for placing a child in the protective separation room.
- (6) In addition to Section 84322(i), facility social work personnel and the child's authorized representative must indicate, in writing, in the child's needs and services plan if the child may be placed in the protective separation room.
- (7) A child placed in a protective separation room may not be deprived of eating, sleeping, toileting or other basic daily living functions.
- (8) Exiting from a protective separation room may not be prevented by the use of locking or jamming devices.
  - (A) The door may be held shut in a manner that allows for immediate release upon removal of a staff member's foot, hand, and/or body.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

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**84322.2 RUNAWAY PLAN****84322.2**

- (a) The licensee must develop and maintain a written runaway plan that describes how the facility will respond to the following:
  - (1) Runaway child(ren).
  - (2) Child(ren) outside of the facility property without permission, but within view of the facility personnel.
- (b) The runaway plan must be appropriate for the age, size, emotional, behavioral and developmental level of the child(ren).
- (c) The runaway plan must include the following:
  - (1) Time frames for determining when a child is absent without permission.
  - (2) Continuum of interventions.
  - (3) Actions taken by facility personnel to locate the child.
  - (4) Staff training plan, to include non-physical interventions, strategies to de-escalate a situation.
  - (5) Plan to include the involvement of law enforcement, when appropriate, consistent with the policies and procedures specified in Section 84322(e)(1)(B) or Section 84322(f)(5)(A).
  - (6) Plan to notify the child's authorized representative.
- (d) The runaway plan must be included in the group home program statement.
- (e) The runaway plan described in Section 84322.2(a), must be provided to, and discussed with each child and their authorized representative at the time of admission.
  - (1) If during the discussion, it is determined that the child has a history of running away from placement, then the following must occur:
    - (A) The facility social work personnel and the child's authorized representative must develop an individualized plan for that particular child.
    - (B) The individualized plan must be included in the child's needs and services plan.
- (f) Manual restraints must only be used if the facility has an approved manual restraint plan, in accordance with Section 84322.



**84322.2 RUNAWAY PLAN (Continued)****84322.2**

- (g) The licensee is prohibited from preventing a child from leaving the facility by locking the child in a room or any part of the facility.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**Article 6. CONTINUING REQUIREMENTS****84361 DOCUMENTATION AND REPORTING REQUIREMENTS****84361**

- (a) Each use of manual restraints must be reported to the Department and the child's authorized representative by telephone no later than the next working day following the incident. A written incident report must be submitted to the Department within seven (7) days, as required in Section 80061.
  - (1) If a child is restrained more than once in a 24-hour period, each use of manual restraints must be reported.
- (b) Any report of the use of manual restraints must be reviewed, for accuracy and completeness, and signed by the administrator or administrator's designee no later than the next working day following the incident.
- (c) A copy of the written incident report must be maintained in the child's record.
- (d) The information required in Section 84361(a), must be documented immediately following the use of manual restraints or no later than the end of the working shift of the staff member(s) who participated in the manual restraint.
- (e) The child's record must be available for review by the Department, as required in Section 80070.
- (f) The licensee must maintain a monthly log of each use of manual restraints. The log must include:
  - (1) Name of each child.
  - (2) Date and time of the intervention.
  - (3) Duration of the intervention.
  - (4) Name(s) of facility staff member(s) who participated in the manual restraint.
  - (5) Description of the intervention and type used.
  - (6) Result of licensee review.
- (g) The monthly log must be available for review, and subject to reproduction by the Department upon request during normal business hours.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**84365 EMERGENCY INTERVENTION STAFF TRAINING****84365**

- (a) No facility personnel must use emergency intervention techniques on a child unless the training instructor has certified in writing that the facility personnel have successfully completed the emergency intervention training required in Section 84365(b).
- (1) All new and existing facility personnel who use or participate in emergency interventions, as well as the facility administrator and the administrator's designee must complete the training.
- (b) The emergency intervention training curriculum must address the following areas:
- (1) Techniques of group and individual behavior management, including, but not limited to, crisis prevention, precipitating factors leading to assaultive behavior and crisis intervention.
- (2) Methods of de-escalating volatile situations, including non-physical intervention techniques such as crisis communication, evasive techniques, alternative behavior.
- (3) Alternative methods of handling aggressive and assaultive behavior.
- (4) If the licensee chooses to use manual restraints, the physical techniques of applying manual restraints in a safe and effective manner ranging from the least to most restrictive type(s) of restraints including, but not limited to, escorting, wall restraint, and prone containment.
- (5) Techniques for returning the child to the planned activity following completion of the emergency intervention.
- (6) The training must include a written and hands-on competency test as part of the training program.
- (7) The facility's policies and procedures concerning when and how to involve law enforcement in response to an incident involving a child residing in the facility.
- (c) The training must be provided by an individual who holds a valid instructor certificate from a program of managing assaultive behavior, that is consistent with the regulations.
- (d) The licensee must maintain a written record of the facility staff training.
- (1) Documentation of training received must be maintained in the personnel record for each staff member and must include:
- (A) Dates, hours, and description of the training completed.
- (B) Name and training certificate of the instructor who provided the training.

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**84365 EMERGENCY INTERVENTION STAFF TRAINING 84365**  
(Continued)

- (C) Certification from the instructor that the staff member has successfully completed the competency test.
- (2) The staff training record must be made available for review by the Department upon request.
- (e) Facility personnel must receive on-going training to maintain certification.
- (f) When an inappropriate manual restraint technique is used during an emergency intervention, the licensee must develop a corrective action plan, and as part of the plan may require facility personnel to repeat the appropriate emergency intervention training.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531, and 1562, Health and Safety Code.

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**84365.5 STAFFING REQUIREMENTS 84365.5**

- (a) The administrator or administrator's designee must oversee the emergency intervention program.
- (b) All facility personnel who will use emergency interventions, must be trained in the appropriate emergency intervention techniques approved to be used by the licensee.
- (c) A minimum of two (2) trained facility personnel must be available and responsible for using each manual restraint if the restraint technique requires the use of two people.
- (d) Additional facility personnel must be available to supervise the other children in placement when the trained facility personnel are required to use manual restraints as specified in Section 84322(d)(7).

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531, and 1562, Health and Safety Code.

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**84368.3 REVIEW OF MANUAL RESTRAINT USE****84368.3**

- (a) The administrator or administrator's designee must discuss the use of the manual restraints with the facility personnel involved no later than the next working day following the incident.
- (b) The administrator or administrator's designee must determine whether the emergency intervention action taken by the staff member(s) was consistent with the emergency intervention plan, and document the findings in the child's record and facility monthly log as specified in Section 84361. The manual restraint review must evaluate the following:
  - (1) Did the staff member(s) attempt to de-escalate the situation. What interventions were utilized. Did the staff member(s) attempt at least two non-physical interventions.
    - (A) If the use of any de-escalation technique causes an escalation of the child's behavior, the use of the technique must be evaluated for its effectiveness. De-escalation techniques which are ineffective or counter-productive must not be used.
  - (2) Were manual restraints utilized only after less restrictive techniques were utilized and proven to be unsuccessful.
  - (3) Was the child restrained for the minimum amount of time, limited to when the child is presenting an immediate danger to himself/herself or others.
- (c) The administrator or administrator's designee, the child's authorized representative or parent and facility social work staff must assess whether it is necessary to amend the child's needs and services plan.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**84369 MEDICAL EXAMINATION****84369**

- (a) The administrator or the social work staff shall be responsible for obtaining a physical examination during or after an incidence of emergency intervention when it is determined that:
  - (1) There is physical injury to a child, or
  - (2) There is a suspected injury to a child.
- (b) The administrator or the social work supervisor must see and talk with the child before a determination can be made.
- (c) If no physical examination is necessary, this decision must be documented in the child's record.
- (d) Any post emergency intervention injury or suspected injury observed by facility personnel, or any complaint of injury reported to facility personnel must be reported immediately to the administrator or social work staff.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.