
EVALUATOR MANUAL TRANSMITTAL SHEET

<p><u>Distribution:</u></p> <p><input type="checkbox"/> All Child Care Evaluator Manual Holders</p> <p><input type="checkbox"/> All Residential Care Evaluator Manual Holders</p> <p><input checked="" type="checkbox"/> All Evaluator Manual Holders</p>	<p><u>Transmittal No.</u> 10APX-03</p> <hr/> <p><u>Date Issued</u> February 2010</p>
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Subject:

2009 Chaptered Legislation
Appendix A - Community Care Facilities (Children's Residential)

Reason for Change:

This document transmits summaries of legislation chaptered in 2009 affecting Community Care Facilities (Children's Residential). The summaries are divided into two sections as follows:

1. Immediate Action Required - Interim instructions are provided.
2. Information Only - No action required by the Community Care Licensing Division

An index is attached to assist staff in locating specific bills. Statutes referenced in this document became operative on January 1, 2010.

Filing Instructions:

INSERT – 2009 Chaptered Legislation. Do not remove similar documents from the previous years.

Approved:

Original Document Signed by
Seton Bunker for Thomas Stahl

2/5/10

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**SUMMARY AND IMPLEMENTATION PLANS
2009 CHAPTERED LEGISLATION**

**COMMUNITY CARE FACILITIES
CHILDREN'S RESIDENTIAL**

BILL NUMBER/AUTHOR	SUBJECT	PAGE
	ACTION REQUIRED	
AB 762/Lowenthal	CCFS, RCF-CIs, RCFEs: Bedridden	1
SB 352/Dutton	Juvenile Offenders: Health Facilities	2
SB 597/Liu	Child Welfare Services, Foster Care Services, and Adoption Assistance	4

Unless otherwise noted, all new legislation becomes effective on January 1, 2010. When conducting licensing visits, LPAs should, to the extent practical, make sure that providers are aware of any new requirements. However, regardless of whether this information is provided, it is the licensee's responsibility to be aware of any new requirements affecting their program.

ACTION REQUIRED

AB 762 (Lowenthal), CHAPTER 417, STATUTES OF 2009

Affects: Residential Care Facilities for the Elderly (RCFEs)
Community Care Facilities (CCFs)
Residential Care Facilities for Persons with Chronic Life-threatening
Illness (RCF-CIs)

Subject: Community Care Facilities, CCFs, RCF-CIs and RCFEs - Bedridden
Persons

Summary: Assembly Bill (AB) 762, Lowenthal, effective January 1, 2010; amends sections 1566.45, 1568.0832 and 1569.72 of the Health and Safety Code for purposes of fire clearances. For purposes of fire clearances, AB 762 changes the law so that RCFE, CCF and RCF-CI residents/clients who need assistance in transferring to and from bed (but who **do not need assistance** in turning or repositioning in bed), shall be considered nonambulatory. Bedridden, for purposes of fire clearances, means persons who **do need assistance** to turn or reposition in bed.

Implementation: The LIC 200 Application for Community Care Facility or Residential Care Facility for the Elderly is currently being revised to reflect the changes of this new law. Until the LIC 200 is updated, this implementation plan and Evaluator Manual, Reference Material, Office Functions, sections 2-1115 and 2-1116 are to be used to enforce this new law.

Resources

For a copy of the LIC 200, Application for Community Care Facility or Residential Care Facility for the Elderly, see:

<http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/LIC200.pdf>

For legislative information related to this new law, see:

http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0751-0800/ab_762_bill_20091011_chaptered.pdf

ACTION REQUIRED

SB 352 (DUTTON), CHAPTER 46, STATUTES OF 2009

Affects: Placement Agencies, Probation Officers, Group Homes (GH),

Subject: Juvenile Offenders: Health Facilities

Summary: SB 352 amends the Health and Safety Code and the Welfare and Institutions Code to strengthen oversight for out-of-county placement of wards of the court by creating additional reporting requirements for placement agencies, probation officers, and GH providers. The purpose of the enhanced oversight is to ensure the health and safety of residents in GH care facilities. The amendments allow placement agencies and GH providers to make well informed decisions when admitting out-of-county wards of the court into licensed facilities, and may allow for a more appropriate and safer placement.

Health and Safety Section 1536.1 is amended to add “a situation in which residents are inadequately supervised” as an incident to be reported by a placement agency to the appropriate licensing agency.

Health and Safety Section 1538.5 is amended to add “runaway incidents” to incident reports that are sent annually from the GH provider, at the request of the county, to the county. The GH provider is no longer required to redact the “identity and location of the placement agency” of any child referenced in incident reports prior to transmitting the reports to the county.

Health and Safety Section 1567.3 is amended to require the placing county probation officer, to send a copy of the placement notification to the GH provider. The GH provider is to retain a copy of the placement notice as evidence of compliance.

Welfare and Institutions Code Section 740 is amended to require the GH provider, at the request of the probation department, to notify the probation official of any runaway incidents and incidents in which a ward required a response by local law enforcement or emergency services personnel. The placing county is required to send the placement notice to the receiving county at least 24 hours prior to the time the placement is made. The placing county shall send a plan of supervision, with information regarding a wards known or suspected gang affiliation or dangerous behavior (for specified AFDC-Foster Children that are wards of the court) to the receiving county.

Implementation:

Licensing staff shall inform providers of these new requirements during the course of facility visits, orientations, and other contact with group home providers.

CCLD will inform the California Alliance provider organization of the pertinent aspects of SB 352 for membership notification.

CCLD will be promulgating regulations to be consistent with the requirements of AB 2149, (AB 2149 implementation plan link <http://www.cclid.ca.gov/res/pdf/04APX-12.pdf>), and of SB 352.

Health and Safety Section 1567.3 is to be used as the citing authority pending development of regulation to add the provision requiring the provider to retain a copy of the placement notice on file.

Licensing staff may experience an increase of incidents reported from county staff due to vague language in the statute requiring reports of incidents involving “inadequate supervision”.

ACTION REQUIRED

SB 597 (Liu), CHAPTER 339, STATUTES OF 2009

Affects: Foster Family Agencies (FFA) and Group Homes (GH).

Subject: Child Welfare Services, Foster Care Services, and Adoption Assistance

Summary: SB 597 amends Health and Safety (HS) Code section 1506 to reduce the social work supervisor to social worker ratio required for FFA.

The bill also amends Welfare and Institutions (WI) Code section 11462 to adjust GH rates pursuant to new Rate Classification Level (RCL) point ranges. It comports with AB X 4 4 (Evans), Chapter 4, Statutes of 2009, which requires that the rates paid to FFA and GH be reduced by 10 percent effective October 1, 2009.

Applicability to FFA:

- Requires FFA that operate as treatment agencies to have at least one full-time social work supervisor for every eight or fewer social workers on staff. This change matches requirements for nontreatment agencies in Title 22, California Code of Regulations (CCR) and is effective until January 1, 2011 unless further statute is enacted.

Applicability to GH:

- Adjusts rates for GH that receive Aid to Families with Dependent Children-Foster Care payments for services provided during the 2009-10 Fiscal Year (FY) pursuant to new RCL point ranges to be used in establishing biennial rates for existing programs. This change is effective until January 1, 2011.

Implementation:

- If a Licensing Program Analyst (LPA) finds that a FFA operating as a treatment agency is at least in compliance with Title 22, CCR, Section 88065.4(a)(1), which requires one full-time social work supervisor for every six or fewer social workers on staff in treatment agencies, then the LPA shall not cite. If that FFA has one full-time social work supervisor for every eight or fewer social workers on staff as required by the bill, the LPA also shall not cite.
- If a LPA finds that a FFA operating as a treatment agency has one full-time social work supervisor for nine or more social workers on staff, then the LPA shall cite under HS Code 1506, subsection (k).
- Due to the short timelines of this bill, an Information Release will be distributed to advise providers of these changes pending the promulgation of regulations.