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## EVALUATOR MANUAL TRANSMITTAL SHEET

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<p><b><u>Distribution:</u></b></p> <p>___ All Child Care Evaluator Manual Holders</p> <p><input checked="" type="checkbox"/> All Residential Care Evaluator Manual Holders</p> <p>___ All Evaluator Manual Holders</p>	<p><b><u>Transmittal No.</u></b> 12 APX-10</p> <hr/> <p><b><u>Date Issued</u></b> May 2012</p>
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### **Subject:**

2011 Chaptered Legislation  
Appendix A – Community Care Facilities (Children’s Residential)

Implementation Plan for ABX 1 16 (Chapter 13, Statutes of 2011): County Adoption Agencies

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### **Reason for Change:**

This document transmits legislation chaptered in 2011 affecting Community Care Facilities (Children’s Residential). Immediate Action Required-Interim instructions are provided.

Bill added Section 30029.3 to the Government Code, which provides that county adoption agencies are no longer required to be licensed pursuant to the Community Care Facilities Act (commencing with Section 1500 of the Health & Safety Code).

Statutes referenced in this document became operative on January 1, 2012 unless otherwise specified.

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### **Filing Instructions:**

INSERT – 2011 Chaptered Legislation. Do not remove similar documents from the previous years.

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### **Approved:**

*Original Document Signed by Thomas Stahl*

*5/7/12*

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**Thomas Stahl, Chief**  
 Policy Development Bureau  
 Community Care Licensing Division

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 Date

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**SUMMARY AND IMPLEMENTATION PLANS  
2011 CHAPTERED LEGISLATION**

**COMMUNITY CARE FACILITIES  
CHILDREN'S RESIDENTIAL**

<b>BILL NUMBER</b>	<b>SUBJECT</b>	<b>PAGE</b>
	<b>ACTION REQUIRED</b>	
SB 74/Committee on Budget and Fiscal Review	Developmental Services	1
Assembly Bill X (ABX)1 16, Chapter 13, Statutes of 2011	County Adoption Agencies	4

**Unless otherwise noted, all new legislation becomes effective on January 1, 2012. When conducting inspections, LPAs should ensure 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**

### **Senate Bill 74 (Committee on Budget and Fiscal Review), Chapter 9, Statutes of 2011**

**Affects:** All Community Care Facilities (CCF), Residential Care Facilities for the Chronically Ill (RCF-CI), Residential Care Facilities for the Elderly (RCFE) and all Child Care Facilities.

**Subject:** Developmental Services

**Summary:** Senate Bill 74 added Welfare and Institutions Code section 4648.14 to require the Department of Social Services to notify the California Department of Developmental Services of any administrative action initiated against a licensee serving consumers with a developmental disability. The bill defines administrative action to include, but not be limited to, the following:

- The issuance of a citation requiring corrective action for a health and safety violation.
- The temporary or other suspension or revocation of a license.
- The issuance of a temporary restraining order.

#### **Implementation:**

The Regional Offices are required to provide the above information to the Department of Developmental Services for all facilities licensed by the Community Care Licensing Division, caring for persons with developmental disabilities who are receiving services through a regional center (regional center consumers). Regional Offices are not required to provide information for facilities caring for persons with Developmental Disabilities who are not regional center consumers. Per the *Memorandum of Understanding between the California Department of Developmental Services and the California Department of Social Services for Implementation of a Coordinated System of Services to Regional Center Consumers Residing in Licensed Community Care Facilities*, the Department of Social Services already shares information on Temporary Suspension Orders with the Department of Developmental Services and this current process will continue in order to meet the mandates of this law.

The Department will submit copies of all required documentation to the Department of Developmental Services. This documentation is in addition to any required information that is sent to the Regional Centers as part of the *Memorandum of Understanding between the California Department of Developmental Services and the California Department of Social Services for Implementation of a Coordinated System of Services to Regional Center Consumers Residing in Licensed Community Care Facilities*.

## **Citations:**

- The licensing program analyst will print and compile copies of all applicable LIC 809s and LIC 9099s for facilities that care for regional center consumers when there is any Type A or Type B violation cited against the licensee.
- The licensing program analyst will review all LIC 809s and LIC 9099s to ensure that no confidential information is listed. In the event that confidential information is listed on the LIC 809 or LIC 9099, the licensing program analyst must alert the licensing program manager immediately so that the documents can be amended to remove the confidential information before they are sent to the Department of Developmental Services.
- Each Regional Office will compile copies of these LIC 809s and LIC 9099s and submit them to the Department of Developmental Services either via mail or scan and emailed. Emailing these documents is permitted as long as the information is encrypted using a secured file.
- The licensing program analyst is not required to send a copy of the report or other documentation clearing the plan of correction.

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## **Temporary Suspensions and Revocations:**

- In the event that the Department is initiating a revocation of a license for a facility caring for regional center consumers, the Regional Office will send a copy of the accusation to the Department of Developmental Services upon service of the accusation to the licensee.
- In the event that a Temporary Suspension Order is issued to a licensee of a facility caring for regional center consumers, the Regional Office will send a copy of the Temporary Suspension Order to the Department of Developmental Services upon service of the order.
- In the event that a license is revoked for a facility caring for regional center consumers, the Regional Office will send a copy of the decision and order to the Department of Developmental Services upon service of the decision.

## **Temporary Restraining Orders:**

- In the event that a temporary restraining order is issued against the licensee for a facility caring for regional center consumers, the Program Office will send a copy of the order to the Department of Developmental Services upon service of the order. Please contact the enforcement attorney if there are questions related to what information can be shared with the Department of Developmental Services.

**All information can be mailed to the following address:**

California Department of Developmental Services  
Residential Services and Monitoring Branch  
Attention: Shelton Dent, Manager  
1600 9<sup>th</sup> Street, MS 3-9  
Sacramento, CA 95814

**All information can be emailed, using an encrypted secure file, to the following email address:**

[DSSSB74Reports@dds.ca.gov](mailto:DSSSB74Reports@dds.ca.gov)

## **ACTION REQUIRED**

### **Assembly Bill X (ABX)1 16, Chapter 13, Statutes of 2011**

**Affects:** County Adoption Agencies

**Subject:** County Adoption Agencies

**Summary:** ABX1 16 amends various sections of the Government Code, Penal Code and Welfare and Institutions Code to provide for appropriations related to the Budget Bill. It also adds Section 30029.3 to the Government Code, which provides that county adoption agencies are no longer required to be licensed pursuant to the Community Care Facilities Act (commencing with Section 1500 of the Health & Safety Code).

Although this bill now permits county adoption agencies to operate without a license, the Department may continue to license those county adoption agencies that wish to remain or become licensed. Therefore, a licensed county adoption agency may retain its Community Care Facility license, or it may decide to forfeit its license.

The provisions of this bill became effective on September 21, 2011.

#### **Implementation:**

The Licensing Program Analyst (LPA) should continue to oversee and regulate each licensed county adoption agency until a licensee notifies the Department that it is surrendering its license due to the provisions of Government Code section 30029.3(a)(2), and the facility is officially closed by the Department. The LPA should follow normal facility closure procedures as outlined in Evaluator Manual section 80035-Conditions for Forfeiture of a Community Care Facility License. If the licensee requests a copy of the agency's file, the LPA should ensure that confidential record standards are maintained (refer to Reference Material sections 2-6000 and 2-6500).