

EVALUATOR MANUAL TRANSMITTAL SHEET
2014 Adult Community Care Facilities and
Residential Care Facilities for the Chronically Ill
Implementation Plans

<p><u>Distribution:</u></p> <p>_____ All Child Care Evaluator Manual Holders <input checked="" type="checkbox"/> All Residential Care Evaluator Manual Holders _____ All Evaluator Manual Holders</p>	<p style="text-align: center;"><u>Transmittal No.</u></p> <p style="text-align: center;">15APX-05</p> <hr/> <p style="text-align: center;"><u>Date Issued</u></p> <p style="text-align: center;">June 2015</p>
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Subject:

Appendix- A – 2014 Chaptered Legislation
Adult Community Care Facilities and Residential Care Facilities for the Chronically Ill.

Reason for Change:

This document transmits implementation plans that include summaries of, and implementation procedures for, the legislation chaptered in 2014 affecting Adult Community Care Facilities and Residential Facilities for the Chronically Ill. Statutes referenced in this document are operative on January 1, 2015, unless otherwise stated.

Filing Instructions:

REMOVE: Not applicable.

INSERT: 2014 Chaptered Legislation for Adult Community Care Facilities and Residential Care Facilities for the Chronically Ill. Do not remove similar documents from the previous years.

Approved:

Signed by WENDY NELSON

June 15, 2015

WENDY NELSON, Bureau Chief
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Community Care Licensing Division

Date

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2014 CHAPTERED LEGISLATION

Summaries and Implementation Plans

ADULT COMMUNITY CARE FACILITIES AND RESIDENTIAL CARE FACILITIES FOR THE CHRONICALLY ILL

“ACTION REQUIRED”		
BILL INFORMATION	SUBJECT	PAGE
Assembly Bill 1821 (Gordon) Chapter 5, Statutes of 2014	Community Care Facilities (CCF), Residential Care Facilities for Persons with Chronic Life-Threatening Illness (RCF-CI), and Residential Care Facilities for the Elderly (RCFE) An act to create the Medical Foster Home (MFH) pilot program, a Pilot Program for Medical Foster Homes for Veterans.	1
Assembly Bill 2386 (Mullin) Chapter 3, Health and Safety Code, Statutes of 2014	Community Care Facilities (CCFs), Children’s Residential Facilities and Certified Family Homes, Residential Care Facilities for the Elderly (RCFE), Residential Care Facilities for the Chronically Ill (RCF-CI), Child Care Centers (CCCs) and Family Child Care Homes (FCCHs). Amends Sections 1597.45 and 1597.46 and added Sections 1503.2, 1568.043, 1569.311, 1596.954, and 1597.543 to the Health and Safety Code, establishing carbon monoxide detector requirements for all licensed facilities and certified family homes.	2
Senate Bill 856 (Committee on Budget and Fiscal Review) Chapter 3, Health and Safety Code, Chapter 6, Welfare and Institutions Code, Statutes of 2014	Group Homes, Enhanced Behavioral Supports Homes (EBSH) pilot program. EBSHs are a subcategory of Group Homes. Among other things, an act to create the EBSH pilot program.	4

Unless otherwise noted, all new legislation becomes effective on January 1, 2015. When conducting licensing visits, Licensing Program Analysts (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

Assembly Bill 1821 Medical Foster Homes (MFH)

Affects: Community Care Facilities (CCF), Residential Care Facilities for Persons with Chronic Life-Threatening Illness (RCF-CI), and Residential Care Facilities for the Elderly (RCFE).

Subject: Pilot Program for Medical Foster Homes for Veterans

Summary: [Assembly Bill 1821](#) (Gordon, 2014) created the Medical Foster Home (MFH) pilot program. This pilot program exempts MFHs from licensure or regulation by the California Department of Social Services (CDSS) as a CCF, RCFE, or RCF-CI, provided that specified federal requirements are satisfied. The bill would also require the United States Department of Veterans Affairs (USDVA) to obtain criminal background information for caregivers and specified individuals residing in the home.

The USDVA's MFH program provides a specialized, long-term, home-like care option for veterans that are appropriate for their specialized medical needs utilized successfully in other states. This bill allows for a pilot program with data collection and evaluation by the State Auditor to determine whether the USDVA's MFH program will be a viable option in California for veterans. These facilities will be regulated directly by the USDVA.

Implementation: This bill is effective January 1, 2015, with the pilot program commencing June 1, 2015 and 2015, remaining in effect through January 1, 2018.

Licensing Program Analysts

If there is a complaint that a facility is unlicensed and CDSS believes it is an MFH, the Licensing Program Analyst should call the MFH Program Coordinator to verify if the facility is a MFH facility. When leaving a message, indicate the urgency of the call. The following is the MFH Coordinator's direct contact information:

Sacramento Veterans Affairs Medical Center
California Medical Foster Home Program Coordinator
Phone: (916) 640-8451
Fax: (916) 640-0995

In the event the Licensing Program Analyst verifies that the complaint is for an MFH, the Licensing Program Analyst should contact the complainant and refer them to the Sacramento Veterans Affairs Medical Center. In addition, for general inquiries about the USDVA's MFH pilot program or the USDVA services, the Licensing Program Analyst should refer them to the Sacramento Veterans Affairs Medical Center. The Center's contact information is as follows:

Sacramento Veterans Affairs Medical Center
For Public Complaints and General Inquiries
(916) 843-7000 or (800) 382-8387

ACTION REQUIRED

Assembly Bill 2386 (Mullin), Chapter 503, Statutes of 2014

- Affects:** Community Care Facilities (CCFs), Children's Residential Facilities and Certified Family Homes, Residential Care Facilities for the Elderly (RCFE), Residential Care Facilities for the Chronically Ill (RCF-CI), and Child Care Centers (CCCs) and Family Child Care Homes (FCCHs).
- Subject:** Care facilities: carbon monoxide detectors
- Summary:** [Assembly Bill 2386](#) amended Sections [1597.45](#) and [1597.46](#) and added Sections [1503.2](#), [1568.043](#), [1569.311](#), [1596.954](#), and [1597.543](#) to the Health and Safety Code (HSC), establishing carbon monoxide detector requirements for all licensed facilities and certified family homes.

OVERVIEW

Effective January 1, 2015, this law requires all licensed facilities and certified family homes, as specified, to have one or more carbon monoxide (CO) detectors in the facility that meet specific standards, and requires the Department to account for their presence during inspections.

IMPLEMENTATION

During inspections, the Licensing Program Analyst (LPA) will ensure the presence of one or more State Fire Marshal (SFM) approved CO detectors and shall ensure that the power/alarm light indicator is on.

In California, the marketing, distribution, or sale of CO devices is prohibited unless they are approved and listed by the SFM, who is required to develop a certification and decertification process to list CO devices and to disapprove and remove previously approved devices from the list, if necessary.

A current online list of approved CO detectors from the SFM is available at:
http://osfm.fire.ca.gov/strucfireengineer/strucfireengineer_bml.php

Note: This list is annually or periodically updated

The LPA, using the most *current* list online, will ensure the CO detector(s) in the facility are SFM approved for use.

Until regulations are updated, LPAs will cite the following statutes for noncompliance, based on the type of facility or home:

- HSC Section [1503.2](#) for CCFs including Children's Residential Facilities and Certified Family Homes.

- Health and Safety Code Section [1596.954](#) for CCCs.
- Health and Safety Code Section [1597.543](#) for FCCHs.
- Health and Safety Code Section [1568.043](#) for RCF-CI
- Section [1569.311](#) for RCFE.

ACTION REQUIRED

Senate Bill 856 (Committee on Budget and Fiscal Review), Chapter 30, Statutes of 2014

Affects: Community Crisis Homes and Enhanced Behavioral Supports Homes (EBSHs) pilot program. EBSHs are a subcategory of Adult Residential Facilities (ARF).

[EBHSs may also be a subcategory of Group Homes. Please refer to the SB 856 Implementation Plan for Children's Residential Facilities.]

Subject: Community Crisis Homes (CCHs) and EBSHs pilot program.

Summary: [Senate Bill \(SB\) 856](#), effective June 20, 2014, was the 2014 Developmental Services Trailer Bill. It adds Sections: [1502\(a\)\(16\)](#), [1567.61\(a\)-\(c\)](#), [1567.62\(a\)-\(g\)](#), [1567.63](#), [1567.64](#), [1567.65](#), [1567.66](#), [1567.67\(a\)-\(b\)](#), [1567.68\(a\)-\(c\)](#), [1567.69](#), and [1567.70](#), [1567.80\(a\)-\(b\)](#), [1567.81\(a\)-\(e\)](#), [1567.82\(a\)-\(b\)](#), [1567.83\(a\)-\(b\)](#), [1567.84](#), [1567.85](#), [1567.86\(a\)-\(b\)](#), and [1567.87\(a\)-\(c\)](#) to the Health and Safety Code as well as [Welfare and Institutions Code \(WIC\), Division 4.5, Chapter 6, Article 3.6](#). Among other things, it created two new sub-categories of facilities: Community Crisis Homes and the EBSHs pilot program. Both categories are to be certified by the California Department of Developmental Services (CDDS) and licensed by the California Department of Social Services (CDSS).

Overview of New Sub-Category

Community Crisis Homes

- CDDS certification is required.
- Licensed by CDSS as a subcategory of an ARF.
- CDSS licensure is contingent on the initial and continued CDDS certification.
- Maximum capacity of eight (8) clients per CCH.
- A CCH using delayed egress devices may utilize secured perimeters.
- CCH clients are individuals with developmental disabilities receiving regional center service, in need of crisis intervention services, and who would otherwise be at risk of admission to the acute crisis center at Fairview Developmental Center, Sonoma Developmental Center, an acute general hospital, acute psychiatric hospital, an institution for mental disease, or an out-of-state placement.
- Regulations for the CCH category shall be developed in both Title 17 and Title 22 by CDDS and CDSS, respectively.

Enhanced Behavioral Supports Homes Pilot Program

- CDDS certification is required.
- Licensed by the CDSS as a subcategory of an ARF or Group Home.
- CDSS licensure is contingent on continued CDDS certification.
- Only six (6) EBSHs shall be approved per fiscal year.
- No more than two (2) EBSHs using delayed egress devices in combination with secured perimeters may be certified by the CDDS during the first fiscal year of the pilot program. No more than one (1) additional home using delayed egress devices in combination with a secured perimeter may be certified by the CDDS in each subsequent year of the pilot program.
- Maximum capacity of four (4) clients per EBSH.
- Clients are individuals with developmental disabilities who require enhanced behavioral supports, staffing, and supervision in a homelike setting.
- Regulations for the EBSH category shall be developed in both Title 17 and Title 22 by the CDDS and CDSS, respectively.
- The EBSH pilot program shall be repealed on January 1, 2020.

This bill establishes the following requirements:

Community Crisis Homes <i>Health and Safety Code (HSC), Division 2, Chapter 3, Article 9.7</i>	
HSC Code	Requirement
<u>1502(a)(16)</u> <i>Definition of "community crisis home" CCH</i>	"Community Crisis Home" (CCH) means a facility certified by CDDS and licensed by CDSS as an ARF, providing twenty-four (24) hour nonmedical care to individuals with developmental disabilities receiving regional center service, in need of crisis intervention services, and who would otherwise be at risk of admission to an acute crisis center, an acute general hospital, acute psychiatric hospital, an institution for mental disease, or an out-of-state placement. A CCH shall have a maximum capacity of eight consumers.
<u>1567.80(a)</u> <i>Definition of "consumer" or "client"</i>	A "consumer" or "client" means an individual who has been determined by a regional center to meet the eligibility criteria of Section 4512 of the Welfare and Institutions Code and applicable regulations, and for whom the regional center has accepted responsibility.
<u>1567.80(b)</u> <i>Definition of "individual behavior support plan"</i>	Means the plan that identifies and documents the behavioral and intensive support and service needs of a consumer and details the strategies to be employed, and services to be provided, to address those needs, and includes the entity responsible for providing those services and timelines for when each identified individual behavioral support will commence.
<u>1567.81(a)-(e)</u> <i>Licensure and responsibilities</i>	Each CCH shall be licensed as an ARF and certified by CDDS. Certification by CDDS shall be a condition of licensure for the CCH by CDSS. CDSS shall not issue a license until the certificate of program approval has been received. CDSS shall not be responsible for any of the following: developing and approving a consumer's individual behavior support plan; or oversight of any services that may be provided by a licensed health or licensed mental health professional to a consumer. This does not limit CDSS' ability to enforce this chapter and applicable regulations.
<u>1567.82(a)-(b)</u> <i>Regulation development</i>	CDSS regulations to address: staffing structure, staff qualifications, and training; training requirements shall include a minimum of sixteen (16) hours of emergency intervention training.
<u>1567.83(a)-(b)</u> <i>Interdepartmental</i>	When CDSS determines that urgent action is necessary to protect CCH from physical or mental abuse, abandonment, or any other substantial threat to their

Community Crisis Homes <i>Health and Safety Code (HSC), Division 2, Chapter 3, Article 9.7</i>	
HSC Code	Requirement
<i>communication & administrative action</i>	health and safety, CDSS shall notify CDDS and CDSS may temporarily suspend or revoke the license of a CCH.
<u>1567.84</u> <i>Plan of operation</i>	The licensee shall submit the facility program plan approved by CDDS to CDSS as part of the facility plan of operation. The plan of operation shall be approved by CDSS prior to licensure.
<u>1567.85</u> <i>Delayed egress device & secured perimeters</i>	If applicable, a CCH shall be in compliance with Section 1531.15 and the applicable regulations.
<u>1567.86(a)-(b)</u> <i>Interdepartmental communication</i>	CDSS shall revoke the CCH's license when CDDS has rescinded certification. CDSS and regional centers shall provide CDSS all available documentation and evidentiary support necessary for the licensing and administration of CCHs' enforcement of this article and applicable regulations.
<u>1567.87(a)-(c)</u> <i>No licensing until Title 17 regulations publication</i>	A license shall not be issued pursuant to this article until the publication in Title 17 of the California Code of Regulations of emergency regulations filed by CDDS. Emergency regulations to implement this article shall be adopted by CDSS. Such regulations are deemed urgent and necessary and are exempt from the requirement that they describe specific facts showing the need for immediate action.

Welfare and Institutions Code (WIC), Division 4.5, Chapter 6, Article 8:
Community Crisis Home Certification

WIC Article 8 has provisions similar to those established in Article 9.7 of the Health and Safety Code and is the source for the Title 17 regulations projected to be published in 2015 by CDSS. WIC Article 8 requires the same interdepartmental communication for CDDS as is required for CDSS specific to administrative actions and licensure. WIC Article 8 provides further instruction on rate structures and regional center responsibilities for CCHs and will be described by the Title 17 regulations under development by CDDS.

Enhanced Behavioral Supports Homes Pilot Program <i>Health and Safety Code (HSC), Division 2, Chapter 3, Article 9.5</i>	
HSC Code	Requirement
<u>1502(a)(15)</u> <i>Definition of EBSH</i>	EBSH means a facility certified by CDDS and licensed by CDSS as an adult residential facility or a group home that provides twenty-four (24) hour nonmedical care to individuals with developmental disabilities who require enhanced behavioral supports, staffing, and supervision in a homelike setting. An EBSH shall have a maximum capacity of four (4) consumers.
<u>1567.61(a)</u> <i>Definition of "consumer" or "client"</i>	"Consumer" or "client" means an individual who has been determined by a regional center to meet the eligibility criteria of Section 4512 of the Welfare and Institutions Code and applicable regulations and for whom the regional center has accepted responsibility.
<u>1567.61(b)</u> <i>Definition of "individual behavior supports plan"</i>	"Individual behavior supports plan" means the plan that identifies and documents the behavior and intensive support and service needs of a consumer and details the strategies to be employed and services to be provided to address those needs, and includes the entity responsible for providing those services and timelines for when each identified individual behavior support will commence.

Enhanced Behavioral Supports Homes Pilot Program

Health and Safety Code (HSC), Division 2, Chapter 3, Article 9.5

HSC Code	Requirement
<u>1567.61(c)</u> <i>Definition of "individual behavior supports team"</i>	"Individual behavior supports team" means those individuals who develop, monitor, and revise the individual behavior supports plan for consumers residing in an EBSH.
<u>1567.62(a)-(g)</u> <i>Licensure and responsibilities</i>	Each EBSH shall be licensed as an ARF or a group home and certified by CDDS. A certificate of program approval issued by CDDS shall be a condition of licensure. An EBSH shall not be licensed by CDSS until the certificate of program approval has been received. CDSS shall not be responsible for any of the following: developing and approving a consumer's individual behavior supports plan; oversight of any services that may be provided by a licensed health professional or licensed mental health professional to a consumer. This does not limit CDSS' ability to enforce this chapter and applicable regulations.
<u>1567.63</u> <i>Plan of operation</i>	The license applicant shall submit a facility program plan to CDDS for approval and submit the approved plan to CDSS as part of the facility plan of operation. The plan of operation shall be approved by CDSS Services prior to licensure.
<u>1567.64</u> <i>Regulation development</i>	CDSS shall address in regulations, at a minimum, staffing structure, staff qualifications, and training. Training requirements shall include a minimum of sixteen (16) hours of emergency intervention training.
<u>1567.65</u> <i>Interdepartmental communication</i>	When CDSS determines that urgent action is necessary to protect EBSH from physical or mental abuse, abandonment, or any other substantial threat to their health and safety, CDSS shall notify CDDS. CDSS may request that the regional center take action within twenty-four (24) hours, which may include the removal of a consumer from the EBSH. When possible, an individual program plan (IPP) meeting shall be convened to determine the appropriate action pursuant to this section. In any case, an IPP meeting shall be convened within thirty (30) days following an action under this section.
<u>1567.66</u> <i>Plan of operation</i>	An EBSH employing secured perimeters shall comply with HSC Section 1531.15 and applicable regulations.
<u>1567.67(a)-(b)</u> <i>Interdepartmental communication</i>	CDSS shall revoke EBSH's license when CDSS has rescinded certification. CDDS and regional centers shall provide CDSS all available documentation and evidentiary support necessary for the licensing and administration of EBSHs and enforcement of this article and the applicable regulations.
<u>1567.68</u> <i>No license until Title 17 regulations published</i>	A license shall not be issued pursuant to this article before regulations for this article filed by CDDS have been published. CDSS shall adopt emergency regulations to implement this article. Such regulations are deemed urgent and necessary and are exempt from the requirement that they describe specific facts showing the need for immediate action.
<u>1567.69</u> <i>Administrative action</i>	Nothing in this article shall interfere with the authority of the CDSS to temporarily suspend or revoke the license of an EBSH.
<u>1567.70</u> <i>End of pilot program</i>	This article shall remain in effect only until January 1, 2020.

Welfare and Institutions Code (WIC), Division 4.5, Chapter 6, Article 3.6:

Enhanced Behavioral Supports Homes

WIC Article 3.6 has provisions similar to those established in Article 9.5 of the Health and Safety Code and is the source for the Title 17 regulations projected to be published in 2015 by CDDS. This article gives CDDS the authority to implement this pilot program, establishes the number of EBSHs, and how many EBSHs may utilize secured perimeters. Further instruction on rate structures and regional center responsibilities for EBSHs is addressed in WIC Article 3.6 and will be described by the Title 17 regulations that are under development by CDDS.

Implementation:

CDSS shall promulgate Title 22 regulations for both CCHs and EBSH pilot program to include, but not be limited to: definitions to distinguish between ARFs and EBSHs and CCHs, staffing structure, staff qualifications, and training; training requirements shall include a minimum of 16 hours of emergency intervention training for both facility types. CDSS will provide training and relevant documents necessary for the licensure, oversight and Title 22 regulatory enforcement for both facility categories.

Until regulations are promulgated, if an application is received for a CCH or an EBSH (or an ARF application is received that appears to closely align with program operations of a CCH or an EBSH), a Licensing Program Analyst should immediately notify a Licensing Program Manager for assistance in processing the application. This bill does not prohibit CDSS from any of the pre-licensure activities. No license shall be issued without Program Office Program Administrator or Assistant Program Administrator approval pending regulatory definitions of these categories.

Note: A CCH or an EBSH cannot be licensed until CDDS certification is received.