

DAY CARE EVALUATOR MANUAL RESIDENTIAL CARE EVALUATOR MANUAL

TRANSMITTAL SHEET

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Distribution

ALL RESIDENTIAL CARE EVALUATOR MANUAL HOLDERS

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Subject

CCF: SUMMARY OF 1990 CHAPTERED LEGISLATION

Approved

  
WILLIAM C. JORDAN, Chief

Type of Change

 Temporary Permanent

## REASON FOR CHANGE

This transmits summaries of legislation chaptered in 1990 affecting Community Care Facilities. The summaries are divided into three sections:

- I. Immediate Action Required - Instruction will be incorporated into the appropriate Evaluator Manual section as soon as possible.
- II. No Action Pending Regulations or Further Instructions.
  - I. Information Only - No Action Required.

Additionally, an Index is attached to assist staff in locating specific bills.

All statutes referenced in this document become operative January 1, 1991.

This revision supplements the document transmitted under number 90 APX-02 Errata, issued June, 1990. Do not remove this latter document from the EM.

File this sheet and attachments in your Evaluator Manual in the front under "Temporary Changes" and annotate the following sections of regulations in the Evaluator Manual to reference back to this notice, or, file only this sheet under "Temporary Changes" and insert each attachment next to the corresponding EM page. (Do not remove existing EM pages.)

Remove

Insert the attached pages into the Appendix. Refer to Table of Contents for location.

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SUMMARY OF 1990 CHAPTERED LEGISLATION

COMMUNITY CARE FACILITIES\*

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\* Includes FFHs and FFAs

I. IMMEDIATE ACTION REQUIRED

There are no statutory changes requiring immediate action.

II. NO ACTION PENDING REGULATIONS OR FURTHER INFORMATION

AB 2617 (Felando)  
Chapter 1570, Statutes of 1990

Affects: CCFs

Bill Summary

Section 1522 - authorizes the Department to obtain arrest information on all adults required to be fingerprinted under this section provided he/she has been released on bail or on own recognizance and is currently awaiting trial.

It also allows for the release of full arrest information (not just that for which there is a pending trial) on applicants for a Foster Family Home or certified family home.

Additionally, this section allows the Department to share information which is received for licensing purposes with Adoption Agencies for adoption purposes.

Implementation

No action at this time. Meetings are being held with the DOJ, DSS Legal Counsel, and CCLD Investigations staff in order to establish procedures for implementation.

AB 3459 (Friedman)  
Chapter 1333, Statutes of 1990

Affects: CCFs

Bill Summary

Section 1568.01 and following - creates a new community care facility category entitled "Residential Care Facility For Persons With Chronic Life-Threatening Illness."

This facility category was established to care for persons who are 18-59 years of age with chronic, life-threatening illnesses. These persons must not require 24-hour continuous nursing care.

The intent of this legislation is to ensure that residents are cared for in the least restrictive environment. If it is determined that the resident's health has deteriorated to the point where he/she needs 24-hour nursing care, CCLD is authorized to require that the resident's health condition be reassessed for possible relocation.

Implementation

No further action is to be taken pending the implementation of mandated emergency regulations.

SB 504 (Green)  
Chapter 113, Statutes of 1990

Affects: Social Day Care  
Facilities

Bill Summary

Section 1502.2 - Changes the name of the community care facility category "Social Day Care Facility" to "Adult Day Support Center."

Implementation

COB will notify Social Day Care facility licensees of the change in an All Licensee Letter. COB will initiate changes in the regulations, LIS, and the appropriate forms.

III. INFORMATION ONLY - NO ACTION REQUIRED

AB 1026 (Hansen)  
Chapter 1176, Statutes of 1990

Affects: ARFs Only

Bill Summary

Section 5450.3 of the Welfare and Institutions Code - establishes a three year pilot project in Napa County for a ten-bed, locked community care facility for residential care and treatment for mentally disordered clients. The pilot facility is to be licensed and monitored by the Department and is exempt from certain statutes and regulations which restrict community care facilities to non-medical care and prohibit the locking of the facility premises. The State Department of Mental Health will develop and/or approve standards for services and program content.

Implementation

COB will inform Counties via an All County Letter. COB will maintain contact with the State Department of Mental Health, the Napa County Mental Health Department and the Santa Rosa district office regarding the status of this project.

AB 2989 (Hunter)  
Chapter 1488, Statutes of 1990

Affects: CCFs  
Also RCFEs, CDC

Bill Summary

Section 1551.5 - allows the Department to pay expert witness fees in Administrative Action Hearings. While the Department has found ways to do this in the past, the code has been changed to specifically authorize such payments.

Section 1547 - this provision of the bill is a technical change only. It allows the Department to forego the unlicensed civil penalty when other remedies are more effective, such as taking criminal action. Some District Attorney offices had refused to take cases where a civil penalty had been assessed; the law has previously required that the Department assess a civil penalty in all cases. The "catch 22" was corrected by this statute modification.

Implementation

Information only, no action required

SB 2039 (Bergeson)  
Chapter 1139, Statutes of 1990

Affects: Day Treatment  
Facilities

Bill Summary

Sections 1502 and 1530.7 - changes the facility category name of "Day Treatment Facilities" to "Therapeutic Day Services Facilities." The description of these facilities as currently contained in Section 1502 of the Health and Safety Code remains unchanged. Requires the Department to initiate an advisory committee to assist in the development of therapeutic day services standards and to submit a report to the Legislature no later than October 1, 1991. Regulations for this category are required by July 1, 1992.

Implementation

Information only, no action required. CCLD staff will participate on the advisory committee.

SB 2234 (Presley)  
Chapter 1250, Statutes of 1990

Affects: FFAs

#### Bill Summary

Section 18358 of the Welfare and Institutions Code establishes an intensive treatment foster care program for emotionally disturbed children to be placed in the certified family homes of licensed foster family agencies. The program is limited to one foster family agency each in the counties of Alameda and Yolo.

The bill requires training for certified foster parents, in-home supportive services to the child and certified foster parents, placement requirements for the county welfare departments, and reporting requirements in instances where physical contact is used to manage the behavior of a child.

Participating foster family agencies are exempt from the current AFDC-FC foster family agency rate-setting system, and their rates shall be set according to the pilot classification model.

#### Implementation

There are no changes to the Community Care Licensing regulations or procedures as a result of the provisions of this bill; CCL staff will not monitor the enhanced program requirements. Licensing staff will continue to evaluate special incident reports pursuant to the California Code of Regulations, Title 22, Division 6, Section 80061, when the use of physical contact to manage the behavior of a child is reported.

SB 2423 (Royce)  
Chapter 650 Statutes of 1990

Affects: CCFs  
Also DCCs, FDCHs

Bill Summary

SB 2423 amends Penal Code Section 11166.2 to require a child protective agency to report to the local licensing agency acts of general neglect (inadequate food, clothing, housing or supervision) in addition to physical or sexual child abuse. This bill deletes the requirement that allegations of general neglect be reported only to the respective County Welfare Department.

Implementation

Information only, no action required. No regulations will be required. There is no change in district office procedures; however, district offices may now expect to receive more reports from child protective agencies.

SB 2788 (Russell et al.)  
Chapter 1330, Statutes of 1990

Affects: CCFs  
Also DCCs, FDCHs

Bill Summary

Penal Code Section 11170 specifies, for purposes of child abuse and neglect reporting, that: an "unfounded report" means a report which is determined to be false or could not have happened; a "substantiated report" is where credible evidence exists to constitute child abuse; an "unsubstantiated report" is one in which there is insufficient evidence to determine that child abuse has occurred.

Implementation

Information only, no action required. These changes in the Child Abuse and Neglect Reporting Act of the Penal Code will be incorporated into future complaint training provided to CCLD staff. COB is reviewing the current terminology used by CCLD regarding complaint findings for possible revision to coincide with this Penal Code section.