

DAY CARE EVALUATOR MANUAL  
RESIDENTIAL CARE EVALUATOR MANUAL

TRANSMITTAL SHEET

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Distribution ALL RESIDENTIAL CARE EVALUATOR MANUAL HOLDERS Date Issued December 1991

Subject APX CCF: 1991 Chaptered Legislation and Implementation

Approved  
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Type of Change  Temporary  Permanent

REASON FOR CHANGE

This transmits summaries of legislation chaptered in 1991 affecting Community Care Facilities (CCFs) and Residential Care Facilities for the Chronically Ill (RCF-CI). The summaries are divided into three sections:

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

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

Statutes referenced in this document become operative on January 1, 1992.

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 Appendix A. Do not remove similar documents from previous years.

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LIC9025 (2/87)

SUMMARY OF 1991 CHAPTERED LEGISLATION  
 COMMUNITY CARE FACILITIES  
 AND  
 RESIDENTIAL CARE FACILITIES FOR THE CHRONICALLY ILL

INDEX

<u>BILL NUMBER</u>	<u>SUBJECT</u>	<u>Page</u>	<u>Code</u>
AB 305	Definition of Chronic, Life-Threatening Illness	1	I
AB 760	Children with Special Health Care Needs	2	I
AB 1130	Placement and Reporting: Requirements for Conservators	6	III
AB 1727	Foster Care Group Home Rates	6	I
AB 1797	Submittal of Fingerprints to Department of Justice	4	II
SB 90	Foster Family Agencies	3, 4	I, II
SB 787	Foster Family Homes: In-Home Interviews	5	II
SB 994	Anti-Tipoff	7	III

I. IMMEDIATE ACTION REQUIRED

AB 305 (Friedman), Chapter 832, Statutes of 1991

Affects: RCF-CIs

Section 1568.01(c) - has been revised to limit the definition of chronic, life-threatening illness to HIV Diseases or AIDS.

AB 305 is a clean-up bill for AB 3459 which established the Residential Care Facility for the Chronically Ill (RCF-CI) category to care for chronically ill adults.

### Implementation

The RCF-CI emergency regulations were revised to include this change. The field must immediately implement this statutory change as it limits the RCF-CI chronically ill population to adults who have HIV Diseases or AIDS. As of yet no facilities have been licensed as RCF-CIs.

### AB 760 (Bates), Chapter 1137, Statutes of 1991

#### **Affects SFHs, GHs and CFHs**

Welfare and Institutions Code Section 17710 and the following was amended to allow children with special health care needs to be placed in Small Family Homes (SFHs) and expands the definition of a child with special health care needs to include developmentally disabled children receiving services from a regional center. The new statute eliminates authority for Certified Family Homes (CFHs) to accept children with special health care needs and statutorily precludes Group Homes (GHs) from providing care to children with special health care needs except on a short-term basis defined by policy as not exceeding one year.

SFHs are allowed to accept children with special health care needs up to the licensed capacity of the facility provided certain conditions have been met. One of the conditions is that, if a facility exceeds the capacity of three children (at least one of which has health care needs), at least one child in the facility must be a regional center placement and the home must meet the requirements for vendorization under Section 56001, and following, of Title 17 of the California Code of Regulations. Licensing has no responsibility for evaluating or monitoring the in-home health care provided in these specialized foster care homes.

### Implementation

Until regulations are developed, facilities will be required to comply with Welfare and Institutions Code Section 17700 et.al. Guidelines for the enforcement of statute will be prepared and distributed by COB prior to January 1, 1992.

**AB 1727 (Hunter), Chapter 610, Statutes of 1991**

**Affects: Group Homes**

Section 1502.4 - allows a child assessed as seriously emotionally disturbed (SED) to be cared for in a licensed Group Home as long as inpatient care in a licensed health facility is not needed. It also provides definitions for "inpatient care in a licensed health facility" and "seriously emotionally disturbed" and requires facilities serving SED children and also receiving a Rate Classification Level of either 13 or 14, to have a mental health treatment program which has been certified by local mental health or at the counties request, by the State Department of Mental Health.

It also specifies that the Department of Social Services shall not evaluate or have any responsibility or liability with regard to the evaluation of the mental health treatment services provided and requires the State Department of Mental Health or local mental health program to notify the Department's licensing office immediately upon the termination of the contract or the mental health treatment program on which the certification was based.

**Implementation**

If it is learned that a program is decertified, district office staff should contact the mental health agency responsible for the decertification to determine if licensing violations have occurred. In such a case, licensing staff should closely monitor the facility for level of care issues which may indicate inability to meet the needs of children in placement. The facility plan of operation should also be reviewed to ensure any changes are documented.

**SB 90 (Royce and Thompson), Chapter 1200, Statutes of 1991**

**Effective October 14, 1991**

**Affects: FFAs, SFHs, CFHs and FFHs**

Section 1502(a)(4) - deletes an "individual" from the definition of a Foster Family Agency (FFA).

Section 1502(a)(6) - changes the definition of a Small Family Home to allow the placement of children with special health care needs, in addition to children without special health care needs, up to the licensed capacity with licensing approval.

**Section 1506(b)(1)** - allows an FFA to apply additional standards or treatment approaches beyond licensing standards when certifying a home.

**Section 1506(b)(2)** - allows an FFA to certify a home not to exceed one year.

**Section 1506(b)(2)** - requires a Certified Family Home (CFH) to complete at least 12 hours of structured in-service training or continuing education and one hour of training in investigating and reporting child abuse.

**Section 1506.6** - requires a CFH or a licensed Foster Family Home (FFH) to forfeit its certificate or license when changing from one category to another so they are not held concurrently.

#### Implementation

**Section 1502(a)(4)** - Licensing staff shall ensure that currently licensed FFAs and future FFA applicants are an "organization" and not an "individual".

**Section 1502(a)(6)** - Licensing staff shall ensure that SFHs caring for these types of children comply with Welfare and Institutions Code Section 17731 and following.

**Section 1506(b)(1)** - Licensing staff shall not be required to monitor the FFAs' standards or treatment approaches which an FFA may require in addition to licensing requirements.

**Section 1506(b)(2)** - Licensing staff shall monitor that the FFA issues certificates of approval valid for a period not to exceed one year.

**Section 1506(b)(2)** - Licensing staff shall monitor that the FFA ensured that CFHs completed at least 12 hours of structured in-service training or continuing education at the time of annual recertification. At least one hour of the training during the first six months of initial certification shall have met the requirements of paragraph (1) of subdivision (b) of Section 11174.1 of the Penal Code (child abuse reporting responsibilities). Acceptable verification may consist of administrator's sign-off of in-service training, certificates of completion or copies of transcripts. At a minimum, verification should include the course name, dates of completion and number of hours credited.

II. NO ACTION PENDING REGULATIONS OR FURTHER INFORMATION

AB 1797 (Friedman), Chapter 937, Statutes of 1991

Affects: All licensing categories

Sections 1522, 1568.09, 1569.17 and 1596.871 - requires that licensees submit fingerprints directly to the Department of Justice (DOJ) and that DOJ notify licensees and simultaneously the licensing agency of criminal record clearances. This is to be done within 15 days of receipt of the fingerprints. DOJ is to notify only the licensing agency of criminal records within 30 calendar days of receipt of the fingerprints.

Implementation

No action until notified. An all licensee letter will be prepared. Meetings are being held with DOJ in order to prepare for a smooth implementation, which is targeted for January 1, 1992.

SB 90 (Royce and Thompson), Chapter 1200, Statutes of 1991

Effective October 14, 1991

Affects: FFAs, SFHs, CFHs and FFHs

Section 1522.05 - changes the criminal record clearance requirements and process for CFHs by specifying that a criminal record clearance is required prior to placing in a CFH, except under certain conditions. These conditions include allowing a peace officer, or other category of person approved by the Department, who was subject to criminal record clearance as a condition of employment and who has submitted fingerprints and a declaration regarding criminal convictions, to receive a placement pending the criminal record clearance.

Section 1522.07(a) - allows FFAs to submit fingerprints of their CFH applicants directly to the Department of Justice (DOJ).

Section 1522.07(b) - requires DOJ to notify the Department of criminal record information within 30 days. It also requires DOJ to provide directly to the FFA and the Department a clearance within 15 days when no criminal record information is recorded, and requires DOJ to notify the licensee within 15 days if new fingerprints are required.

Sections 1525.25(a) and (b) - require that timely notification be given to placing agencies, licensing agencies and FFAs when a home intends to change its licensing status, and require the county to evaluate placement and level of care requirements when a FFH changes to a CFH.

Welfare & Institutions Code Sections 18358.05, 18358.10, 18358.2, and 18358.30 - changes the requirements for CFHs participating in a pilot project to implement intensive treatment foster care programs for emotionally disturbed children. Licensing staff will not be required to monitor this pilot project, except with regard to FFA and CFH licensing regulations.

Implementation

No action at this time pending development of regulations or further information.

SB 787 (Presley), Chapter 1112, Statutes of 1991

**Affects: FFHs**

Section 1521.5 - establishes a new requirement for foster family home licensure. An in-person home interview must be conducted by county licensing staff or county placement to evaluate the prospective foster parents' ability, readiness, and willingness to meet the varying needs of a child. In counties which do not have a contract with the state to license foster family homes, the county welfare director shall ensure that the home interview is conducted by the county placement agency. No license shall be issued unless a home interview has been conducted.

Implementation

No action at this time pending development of regulations or further information.

III. INFORMATION ONLY - NO ACTION REQUIRED

AB 1130 (Wright), Chapter 589, Statutes of 1991

Affects: CCFs

Section 1536.1 - adds conservators of adults, appointed under the Probate Code, and conservators of elderly persons, appointed under the Welfare and Institutions Code, to the definition of "placement agency."

The effect of this amendment is to require conservators to: 1) place conservatees only in licensed facilities or facilities that are exempt from licensure, 2) report unlicensed operations to the Department, and 3) report any conditions in a CCF which would jeopardize the health or safety of residents.

Implementation

Information only. No action required by licensing offices. Central Operations Branch will inform county conservators of this new requirement.

SB 994 (Mello), Chapter 888, Statutes of 1991

Affects: CCFs, RCF-CIs, RCFEs, and DCCs

Section 1540.2 and 1568.0823 - clarifies that the prohibition against informing a licensee or facility of a planned facility visit by the Department includes all unannounced visits. Affects all facility categories.

Implementation

Information only, no action required. COB will inform counties via an All County letter.