

DAY CARE EVALUATOR MANUAL RESIDENTIAL CARE EVALUATOR MANUAL

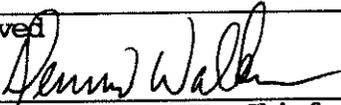
TRANSMITTAL SHEET

		Number
		95 APX-03
Distribution	All Day Care Evaluator Manual Holders X All Residential Care Evaluator Manual Holders	Date Issued January 1995
Subject		

APX CCF/RCF-CI: 1994 Chaptered Legislation and Implementation

(Appendix - Community Care Facilities/Residential Care Facilities for the Chronically Ill)

Approved



DENNIS WALKER, Chief

Type of Change

 Temporary Permanent

REASON FOR CHANGE

This transmits summaries of legislation chaptered in 1994 affecting Community Care Facilities and Residential Care Facilities for the Chronically Ill. The summaries are divided into three sections:

- I. Immediate Action Required - Interim instructions are provided and 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, 1995 unless otherwise indicated.

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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SUMMARY OF 1994 CHAPTERED LEGISLATION
COMMUNITY CARE FACILITIES
RESIDENTIAL CARE FACILITIES FOR THE CHRONICALLY ILL

INDEX

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I. LAWS THAT WILL BE IMPLEMENTED IMMEDIATELY

SB 1773 (McCorquodale), Chapter 546

Affects Facility Category: FFA

SUBJECT: Employee Qualifications

SUMMARY:

Chapter 546 amends Health and Safety Code (H&SC) sections 1506(e), (f) and (h), and adds section (j). The new law permits a master's degree in specified additional areas to qualify individuals for employment as foster family agency (FFA) social work personnel (supervisory or nonsupervisory social worker). The coursework and field practice or experience requirement is also expanded.

All social work personnel hired on or after January 1, 1995, must meet the new requirements.

IMPLEMENTATION:

For staff hired or transferred to the position of supervisory or nonsupervisory social worker on or after January 1, 1995, use the following H&SC requirements in place of the education and experience requirements specified in 22 CCR 88065.2(b) through (f) and 88065.3(b) through (f).

Sections 1506(e)(1) and (2) - social work personnel shall possess a master's degree from an accredited or state approved graduate school, in social work or social welfare, marriage, family and child counseling, child psychology, child development, counseling psychology, social psychology, clinical psychology, educational psychology or education with emphasis on counseling.

Sections 1506(f)(1), (3)(A) and (4) - social work personnel shall have all of the following coursework and field practice or experience, which may be completed as part of the master's degree:

At least three semester units of field practice at the master's level or six months full-time equivalent experience in a public or private social service agency setting.

SB 1773 (Continued)

At least nine semester units of coursework related to human development or human behavior, or, within the first year of employment, experience working with children and families as a major responsibility of the position under supervision of a supervising social worker.

At least three semester units in working with minority populations, six months of experience in working with minority populations, or training in cultural competency and working with minority populations within the first six months of employment as a condition of employment.

At least three semester units in child welfare; or at least six months of experience in a public or private child welfare social services setting, if a nonsupervisory social worker, two years experience in a public or private child welfare social services setting, if a supervisory social worker.

Supervisory social workers shall also meet the experience requirement specified in 22 CCR 88065.2(b)(3).

Section 1506(f)(2) - Exceptions may be granted to the above master's degree and coursework and field practice or experience requirements.

Documentation of the new education and experience requirements shall be maintained in the personnel file. (If documentation is missing, cite 22 CCR 88065.2(f) (supervisory social workers) or 22 CCR 88065.3(f) (nonsupervisory social workers))

Note that exceptions granted to staff employed as supervisory or nonsupervisory social workers prior to January 1, 1995, remain in effect and that these workers are not required to meet the new requirements in order to remain in their position.

II. NO ACTION PENDING REGULATIONS OR FURTHER INSTRUCTIONS

AB 1334 (Gotch), Chapter 950

Affects Facility Category: Group Homes

SUBJECT: Minors: Transitional Shelter Care

SUMMARY:

Creates a new licensing category for Transitional Shelter Care Facilities (TSCF) to provide short-term (up to 90 days), 24-hour, nonmedical care for children in a residential group setting. Such facilities are owned by a county, and operated by a county or by a non-profit organization under contract to the county. TSCF's will accept all placements referred by the county, including children adjudged to be dependents of the court as defined in Welfare & Institutions (W&I) Code Section 300, and wards of the court as defined in W&I code Sections 601 and 602. Placements may also include children removed from parental/guardianship control due to abuse and/or neglect, and seriously emotionally disturbed children as described in W&I Code Section 5600.3. TSCF's will also serve as temporary housing for children discharged from community care facilities due to asocial behavior, who are pending placement in other facilities. TSCF's are exempt from licensing fees and overconcentration restrictions.

IMPLEMENTATION:

Until regulations are promulgated for Transitional Shelter Care Facilities, a county-owned, county-operated residential care facility for children has the option of being licensed by CCLD as a Group Home.

Once regulations are promulgated for TSCF's, county-owned residential care facilities for children which meet the definition of a TSCF must be licensed by CCLD as a TSCF.

AB 3628 (Karnette), Chapter 1265

Affects Facility Categories: CCF's, RCF-CI, RCFE

SUBJECT: Automated live-scan fingerprint process

SUMMARY:

This law amends Health and Safety Code Sections 1522 and 1569.17

AB 3628 (Continued)

Requires the Department of Justice (DOJ) to coordinate with DSS to establish and implement an automated live-scan processing system for fingerprints in two district offices by July 1, 1995, and to connect these live-scan processing units to the main system at DOJ by July 1, 1996. DSS is also authorized to charge a fee not to exceed \$5.00 or the actual cost of processing a set of live-scan fingerprints. The Los Angeles Residential East and Sacramento Residential district offices were selected for the live-scan project.

IMPLEMENTATION:

Development and implementation will be handled by COB in conjunction with DOJ, Information Technology Division staff and the LA Residential East and Sacramento Residential offices staff. No action is necessary from the district office staff at this time. Further information and instruction will be provided as available.

SB 1368 (Peace) Chapter 1258

Affects Facility Categories: ARF, FFA, FPH, GH and SPH

SUBJECT: Complaint and incident response procedures

SUMMARY:

Senate Bill 1368 requires licensees of all community care facilities with capacities of six or fewer to implement an approved procedure for immediate response to incidents and complaints. This expands the existing requirement which states that only facilities with nonresident licensees must have such a procedure. In addition, SB 1368 requires each community care facility with a nonresident licensee to have the licensee or a designated substitute available at the facility at a fixed time each week. Legislation may be introduced in 1995 to exempt foster family agencies and foster homes from these provisions.

IMPLEMENTATION:

Regulations will be promulgated to specify the contents of the complaint response and licensee availability processes.

SB 1368 (Peace) Chapter 1258 (Continued)

Affects Facility Categories: ARF's

SUBJECT: Administrator Certification Program

SUMMARY:

Senate Bill 1368 establishes a mandatory certification program for administrators of Adult Residential Facilities. This program is modeled after the RCFE Certification Program with these exceptions: applicants for ARF licenses are not governed by this program, the certificates are effective for only 2 years, and only 20 hours of core of knowledge classroom instruction is required for the initial certificate requirements. This program cannot be operative until regulations are promulgated.

Essentially the certification program requires that all ARF administrators successfully complete an approved certification program prior to employment, unless the individual qualifies for an exemption as specified in statute. Legally, completion of the program consists of attending the prescribed classes and passing a state administered test. Exemptions from taking the test can be granted for those who are both licensee and administrator before July 1, 1995. The statute also provides for renewal, revocation, forfeiture of certificates. Mandatory delinquency fees are also prescribed for late renewals.

IMPLEMENTATION:

This program cannot be implemented until regulations are promulgated.

SB 1984 (Bergeson), Chapter 1267

Affects Facility Categories: CCF's, RCFE, CDC and FDCH

SUBJECT: Criminal History Information

SUMMARY:

This law amends Sections 1522, 1568.09, 1568.17, and 1596.871, and adds Sections 1551.1, 1568.0651, 1569.511, and 1596.8871 to, the Health and Safety Code, relating to care facilities.

This statute requires, for those persons who operate, are employed at, or otherwise in contact with, the clients of care facilities, the department to secure from appropriate law enforcement agency, a criminal record to determine whether any person has been convicted of a crime other than a minor traffic violation, or arrested for certain crimes.

The Department will be receiving full disclosure of

SB 1984 (Continued)

criminal record information for the above stated individuals. This represents a significant increase in criminal record information available for each individual. Additionally, full disclosure of criminal record information was previously only available for the Foster Care facility licensing category. As a result of this increase in criminal record information, there will be an increase in the number of persons who are referred to the licensing district offices for investigation for conduct which may pose a risk to client safety.

Individuals can now request exemption processing if the licensee chooses terminate them from employment or contact with the facility and does not seek an exemption on their behalf.

IMPLEMENTATION:

SB 1984 is not currently being fully implemented pending revision to current policies, procedures and regulations. Additionally, the Department will be conferring with the Department of Justice (DOJ) to clarify the type of criminal history that the DOJ would provide the Department based on the statutory changes in Senate Bill 1984. Further information will be provided by the COB at the January, 1995 CCLD Manager's Conference.

III. INFORMATION ONLY

AB 1892 (Polanco), Chapter 1128

Affects Facility Categories: GH, FFH, SFH, FFA

SUBJECT: Foster Care: Eligible Facilities

SUMMARY:

Adds Section 7572.55 to the Government Code. Adds Section 362.2, and amends Section 727.1 of the Welfare and Institutions Code.

Establishes guidelines for the placement of a child with a disability who is seriously emotionally disturbed and a child who is adjudged a ward of the court, in out-of-state residential facilities. Prior to placement in out-of-state facilities, in-state facilities/programs must be considered and found to be unavailable or inadequate to meet the child's specific needs.

IMPLEMENTATION:

This statute affects placement workers and their legal responsibilities.

AB 2592 (Epple), Chapter 358, Statues of 1994

Affects Facility Category: GH

SUBJECT: Juvenile Justice Commissions: Inspections

SUMMARY:

Amends Welfare and Institutions (W&I) Code Section 229.5.

Authorizes juvenile justice commissions to conduct announced visits to group homes for the purpose of reviewing program and services, and the safety and well-being of wards and dependents. The commissions shall have access to group homes located in the county or region the commission serves. Group home managers will be given, at least, 24-hour advance notice. The commission will not review confidential client or personnel records.

In the event the commission finds a condition which poses a danger to residents or a serious violation of licensing laws or regulations, the commission shall notify CCLD and the presiding judge of the juvenile court and the chief probation officer. The commission shall advise the group home manager of the findings at the end of the visit, unless the disclosure would be detrimental to the children in placement.

The commission shall report its findings within 14 days of the visit to the group home manager, presiding judge of the juvenile court, chief probation officer, CDSS or other juvenile justice commissions. The facility may develop a plan of correction with CDSS or meet with the juvenile justice commission, chief probation officer, county welfare director or juvenile court to resolve any problems.

IMPLEMENTATION:

Effective January 1, 1995, juvenile justice commissions may be reporting to CCLD District Offices, conditions which may pose a danger to residents or otherwise violate any applicable, law, ordinance or regulation. Such reports are to be taken by licensing staff as complaints using the existing complaint procedures, or referred to the appropriate agency.

A Memorandum of Understanding (MOU) will be developed with each juvenile justice commission outlining protocol to be followed when reporting commission findings to CCLD District Offices. The MOU will delineate what deficiencies the commissions should report immediately to the facility manager upon completion of the visit, and what deficiencies should not be discussed with the facility manager due to the potential harm such a disclosure may pose to the residents. Juvenile justice commissioners are not mandated child abuse reporters.

AB 3760 (Speier), Chapter 1176

Affects Facility Categories: FFH

SUBJECT: Infant Crib Safety/Shaken Baby Syndrome

SUMMARY:

This law adds Chapter 4.7 to Division 20 of the Health and Safety (H&S) Code. Chapter 4.7 contains two articles that do the following:

Chapter 4.7, Article 1, Sections 24500 through 24506
(Infant Crib Safety Act)

Creates the Infant Crib Safety Act, which establishes crib safety standards that are essentially the same as those of the U.S. Consumer Product Safety Commission (which all new cribs must meet).

Makes it illegal for a "commercial user" to "remanufacture, retrofit, sell, contract to sell or resell, lease, sublet, or otherwise place in the stream of commerce," on or after January 1, 1995, any crib that does not meet the above standards. Child day care providers do not sell cribs and are not considered to be "commercial users."

IMPLEMENTATION:

No action. Although this law does not require the development of new regulations, current regulations on infant cribs may be amended to ensure conformance with the safety standards in the Infant Crib Safety Act. Until then, continue to use the current regulations on infant cribs (Section 101439.1(b) of Title 22).

The Department is not responsible for taking action against a "commercial user" who violated the Infant Crib Safety Act. That would be a law enforcement issue--not a licensing issue.

Chapter 4.7, Article 2, Sections 24520 through 24522
(Shaken Baby Syndrome)

Requires the Department to provide informational and instructional materials on the shaken baby syndrome free of charge to child care providers upon licensure and at the time of a site visit.

IMPLEMENTATION:

Information only. No action until the Department obtains materials for distribution to providers upon licensure and at the time of a site visit.

SB 1365 (Johannessen) Chapter 462

Affects Facility Category: ARF's

SUBJECT: Pilot ARF's in Napa and Riverside Counties

SUMMARY:

This legislation expands the scope of an existing pilot project involving two adult residential facilities--one in Riverside County and one in Napa County.

This bill extends the duration of the pilot two more years, and it increases the maximum capacity of each facility from 10 to 15 residents. In addition, it authorizes the Department of General Services to negotiate with Napa County for the use of Napa State Hospital facilities by one of the two facilities.

IMPLEMENTATION:

Santa Rosa and Riverside District Office staff will enforce the adult residential facility regulations with specific exceptions specified in the statute: On-site medical care by facility staff will be permitted; the facilities may be locked; and all residents will be conservatees and formerly in acute care. Program standards will be established by counties and enforced by the California Department of Mental Health.

SB 1603 (Maddy) (Chapter 985)

Affects Facility Categories: RCFE, CCF, RCF-CI

SUBJECT: Hospice Licensure

SUMMARY:

Health and Safety Code Section 1745 et seq. requires hospices to be licensed by the California Department of Health Services (DHS). Pending the adoption of regulations by DHS, hospice services are required to be provided in compliance with the "Standards for Quality Hospice Care, 1993" as available from the California State Hospice Association.

IMPLEMENTATION:

The Department of Health Services (DHS) is preparing to license hospice organizations. Regulations will be written to require that any agency providing hospice services in licensed facilities be licensed as a Hospice by the DHS.