EVALUATOR MANUAL TRANSMITTAL SHEET

Distribution:	Transmittal No. 00APX-06
___ All Day Care Evaluator Manual Holders _X_ All Residential Care Evaluator Manual Holders ___ All Evaluator Manual Holders	Date issued. December 2000

Subject:

Appendix – CCF: 2000 Chaptered Legislation and Implementation

(Appendix Tab A – Community Care Facilities (Children's Residential)

Reason For Change:

This transmits summaries of legislation chaptered in 2000 affecting Community Care Facilities (Children's Residential). The summaries are divided into two sections as follows:

I. Immediate Action Required – Interim instructions are provided.

II. Information only – No action required by CCLD.

An index is attached to assist staff in locating specific bills. Statutes referenced in this document become operative on January 1, 2001, unless otherwise indicated.

Filing Instructions:

___ REMOVE –

_X_ INSERT – the attached pages into Appendix A. Do not remove similar document from previous years.

Approved:

Carole Jacobi
CAROLE JACOBI, Chief
Policy Development Bureau

December 26, 2000
Date

Contact Person: Connie Fanos Phone Number: (916) 324-4318

SUMMARY AND IMPLEMENATION PLANS
2000 CHAPTERED LEGISLATION

COMMUNITY CARE FACILITIES
(CHILDREN'S RESIDENTIAL)

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Unless otherwise noted, all new legislation becomes effective on January 1, 2001.

When conducting visits, LPAs should ensure that providers are aware of any new requirements.

ACTION REQUIRED

AB 2877 (THOMSON) CHAPTER 93, STATUTES OF 2000

Affects: Community Treatment Facilities

Subject: Modification of Community Treatment Facility Regulations

Summary: This statute suspends certain regulatory requirements for Community Treatment Facilities for the 2000-2001 Budget Year only, after which time the results will be evaluated. There are four modifications:

1) Community Treatment Facilities (CTF) will be exempt from reporting the use of restraints unless the occurrence of restraint results in death, injury, unconsciousness or other medical condition.

2) The department must issue alternative training and education requirements for community treatment facility managers and staff, in consultation with the California Department of Mental Health, patients' rights advocates, local mental health departments, county welfare offices and care providers.

3) Licensing or certification deficiencies will be forwarded to be centrally reviewed by policy staff in the appropriate department before notice of the citation is issued to the facility.

4) The department and the California Department of Mental (DMH) health will conduct joint bimonthly visits to licensed community treatment facilities to monitor operations and provide technical assistance. Copies of DMH reports will be sent to the appropriate CCLD District Office. Copies of CCLD reports will be provided to DMH headquarters staff in Sacramento.

IMPLEMENTATION:

This statute was part of the budget trailer package, and took effect on July 1, 2000. The above information and a table of the alternative training and education requirements for CTFs were previously sent to field staff who have responsibility for this licensing category. The four modifications are effective by statute only until the end of this budget year. However, CCLD will continue them until the evaluation is complete, and a final decision can be made whether to incorporate any or all of them into the regulations.

SB 1896 (ORTIZ), CHAPTER 817, STATUTES OF 2000

Affects: Small Family Homes, Foster Family Homes, Foster Family Agency Certified Family Homes, Group Homes with six or fewer children, Residential Care Facilities for the Elderly, Residential Care Facilities for Persons with Chronic Life-Threatening Illnesses and Adult Residential Facilities

Subject: Fire Safety Requirements for Facilities with Bedridden Clients

Summary: This legislation adds Sections 1566.45, 1568.0832 and amends Section 1569.72 of the Health and Safety Code. These changes clarify that bedridden clients may be admitted to and remain in specific residential community care facilities that secure and maintain an appropriate fire clearance. The changes require the Department and the Office of the State Fire Marshal, in consultation with the Department of Developmental Services, to develop regulations to clarify fire safety and fire clearance requirements for care facilities.

A bedridden child is a non-ambulatory child (as defined in Sections 80001(n)(2) and 87001(n)(2) of the regulations) who also

1) requires assistance in turning and repositioning in bed

<u>or</u>

2) is unable to independently transfer to and from bed, except in facilities with sufficient care staff, necessary mechanical devices, and safety precautions, as determined by the director in regulations.

The determination of bedridden status for persons with developmental disabilities will be made by the licensing agency, in consultation with the services worker representing the Department of Developmental Services, after consulting the child's individual program plan. The determination of bedridden status for all other persons with disabilities who are not developmentally disabled will be made by the licensing agency.

For purposes of this definition, the bedridden status does not include being confined to bed because of any illness that persists for 14 days or less.

The intent of this legislation is to allow bedridden persons to avoid institutionalization and be admitted to, and safely remain in, community-based residential care facilities that provide a home-like setting.

Implementation:

Until final regulations are issued, licensing staff will use the statutory provisions contained in the Health and Safety Code as the authority for citing and implementing. Effective January 1, 2001, licensing staff will use the following policies and procedures:

1. To admit/retain a child who is bedridden:

   - A bedridden fire clearance must be secured and maintained.

   - At the request of the applicant/licensee, the licensing agency will submit a Fire Safety Inspection Request (Form Std 850) for a bedridden fire clearance on behalf of the applicant/ licensee to the local fire authority.

     In the event of a factual dispute, either the licensee, the child's representative, or local fire official may request a written opinion from the Office of the State Fire Marshal concerning the interpretation of the State Fire Marshal regulations. The State Fire Marshal must issue the written opinion within 45 days of the request.

2. Children currently residing in children's residential care facilities under "non-ambulatory fire clearances" in existence on January 1, 2001, may remain in the facility under the existing fire clearance provided that the facility can safely care for the child.

3. A licensee must notify the licensing agency, who will request a "bedridden fire clearance" whenever a new bedridden individual is to be placed in the facility; or building modifications are planned that would affect the existing fire clearance.

4. Any other changes to the status of the license, the licensee, the licensing category, the location of the facility, will require a new bedridden fire clearance.

   The Department Of Social Services will work with the Department of Developmental Services and the Office of the State Fire Marshal to develop and implement regulations consistent with the new statute, and the California Building Code for fire and life safety. CCLD will write and enforce the regulations with the aim of allowing children to remain in home-like settings.

INFORMATION ONLY - NO ACTION REQUIRED

AB 1241 (PACHECO), CHAPTER 916, STATUTES OF 2000

Affects: County Sheriffs, District Attorneys, County Child Welfare Social Services

Subject: Child Abuse and Death Reporting

Summary: This statute expands the list of mandated child-abuse reporters, and allows, but does not mandate, counties to set up interagency death-reporting teams.

AB 1987 (STEINBERG), CHAPTER 909, STATUTES OF 2000

Affects: County Child Welfare Social Workers, Foster Children and Foster Care Providers

Subject: Maintaining Contact Between Separated Foster Siblings

Summary: This statute requires that placement reports to the court fully discuss whether siblings should remain together. It also requires siblings separated by foster placements to be told by the social worker of significant events in the lives of their siblings. The Department's Children and Family Services Division is currently considering whether this bill requires changes to the Division 31 regulations, and will issue an All-County Letter this month detailing their findings.

AB 2164 (PESCETTI), CHAPTER 239, STATUTES OF 2000

Affects: Community Care Facilities (Children's Residential) and Child Care Facilities

Subject: Definition of TrustLine Provider

Summary: This statute amends the Health and Safety Code by adding "any person providing in-home counseling or education services to a minor" to the definition of a TrustLine provider. This addition means that in-home counselors and educators may be TrustLine-cleared.

AB 2623 (PACHECO), CHAPTER 623, STATUTES OF 2000

Affects: Community Care Facilities, Residential Care Facilities for the Chronically Ill, Residential Care For The Elderly and Child Care Facilities

Subject: Criminal Record Information

Summary: This statute adds Section 11105.75 to the Penal Code to require the Department of Justice (DOJ) to provide conviction information to the Department even if the information has not been verified with fingerprints. Before giving the conviction information to the Department, DOJ must compare all of an individual's identifying characteristics with those that appear in the criminal history to ensure that they are the same person. The Department will assume that the information provided by DOJ is accurate, and will process it the same way it processes any other criminal history information. If the Department takes an action based on the non-fingerprint-verified information, the individual may appeal the action on the grounds that he/she is not the correct person.

SB 567 (SPEIER), CHAPTER 657, STATUTES OF 2000

Affects: Children's residential facilities

Subject: Car Seat Requirements

Summary: **The major provisions of this statute are not effective until January 1, 2002.**

The statute adds Section 27360 to the Vehicle Code to require children to be transported in a child car seat meeting federal safety standards, unless the child: 1) is at least six years of age or older; OR 2) weighs 60 pounds or more.

Current law requires children under the age of four (regardless of weight), or weighing less than 40 pounds (regardless of age), to be transported in an approved child car seat.

Both current law and SB 567 apply to all motor vehicles except motorcycles, vehicles designed for more than 10 occupants (buses), and emergency vehicles.

SB 1992 (CHESBRO), CHAPTER 819, STATUTES OF 2000

Affects: Community Care Facilities, Residential Care Facilities for the Chronically Ill, Residential Care Facilities for the Elderly and Child Care Facilities

Subject: Fingerprint Clearances and Exemptions

Summary: This statute adds the following convictions to the list of crimes for which the Department cannot grant an exemption:

- ✓ Torture
- ✓ Car jacking
- ✓ Willful poisoning knowing it will be taken by a human being
- ✓ Unlawfully using a loaded firearm on the grounds of a child care facility
- ✓ Arson causing great bodily injury
- ✓ Arson of an inhabited structure
- ✓ Sexual exploitation by a physician, psychotherapist, counselor, etc.

The legislation also provides the Department flexibility in all licensing categories to determine, by regulation, who may be exempt from background check requirements. It allows the Department flexibility to cease or continue processing a license application when an applicant is awaiting trial. If there are adequate grounds to deny a license without the results of the trial, the Department may deny the license without waiting for the completion of the trial. Previously, if an individual was awaiting trial, the law required the Department to cease all aspects of processing an application, including a denial, until the trial was completed. The legislation also clarifies language regarding exemptions for medical professionals.