

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814

**REASON FOR THIS TRANSMITTAL**

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Initiated by CCL

CCL INFORMATION RELEASE NO. 2007-01

TO: ALL ADULT CARE PROGRAM STAFF

SUBJECT: ADULT DAY PROGRAMS REGULATIONS

The Adult Day Programs (ADP) regulations became effective January 12, 2007, and are the result of Senate Bill 1982, Chapter 773, Statutes of 2002. This statute required the California Department of Social Services (CDSS) to adopt regulations to combine the then existing categories of Adult Day Care Facilities and Adult Day Support Centers into the new Adult Day Program category.

All applicable regulations for these facilities are no longer split between two chapters and can be found in the California Code of Regulations, Title 22, Division 6, Chapter 3, titled "Adult Day Programs". A copy of the regulations can be obtained from the CDSS website at <http://www.dss.cahwnet.gov/getinfo/pdf/f070405rfinal.PDF>. Licensing staff are required to read and become familiar with the new ADP regulations.

Some of the highlights in these new regulations are as follows:

- Administrators are required to have a baccalaureate degree and one year of experience, **or** three years experience with at least one year in a management or supervisory position, pursuant to section 82064(a);
- Facilities are to have one direct care staff for every eight clients, or fraction thereof pursuant to Section 82065.5(b);
- Facilities are to develop a detailed Needs and Services Plan, pursuant to Section 82068.2(f);
- Facilities are to have a written plan for internal evaluation of the Adult Day Program's operation and services, pursuant to Section 82022(f);
- Two or more staff shall be on duty at all times (one of which is required to be direct care staff) when there are two or more clients in the day program, pursuant to Section 82065(o).

Licensing staff may experience an increase in waiver or exception requests from ADP licensees who need additional time to comply with the newly adopted regulations.

To assist in successfully transitioning these licensees to full compliance with these new regulations, the Community Care Licensing Division (CCLD) staff, upon receipt of an exception or waiver request, may grant such requests as appropriate.

On February 22, 2007, CCLD issued a letter to all ADP licensees stating these regulations are now effective, that licensees may request a waiver or exception if they feel they need time to comply with a specific regulation(s), and to update their plan of operation pursuant to Section 82022. A copy of the letter can be found on the CDSS website at <http://ccl.dss.cahwnet.gov/res/pdf/ADPregs.pdf>.

All Adult Day Care Facilities and Adult Day Support Centers were merged in the Licensing Information System in 2003 and licensed as Adult Day Programs; however no new physical licenses were issued to licensees. Each licensing office must ensure that an updated license is issued to each ADP no later than April 30, 2007, and that a copy is placed in the CCLD facility file. During field visits, CCLD staff must ensure that the ADP facilities have updated their Plans of Operation to comply with these new regulations. These updates are subject to approval by the licensing office pursuant to Title 22, Section 82022(g). A copy of the updated Plan of Operation must be placed in the facility file.

If you have any questions or need further information, please contact Seton Bunker, Manager of the Adult Care Policy Unit, at (916) 322-1192.

Sincerely,

***[Original signed by Jeff Hiratsuka for
Jo Frederick on February 27, 2007]***

JO FREDERICK, Deputy Director
Community Care Licensing Division