



CDSS

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TO: ALL CHILD CARE PROGRAM STAFF
CHILD CARE ADVOCATES
CENTRAL COMPLAINT AND INFORMATION BUREAU STAFF

FROM: *Original signed by Pam Dickfoss*
PAM DICKFOSS
Deputy Director
Community Care Licensing Division

SUBJECT: INCIDENTAL MEDICAL SERVICES / ADA INFORMATION

The below Americans with Disabilities Act (ADA) information will be included in the Child Care Quarterly Newsletter which will be issued this week. This information will inform child care licensees of their ADA obligations as they relate to providing incidental medical services (IMS) to children in care at their facilities. Licensing staff may also share this information with licensees, applicants, parents, and the public when questions arise or during conversations related to ADA and/or IMS. Regulation Interpretations and Procedures for California Code of Regulations, Title 22, Sections 101173, 101226, and 102417 will also be updated to include the below information. ***When speaking with licensee's about IMS, please be consistent with this message.***

“The mission of the Child Care Licensing Program is to ensure the health and safety of children in care. As a licensed child care provider, it is not only important that you maintain compliance with Community Care Licensing laws and regulations, but you are also required to comply with other laws and regulations as well. In this edition of the quarterly newsletter, I would like to highlight the Americans with Disabilities Act.

As places of public accommodation, licensed child care facilities have obligations under federal and state disability laws including Title III of the Americans with Disability Act 1990, 42 U.S.C. 12181, et seq. (“ADA”) and the California Unruh Civil Rights Act and California Disabled Persons Act. (Cal. Civ. Code §§ 51 et seq and 54 et seq.) It is the responsibility of each child care licensee to determine its legal obligations under the ADA and California disability laws. Disability laws require a child care facility to undertake an individualized assessment of a situation if the child care facility receives a request to provide incidental medical service as an accommodation to a child with a

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disability. Consistent with its policies, the Department permits the provision of incidental medical services in licensed child care facilities. You may want to consult with an attorney for advice.

The United States Department of Justice (DOJ) operates a toll-free ADA Information Line to provide information and materials to the public about the requirements of the ADA. The ADA Specialists, who assist callers in understanding how the ADA applies to their situation, are available on Monday, Tuesday, Wednesday, and Friday from 9:30 a.m. until 5:30 p.m. (Eastern Time) and on Thursday from 12:30 p.m. until 5:30 p.m. (Eastern Time). Calls are confidential. To get answers to technical questions, obtain general ADA information, or order free ADA materials, child care facilities, parents, and other members of the public may call (800) 514-0301 (voice) / (800) 514-0383 (TTY)."

The DOJ publications include a Commonly Asked Questions about Child Care Centers and the ADA, available at <http://www.ada.gov/childqanda.htm>."