

DAY CARE EVALUATOR MANUAL RESIDENTIAL CARE EVALUATOR MANUAL

TRANSMITTAL SHEET

Number

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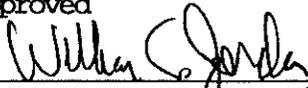
Distribution All Day Care Evaluator Manual Holders
All Residential Care Evaluator Manual HoldersDate Issued
January 1994

Subject

APX CCF/RCF-CI: 1993 Chaptered Legislation and Implementation

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

Approved



WILLIAM C. JORDAN, Chief

Type of Change

 Temporary Permanent

REASON FOR CHANGE

This transmits summaries of legislation chaptered in 1993 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, 1994 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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LIC9025 (8/87)

SUMMARY OF 1993 CHAPTERED
COMMUNITY CARE FACILITIES AND
RESIDENTIAL CARE FACILITIES FOR THE CHRONICALLY ILL

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I. **LAWS THAT WILL BE IMPLEMENTED IMMEDIATELY**

AB 21 (Umberg), Chapter 293

Affects Facility Categories: CCF, RCF-CI
Also: RCFE

Subject: Limitations Relating to Donative Transfers

Probate Code Sections 21350 and 21351 - AB 21 added these two sections to the Probate Code to limit circumstances under which any person or his or her cohabitant or relative, as defined, can create or cause to be created an instrument for a donative transfer (e.g., a will) when that person would benefit by the transfer. The restriction does not apply if the person and the transferrer cohabit or are related, if the instrument is approved by a court of jurisdiction, or if an impartial attorney certifies that the transferrer has been counseled about the intended transfer.

The limitations imposed by AB 21 apply to licensees who are representative payees. For example, a licensee who is a client's/resident's representative payee would be prohibited from drafting, or causing to be drafted, that client's/resident's will if the licensee were named as a beneficiary of the will.

Implementation:

If CCLD staff have sufficient reason to believe that a licensee who is a representative payee has violated the restrictions specified in the law, forward an audit request with available documentation to the Audit Section at COB.

AB 636 (Bates), Chapter 673

Affects Facility Categories: FFA, GH, SFH, FFH

Subject: Placement of Special Health Care Needs Children.

This new law amended Sections 17710, 17730, 17731, 17732, and 17736 of the Welfare and Institutions Code. The statute revises the scope of medical conditions requiring in-home health care for children placed in specialized foster care homes. Specialized foster care homes now include certified family homes (CFH) of foster family agencies, as well as small family and foster family homes.

The definition of "child with special health care needs" now includes children with medical conditions that can rapidly deteriorate causing permanent injury or death.

The statute allows children with special health care needs placed in group homes (GHs) to reside there indefinitely if they were in placement as of January 1, 1992, but only on a short-term basis otherwise. Scope of practice laws are waived with respect to children placed in a GH on or before November 1, 1993. Scope of practice laws continue to be waived for SFHs and FFAs.

Specialized FFHs and CFHs are prohibited from accepting more than three children. SFHs may exceed the three child limit but necessary documentation for each additional child is required. A 24 hour assistant caregiver is required to be present in the SFH when four or more children are present in the home.

Implementation:

The Central Operations Branch will distribute an interim guide in early January 1994. Evaluators licensing facilities caring for children with special health care needs should follow the instructions contained in the guide until regulations become effective. Training for CCL staff, county placement and providers will be provided in the spring.

AB 960 (Bates) Chapter 475

Affects Facility Category: CCF

Subject: Interim Hearings for TSOs

The time frames and procedures for Interim Hearings for CCFs have been changed slightly:

1. The Department must notify the licensee upon service of a TSO of their right to seek review of the order by the Superior Court.
2. The licensee will request an interim hearing through the Office of Administrative Hearings.
3. A request must be made within 5 days. (formerly 10)
4. The hearing must be set within 10 days. (formerly 5)
5. The Office of Administrative Hearings notifies the licensee of the hearing and posts a public notice.
6. Evidence at the hearing is limited to the department's accusations and TSO.
7. The Department will have been deemed to abuse discretion of TSO if the accusation and order fails to allege facts and conditions.

Implementation:

These are actions which will be handled primarily by the Legal Division or Office of Administrative Hearings when a TSO is Being Served. The Changes will be incorporated in the revisions currently in process in the Enforcement Actions Section of the Evaluator Manual. Additionally, Legal Office Memo 93-09, November 4, 1993, provides updated procedures for these TSOs.

AB 2342 (Peace), Chapter 1278

Affects Facility Categories: Adult Day Care and Adult Day Support Center

Subject: Application and Annual Licensing Fees

Application and annual fees for Adult Day Care and Adult Day Support Centers have been decreased and the fee for processing an application for a license for facilities with a capacity of 15 or fewer has been deleted. The new fees are:

<u>Capacity</u>	<u>Original Application</u>	<u>Annual</u>
1-15	\$0	\$50
16-30	\$100	\$100
31-60	\$200	\$200
61-75	\$250	\$250
76-90	\$300	\$300
91-120	\$400	\$400
121+	\$500	\$500

Implementation:

The Licensing Information System will be reprogrammed to reflect these fee changes on the Annual License Fee Notices (LIC 201F) sent to ADC and ADSCs.

The "All CCF/RCF-CI Licensee" letter regarding 1993 chaptered legislation explains the reduction in fee amounts to licensees. The LIS programming has been completed so the new rates will be shown on the December 1993 run of annual fee notices. Since the notices are generated from LIS 120 days prior to the annual fee due date, the new rates will be shown on the notices for May 1994. In the interim, we have advised licensees to pay only the new annual fee amount regardless of the fee amount shown due on the LIC 201F bill. Those licensees who have already paid their 1994 licensing fee, and paid the higher amount, are being instructed to obtain a photocopy of the front and back of their cancelled check or other proof of payment and send it, along with their request for refund, to the local licensing district office.

SB 465 (Marks), Chapter 248

Affects Facility Category: FFA

Subject: Placement of Adults with Developmental Disabilities.

This new law amended Sections 1502, 1506 and 1530.5 of the Health and Safety Code. The law provides that a child with a developmental disability who is placed in a certified family home (CFH) by a foster family agency (FFA), that is operating under agreement with the regional center responsible for that child, may remain in the CFH after the age of 18 years. The determination regarding whether and how long the child may remain shall be made through the agreement of all parties involved, including the child, the certified parent(s), the FFA social worker, the regional center case manager, and the child's parent(s), legal guardian, or conservator. This determination shall include a current needs and services plan to assess the child's needs to ensure continued compatibility with the other children in placement.

Implementation

District office (DO) staff shall no longer be required to process age exceptions for developmentally disabled (DD) children to remain after the age of 18 years in CFHs of FFAs that have an agreement with the regional centers responsible for the children. DO staff shall review the FFA file to ensure an agreement has been reached between the FFA and the regional center(s). Staff shall review the child(ren)'s file maintained by the FFA to ensure a current needs and services plan was developed to ensure continued compatibility with other children in the CFH.

This change only affects DD children already in placement in a CFH. Placement of persons with a developmental disability who are 18 years of age or older is prohibited.

II. LAWS THAT NEED REGULATIONS OR FURTHER INSTRUCTIONS BEFORE IMPLEMENTATION

AB 623 (Friedman), Chapter 1215

Affects Facility Category: RCF-CI

Subject: Programmatic Revisions to the RCF-CI Category

AB 623 made a number of important changes to the RCF-CI statute as follows:

1. Family units may be placed in an RCF-CI. A family unit is defined as a parent or guardian and one or more custodial children. Either the parent or the children (or both) has HIV disease or AIDS.

2. The definition of an unlicensed RCF-CI was revised to be more applicable to the common care arrangements for people with AIDS.
3. An RCF-CI licensee may hold another CCLD license at the same site so long as services required by each license are provided at separate locations or separate sections of the same location.
4. CCLD must designate one or more LPAs in each Region to be responsible for RCF-CIs.
5. CCLD now has the statutory authority to inspect unlicensed facilities.
6. RCF-CI administrators may, under specific circumstances, oversee more than one facility.
7. RCF-CI orientations may be less than 2 days.
8. The Department is no longer required to conduct a pilot project on residential care for children and families with AIDS.

Implementation:

Regulations implementing these changes have been drafted, and public forums on them were held in December, 1993. Regulations will be ready for public hearing in the Spring, 1994.

AB 1197 (Bates), Chapter 1088

Affects Facility Category: CCF

Subject: Licensing Standards for Children's Residential Facilities that Care for Children Under the Age of 6 Years.

The statute requires the development of licensing standards for Group Homes and Temporary Shelter Facilities that care for children 6 years and younger. As a prerequisite to establishing these standards, the department must first obtain the recommendations of a committee of experts as specified in statute.

Implementation:

The district office shall use existing procedures to license group homes for children six years or younger pending the development of specialized regulations for the licensure of group homes and temporary shelter care facilities that care for this population.

AB 1198 (Bates), Chapter 799

Affects Facility Category: CCF

Subject: Independent Living Programs Project

The statute requires the department to develop independent living projects (transitional housing) in three counties, not yet selected, to provide supervised apartment living services for 17 and 18 year old eligible children. These children must be in out-of-home care and must be supervised by the county welfare or probation department. The department is required to adopt emergency regulations to license these transitional living facilities. The statute provides that if the first three projects are successful the department may license additional programs.

Implementation:

The district offices shall not accept an application nor license any transitional living centers until the requisite emergency regulations have been adopted.

AB 1896 (Bornstein), Chapter 1055

Affects Facility Categories: ARF, Social Rehabilitation Facilities

Subject: Training on TB and AIDS

AB 1896 requires ARF administrators and Social Rehabilitation Facility Program Directors to complete four hours of training on TB and AIDS and biannual update training.

Implementation:

By June 1, 1994 regulations will be prepared for Public Hearing. The regulations will specify the content of the required training and the agencies qualified by the statutory language to provide the training.

AB 2129 (Committee on Human Services), Chapter 1089

Affects Facility Category: CCF

Subject: Foster Care Initiative

The statute requires that no foster family home license is to be issued unless a home interview has been conducted as required by Health and Safety Code, Section 1521.3.

Language is added to the Health and Safety Code to require the department, and other specified entities, to develop and implement licensing standards that would require an acceptable home study as a prerequisite for foster family home licensure.

Implementation:

District office staff responsible for foster family home licensing shall continue to require the completion of a home interview conducted by the county prior to the issuance of any FFH license. No further action is necessary until criteria for the home study and new regulations are developed.

SB 282 (Morgan), Chapter 1245

Affects Facility Category: CCF

Subject: Mental Health Treatment of Minors - Community Treatment Facilities (CTFs)

The statute defines the types of children that can be placed in CTFs and allows for the licensure of CTFs that have the capacity to provide secure containment in either a portion of or the entire physical plant. The number of CTFs statewide is limited to a maximum of 400 beds. The statute requires the Department of Mental Health (DMH) to set the standards for approving the CTF programs and to certify/approve the CTF program as a prerequisite to licensure. The statute also requires DMH to maintain a tally of the number of CTFs licensed to ensure that the total number does not exceed the statutory limit of 400 beds.

The statute further requires the department, with the advice and assistance of the DMH, to adopt regulations for the licensure of CTFs no later than December 31, 1994.

Implementation:

Until regulations are developed, the district offices shall not accept applications for the licensure of CTFs.

III. INFORMATION ONLY

AB 1242 (V.Brown), Chapter 688

Affects Facility Category: FFAs

Subject: Services for Emotionally Disturbed Children.

Adds Chapter 6.3 (commencing with Section 18360) to Part 6 of Division 9 of the Welfare and Institutions Code. The statute establishes a pilot project for specified students being discharged from Napa State Hospital and placed in a public school program. It requires DSS to implement an intensive foster care program for the same specified children. The project shall be implemented in each county in which an eligible child resides or in the nearest county available in which necessary services can be provided. The project shall be limited to participation by one FFA in each county. The FFA must have a contract with the county for the provision of mental health treatment for children. Participation in the project shall be limited to no more than 9 children per year.

The statute mandated additional requirements for FFAs that choose to provide services to these children. Additional staffing requirements, training of certified parents, limit of the number of emotionally disturbed children placed in a CFH and more stringent social worker caseload sizes are mandated by this law. In the pilot phase of this project, these additional requirements will be monitored by the local superintendent of schools. Amendments to licensing requirements will be considered after the pilot.

Implementation:

Information only, no action required. In the pilot phase of this project, these additional requirements will be monitored by the local superintendent of schools. Amendments to licensing requirements will be considered after the pilot which sunsets on September 30, 1996.