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Regulation Package # 0311-01

CDSS MANUAL LETTER NO. CCL-11-01

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22,
DIVISION 6, CHAPTER 7.3, CRISIS NURSERIES

Regulation Package #0311-01

Effective 10/29/11

Sections 86500 and 86501

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG639.htm>.

Crisis Nurseries (CN) are defined as facilities, licensed by the Department, which provide short-term, 24-hour nonmedical residential care and supervision for children under six years of age, who are either voluntarily placed for temporary care by a parent or legal guardian due to a family crisis or a stressful situation, for no more than 30 days or, who are temporarily placed by a county child welfare services agency for no more than 14 days.

Senate Bill (SB) 1214 (Chapter 519, Statutes of 2010) amended Health and Safety Code section 1516 by incorporating additional language to the definition of “voluntary placement.” The new language excludes the voluntary placement of children in CN whom have been removed from the care and custody of his or her parent(s) or legal guardian(s) and placed in foster care by a child welfare services agency. CN are now only able to accept voluntary placements from parent(s) or legal guardian(s). Additionally, SB 1214 ultimately extends the sunset date for CN from July 1, 2011 to January 1, 2014, with certain statutory changes occurring on July 1, 2012.

The amended regulations clarify the type of clients CN are allowed to provide care and supervision for, as well as preserve the licensed category until January 1, 2014 to allow families in crisis to utilize its services.

These regulations were considered at the Department's public hearing held on July 13, 2011.

FILING INSTRUCTIONS

The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-10-13. The latest prior manual letter containing Crisis Nurseries regulation changes was Manual Letter No. CCL-10-04.

Page(s)

Cover
4 and 5
14 through 15

Replace(s)

Cover
Pages 4 and 5
Pages 14 and 15

Attachments

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Manual of Policies and Procedures
COMMUNITY CARE LICENSING DIVISION

CRISIS NURSERIES

Division 6

Chapter 7.3



STATE OF CALIFORNIA
HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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CHAPTER 7.3 CRISIS NURSERIES**Article 1. GENERAL REQUIREMENTS AND DEFINITIONS****86500 GENERAL 86500**

- (a) A Crisis Nursery, as defined in Section 86501(c), shall be governed by the provisions specified in Chapter 7.3.
- (b) The provisions of Chapter 1, General Licensing Requirements shall not apply to Chapter 7.3, Crisis Nurseries.
- (c) The provisions of Chapter 7.3 shall remain in effect until January 1, 2014, unless a statute is enacted before January 1, 2014, which deletes or extends that date.

NOTE: Authority Cited: Section 1516(k) and 1530, Health and Safety Code. Reference: Sections 1501, 1502, and 1516, Health and Safety Code.

86501 DEFINITIONS 86501

- (a) (1) "Accredited schools, colleges or universities, including correspondence courses offered by the same," means those educational institutions or programs granted public recognition as meeting established standards and requirements of an accrediting agency authorized by the U.S. Secretary of Education.
 - (A) Authorized accrediting agencies include the Accrediting Commission, National Home Study, the Accrediting Bureau of Health Education Schools, the Association of Independent Colleges and Schools, the National Association of Trade and Technical Schools, and the Western Association of Schools and Colleges.
- (2) "Administrator" means the adult designated by the licensee who meets the requirements of Section 86564 to act in the licensee's behalf in the overall management of the crisis nursery.
 - (A) "Administrator Designee means a lead caregiver as specified in Section 86565(p) designated by the administrator to act on his or her behalf in the overall management of the crisis nursery.
- (3) "Adult" means a person who is 18 years of age or older.
- (4) "Applicant" means any corporation specified in Health and Safety Code Section 1516(b), that has made an application for licensure of a crisis nursery.

86501 DEFINITIONS (Continued)

86501

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(A) Health and Safety Code Section 1516(b) provides:

"Crisis nurseries shall be organized and operated on a nonprofit basis by private nonprofit corporations or nonprofit public benefit corporations."

HANDBOOK ENDS HERE

- (5) "Approved schools, colleges or universities, including correspondence courses offered by the same," means those approved/authorized by the U.S. Department of Education, Office of Postsecondary Education or by the California Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education.
- (6) "Authorized Representative" means any person or entity authorized by law to act on behalf of any child. Such person or entity may include, but not be limited to, a minor's parent, a legal guardian, or a public placement agency.
- (b) (1) "Basic Rate" means the rate charged by the crisis nursery to provide basic services.
- (2) "Basic Services" means those services required by applicable law and regulation to be provided by the licensee in order to obtain and maintain a crisis nursery license.
- (c) (1) "California Clearance" means an individual has no felony or misdemeanor convictions reported by the California Department of Justice. However, the individual may have been arrested with no criminal conviction, convicted of a minor traffic offense or adjudicated as a juvenile.
- (2) "Capacity" means the maximum number of children authorized to be provided care and supervision at any one time in a crisis nursery.
- (3) "Care and Supervision" means one or more of the following activities provided by a person or the crisis nursery to meet the needs of the children:
- (A) Assistance in feeding, dressing, grooming, bathing and other personal hygiene.
- (B) Assistance with taking medication, as specified in Section 86575(b).
- (C) Central storing and/or distribution of medications, as specified in Section 86575(b).
- (D) Arrangement of and assistance with medical, dental, and vision care including transportation, as specified in Section 86575(a).
- (E) Maintenance of house rules for the protection of children.

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(A) Health and Safety Code Section 1503.5 provides in part:

- "(a) A facility shall be deemed to be an 'unlicensed community care facility' and 'maintained and operated to provide non-medical care' if it is unlicensed and not exempt from licensure and any one of the following conditions is satisfied:
- (1) The facility is providing care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
 - (2) The facility is held out as or represented as providing care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
 - (3) The facility accepts or retains residents who demonstrate the need for care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
 - (4) The facility represents itself as a licensed community care facility..."

HANDBOOK ENDS HERE

- (v) (1) "Voluntary placement," means a child who meets the requirements of Health and Safety Code Section 1516(c).

HANDBOOK BEGINS HERE

Health and Safety Code section 1516 provides in part:

- (c) "Voluntary placement," for purposes of this section, means a child, who is not receiving Aid to Families with Dependent Children-Foster Care, placed by a parent or legal guardian who retains physical custody of, and remains responsible for, the care of his or her children who are placed for temporary emergency care, as described in subdivision (a). Voluntary placement does not include placement of a child who has been removed from the care and custody of his or her parent or legal guardian and placed in foster care by a child welfare services agency.

HANDBOOK ENDS HERE

86501 DEFINITIONS (Continued)**86501**

- (2) "Volunteer" is a non-paid crisis nursery staff person who meets the training requirements as specified in Section 86565(w).
- (w) (1) "Waiver" means a nontransferable written authorization issued by the Department to use alternative means that meet the intent of a specific regulation and are based on a facility-wide need or circumstance.
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)

NOTE: Authority Cited: Sections 1530, Health and Safety Code. Reference: Section 297, Family Code; Sections 1501, 1502, 1503, 1503.5, 1511, 1516, 1520, 1522, 1525, 1526, 1526.8, 1531, 1533, 1534, 1536.1, 1538, and 1538.5, Health and Safety Code; and Sections 11400 and 17710, Welfare and Institutions Code.

86501.5 DEFINITIONS – FORMS**86501.5**

- (a) The following forms, which are incorporated by reference, apply to the regulations in Title 22, Division 6, Chapter 7.3 (Crisis Nurseries).
- (1) LIC 165 (8/07) – Board of Directors Statement
 - (2) LIC 198 (2/01) – Child Abuse Central Index Check for County Licensed Facilities.
 - (3) LIC 198A (8/07) – Child Abuse Central Index Check for State Licensed Facilities.
 - (4) LIC 200 (8/04) – Application for a Community Care Facility or Residential Care Facility for the Elderly License.
 - (5) LIC 300A (9/03) – Removal Confirmation – Exemption Needed.
 - (6) LIC 300B (9/03) – Removal Confirmation – Denial.
 - (7) LIC 300C (9/03) – Removal Confirmation – Rescinded.
 - (8) LIC 300D (9/03) – Removal Confirmation – Non-Exemptible.
 - (9) LIC 301E (7/03) – Reference Request.
 - (10) LIC 309 (6/01) Public – Administrative Organization.
 - (11) LIC 400 (1/99) Public – Affidavit Regarding Client/Resident Cash Resources.
 - (12) LIC 401 (3/01) – Monthly Operating Statement.
 - (13) LIC 403 (11/02) – Balance Sheet.
 - (14) LIC 403A (12/02) – Balance Sheet Supplemental Schedule.
 - (15) LIC 404 (7/99) (Personal) – Financial Information Release and Verification.
 - (16) LIC 508 (1/03) – Criminal Record Statement.
 - (17) LIC 9182 (12/06) – Criminal Background Clearance Transfer Request.
 - (18) LIC 9188 (12/06) – Criminal Record Exemption Transfer Request.
 - (19) LIC 9219 (10/06) – Crisis Nursery Monthly Report.
 - (20) LIC 9219A (10/06) – Crisis Day Care Sign-In/Sign-Out Sheet.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1520, 1522 and 1522.1, Health and Safety Code.

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