

11-402 **GROUP HOME RATE SETTING** **11-402**

.1 Group Home Rate Determination Process - General Overview

- .11 The Department shall determine the RCL for each nonprofit group home program and crisis nursery utilized for AFDC-FC placements to set a rate using the standardized schedule of rates.

HANDBOOK BEGINS HERE

Welfare and Institutions Code Section 11462.7(c) states:

- "(c) Until the department adopts emergency regulations for establishing a rate for crisis nurseries, the rates shall be established using the foster care rate system for group homes and subject to all of the requirements of Article 6 (commencing with Section 11450) of Chapter 2 of Part 3 of Division 9."

HANDBOOK ENDS HERE

- .111 For the period of Fiscal Year 1992-93 from January 1, 1993, through June 30, 1993, the Department shall establish a rate for a group home which changes status from for-profit to nonprofit if the following requirements are met:
 - (a) The group home program had a rate established prior to January 1, 1993, as a group home organized and operated as an unincorporated proprietorship, a partnership, or a for-profit corporation;
 - (b) The group home has organized and is operating on a nonprofit basis as of January 1, 1993; and
 - (c) The documentation in Section 11-402.354 has been submitted by January 1, 1993.
- .12 The RCL shall be determined using points which measure the number of weighted eligible hours per child per month of CCS, Social Work Activities, and Mental Health Treatment Services.
 - .121 For program classification, only those hours in the program components of CCS and Social Work Activities funded through the AFDC-FC program and unrestricted private donations shall be used to calculate program classification points.
 - .122 For the purpose of calculating points for program classification, weighted eligible hours in the program components of CCS and Social Work Activities may include hours paid by the group home with funds received from another public agency using a source other than the AFDC-FC program when the written agreement or contract between the group home and the public agency specifies that the funds will not be used to pay for additional hours, but will be used by the group home to supplement the wage which would otherwise be paid with AFDC-FC funds.

11-402 GROUP HOME RATE SETTING (Continued) 11-402

- .123 The weighted eligible hours of CCS and Social Work activities that a provider may include for the purpose of calculating points for program classification shall be reduced when the provider utilizes funds from a public source other than the AFDC-FC program unless the conditions specified in Section 11-402.122 are met.

- .124 Program hours shall be allocated based on an empirical allocation methodology which shall account for eligible and ineligible AFDC-FC program hours. The allocation methodology used to determine the total number of hours which are eligible for program classification points shall include, but not be limited to, the following: eligible and ineligible program classification funding sources; or eligible and ineligible service hours in child care and social work; or the number of AFDC-FC eligible children versus ineligible children; or an allocation based on square footage or any other allocation methodology agreed to in advance of the beginning of the fiscal year between the Department and the provider.

- .13 The number of points determine the RCL for each group home program.

- .14 There is a corresponding standard rate for each RCL.

- .15 The standardized schedule of rates for fiscal years 2002-03, 2003-04, and 2004-05 is specified in Welfare and Institutions Code Sections 11462(f)(1).

HANDBOOK BEGINS HERE

Welfare and Institutions Code Section 11462(f)(1) provides:

Rate Classification Level	Point Ranges	Standard Rate FY 2002-03, 2003-04, and 2004-05
1	under 60	\$1,454
2	60- 89	1,835
3	90-119	2,210
4	120-149	2,589
5	150-179	2,966
6	180-209	3,344
7	210-239	3,723
8	240-269	4,102
9	270-299	4,479
10	300-329	4,858
11	330-359	5,234
12	360-389	5,613
13	390-419	5,994
14	420 & up	6,371

HANDBOOK ENDS HERE

11-402 GROUP HOME RATE SETTING (Continued) 11-402

- .16 The standardized rate for each RCL shall be increased by 2.36% commencing January 1, 2000 for the remainder of fiscal year 1999-00.
- .17 Beginning with fiscal year 2000-01, the standardized schedule of rates shall be adjusted annually by an amount equal to the CNI, subject to the availability of funds.
- .18 Requirements of rate classification levels (RCLs) of 13 or 14:
 - .181 The group home program shall meet all of the following requirements:
 - (a) Generate sufficient points to be classified at RCL 13 or RCL 14;
 - (b) Agree not to accept any child unless the child is either an assessed/qualified child, as defined in Section 11-400a.(2), or an emergency placement, as defined in Section 11-400e.(2); and
 - (c) Meet the certification requirements of a Certified Group Home Program, as defined in Section 11-400c.(2).
 - .182 The determination that a child is an assessed/qualified child and the approval for placement of an AFDC-FC funded child shall be completed, in writing, by an Interagency Placement Committee (IPC), except as follows:
 - (a) Group home providers may accept seriously emotionally disturbed children who are assessed and placed out-of-home pursuant to an Individualized Education Program (IEP) in lieu of being assessed and approved for placement by the IPC. An IEP developed under Section 7572.5 of the Government Code shall be deemed to have met the IPC requirements for approval for placement if it contains the following:
 - (1) The IEP must indicate that the child has been determined to be seriously emotionally disturbed; and
 - (2) The IEP must indicate the child is in need of the level of care provided by the group home program.
 - (b) For a child whose referral into a group home program classified at RCL 13 or RCL 14 is not from a public agency and no public funds are involved, placement into a group home program classified at RCL 13 or RCL 14 shall not occur unless the child has been assessed. The assessment to determine whether the child is seriously disturbed and in need of the level of care and supervision provided by the group home program shall be completed by a mental health professional.
 - (1) There shall be no requirement for either an assessment by the IPC or for a determination of need.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (c) A child whose placement is county-only funded shall not be placed in a group home program classified at an RCL 13 or RCL 14 unless the child has been assessed by a mental health professional. The child must be assessed as seriously emotionally disturbed and in need of the level of care and supervision provided by the group home program classified at RCL 13 or RCL 14.

- .183 If an AFDC-FC funded child who is placed does not have written approval from the IPC for placement:
 - (a) The group home provider shall notify within 24 hours of discovery the county placing agency, in writing, and shall request the county to either obtain approval from the IPC or remove the child from the group home program.

 - (b) If the county placing agency fails to either obtain approval for placement of the child from the IPC or remove the child from the group home program within 30 days from the date of the notice from the group home provider, as required in Section 11-402.183(a) the group home provider shall:
 - (1) Notify the county placing agency and the Department, in writing, within 5 days after the expiration of the 30-day approval or removal period, of the county's failure to remove the child from the group home program.
 - (A) The 30-day approval or removal period begins on the date of notification by the group home provider to the county that the child has not been approved for placement.

 - (c) If the county placing agency fails to either obtain approval for placement of the child from the IPC or remove the child from the group home program within 30 days, the county shall be assessed a penalty by the Department:
 - (1) The penalty shall be in the amount of the state and federal financial participation in the AFDC-FC rate paid on behalf of the child.

 - (2) The penalty will commence on the 31st day of placement and continue until the child is removed.

 - (d) If the group home provider fails to notify the county placing agency as required by Section 11-402.183(b)(1), the group home provider shall be assessed a penalty:

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (1) The penalty shall be assessed against the group home provider by the county in the amount of the AFDC-FC rate paid on behalf of the child;
 - (2) The penalty shall commence on the 31st day of placement and shall continue until the provider notifies the county placing agency.
- .184 For the emergency placement of a child into a certified group home program classified at RCL 13 or RCL 14 prior to determination that the child qualifies as an assessed/qualified child:
- (a) Within 72 hours of the emergency placement in the group home program, a child receiving AFDC-FC funding, shall be evaluated, in writing, by a mental health professional as being seriously emotionally disturbed and in need of the level of care and supervision provided; and
 - (b) Within 30 days of the emergency placement, the IPC shall determine if the child qualifies as an assessed/qualified child.
 - (1) For the child whose placement is determined to be appropriate, the IPC shall transmit approval, in writing, to the county placing agency and to the group home provider;
 - (2) For the child whose placement is determined not to be appropriate, the county placing agency shall immediately remove the child.

HANDBOOK BEGINS HERE

- (c) Welfare and Institutions Code Sections 11462.01(a)(2)(B)(i) through (iv) are summarized as follows:
 - (1) Within 72 hours of the emergency placement in the group home program, the child shall be evaluated by a licensed mental health professional as being seriously emotionally disturbed and in need of the level of care and supervision provided; and
 - (A) Within 30 days of the first day of placement, the IPC shall approve the placement in writing and indicate that the IPC has determined the child is seriously emotionally disturbed and needs the level of care provided by the group home.

HANDBOOK CONTINUES

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HANDBOOK CONTINUES

- (B) For the child whose placement is determined not to be appropriate, the county placing agency shall remove the child.
- .185 In such cases that the State Department of Mental Health or a delegated county terminates the mental health treatment program certification as referenced in Section 11-400c.(2), the Department of Mental Health or delegated county should immediately notify the California Department of Social Services (CDSS).
- (a) Notification shall be made to the CDSS' Community Care Licensing Division (CCL); and
- (b) Notification shall be made to the CDSS' Foster Care Rates Bureau.

HANDBOOK ENDS HERE

- .186 The program certification issued by the State Department of Mental Health or its designee shall be valid for a period of one year unless terminated and shall specify the date the group home program met the certification requirements.
- .187 In such cases that the mental health treatment program certification as referenced in Section 11-400c.(2) is terminated, the group home provider shall within 24 hours:
- (a) Notify the CDSS' Community Care Licensing Division;
- (b) Notify the CDSS' Foster Care Rates Bureau; and
- (c) Notify all placing agencies that have children placed in the program.
- .188 In addition to the requirements specified in Sections 11-402.181 through 11-402.187, a Community Treatment Facility program shall also meet the requirements specified by Sections 11-402.188(a) and (b) below:
- (a) Be currently licensed by CCL as required by Title 22, Division 6, Chapter 1, Sections 80001 through 84188 et seq., California Code of Regulations. Failure to have a current CCL license shall result in the provider's rate being terminated in accordance with Section 11-402.395.
- (b) Have a current CDMH mental health treatment program certification as required by Title 9, Chapter 12, Section 1902 et seq., California Code of Regulations. Failure to have a current CDMH mental health treatment program certification shall result in the provider's rate being terminated in accordance with Section 11-402.395.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- .19 The IPC shall review the placement of the child as often as necessary, but no less than every six months.
- .191 The IPC may, subsequent to the placement of the child in a group home program classified at RCL 13 or RCL 14, determine that the child is not seriously emotionally disturbed or is not in need of the care and services provided by the group home program. If the IPC determines that the placement into the group home program classified at RCL 13 or RCL 14 is not appropriate or that the child no longer needs, or is not benefitting from, placement in an RCL 13 or RCL 14 program, the IPC shall require the removal of the child and a new disposition. In these situations, the IPC shall notify, in writing, both the county placing agency and the group home provider within ten days of the determination.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (a) The county placing agency shall notify the group home provider, in writing, within five days from the date of the notice from the IPC of the county's plan for removal of the child.
 - (b) The county placing agency shall remove the child from the group home program within 30 days from the date of notice from the IPC.
 - (c) If the county placing agency fails to remove the child within 30 days from the date of notice from the IPC, the group home provider shall:
 - (1) Notify the IPC and the Department, in writing, that the county failed to remove the child within 30 days from the date of the notice from the IPC; and
 - (2) The notification shall be within 5 days of the expiration of the 30-day period.
 - (d) If the county placing agency fails to remove the child from the group home program within 30 days from the date of the notice from the IPC, the county shall be assessed a penalty by the Department.
 - (1) The penalty shall be in the amount of the state and federal financial participation in the AFDC-FC rate paid on behalf of the child.
 - (2) The penalty will commence on the 31st day of placement and continue until the child is removed.
- .192 For a child placed in a group home program classified at RCL 13 or RCL 14 that is later placed in another group home program classified at RCL 13 or RCL 14, a new determination by the IPC shall be required.

.2 Program Classification

.21 Eligible Hours for Program Components

.211 Child Care and Supervision (CCS)

11-402 **GROUP HOME RATE SETTING (Continued)**

11-402

- (a) Eligible hours of CCS shall be compensated in accordance with the Department of Industrial Relations Title 8, California Code of Regulations, Section 11050), Order Regulating Wages, Hours, and Working Conditions in the Public Housekeeping Industry and shall be determined by counting paid-awake hours of child care workers (including nurses) and first-line supervisors while performing child care duties. Eligible hours of CCS shall also include the paid-awake hours provided by houseparents (as defined in Section 11-400h.(2)) serving children under six while performing houseparent duties in a group home, and Community Treatment Facility licensed nursing staff performing CCS duties in a Community Treatment Facility.
- (1) Each group home program shall be required to provide child care duties or houseparent duties and report eligible CCS hours.
- (2) Hours of vacation, sick leave, training time or other types of leave shall be counted at the time paid. These hours are not subject to the 54-hour limitation.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (3) No more than 54 hours per week per individual child care worker, Community Treatment Facility licensed nursing staff, houseparent and individual first-line supervisor for any program(s) shall be projected on any Program Classification Report(s), SR 2, Column 2, line 16.

- (4) More than 54 hours per week per individual child care worker, Community Treatment Facility licensed nursing staff, houseparent and individual first-line supervisor for any program(s) may be reported on any SR 2(s), Column 2, lines 1 through 12 when:
 - (A) The employee was required to work the additional hours of CCS to prevent children from being in an unhealthy or unsafe situation, and
 - (B) The employee was compensated for the additional hours of CCS in a manner consistent with the Department of Industrial Relations, and
 - (C) The employee was not required to work in excess of 54 hours on a regular basis.

- (5) Hours shall be allocated as required by the August 30th Report, page 5.

HANDBOOK BEGINS HERE

- (A) The August 30th Report, Page 5, ALLOCATION OF HOURS AMONG FUNCTIONS, states:

"ALLOCATION OF HOURS AMONG FUNCTIONS

Some group home staff perform more than one function. For the program classification purposes, the group home provider will be required to allocate the hours worked by such staff among the various functions they perform.

HANDBOOK CONTINUES

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HANDBOOK CONTINUES

For example, the administrator of a group home also spends part of his/her time performing social work activities and supervising child care staff. The provider states that the administrator typically works a 60-hour week, spending 30 hours performing administrative tasks, 15 hours performing Social Work Activities, and 15 hours supervising child care workers. The allocation of the administrator's time is 50% for administration, 25% for social work, and 25% for child care and supervision. The time spent on administration does not fall into one of the three program components and cannot be counted for program classification purposes. Given the 54-hour cap, 13.5 hours (25% of 54 hours) can be counted for program classification purposes as Social Work Activity and 13.5 hours can be counted as Child Care and Supervision. These hours can be weighted to reflect the administrator's experience, education, ongoing training, and professional qualifications."

HANDBOOK ENDS HERE

- (B) A program shall allocate the hours worked by administrative staff among the following:
 - (i) Administrative functions;
 - (ii) Child care and supervision;
 - (iii) Social work activities;
 - (iv) Mental health treatment; and
 - (v) Other employment.

- (C) All administrator's, as defined in California Code of Regulations, Title 22, Sections 80001(a)(1) and 84064, and facility manager's, as defined in Health and Safety Code Section 1522.4(a), work hours per week shall be allocated to administrative functions subject to the following requirements:

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (i) A program may report hours worked by administrators and facility managers towards program classification so long as the reported hours are allocated in accordance with Sections 11-400e.(1), 11-402.211(a)(5), 11-402.212(a)(4) and documentation is provided to verify the administrative staff person provided hours that are eligible for program classification.

- (ii) If a group home program does not allocate administrator's and facility manager's work hours in accordance with Section 11-402.211(a)(5)(C)(i), the following shall apply:
 - a. For a six-bed program, a minimum of 20 hours per week per administrator and facility manager shall be allocated to the administrative functions related to the operation of a group home program such as ensuring compliance with licensing requirements; and

 - b. For a program greater than six beds, 100 percent of the administrator's and facility manager's time shall be allocated to the administrative functions related to the operation of a group home program such as ensuring compliance with licensing requirements.

- (D) A Community Treatment Facility shall allocate the hours worked by the licensed nursing staff among the following:
 - (i) CCS;

 - (ii) Required CDMH nursing functions in a Community Treatment Facility;

 - (iii) Administrative tasks, including training or other activities;

HANDBOOK BEGINS HERE

Example:

A Community Treatment Facility licensed nursing staff employee works the following hours per task during a 40-hour week:

24 hours/week: Performing CDMH required nursing functions.

12 hours/week: Performing CCS duties.

4 hours/week: Performing administrative or other tasks such as training.

As documented by their timecards/records, this Community Treatment Facility licensed nursing staff employee's percentage of time per task is as follows (i.e.: 24 hours divided by 40 hours = 60%):

60% of their time: Performing CDMH required nursing functions.

30% of their time: Performing CCS duties.

10% of their time: Performing administrative or other tasks such as training.

From this example, the following conclusions can be reached with regard to establishing the RCL for this Community Treatment Facility:

- The 24 hours/week of CDMH required nursing functions are not pointable toward the establishment of an RCL for the Community Treatment Facility.
- The 12 hours/week of CCS duties are pointable toward the establishment of an RCL for the Community Treatment Facility.
- These pointable hours of CCS can be weighted as provided by MPP Sections 11-402.224(b) and (c).
- The four hours/week of administrative or other tasks such as training staff is not pointable toward the establishment of an RCL for the Community Treatment Facility.

HANDBOOK ENDS HERE

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (6) Eligible hours do not include hours of care and supervision given solely to children living with their minor parent(s) and receiving an infant supplement payment.

.212 Social Work Activities

- (a) Eligible hours of social work activities shall be compensated in accordance with the Department of Industrial Relations Title 8, California Code of Regulations, Section 11050, Order Regulating Wages, Hours, and Working Conditions in the Public Housekeeping Industry and shall be determined by counting the paid-awake hours of social work activities performed by social workers. For group home programs serving children under six, eligible hours of Social Work activities must be provided by a Social Worker with a minimum educational level of a Masters Degree in a behavioral science and no more than twelve cases in a caseload.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (1) Hours of vacation, sick leave, or other types of employee leave shall be counted at the time paid. These hours are not subject to the 54-hour limitation.

- (2) No more than 54 hours a week per individual social worker for any program(s) shall be projected on any SR 2(s), Column 2, line 16.
 - (A) Eligible hours of social work activities performed under the terms of a direct contact contract which are given the additional weighting of 2.0 [see Section 11-402.222(d)] shall be doubled to determine an individual's hours for the 54-hour limit.

HANDBOOK BEGINS HERE

- (B) Example: An LCSW provides five hours of social work activities under the terms of a direct contact contract. The weighted social work hours for this individual prior to application of the additional 2.0 direct contact contract weighting are 12.5. However, after applying the additional 2.0 weighting the total weighted hours increases to 25. In determining the individual's hours for the 54-hour limit, 25 hours shall be countable.

HANDBOOK ENDS HERE

- (3) More than 54 hours a week per individual social worker for any program(s) may be reported on any SR 2(s), Column 5, lines 1 through 12 when:
 - (A) The social worker was compensated for the additional hours of social work activities in a manner consistent with the Department of Industrial Standards, and
 - (B) The social worker was not required to work in excess of 54 hours on a regular basis.

- (4) Hours shall be allocated as required by the August 30th Report as specified in Section 11-402.211(a)(5).

11-402 **GROUP HOME RATE SETTING (Continued)** 11-402

- (5) A group home employee functioning as an existing social worker shall be considered a social worker and have his/her hours counted as social work activities if:
 - (A) The employee has been identified and claimed as a social worker in the same program under the cost-based rate setting system prior to July 1, 1990, and
 - (B) The employee does not meet the degrees and equivalents as defined in Section 11-400s.(5).

- (6) Family reunification activities and services provided solely to the family that are not in direct relation to the child's case plan shall not be counted as eligible social work activity hours.

.213 Mental Health Treatment Services

- (a) Eligible hours of mental health treatment services shall be determined by counting the paid-awake hours of the mental health professional while providing mental health treatment services.
 - (1) Hours shall be allocated as required by the August 30th Report and as specified in Section 11-402.211(a)(5).
 - (2) Hours that include other staff, such as child care workers, social workers or group home administrators, etc., are counted when the child is also included.
 - (3) The mental health professional's time is counted, not the child's time.

HANDBOOK BEGINS HERE

- (A) A mental health professional in a one-hour group session with four children is counted as one hour of mental health treatment time.

HANDBOOK ENDS HERE

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (4) One hour shall be counted for the mental health professional's evaluation of each psychometric test administered by the mental health professional.

.22 Weightings for Program Component Hours

.221 Child Care Supervision (CCS) Weightings

- (a) Each child care worker, houseparent and first-line supervisor shall have a base factor of 1.0 for each eligible hour.
- (b) Additional weighting shall be given to each eligible CCS hour on the basis of the experience and/or education of individual staff or the provision of on-going training by the provider for child care workers, houseparents and first-line supervisors. The maximum additional weighting for any staff is 3.00.

- (1) Child care and supervision hours shall not be eligible for double weighting.

- (c) Residential Child Care Experience

- (1) Each child care worker, houseparent and first-line supervisor shall receive additional weighting for previous paid-awake experience in residential child care specified in Section 11-400r.(7) as follows.

- (A) Twenty-four (24) through 47 months of full-time equivalent (FTE) experience shall qualify for additional weighting of 0.15.

- (B) Forty-eight (48) months or more of full-time equivalent (FTE) experience shall qualify for additional weighting of 0.25.

- (d) Formal Education

Each child care worker, houseparent and first-line supervisor shall receive additional weighting for each eligible hour of CCS based on his/her formal education as follows:

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11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (1) Sixty (60) semester units or its equivalent as listed below shall receive an additional weighting of 0.05.
 - (A) An Associate of Arts or Science Degree that requires less than 60 units for completion; or
 - (B) A certificate in a subject directly related to child care that requires less than 60 semester hours but more than 20 semester hours in courses that deal with child related subjects; or
 - (C) A certificate in a subject directly related to drug and alcohol programs from an accredited course of study that requires less than 60 semester hours when:
 - (i) The individual is employed by a group home program with the criteria described in Section 11-402.411(a)(6), and
 - (ii) The course of study gave the individual the choice of either track, i.e., the Associate of Arts Degree or the certification program.
 - (iii) Certificates include but are not limited to the following: alcohol and/or drug counseling, dependency specialist, or abuse studies.
- (2) A Bachelor of Arts or Science Degree in a major that is not related to the behavioral sciences shall receive an additional weighting of 0.10.
- (3) A Bachelor of Arts or Sciences Degree in one of the behavioral sciences specified in Section 11-400b.(4) or other equivalent disciplines listed in Section 11-402.221(d)(3)(A), (B), or (C) relevant to the provision of services to foster care children to be served by the group home program shall receive an additional weighting of 0.25.
 - (A) A certificate from the California Association of Alcohol and Drug Abuse Counselors as a Certified Alcohol Counselor, Certified Drug Counselor or Certified Alcohol and Drug Counselor based on an accredited course of study plus the required supervised experience when the program statement specifies the population of children to be served by the program requires this professional level.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (B) A certificate directly related to drug and alcohol programs from an accredited course of study that requires 60 semester hours or more but less than four years may receive the additional weighting when:
 - (i) The individual is employed by a group home program, which accepts chemically addicted children as described in Section 11-402.411(a)(6), and
 - (ii) The course of study gave the individual the choice of either track, a Bachelor's Degree, or the certificate program.

- (C) A vocational training certificate or credential or documentation stating the individual is a trade journeyman and instructs vocational skills to children in a vocational program as described in Section 11-402.411(a)(6)(A).

- (4) A Master's Degree in a behavioral science specified in Section 11-400b.(4) or other equivalent discipline listed in Section 11-402.221(d)(4)(A) shall receive an additional weighting of 0.40.
 - (A) The individual teaches vocational skills to children in placement, and the provider:
 - (i) Has documentation showing the individual is a licensed contractor, or
 - (ii) Has documentation showing the individual is a journeyman in more than one vocational trade.

- (e) On-Going Training
 - (1) Each eligible hour of CCS shall receive an additional weighting of 0.10 when an average of 40 or more hours of on-going training per full-time equivalent (FTE) position per year is provided. See definition of on-going training at Section 11-400o.(3).
 - (2) The number of hours of on-going training required by a group home program to qualify for the additional weighting shall be computed by:

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (A) Determining the number of FTE CCS staff by: dividing the total number of eligible CCS hours by the number of full-time hours in the same time period (i.e., 40 hours per week or 173 hours per month) and

- (B) Multiplying the number of FTE CCS staff by 40.

HANDBOOK BEGINS HERE

Example: The ABC group home has five child care workers who work from 15 to 54 hours per week and one full-time first-line supervisor. The combined number of hours they are expected to work in the next 12-month period is 12,636. Divide the hours worked by 2080 (annualized full-time equivalent based on a 40-hour work week) = 6.075 FTE. Multiply the 6.075 FTE by 40 hours = 243 hours of training the provider must provide for all eligible CCS hours to be weighted by the additional 0.10.

An example of eligible allocated hours counted toward on-going training is: Helen is the cook in the ABC group home program, but for two hours each afternoon she has responsibility for supervising a group of children. She meets the CCL requirements for a child care worker. The hours of training she receives, relevant to her child care duties, are countable for the training time furnished by the provider toward the additional CCS weighting of 0.10 for all CCS hours.

HANDBOOK ENDS HERE

- (3) The following types of training shall qualify as on-going training for weighting purposes.
 - (A) All training required by Community Care Licensing (CCL) for child care workers as specified in Title 22, Division 6, Sections 84065(i) and (j) and 80065(e)(2).

HANDBOOK BEGINS HERE

Section 84065(i) and (j) states in part: "...child care staff (shall be required) to receive...a minimum of 20 clock hours of continuing education during the first 18 months of employment and during each three years thereafter."

Section 80065(e)(2) states: "Adults who supervise while clients are using a pool or other body of water from which rescue requires the rescuer's ability to swim, shall have a valid water safety certificate."

HANDBOOK ENDS HERE

- (B) The training shall be directly related to the individual's child care worker duties, the group home program, or the needs of children in care.
- (C) For houseparents in group home programs serving children under six all of the training required in Section 11-400o.(3)(A).
- (4) Audio or video tape training shall be counted provided:
 - (A) It is used within the structure of a group training setting.
 - (B) The subject is introduced in person by a qualified individual, and
 - (C) Audience interaction with the qualified individual is available.
- (5) Audio or video tape training shall not qualify when the provider supplies the training package and sends it home with individual employees to view on their own time.
- (6) The on-going training hours for a group home program shall be allocated among all staff.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (7) For those group home programs classified at RCL 13 or RCL 14 to receive an additional weighting of 0.10 for each eligible hour of Childcare and Supervision (CCS), there shall be two options. In addition to qualifying by providing an average of 40 or more hours of ongoing training per childcare employee, the requirement for receiving the additional weighting shall be met if the childcare and first line childcare supervisory staff is trained in the management of assaultive behavior, and all the following conditions are met:
 - (A) The training must be at least 14 hours in length;
 - (B) The training must be conducted by a professional organization or someone trained and currently certificated by a professional organization as a qualified instructor, and approved by the Department;
 - (C) The entire childcare and CCS staff must complete the training and remain certified and the certifications must be current; and
 - (D) Documentation necessary to verify training as described in Section 11-400t.(1) and documentation that the requirements of Section 11-402.221(e)(7) have been met shall be maintained. In addition, if a provider chooses to claim additional points for training and selects this option, in lieu of submitting a training plan the provider shall submit the name of the professional organization providing the training, when it will be scheduled and the names of childcare staff the provider has scheduled to attend.

- (8) For provisional rate audits, the training weighting, if claimed, shall automatically be added to the weightings of all child care workers employed during the audit period.

.222 Social Work Activities Weightings

- (a) Weightings shall be given to each eligible hour of social work activity based on the professional level of each social worker as specified in the August 30th Report, page 3.

HANDBOOK BEGINS HERE

The August 30th Report states in part:

- | | | |
|------|--|------|
| "(1) | Licensed Clinical Social Worker (LCSW) | 2.5 |
| (2) | Licensed Marriage, Family and Child Counselor (LMFCC) | 2.5 |
| (3) | Master's of Social Work (MSW) (60 units) | 2.0 |
| (4) | Master's of Science in Counseling (MSC) (60 units) | 2.0 |
| (5) | Master's (30 units) in a discipline which would enable the individual to sit for the LMFCC or LCSW exam. | 1.75 |
| (6) | Bachelor of Social Work (BSW) with at least two years of full-time equivalent experience. | 1.5" |

Pursuant to changes in Section 4980.08 of the Business and Professions Code added by Statutes of 1998, Chapter 108, Section 1, "(a) The title 'licensed marriage, family and child counselor' or 'marriage, family and child counselor' is hereby renamed 'licensed marriage and family therapist' or 'marriage and family therapist' respectively. Any reference in any statute or regulation to a 'licensed marriage, family and child counselor' or 'marriage, family and child counselor' shall be deemed a reference to a 'licensed marriage and family therapist' or 'marriage and family therapist'".

HANDBOOK ENDS HERE

- (b) In addition to the above weightings, each eligible hour of social work activity performed by a group home employee who meets the requirements of Section 11-402.212(a)(5) shall be eligible for the weighting of 1.5.
- (c) All individuals, whether employee or under contract, receive the same weighting for their professional level.
- (d) Each weighted eligible hour of social work activities provided under the terms of a direct contact contract shall be multiplied by 2.0 subject to the following restrictions:
 - (1) The contract only reimburses for those hours spent in direct contact with the child(ren) being served and does not reimburse for ancillary social work activities, such as the development of needs and services plans or discharge plans;

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (2) A maximum of 20 hours per week per social worker, of the contracted direct contact social work activities shall be multiplied by 2.0.

- (3) The person providing the social work activities is not an employee of the group home provider and meets the requirements of an independent contractor as specified in Section 11-400d.(6).
 - (A) The relationship between the group home provider and the individual providing social work activities shall be evaluated by several factors, including but not limited to:
 - (i) The group home has no control over the manner and means by which the individual providing the social work activities performs his/her services.
 - (ii) The payment for social work activities performed is based on completion of the specifics in the contract.
 - (iii) The group home provider and the individual providing the social work activities do not view the work relationship as one of employee/employer.

HANDBOOK BEGINS HERE

- (iv) Example: The weighting for an LCSW providing contracted social work activities for direct contact with the children is computed as one hour of service x 2.5 LCSW x 2.0 "direct contact" = 5.0.

HANDBOOK ENDS HERE

.223 Mental Health Treatment Services Weightings

- (a) Weighting shall be given to each eligible hour of direct contact mental health treatment services provided by a mental health treatment services professional based on the professional level of the individual as specified in the August 30th Report, page 4.

HANDBOOK BEGINS HERE

The August 30th Report, states in part:

- | | | |
|------|---|------|
| "(1) | Psychiatrist | 5.0 |
| (2) | Psychologist | 5.0 |
| (3) | Licensed Clinical Social Worker (LCSW) | 2.5 |
| (4) | Licensed Marriage, Family and Child Counselor (LMFCC) | 2.5" |

Pursuant to changes in Section 4980.08 of the Business and Professions Code added by Statutes of 1998, Chapter 108, Section 1, "(a) The title 'licensed marriage, family and child counselor' or 'marriage, family and child counselor' is hereby renamed 'licensed marriage and family therapist' or 'marriage and family therapist' respectively. Any reference in any statute or regulation to a 'licensed marriage, family and child counselor' or 'marriage, family and child counselor' shall be deemed a reference to a 'licensed marriage and family therapist' or 'marriage and family therapist'".

HANDBOOK ENDS HERE

- (b) In addition to the above weightings, each eligible hour of mental health treatment services provided by a licensed mental health professional whose license status is unknown and whose reimbursement is from any source other than AFDC-FC, shall be eligible for the weighting of 2.5.

- (c) Each eligible hour of mental health treatment services provided by anyone other than a licensed mental health professional as described in Section 11-400m.(3) shall not receive an additional weighting, but shall have a base factor of 1.0 for each eligible hour.

11-402 GROUP HOME RATE SETTING (Continued) 11-402

.224 Community Treatment Facility Weightings for CCS and Training

- (a) Each licensed nursing staff in a Community Treatment Facility shall receive a base factor of 1.0 for each eligible hour of CCS they provide.

- (b) In accordance with their individual professional level, each licensed nursing staff in a Community Treatment Facility shall receive the following additional weightings for each eligible hour of CCS they provide:
 - (1) A licensed registered nurse with a Masters Degree in psychiatric nursing or related field with experience in administration as determined by DMH, Title 9, Chapter 12, Article 5, Section 1921, California Code of Regulations. 2.4

 - or

 - A licensed registered nurse with two years experience in psychiatric nursing. 2.4

 - or

 - A licensed registered nurse with two years experience in nursing administration or supervision and one year experience in psychiatric nursing. 2.4

 - (2) A licensed registered nurse. 1.0

 - (3) A licensed vocational nurse. 0.5

 - (4) A licensed psychiatric technician with no less than two years of full-time experience in a program serving persons 0.5

- (c) Each eligible hour of CCS worked by licensed nursing staff of a Community Treatment Facility may receive additional training weighting as provided by MPP Section 11-402. 221(e)(3).

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11-402 **GROUP HOME RATE SETTING (Continued)** 11-402

- (d) Except for nurses in Community Treatment Facility as specified in Sections 11-402.224(a), (b), and (c), every Community Treatment Facility childcare worker and/or first-line supervisor in compliance with CCL's experience and education requirements specified in Title 22, Division 6, Chapter 1, Sections 84165(d)(1) and/or 84165(d)(2), California Code of Regulations, or otherwise deemed to be a childcare worker by CCLD, shall receive a base factor of 1.0 for each eligible hour of CCS they provide.

HANDBOOK BEGINS HERE

Title 22, Division 6, Chapter 1, Sections 84165(d)(1) and 84165(d)(2), California Code of Regulations state:

"The licensee shall ensure that all child care staff meet one of the following minimum qualifications prior to employment:

- "(1) Have two years of full-time residential child care experience and an associate of arts or science degree from an accredited or approved college or university, with a major or emphasis in behavioral science. Nine of those units must be in courses relating to children with behavioral problems which may be the result of abuse, neglect, or emotional trauma. The courses may include, but are not limited to, curriculums in corrections, psychology, social work, or social welfare.
- "(2) Have two years of full-time work experience in a program serving persons with mental disabilities and be currently a licensed psychiatric technician by the Board of Vocational Nurse and Psychaitric Examiners."

HANDBOOK ENDS HERE

- (e) A Community Treatment Facility childcare worker and/or first-line supervisor who meets the requirements of Section 11-402.224(d) shall also receive additional weighting for each eligible hour of CCS they provide in accordance with their level of full-time residential childcare experience, education, and training as follows:

(1)	Full-time Residential Childcare Experience	Additional Weighting
	(A) 0-23 months	0.15
	(B) 24-47 months	0.30
	(C) 48+ months	0.45

11-402	GROUP HOME RATE SETTING (Continued)	11-402
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	(2)	Level of Education	Additional Weighting
	(A)	0-59 units	0.00
	(B)	An Associate of Arts Degree with a major or emphasis in Behavioral Science	0.25
	(C)	A Bachelor of Arts Degree with a major other than Behavioral Science	0.35
	(D)	A Bachelor of Arts Degree with a major in Behavioral Science	0.45
	(E)	A Master of Arts Degree	0.55
	(3)	Training	Additional Weighting
	(A)	Shall be applied only upon compliance with the provisions of Section 11-402.221(e) et seq.	0.60
	(B)	CTF providers shall be required to provide 40 hours of on-going training which meet the requirements in Section 11-402.221 to all child care staff employed by the program.	
	(C)	There shall be no additional weighting applied for compliance with the CTF personnel training requirements specified in Title 22, Division 6, Chapter 5, Section 84165(f), California Code of Regulations.	

.23 Point Computation

.231 Each eligible hour, as determined in Section 11-402.21, shall be multiplied by the weighting(s) attributed to each individual as determined in Section 11-402.22.

.232 The weighted hours for each program component shall be totaled separately.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

.233 The separate program component's weighted hours shall be divided by the greater of 90 percent of the licensed capacity of the group home program or 5.4 to determine each of the program component's point scores except as provided below:

- (a) When the licensed capacity includes an unspecified mixture of children and minor parents and their infants in placement, divide the number of weighted hours by 90 percent of the total number of minor parents and other nonparent minors excluding child(ren) living with his/her minor parent in placement. This applies only to such programs where the licensed capacity includes the children receiving an infant supplement.

- (b) Effective July 1, 2002, a Community Treatment Facility provider may request a waiver to the 90 percent occupancy standard by submitting, as a component of the annual rate application process, a waiver request that meets all the requirements specified by Section 11-402.233(c) and (d).

- (c) The waiver request shall:
 - (1) Be in writing.

 - (2) Include a copy of the program statement. The program statement must state that the provider has entered into an agreement with the regional/county entity(ies) to reserve or leave bed(s) vacant.

 - (3) Include a copy of the contract the provider has entered into with the regional/county entity(ies) to reserve or leave bed(s) vacant. The contract must comply with the following requirements:
 - (A) Include a specific statement that the provider has entered into an agreement with the regional/county entity(ies) to reserve or leave bed(s) vacant and specify the alternative occupancy standard which shall not be less than 80 percent or greater than 90 percent of the provider's licensed capacity.

 - (B) Identify the party(ies) responsible for paying for the bed(s) the Community Treatment Facility provider has agreed to reserve or leave vacant.

 - (C) Include a specific statement that the provider shall comply with CCL's Community Treatment Facility staff/child ratio of one childcare person awake and on duty for each five children, or fraction thereof, from 7 a.m. to 10 p.m. as specified in Title 22, Division 6, Chapter 5, Section 84165.5, California Code of Regulations.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (d) The Department shall deny any waiver request for less than 80 percent or more than 90 percent of licensed capacity.

- (e) For Community Treatment Facilities that have been granted a waiver under Section 11-402.233(b), points shall be computed using the occupancy factor specified in the waiver.

- (f) For auditing purposes, in accordance with Health and Safety Code Section 1516(e), county placements in a crisis nursery, as described in subdivision (d) of Health and Safety Code Section 1516, shall be limited to no more than one-third of a crisis nursery's licensed capacity.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- .234 Providers shall report the actual number of mental health treatment services points per program, per month, for each program on an SR 2.
- (a) The mental health point score shall be determined as follows:
 - (1) The actual number of eligible mental health treatment services hours provided shall be reported for each month.
 - (2) The appropriate weightings shall be applied to the eligible hours and reported for each month.
 - (3) Except for a CTF program, the number of weighted hours shall be divided by 90 percent of licensed capacity to determine the number of points and reported for each month. A Community Treatment Facility program shall receive 30 points for all mental health treatment services provided.
 - (4) The total number of mental health treatment services points for the report period shall be reported.
 - (5) The average number of mental health treatment services points for the report period shall be reported.
 - (b) The mental health treatment services points for children enrolled in a full-time mental health day treatment program shall be the ratio of the number of children in day treatment to the group home program's total licensed capacity. These mental health treatment services points for that month shall be reported without documenting hours, license, or professional level of the mental health professional. See Section 11-402.239(c).
 - (c) The Department shall limit the mental health treatment services points to be counted in any one month to 60.
 - (d) The Department shall limit the average points for mental health treatment services to 30 per month.
- .235 The point scores from each of the three program components shall be totaled to determine the program points.
- .236 The RCL shall be determined by comparing the program's points to the table of standardized schedule of rates in Section 11-402.15.

11-402	GROUP HOME RATE SETTING (Continued)	11-402
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- .237 The projected points shall be the average for the level of care and services to be provided over the reporting period.
- .238 The reported points shall be the actual number of points in each month which represent the level of care and services provided over the reporting period.

HANDBOOK BEGINS HERE

An example of a group home program point computation:

- (a) CCS point computation
 - (1) The XYZ group home program is licensed for six children and has four full-time equivalent child care workers. The provider has a training plan of more than 40 hours of training for the child care workers and first-line supervisors (0.10 additional weighting for each eligible CCS hour). Each child care worker and first-line supervisor has 1.35 total weightings. Two examples are:
 - (A) Irma has five years of residential child care experience (additional weighting of 0.25) and 15 semester units of college (no additional weighting) for 1.35 total weighting (1.0, base factor + 0.10, on-going training + 0.25, experience).
 - (B) Irene has one year of child care experience (no additional weighting) and a Bachelor's Degree in Sociology (0.25 additional weighting) for 1.35 total weighting (1.0, base factor + 0.10, on-going training + 0.25, education).
 - (2) Total CCS hours are 866.6 (50 average hours per week X 4 individuals X 4.333). The total weighted CCS hours per month are 1,169.91 (866.6 X 1.35); divided by 5.4 = 216.65.
- (b) Social work point computation:
 - (1) The same group home program currently employs a Licensed Clinical Social Worker (LCSW) for 20 hours per week or 86.67 hours per month (20 X 4.333).

HANDBOOK CONTINUES

HANDBOOK CONTINUES

The weighted social work hours per month for this social worker are 217.5 (87 X 2.5).

- (2) Another LCSW provided direct contact social work activities based on a contract for 80 hours per month.

The weighted social work hours per month for this social worker are 400 (80 hours X 2.5 professional level weighting X 2.0 "direct contact" contract additional weighting).

- (3) Total social work weighted points are 617.5 (217.5 + 400), divided by 5.4 for 114.35 points attributed to social work.

- (c) Mental health point computation:

- (1) The group home program averages six children in placement per month:

- (A) Two children in a mental health day treatment program;
- (B) Three others seen by a psychologist in a group therapy session at the group home for one hour a week; and
- (C) One other seen in private sessions in a clinic two hours a week by a psychiatrist.

- (2) The weighted mental health hours are:

- (A) For mental health day treatment: two children = 2/6 of the maximum mental health points (30) for a total of 10.
- (B) For the psychologist: Four hours X 5.0 professional weighting = 20 weighted hours per month.
- (C) For the psychiatrist: Eight hours per month X 5.0 professional weighting = 40 weighted hours.

- (3) Total mental health points are: 20 (psychologist) + 40 (psychiatrist) = 60 divided by 5.4 = 11.11 + 10 (day care) = 21.11.

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- (d) Total point computation:
 - (1) Add the points for CCS (216.65), social work activities (114.35) and mental health treatment services (21.11) for a total of 352.11.
 - (2) The XYZ program total points are 352 which is in Rate Classification Level 11.

HANDBOOK ENDS HERE

.3 On-Going Group Home Program Rate Application Process

- .31 Each provider shall submit to the Department a completed rate application as specified in Sections 11-402.35 through 11-402.359, as appropriate, for each program as scheduled by the Department in order to receive a rate for that program. The rate application shall contain a statement that the signatory understands that the information contained in the document is correct to the best of their knowledge and that submission of false or misleading information may be prosecuted as a crime. Additionally, each provider shall submit to the Department any changes to the documentation listed in 11-402.35 that may have occurred during the biennial rate period. These changes must be submitted no later than 30 days of the date of change. Failure to do so may result in rate termination in accordance with 11-402.393.
- .32 The due date for on-going rate applications shall be according to a schedule determined by the Department. The Department shall provide prior written notice of the scheduled due date.
 - .321 An application not postmarked by the due date shall be considered late.
 - .322 Providers shall be allowed to request a determination of good cause for submitting a late application as specified in Section 11-402.37.
 - .323 Providers who do not request a determination of good cause for submitting a late application shall be subject to the penalty provisions specified in Section 11-402.38.
- .33 A rate application shall be considered complete when all required forms have been completed with the necessary information and supporting documentation, as required in Section 11-402.35 needed to determine the RCL, have been submitted to the Department.
 - .331 Providers shall be allowed to request a determination of good cause for submitting an incomplete application as specified in Section 11-402.37.
- .34 The effective date of the rate shall be the first day of the second full month following the rate application due date.

HANDBOOK BEGINS HERE

Example: Due date is January 1

- January is not counted
- First day of second full month following January is March

Effective date is March 1

HANDBOOK ENDS HERE

.35 A complete rate application with no program changes shall include:

.351 A complete Group Home Program Rate Application, SR 1;

.352 A complete Program Classification Report, (SR 2); and a complete Group Home Program Days of Care Schedule, (SR 5) for the provider's preceding two fiscal years (reporting period).

.353 A copy of:

- (a) The current license issued by CCL in accordance with Title 22, California Code of Regulations, Division 6, for each facility. If the license is provisional, submit a copy of the permanent license when received, and
- (b) The group home administrator certificate issued by CCL as defined in Section 11-402; or if not available, proof of submittal of processing fee and training certificate to CCL.
- (c) The organization's tax exempt status letter from either the Internal Revenue Service (IRS) or the California Franchise Tax Board designating the provider as tax exempt; if any changes have occurred since submission of the last tax exempt status letter; and,
- (d) An endorsed copy of the group home organization's Articles of Incorporation, filed with the California Secretary of State, if any changes have occurred since submission of the last Articles of Incorporation, demonstrating the organization:
 - (1) Operates in the public interest for scientific, education, service or charitable purposes;
 - (2) Is not organized for profit making purposes; and
 - (3) Uses its net proceeds to maintain, improve or expand its operations.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (e) A copy of any initial or amended Statement of Information filed with the California Secretary of State.
- (f) A complete listing of the corporation's Board of Directors to include full names, titles, mailing addresses and phone numbers.
- .354 A declaration signed by the group home's board of directors that the organization will operate during the rate period in the public interest for scientific, education, service or charitable purposes; is not organized for profit making purposes; and uses its net proceeds to maintain, improve or expand its operations.
 - (a) The group home provider shall immediately notify the Department if the group home ceases to operate on a nonprofit basis, becomes inactive, suspended, or otherwise is not in good standing with the California Secretary of State.
- .355 The group home training plan projected for the providers rate period or for providers with programs classified at RCL 13 or 14 who opt for the management of assaultive behavior training, the information required in Section 11-402.221(e)(7);
- .356 (a) A certification by the provider that all information contained in the program statement previously submitted remains current with no changes; and
 - (b) If the previously submitted program statement no longer reflects the provider's current program, the provider shall submit an updated version of the program statement or addendum to the Department.
- .357 In addition to the items in Sections 11-402.351 through .357, a group home program classified at RCL 13 or RCL 14 shall submit:
 - (a) A written agreement, that the program shall accept for placement only assessed/qualified children or emergency placements, as provided in Section 11-402.181(b). The agreement shall include the following:
 - (1) An original signature of the same individual whose signature appears on the SR 1; and
 - (2) The date signed.
 - (b) A statement, accompanied by appropriate documentation, that the requirements of Section 11-402.181(c) regarding the program certification have been met.
- .358 A copy of the current lease(s) or rental agreement(s) if not previously submitted.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- .359 A declaration signed by the group home's board of directors that during the rate period the organization will not incur shelter costs resulting from a self-dealing transaction as defined in Nonprofit Corporation Law, Title 1, Division 2, Section 5233, California Corporations Code.
- .36 If all the required documents necessary to the actual setting of rates have been received, but additional documentation is needed, the rate request shall be considered complete if the remaining documentation is postmarked within 30 days after notification by the Department.
- .361 Repealed by Manual Letter No. OPS-03-01, effective 2/13/03.
- .362 Repealed by Manual Letter No. OPS-03-01, effective 2/13/03.
- .363 Repealed by Manual Letter No. OPS-03-01, effective 2/13/03.
- .364 Repealed by Manual Letter No. OPS-03-01, effective 2/13/03.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

.37 The Department's good cause procedures shall be as follows:

.371 Providers unable to submit a complete rate application by the due date shall be allowed to submit in writing, a request for a determination of good cause as defined in Section 11-400g.(1) which shall be postmarked no later than five (5) calendar days following the application due date.

- (a) The request shall contain the following:
 - (1) A clear statement that this is a request for determination of good cause.
 - (2) The specific reason(s) for submitting an incomplete or untimely application.
 - (3) The provider's name, address and phone number.
 - (4) The name, address and phone number of the person to be notified regarding the determination of good cause.
 - (5) The name, location and program number of the affected program(s).
- (b) Repealed by Manual Letter No. OPS-03-01, effective 2/13/03.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

.372 Within 15 calendar days of the postmarked date of the request for a determination of good cause, the Department shall make a determination of good cause and shall notify the provider in writing of the determination.

(a) When the Department approves a request for good cause for a late or incomplete filing of an application, a complete application is due within 30 days of the postmark of the Department's approval notification or 30 days after the original application due date, whichever is later.

(1) For complete applications submitted in accordance with Subsection (a), the effective date of the rate shall be in accordance with Section 11-402.34.

(2) Applications which are incomplete or are not submitted in accordance with Subsection (a) shall be subject to the penalties in Section 11-402.38.

(b) When the Department determines there is no good cause for a late or incomplete filing of an application, the Department shall notify the provider in writing that a complete application must be submitted prior to the first of the next calendar month to avoid additional late penalties.

(1) The rate shall be set in accordance with the appropriate late or incomplete application penalties specified in Section 11-402.38.

(c) Repealed by Manual Letter No. OPS-03-01, effective 2/13/03.

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11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

.38 The Department's penalty procedures for late or incomplete applications shall be as follows:

- .381 (a) Applications not submitted on or before the due date and applications that are incomplete are considered late applications.
- (b) The rates for late applications are subject to a monetary penalty equal to three (3) percent of the rate.
- (c) The rate is subject to the penalty for the number of months the application was late beginning on either the rate effective date or the date the rate is reinstated if terminated.
- (d) The rate is subject to termination if the complete application is not received on or before the rate effective date.

HANDBOOK BEGINS HERE

Example: Application is due January 1 and rate is effective March 1; if the application is late but completed in January, the rate is penalized for one month in the month of March.

Application is due January 1 and rate is effective March 1; if the application is late but completed in February, the rate is penalized for two months in the months of March and April.

Application is due January 1 and rate is effective March 1; if the application is not completed by March 1, the group home program shall be subject to the rate termination process as specified in Section 11-402.393 for failure to submit a complete rate application prior to the rate effective date. Once reinstated, the rate is penalized for the number of months late beginning in the month reinstated.

HANDBOOK ENDS HERE

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

.39 The Department's rate termination processes shall be as follows:

.391 When a provider's license(s) for any or all of its facilities are revoked by CCL, (and the revocation is not stayed pending completion of probation) surrendered, expire or otherwise lapse, the Department shall provide notice to the provider of the rate termination date for the facility(ies). The notice shall:

- (a) Be in writing,
- (b) Inform the provider that the termination date shall be the effective date the licenses are revoked, surrendered, expire or lapse, and
- (c) Include the provider's appeal rights as specified in Welfare and Institutions Code Sections 11468 through 11468.6.
- (d) A copy of the notice shall be sent to the host county, the primary placing county and any other counties which may be affected by the rate termination and which can be identified by the Department.

.392 When a provider's provisional rate will be terminated due to a determination by the Department that the provider is operating at a level more than three levels below the RCL projected by the provider and the provider does not appeal the determination, the Department shall provide notice to the provider of the rate termination date. The notice shall:

- (a) Be in writing,
- (b) Inform the provider that the rate will terminate 45 days after the date of issuance of the program audit report of the provisional rate unless the provider appeals within 30 days of the date of issuance of the program audit report, and
- (c) Inform the provider that if the provider appeals the Department's determination, the provider's rate will be reduced pending the appeal decision; and
- (d) Include the provider's appeal rights as specified in Welfare and Institutions Code Section 11462(e)(1)(E).

HANDBOOK BEGINS HERE

- (i) Welfare and Institutions Code Section 11462(e)(1)(E) provides:

A group home provider may request a hearing of the department's RCL determination under subparagraph (A) no later than 30 days after the date the department issues its RCL determination. The department's RCL determination shall be final if the group home provider does not request a hearing within the prescribed time. Within 60 days of receipt of the request for hearing, the department shall conduct a hearing on the RCL determination. The standard of proof shall be the preponderance of the evidence and the burden of proof shall be on the department. The hearing officer shall issue the proposed decision within 45 days of the close of the evidentiary record. The director shall adopt, reject, or modify the proposed decision, or refer the matter back to the hearing officer for additional evidence or findings within 100 days of issuance of the proposed decision. If the director takes no action on the proposed decision within the prescribed time, the proposed decision shall take effect by operation of law.

HANDBOOK ENDS HERE

- (e) A copy of the notice shall be sent to the host county, the primary placing county and any other counties which may be affected by the rate termination and which can be identified by the Department.

.393 When a provider's rate will be terminated for any reason other than those listed in Section 11-402.391 or 11-402.392, including failure to submit a financial audit report as required by Section 11-405.2, the Department shall provide notice to the provider of the rate termination date. The notice shall:

- (a) Be in writing,
- (b) Allow 60 days from the date of mailing of the notice prior to termination, and
- (c) Include the provider's appeal rights as specified in Welfare and Institutions Code Sections 11468 through 11468.6.
- (d) A copy of the notice shall be sent to the host county, the primary placing county and any other counties which may be affected by the rate termination and which can be identified by the Department.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

.394 Effective Dates of Termination

- (a) For rate terminations pursuant to Section 11-402.391, the Department shall terminate the rate for the facility(ies) within the program on the effective date that the license is revoked, surrendered, expires or otherwise lapses.
- (b) For rate terminations pursuant to Section 11-402.392, the Department shall terminate the rate for that program 45 days after the date of issuance of the program audit report of the provisional rate. Where a provider has appealed the decision of the Department pursuant to Section 11-430.19, the Department shall terminate the rate for that program 30 days after the director's decision [see Section 11-430.194(f)].
- (c) For terminations pursuant to Section 11-402.393 above, the Department shall terminate the rate for that program on the first of the month following sixty days after the postmarked date of the termination notice.

.395 When a Community Treatment Facility provider fails to maintain a current license issued by CCL as specified by Section 11-402.188(a), or a current CDMH mental health treatment certification as specified by Section 11-402.188(b), the Department shall provide notice to the provider of the rate termination date. The notice shall:

- (a) Be in writing.
- (b) Inform the provider that the termination date shall be the effective date the license and/or certification was revoked, surrendered, expired, or otherwise lapsed.
- (c) Include the provider's appeal rights as specified in Welfare and Institutions Code Sections 11468 through 11468.6.
- (d) Be sent to the host county, the primary placing county, the regional/county entity(ies) the provider has entered into an agreement with to reserve or leave bed(s) vacant, and any other counties which may be affected by the rate termination and which can be identified by the Department.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

.4 Deviations from Ongoing Group Home Program Rate Setting

.41 New Program

.411 An initial rate application from an existing provider for a new program shall include all required forms and information listed in Sections 11-402.351 through 11-402.358, the FCR 16, Group Home Shelter Costs, Self-Dealing Transactions Declaration and Survey, and the Group Home Program Cost Report (SR 3) with projected cost data with the following additional requirements:

- (a) A new and complete program statement shall be submitted with each initial rate application. The program statement shall include the following until such time as a standardized program statement is implemented pursuant to Welfare and Institutions Code Section 11467(c);
 - (1) The goals and purpose of the program,
 - (2) The characteristics of children served,
 - (3) Organizational chart and administrative information including names, addresses and titles of all members of the Board of Directors, all corporate officers, and all partners as appropriate,
 - (4) A description of the type and level of social services and mental health treatment services offered,
 - (5) A job duty statement for each classification utilized by the group home, and
 - (6) A description of special program services.
 - (A) If applicable, the vocational training program offered within the program.
 - (B) A program which has vocational training for children in placement is one which is designed to impart to the children in placement, the skills necessary for a vocation or trade.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (C) A vocational training program shall qualify if the program:
 - (i) Teaches a skill(s) which benefits the child;
 - (ii) Provides instruction which includes hands- on experience and specified quantifiable training goals;
 - (iii) Consumes a percentage of the children's day at regularly scheduled hours;
 - (iv) Sustains costs for qualified staff, costs for equipment, materials and the space required for the training;
 - (v) Is not funded by the Department of Education for the vocational training provided;
 - (vi) Does not provide educational credit to the children in placement;
 - (vii) Is an integral part of the group home program and is not the result of coincidental factors such as hiring of a child care worker(s) or first-line supervisor(s) who happen to have vocational skills; and
 - (viii) Is not transitory and does not depend upon the continued employment of child care worker(s) and first-line supervisor(s).

- (7) An existing provider operating a group home program in the facility(ies) in which he/she intends to provide a new program shall:
 - (A) Obtain verification from the placement agency that an assessment as described in Section 31-420.241 has been completed on each child to ensure that the level of care and services of the new program meets the needs of the child.

HANDBOOK BEGINS HERE

(B) Section 31-420.241 states:

".241 Placements in group homes shall be subject to the following additional requirements:

"(a) The following conditions shall exist and shall be documented in the case plan:

"(1) Placement is necessary to meet the treatment needs of the child.

"(2) The group home has a treatment program that meets such treatment needs."

HANDBOOK ENDS HERE

- (b) Providers who are discontinuing any group home program(s) in favor of a new program shall submit the Group Home Program Days of Care Schedule (SR).
- (c) The placement agency recommendation from the host or the primary placing counties as appropriate and as specified in Section 11-425.12.
- (d) A copy of the provisional license issued by CCL in accordance with Title 22, California Code of Regulations, Division 6, and the permanent license when received.
- (e) Effective with the implementation of the group home administrator certification program, the group home administrator certificate indicating completion of that program as required in Health and Safety Code Section 1522.41.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- .412 The effective date of a new program provisional rate shall be the later of:
- (a) Date of first placement, or
 - (b) Date the Department received a complete rate application as specified in Section 11-402.411, or
 - (c) Date of the provisional license.
- .413 The Department shall establish the provisional rate based on the projected RCL for a group home program using data submitted by the provider in the initial rate application specified in Sections 11-402.351 through 11-402.359.
- .414 The Department may request additional information to complete the initial rate application process in accordance with Sections 11-402.437(a) through 11-402.437(c).
- .415 Applications for new programs which do not meet the requirements of Section .411 shall be subject to Section 11-402.43, Program Changes.
- .416 The effective date of a new program's rate, whether it will maintain or decrease the provisional rate, shall be the first of the month following the date of issuance of the Department's program audit report.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

.42 New Provider

.421 A new provider shall be as defined in Section 11-400n.(4).

(a) For foster care group home rate setting purposes, a new provider shall not be any of the following:

(1) The addition of a new program by an existing provider.

(2) Any change specified in Section 11-402.43, Program Changes.

(3) A change or reorganization in the provider's incorporation and/or a reorganization of his/her administration.

(4) A provider who fails to submit a rate application for an on-going program.

(b) Applications for new providers which do not meet the requirements of this section shall be subject to Section 11-402.43, Program Changes.

.422 An initial rate application from a new provider shall include all required forms and information listed in Sections 11-402.351 through 11-402.358, and FCR 16, Group Home Shelter Costs, Self-Dealing Transactions Declaration and Survey, as appropriate, with the following additional requirements:

(a) A complete program statement shall be submitted which shall include all the appropriate documentation and information as listed in Section 11-402.411(a).

(b) The Group Home Program Cost Report (SR 3) shall be completed identifying projected data for the rate period.

(c) Placement agency recommendation from the host or the primary placing counties as appropriate and as specified in Section 11-425.12.

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11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- .423 Initial rate application documents shall be submitted to the Department prior to the first placement.
- .424 The effective date of the provisional rate for a new provider shall be the later of:
 - (a) Date of first placement, or
 - (b) Date the Department receives a complete rate application as specified in Section 11-402.422, or
 - (c) Date of the provisional license.
- .425 The effective date of the rate for a new provider, whether it will maintain or decrease the provisional rate, shall be the first of the month following the date of issuance of the Department's program audit report.
- .426 The Department shall establish the provisional rate based on the projected RCL for a group home program using data submitted by the provider in the initial rate application specified in Sections 11-402.351 through 11-402.359.
- .427 The Department may request additional information to complete the initial rate application process in accordance with Sections 11-402.437(a) through (c).
- .43 Program Changes
 - .431 A program change shall be as defined in Section 11-400p.(7).
 - (a) For purposes of rate setting, a program change shall include a change to:
 - (1) The number of beds for the program, except as follows:
 - (A) The first increase of five or fewer beds in the lifetime of a program with no change to the program's RCL based on the number of points computed in accordance with Section 11-402.23.

11-402 **GROUP HOME RATE SETTING (Continued)** **11-402**

- (i) Calculate the RCL for the program based on the proposed expansion to verify that the RCL after the expansion is the same as the RCL approved by the Department for the program; and
 - (ii) Contact the Department to inform of capacity change and point determination.
- (2) Conditions or limitations described on the license which necessitates submission of a new license application as required by Title 22, Division 6, Section 80034(a).

HANDBOOK BEGINS HERE

A licensee shall file a new application as required by Title 22, Division 6, Section 80018 whenever there is a change in conditions or limitations described on the current license, or other changes including, but not limited to, the following:

- (1) Any change of licensee, including, but not limited to, the following when the licensee is a corporation.
 - (A) Sale or transfer of the majority of stock.
 - (B) Separating from a parent company.
 - (C) Merger with another company.

HANDBOOK ENDS HERE

- (b) A group home provider shall report any proposed program change to the Department, in compliance with the requirements for program change application specified in Section 11-402.432.
 - (1) The program shall continue to receive the existing rate.
- (c) The Department shall:
 - (1) Set a provisional rate that increases an RCL based on the projected RCL using data submitted by the provider in the program change application specified in Section 11-402.432.