

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 20, 2002

Regulation Package #0401-07

CDSS MANUAL LETTER NO. CCL-02-07

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,
CHAPTER 1, GENERAL LICENSING REQUIREMENTS

Regulation Package #0401-07**Effective 8/22/02****Section 80007**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/GeneralLic_630.htm.

These regulations specify that any housing project for elderly or disabled individuals must meet the federal requirements specified in Health and Safety Code Section 1505(o).

The new Handbook specifies the federal requirements in Health and Safety Code Section 1505(o) that any housing project for elderly or disabled persons, or both, where supportive services are made available to residents, must comply with when seeking an exemption-from-licensure.

These regulations were adopted on August 22, 2002 and were considered at the Department's public hearing held on March 13, 2002.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. 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-02-06. The latest prior manual letter containing General Licensing Requirements regulation changes was Manual Letter No. CCL-01-13.

Page(s)Replace(s)

29 through 30

Pages 29 through 30

Attachments

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80007	EXEMPTION FROM LICENSURE (Continued)	80007
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- (17) Any housing project for elderly or disabled individuals that meets federal requirements specified in Health and Safety Code Section 1505(p).

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(A) Health and Safety Code Section 1505(p) provides:

“Any housing for elderly or disabled persons, or both, that is approved and operated pursuant to Section 202 of Public Law 86-372 (12 U.S.C.A. Sec. 1701q), or Section 811 of Public Law 101-625 (42 U.S.C.A. Sec 8013), or whose mortgage is insured pursuant to Section 236 of Public Law 90-448 (12 U.S.C.A. Sec. 1715z), or that receives mortgage assistance pursuant to Section 221d(3) of Public Law 87-70 (12 U.S.C.A. Sec.17151), where supportive services are made available to residents at their option, as long as the project owner or operator does not contract for or provide the supportive services. The project owner or operator may coordinate, or help residents gain access to, the supportive services, either directly, or through a service coordinator. (Note: Health and Safety Code Section 1505(p) incorrectly cites Section 202 of Public Law 86-372 (12 U.S.C.A Section 1701g). (Emphasis added). the correct citation, as cited in this Handbook, is Section 1701q). (Emphasis added).”

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- (18) The Department.

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- (19) Any similar facility as determined by the Director.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1505, 1508, 1530, 1530.5, and 1536.1, Health and Safety Code; and Sections 362, 727 and 16100, Welfare and Institutions Code, Grimes v. CDSS (1999) 70 Cal.App.4th 1065.

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80008	LICENSING OF INTEGRAL FACILITIES	80008
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- (a) Upon written application from the licensee, the licensing agency shall have the authority to issue a single license for separate buildings which might otherwise require separate licenses provided that all of the following requirements are met:
- (1) Separate buildings or portions of the facility are integral components of a single program.
 - (2) All components of the program are managed by the same licensee.
 - (3) All components of the program are conducted at a single site with a common address.
- (b) If (a) above does not apply, each separately licensed component of a single program shall be capable of independently meeting the provisions of applicable regulations as determined by the licensing agency.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1508, 1509 and 1513, Health and Safety Code.

80010 LIMITATIONS ON CAPACITY AND AMBULATORY STATUS**80010**

- (a) A licensee shall not operate a facility beyond the conditions and limitations specified on the license, including the capacity limitation.
- (b) Facilities or rooms approved for ambulatory clients only shall not be used by nonambulatory clients.
 - (1) Clients whose condition becomes nonambulatory shall not use rooms or areas restricted to ambulatory clients.
 - (2) The licensing agency shall have the authority to require clients who use ambulatory sections of the facility to demonstrate that they are ambulatory.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1528 and 1531, Health and Safety Code.

80011 ADVERTISEMENTS AND LICENSE NUMBER**80011**

- (a) Licensees shall reveal each facility license number in all advertisements in accordance with Health and Safety Code Section 1514. Adult Day Care Facilities and Social Day Care Facilities shall be exempt from this requirement.

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- (1) Health and Safety Code, Section 1514 provides:
 - (a) Each residential care facility licensed under this chapter shall reveal its license number in all advertisements, publications, or announcements made with the intent to attract clients or residents.
 - (b) Advertisements, publications, or announcements subject to the requirements of subdivision (a) shall include, but are not limited to, those contained in the following:
 - (1) Newspaper or magazine.
 - (2) Consumer report.
 - (3) Announcement of intent to commence business.

HANDBOOK CONTINUES
