

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



April 6, 2007

Regulation Package #0704-05

CDSS MANUAL LETTER NO. CCL-07-01

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22,  
DIVISION 6, CHAPTER 1, GENERAL LICENSING REQUIREMENTS**Regulation Package #0704-05****Effective 1/12/07****Sections 80000, 80001, 80011, 80019, 80027, 80036, 80068.5, 80075, 80077.2,  
80087, 80092.2, 80092.8, and 80092.9**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/GeneralLic\\_630.htm](http://www.dss.cahwnet.gov/ord/GeneralLic_630.htm).

Community care facilities (with some exceptions) must meet General Licensing Requirements which are contained in Title 22, Division 6, Chapter 1, Sections 80000 through 80094.5. These general requirements include those regulatory areas which are common to most licensing categories. The regulatory areas, though common to most licensing categories, do contain some requirements applicable only to a specific licensing category. Licensees must also comply with regulations specific to the type of license for which they are applying.

Senate Bill (SB) 1982, (Chapter 773, Statutes of 2002) consolidated the Adult Day Care Facilities and Adult Day Support Centers into one program to be known as the Adult Day Programs. Merging of the two programs proposes to improve consumer access to community care licensed programs and minimize complexity and confusion for consumers, providers, and regulators.

These regulation changes to Chapter 1 are the result of combining Chapter 3 (Adult Day Care Facilities), Chapter 3.5 (Adult Day Support Centers) and the pertinent sections of Chapter 1 (General Licensing Requirements) into one stand-alone chapter, new Chapter 3 (Adult Day Programs).

These regulations changes are effective on January 12, 2007 and were considered at the Department's public hearing held on August 17, 2005.

## 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-06-07. The latest prior manual letter containing General Licensing Requirements regulation changes was Manual Letter No. CCL-06-01.

<u>Page(s)</u>	<u>Replace(s)</u>
3 and 4	Pages 3 and 4
6 through 9	Pages 6 through 9
18 and 19	Pages 18 and 19
21 and 22	Pages 21 and 22
29.1 and 30	Pages 29.1 and 30
37.2 and 37.3	Pages 37.2 and 37.3
57 through 60	Pages 57 through 60
69 and 70	Pages 69 and 70
109 and 110	Pages 109 and 110
123 and 124	Pages 123 and 124
134 and 135	Pages 134 and 135
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Attachments

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**CHAPTER 1 -- GENERAL LICENSING REQUIREMENTS****Article 1. GENERAL DEFINITIONS****80000 GENERAL****80000**

- (a) The general regulations in this chapter shall apply to all community care facilities regulated by Division 6, Chapters 2, 4, through 7, and Chapter 9, except where specifically exempted. Additional or special requirements found in the corresponding chapters pertaining to each category shall apply only to such individual facility categories.
- (b) The licensee shall ensure compliance with all applicable law and regulations.
- (c) Repealed by Manual Letter No. CCL-91-26, effective 5/28/91.
- (d) Repealed by Manual Letter No. CCL-91-26, effective 5/28/91.
- (e) Repealed by Manual Letter No. CCL-91-26, effective 5/28/91.
- (f) Repealed by Manual Letter No. CCL-91-01, effective 1/9/91.
- (g) Repealed by Manual Letter No. CCL-91-01, effective 1/9/91.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501, 1502, 1502(a)(7), 1530 and 1531, Health and Safety Code.

**80001 DEFINITIONS****80001**

The following general definitions shall apply wherever the terms are used throughout Division 6, Chapters 1, 2, 4 through 7, and Chapter 9, except where specifically noted otherwise. Additional definitions found at the beginning of each chapter in this division shall apply only to such specific facility category.

- (a) (1) "Activities of Daily Living" (ADLs) mean the following six activities:
- (A) Bathing: Cleaning the body using a tub, shower or sponge bath, including getting a basin of water, managing faucets, getting in and out of tub or shower, reaching head and body parts for soaping, rinsing and drying.
  - (B) Dressing: Putting on and taking off, fastening and unfastening garments and undergarments and special devices such as back or leg braces, corsets, elastic stockings/garments and artificial limbs or splints.
  - (C) Toileting: Getting on and off a toilet or commode, emptying a commode, managing clothes, wiping and cleaning the body after toileting, and using and emptying a bedpan and urinal.
  - (D) Transferring: Moving from one sitting or lying position to another sitting or lying position (e.g., from bed to or from a wheelchair, or sofa, coming to a standing position and/or repositioning to promote circulation and to prevent skin breakdown).
  - (E) Continence: Ability to control bowel and bladder as well as to use ostomy and/or catheter receptacles, and to apply diapers and disposable barrier pads.
  - (F) Eating: Reaching for, picking up, grasping a utensil and cup; getting food on a utensil; bringing food, utensil, and cup to mouth; manipulating food on plate; and cleaning face and hands as necessary following meal.

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**HANDBOOK BEGINS HERE**

See also the definition of "Client Who Relies Upon Others to Perform All Activities of Daily Living" in Section 80001c.(7).

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- (2) "Administrator" means the licensee, or the adult designated by the licensee to act in his/her behalf in the overall management of the facility.
- (3) "Adult" means a person who is 18 years of age or older.
- (4) "Adult Community Care Facility" (Adult CCF) means adult residential facilities (ARF) and social rehabilitation facilities (SFR).

**80001**      **DEFINITIONS (Continued)****80001**

- |      (5) "Adult Residential Facility" means any facility of any capacity which provides 24-hour a day nonmedical care and supervision to adults except elderly persons.
- |      (6) "Applicant" means any individual, firm, partnership, association, corporation, county, city, public agency or other government entity that has made application for community care facility license, administrator certificate, or special permit.
- |      (7) "Authorized Representative" means any person or entity authorized by law to act on behalf of any client. Such person or entity may include but not be limited to a minor's parent, a legal guardian, a conservator or a public placement agency.
- |      (8) "Automated External Defibrillator" (AED) means a light-weight, portable device used to administer an electric shock through the chest wall to the heart. Built-in computers assess the patient's heart rhythm, determine whether defibrillation (electrical shock) is needed and then administer the shock. Audible and/or visual prompts guide the user through the process.
- (b) (1) "Basic Rate" means the rate charged by a facility to provide basic services. For SSI/SSP recipients, the basic rate means the established nonmedical out-of-home care rate which includes any exempt income allowance but does not include that amount allocated for the recipient's personal and incidental needs.
- (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 community care facility 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 persons authorized to be provided care and supervision at any one time in any licensed facility.

**80001** DEFINITIONS (Continued)**80001**

- (3) "Care and Supervision" means any one or more of the following activities provided by a person or facility to meet the needs of the clients:
- (A) Assistance in dressing, grooming, bathing and other personal hygiene.
  - (B) Assistance with taking medication, as specified in Section 80075.
  - (C) Central storing and/or distribution of medications, as specified in Section 80075.
  - (D) Arrangement of and assistance with medical and dental care.
  - (E) Maintenance of house rules for the protection of clients.
  - (F) Supervision of client schedules and activities.
  - (G) Maintenance and/or supervision of client cash resources or property.
  - (H) Monitoring food intake or special diets.
  - (I) Providing basic services as defined in Section 80001b.(2).
- (4) "Cash Resources" means:
- (A) Monetary gifts.
  - (B) Tax credits and/or refunds.
  - (C) Earnings from employment or workshops.
  - (D) Personal and incidental need allowances from funding sources including but not limited to SSI/SSP.
  - (E) Allowances paid to children.
  - (F) Any other similar resources as determined by the licensing agency.
- (5) "Certified administrator" means an administrator who has been issued a group home or adult residential facility certificate by the Department and whose certificate is current.
- (6) "Child" means a person who is under 18 years of age.

**80001** DEFINITIONS (Continued)**80001**

- (3) "PRN Medication" (pro re nata) means any nonprescription or prescription medication which is to be taken as needed.
  - (4) "Provision" or "Provide" means whenever any regulation requires that provisions be made for or that there be provided any service, personnel, or other requirement, the licensee shall do so directly or present evidence to the licensing agency that the requirement has been met by some other means.
  - (5) "Provisional License" means a license which is temporary, nonrenewable and issued for a period not to exceed twelve months. A provisional license is issued in accordance with the criteria specified in Section 80030.
- (q) (Reserved)
- (r) (1) "Rehabilitation" means the effort to reestablish good character since the date of the last conviction, including, but not limited to, education, counseling or therapy, training, stable employment, restitution, remorse, changes in lifestyle, or community service.
- (2) "Relative" means spouse, parent, stepparent, son, daughter, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or such person denoted by the prefix "grand" or "great" or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
- (3) "Responsible person" means that individual or individuals, including a relative, health care surrogate decision maker, or placement agency, who assists the client or prospective client in placement or assumes varying degrees of responsibility for the client's well-being. A responsible person cannot act on behalf of a client unless authorized by law.
- (s) (1) "Serious Deficiency" means any deficiency that presents an immediate or substantial threat to the physical health, mental health or safety of the clients of a community care facility.
- (2) "Simplified Exemption" means an exemption granted on the Department's own motion, as authorized in Health and Safety Code Section 1522(c)(4), if the individual's criminal history meets specific criteria established by Department regulation.

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- (A) See Section 80051 and other applicable sections in Chapters 2, 4 through 7, and Chapter 9, for examples of violations which commonly result in serious deficiencies.

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- (3) "Small Family Home" means any residential facility in the licensee's family residence providing 24-hour a day care for six or fewer children who are mentally disordered, developmentally disabled or physically handicapped and who require special care and supervision as a result of such disabilities.
- (4) "Social Rehabilitation Facility" means any facility which provides 24-hour-a-day nonmedical care and supervision in a group setting to adults recovering from mental illness who temporarily need assistance, guidance or counseling.
- (5) "Social Worker" means a person who has a graduate degree from an accredited school of social work.
- (6) "SSI/SSP" means the Supplemental Security Income/State Supplemental Program which is a federal/state program that provides financial assistance to aged, blind and/or disabled residents of California.
- (7) "Substantial Compliance" means the absence of any serious deficiencies.
- (8) "Substantiated Complaint" means a complaint which has been investigated by the licensing agency, and as a result, a violation of regulations has been found.
- (t) (1) "Transfer Trauma" means the consequences of the stress and emotional shock caused by an abrupt, involuntary relocation of a client or resident from one facility to another.
- (u) (1) "Universal Precautions" means an approach to infection control that treats all human blood and body fluids as if they are infectious. Generally, Universal Precautions consist of regular hand-washing after coming into contact with another person's body fluids (mucous, saliva, urine, etc.) and includes the use of gloves when handling blood or body fluids that contain blood. Specifically, Universal Precautions consist of the following four basic infection guidelines:

**80001** DEFINITIONS (Continued)**80001**

- (C) Cleaning with a disinfectant - Staff should clean with a disinfectant:
1. On all surfaces and in the client's room and on an "as needed" basis on any surface that has come into contact with blood.
  2. Such as a basic bleach solution, made fresh daily by mixing:
    - a. 1/4 cup household liquid chlorine bleach in one gallon of tap water, or one tablespoon bleach in one quart of water.
- (D) Proper disposal of infectious materials - Staff should dispose of infectious materials by:
1. Placing it in a plastic trash bag, tying it with a secure tie, and disposing of it out of reach of clients and children.
- (2) "Unlicensed Community Care Facility" means a facility as defined in Health and Safety Code Section 1503.5.

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**HANDBOOK BEGINS HERE**

- (A) Health and Safety Code Section 1503.5 provides:

A facility shall be deemed to be an "unlicensed community care facility" and "maintained and operated to provide nonmedical 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.

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80001

## DEFINITIONS (Continued)

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- (B) A facility which is "providing care and supervision" as defined in Section 80001c.(2) includes, but is not limited to, one in which an individual has been placed by a placement agency or family members for temporary or permanent care.
- (C) A facility which is "held out as or represented as providing care or supervision" includes, but is not limited to:
- (1) A facility whose license has been revoked or denied, but the individual continues to provide care for the same or different clients with similar needs.
  - (2) A facility where a change of ownership has occurred and the same clients are retained.
  - (3) A licensed facility that moves to a new location.
  - (4) A facility which advertises as providing care and/or supervision.
- (D) A facility which "accepts or retains residents who demonstrate the need for care or supervision" includes, but is not limited to:
- (1) A facility with residents requiring care and/or supervision, even though the facility is providing board and room only, or board only, or room only.
  - (2) A facility which houses unemancipated minors, even though the facility is providing board and room only, or board only, or room only.
  - (3) A facility where it is apparent that care and/or supervision are being provided by virtue of the client's needs being met.
- (3) "Urgent Need" means a situation where prohibiting the operation of the facility would be detrimental to a client's physical health, mental health, safety, or welfare. Circumstances constituting urgent need include but are not limited to the following:
- (A) A change in facility location when clients are in need of services from the same operator at the new location.
  - (B) A change of facility ownership when clients are in need of services from a new operator.

<b>80008</b>	<b>LICENSING OF INTEGRAL FACILITIES</b>	<b>80008</b>
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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. Non-residential facilities shall be exempt from this requirement.

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**HANDBOOK BEGINS HERE**

- (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.

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**HANDBOOK CONTINUES**

**80019 CRIMINAL RECORD CLEARANCE (Continued)****80019**

- (4) Clergy and other spiritual caregivers who are performing services in common areas of the residential care facility, or who are advising an individual client at the request of, or with the permission of, the client.
- (A) This exemption shall not apply to a person who is a community care facility licensee or an employee of the facility.
- (5) Members of fraternal, service and similar organizations who conduct group activities for clients, if all of the following apply:
- (A) Members are not left alone with the clients.
- (B) Members do not transport clients off the facility premises.
- (C) The same group does not conduct such activities more often than once a month.
- (6) The following persons in homes certified by licensed Foster Family Agencies:
- (A) Adult friends and family of the certified foster parent, who come into the home to visit for a length of time no longer than one month, provided they are not left alone with the foster children. However, the certified foster parent, acting as a reasonable and prudent parent, as defined in paragraph (2) of subdivision (a) of Section 362.04 of the Welfare and Institutions Code, may allow his or her adult friends and family to provide short-term care to the foster child and act as an appropriate occasional short-term babysitter for the child.
- (B) Parents of a foster child's friends when the child is visiting the friend's home and the friend, certified foster parent or both are also present. However, the certified foster parent, acting as a reasonable and prudent parent, may allow the parent of the foster child's friends to act as an appropriate short-term babysitter for the child without the friend being present.
- (C) Individuals who are engaged by any certified foster parent to provide short-term babysitting to the child for periods not to exceed 24 hours. Certified foster parents shall use a reasonable and prudent parent standard in selecting appropriate individuals to act as appropriate occasional short-term babysitters.

**80019 CRIMINAL RECORD CLEARANCE (Continued)****80019**

- (7) The following persons in small family homes:
- (A) Adult friends and family of the licensee who come into the home to visit, for a length of time no longer than one month, provided they are not left alone with the children.
  - (B) Parents of a child's friends when the child is visiting the friend's home and the friend, foster parent or both are also present.
- (8) The following persons in adult residential and social rehabilitation facilities unless contraindicated by the client's individualized program plan (IPP), or needs and service plan:
- (A) A spouse, significant other, relative, or close friend of a client., or the attendant or facilitator who is not employed, retained or contracted by the licensee for a client with a developmental disability, as long as the person is visiting the resident or providing direct care and supervision to that client only.
  - (B) An attendant or facilitator for a client with a developmental disability if the attendant or facilitator is not employed, retained or contracted by the licensee.
  - (C) The exemptions in Section 80019(b)(9)(A) or (B) apply only if the person is visiting the client or providing direct care and supervision to the client.
- (9) Nothing in this paragraph shall prevent a licensee from requiring a criminal record clearance of any individual exempt from the requirements of this section, provided that the individual has client contact.

**80026 SAFEGUARDS FOR CASH RESOURCES, PERSONAL PROPERTY, AND VALUABLES (Continued) 80026**

- (3) If no executor or administrator has been appointed, the authorized representative, if any, shall be notified by the licensee of the client's death, and the cash resources, personal property, and valuables shall be surrendered to said person in exchange for a signed, itemized receipt.
  - (4) If the licensee is unable to notify a responsible party as specified in (2) or (3) above, the licensee shall give immediate written notice of the client's death to the public administrator of the county as provided in Section 7600.5 of the California Probate Code.
- (m) The following requirements shall be met whenever there is a proposed change of licensee:
- (1) The licensee shall notify the licensing agency of any pending change of licensee, and shall provide the licensing agency an accounting of each client's cash resources, personal property and valuables entrusted to his/her care.
    - (A) Such accounting shall be made on form provided or approved by the licensing agency.
  - (2) Provided the licensing agency approves the application for the new licensee, the form specified in (1)(A) above shall be updated, signed by both the former and new licensee, and forwarded to the licensing agency.
- (n) The licensee shall maintain a record of all monetary gifts and of any other gift exceeding an estimated value of \$100, provided by or on behalf of a client to the licensee, administrator or staff.
- (1) The record shall be attached to the account(s) specified in (h) above if the client's cash resources, personal property or valuables have been entrusted to the licensee.
  - (2) Monetary gifts or valuables given by the friends or relatives of a deceased client shall not be subject to the requirement specified in (n) and (n)(1) above.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531 and 1560, Health and Safety Code; and 20 CFR 416.601.

**80027 INITIAL APPLICATION REVIEW****80027**

- (a) Within 90 days of receipt of the application by the licensing agency, the licensing agency shall give written notice to the applicant of one of the following:
- (1) The application is complete.
  - (2) The application is deficient, describing what documents are outstanding and/or inadequate, and informing the applicant that the information must be submitted within 30 days of the date of the notice.
    - (A) If the applicant does not submit the required information within the 30 days, the application shall be deemed withdrawn unless either the licensing agency has denied the application or the facility is under construction.
- (b) The licensing agency shall cease review of any application under the conditions specified in Section 1520.3 of the Health and Safety Code.
- (1) If cessation of review occurs, the application shall be returned to the applicant. It shall be the responsibility of the applicant to request resumption of review as specified in Health and Safety Code Section 1520.3.

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**HANDBOOK BEGINS HERE**

- (2) Health and Safety Code Section 1520.3 provides in part::

“(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years shall have elapsed from the date of such revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or any other provision of law.

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**HANDBOOK CONTINUES**

## 80027 INITIAL APPLICATION REVIEW (Continued)

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**HANDBOOK CONTINUES**

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“(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

“(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

“(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

“(3) The department may continue to review the application if it has determined that the reasons for the denial of the application were due to circumstances and conditions which either have been corrected or are no longer in existence.”

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**HANDBOOK ENDS HERE**

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(c) The circumstances and conditions in which the licensing agency may continue to review a previously denied application shall include, but are not limited to, the following:

- (1) A fire clearance previously denied, but now approved;
- (2) An Administrator who did not meet the minimum qualifications, but now fulfills the qualifications; or
- (3) A person with a criminal record, which was the basis for license denial, is no longer associated with the facility.

**80027 INITIAL APPLICATION REVIEW (Continued)****80027**

- | (d) The application review shall not constitute approval of the application.
- | (f) The application fees shall be nonrefundable as specified in Section 80036(d).

NOTE: Authority cited: Sections 1524, and 1530, Health and Safety Code. Reference: Sections 1520, 1520.3, 1522.1, 1523.1, and 1524, Health and Safety Code; and Section 15376, Government Code.

**80035      CONDITIONS FOR FORFEITURE OF A COMMUNITY CARE FACILITY LICENSE (Continued)      80035**

- (2) The relative files with the Department within five days of the licensee's death an Application for License (LIC 200 7/91) and evidence of the licensee's death as defined in Section 80001(e)(4).
  - (A) Notwithstanding the instructions on the Application for License (LIC 200 7/91), the Department shall permit the relative to submit only the information on the front side of that form.
- (3) The relative files with the California Department of Justice within five calendar days of the licensee's death his/her fingerprint cards.
- (c) If the adult relative complies with (b)(1) and (2) above, he/she shall not be considered to be operating an unlicensed facility pending the Department's decision on whether to approve a provisional license.
- (d) The Department shall make a decision within 60 days after the application is submitted on whether to issue a provisional license pursuant to Section 80030.
  - (1) A provisional license shall be granted only if the Department is satisfied that the conditions specified in (b) above and Section 80030 have been met and that the health and safety of the residents of the facility will not be jeopardized.

NOTE: Authority cited: Sections 1524(e) and 1530, Health and Safety Code. Reference: Sections 1524 and 1524(e), Health and Safety Code.

**80036      LICENSING FEES      80036**

- (a) An applicant or a licensee shall be charged fees as specified in Health and Safety Code Section 1523.1.

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1523.1 provides:

“(a) An application fee adjusted by facility and capacity shall be charged by the department for the issuance of a license. After initial licensure, a fee shall be charged by the department annually on each anniversary of the effective date of the license. The fees are for the purpose of financing the activities specified in this chapter. Fees shall be assessed as follows:

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**HANDBOOK CONTINUES**

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## 80036 LICENSING FEES (Continued)

80036

## HANDBOOK CONTINUES

Facility Type	Fee Schedule		
	Capacity	Initial Application	Annual
Foster Family and Adoption Agencies		\$2,500	\$1,250
Other Community Care Facilities Except Adult Day Programs	1-3	\$ 375	\$ 375
	4-6	\$ 750	\$ 375
	7-15	\$ 1,126	\$ 563
	16-30	\$ 1,500	\$ 750
	31-49	\$ 1,876	\$ 938
	50-74	\$ 2,252	\$1,126
	75-100	\$ 2,628	\$1,314
	101-150	\$ 3,004	\$1,502
	151-200	\$ 3,502	\$1,751
	201-250	\$ 4,000	\$2,000
	251-300	\$ 4,500	\$2,250
301-350	\$ 5,000	\$2,500	
351-400	\$ 5,500	\$2,750	
401-500	\$ 6,500	\$3,250	
501-600	\$ 7,500	\$3,750	
601-700	\$ 8,500	\$4,250	
701+	\$10,000	\$5,000	

(b) (1) In addition to fees set forth in subdivision (a), the department shall charge the following fees:

(A) A fee that represents 50 percent of an established application fee when an existing licensee moves the facility to a new physical address.

## HANDBOOK CONTINUES

**80068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN****80068.3**

- (a) The licensee shall ensure that each client's written Needs and Services Plan is updated as often as necessary to assure its accuracy, but at least annually. These modifications shall be maintained in the client's file.
- (b) If the licensee determines that the client's needs cannot be met, the licensee shall inform the client, and his/her authorized representative, if any, and the placement agency, if any, and request that the client relocate to a facility that can provide the needed services.
  - (1) If the client refuses to relocate, the licensee may evict the client in accordance with Section 80068.5.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, and 1531, Health and Safety Code.

**80068.5 EVICTION PROCEDURES****80068.5**

- (a) Except for children's residential facilities, the licensee may, upon 30 days written notice to the client, evict the client only for one or more of the following reasons:
  - (1) Nonpayment of the rate for basic services within ten days of the due date.
  - (2) Failure of the client to comply with state or local law after receiving written notice of the alleged violation.
  - (3) Failure of the client to comply with general facility policies that are documented in the facility admission agreement, and are for the purpose of making it possible for clients to live together.
    - (A) For a SRF, failure of the client to participate in the services and activities specified in the treatment/rehabilitation plan to the extent of his/her ability.
  - (4) Inability to meet the client's needs.
    - (A) A Needs and Services Plan modification must have been performed, as specified in Section 80068.3(a), which determined that the client's needs cannot be met by the facility and the client has been given the opportunity to relocate as specified in Section 80068.3(b).
  - (5) The client refuses to comply with his/her Restricted Health Condition Care Plan, if any, as specified in Section 80092.2.

**80068.5 EVICTION PROCEDURES**  
(Continued)**80068.5**

- (6) Change of use of the facility.
- (b) The licensee shall obtain prior written approval from the Department to evict the client upon three (3) days written notice to quit and upon a finding of good cause.
- (1) Good cause exists if the client engages in behavior that threatens the mental and/or physical health or safety of himself/herself or others in the facility.
- (2) Failure of the Department to reply to the request for approval within two working days shall be considered approval.
- (c) The notice to quit shall state the reasons for the eviction, with specific facts supporting the reason for the eviction including the date, place, witnesses, if any, and circumstances.
- (d) When serving the client with either a 30-day or a 3-day notice to quit, the licensee shall, on the same day, overnight mail or fax a copy of the notice to the client's authorized representative, if any or responsible person if there is no authorized representative.
- (e) The licensee shall mail or fax to the Department a copy of the 30-day written notice in accordance with (a) above within five days of giving the notice to the client.
- (f) Upon request of a client or his/her authorized representative or responsible person, the Department will investigate the reasons for the eviction pursuant to the provisions of Sections 1538 and 1569.35 of the Health and Safety Code.
- (g) Nothing in this section precludes the licensee or client from invoking any other available remedy.

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**HANDBOOK BEGINS HERE**

- (1) Such remedies include voluntary relocation, relocation by the client's authorized representative, hospitalization for mental or physical conditions, and arrest.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1531, and 1770, et seq., Health and Safety Code.

<b>80072</b>	<b>PERSONAL RIGHTS (Continued)</b>	<b>80072</b>
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- (d) The licensee shall ensure that each client is accorded the personal rights as specified in this section and the applicable sections of Chapters 2 through 7.

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**HANDBOOK BEGINS HERE**

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- (A) Section 1512 of the Health and Safety Code provides that:

The policy shall be designed to encourage regular family involvement with the client and shall provide ample opportunities for family participation in activities at the facility.

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

<b>80073</b>	<b>TELEPHONES</b>	<b>80073</b>
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- (a) All facilities shall have telephone service on the premises.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1528, 1531 and 1539, Health and Safety Code.

<b>80074</b>	<b>TRANSPORTATION</b>	<b>80074</b>
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- (a) Only drivers licensed for the type of vehicle operated shall be permitted to transport clients.
- (b) The manufacturer's rated seating capacity of the vehicles shall not be exceeded.
- (c) Motor vehicles used to transport clients shall be maintained in a safe operating condition.

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

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This section does not apply to child care centers. For regulations governing health-related services in child care centers, see Chapter 2, Section 81075.

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- (a) The licensee shall ensure that each client receives necessary first aid and other needed medical or dental services, including arrangement for and/or provision of transportation to the nearest available services.
- (b) Clients shall be assisted as needed with self-administration of prescription and nonprescription medications.
  - (1) In adult CCFs, facility staff who receive training may assist clients with metered-dose inhalers, and dry powder inhalers if the following requirements are met:
    - (A) In ARFs and SRFs, facility staff must receive training from a licensed professional.
      - 1. The licensee shall obtain written documentation from the licensed professional outlining the procedures and the names of facility staff who have been trained in those procedures.
      - 2. The licensee ensures that the licensed professional reviews staff performance as the licensed professional deems necessary, but at least once a year.
    - (B) All staff training shall be documented in the facility personnel files.
  - (2) Facility staff, except those authorized by law, shall not administer injections but staff designated by the licensee shall be authorized to assist clients with self-administration of injections as needed.

**80076 FOOD SERVICE (Continued) 80076**

- (B) Facilities not using dishwashing machines shall clean and sanitize dishes and utensils by an alternative comparable method.
- (21) Equipment necessary for the storage, preparation and service of food shall be provided, and shall be well-maintained.
- (22) Tableware and tables, dishes, and utensils shall be provided in the quantity necessary to serve the clients.
- (23) Adaptive devices shall be provided for self-help in eating as needed by clients.
- (b) The licensing agency shall have the authority to require the facility to provide written information, including menus, regarding the food purchased and used over a given period when it is necessary to determine if the licensee is in compliance with the food service requirements in the regulations in this Division.
  - (1) The licensing agency shall specify in writing the written information required from the licensee.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1528, 1530, 1530.5 and 1531, Health and Safety Code.

**80077 PERSONAL SERVICES (RESERVED) 80077****80077.2 CARE FOR CLIENTS WHO RELY UPON OTHERS TO PERFORM ALL ACTIVITIES OF DAILY LIVING 80077.2**

- (a) A licensee of an adult CCF may accept or retain a client who relies upon others to perform all activities of daily living for them.
- (b) Prior to accepting a client into care, the licensee shall complete the following:
  - (1) An approved plan of operation demonstrating the licensee's ability to care for these clients as specified in Section 80022(e).
  - (2) A Needs and Services Plan, as required by the facility-specific regulations, that includes all of the following:
    - (A) A plan to monitor the client's skin condition, including:

**80077.2 CARE FOR CLIENTS WHO RELY UPON OTHERS TO PERFORM ALL ACTIVITIES OF DAILY LIVING (Continued) 80077.2**

1. Specific guidelines for turning the client (time, method, acceptable positions).
  2. Skin breakdown.
  3. Objective symptoms, observable by a lay person, indicating when a licensed professional must be contacted.
- (B) A method for feeding the client and providing him/her with hydration.
- (C) A method for determining the client's needs.
- (D) A method for communicating with the client.
- (E) A list of emergency contacts and a list of readily observable conditions that indicate when emergency intervention is necessary.
- (F) A list of persons to contact in the event of non-emergency client distress or discomfort and a list of readily observable conditions that indicate when the licensee is to contact those persons.
- (G) A description of the client-specific training that facility staff will receive.
1. The training must be provided by the client's health care provider (physician or nurse), the client's physical or mental health therapist, social worker, and placement worker, within their individual scopes of practice.
  2. The training must include the client's needs and objective symptoms that indicate when the licensee is to obtain health care or other type of assistance.
  3. Repealed by Manual Letter No. CCL-07-01, effective 1/12/07.
- (H) In an ARF or SRF, an agreement, signed by the placement agency, or authorized representative, to review the client's care at least once a month. A copy of the agreement shall be maintained in the client's file.

**80087 BUILDINGS AND GROUNDS (Continued)****80087**

- (c) All outdoor and indoor passageways, stairways, inclines, ramps, open porches and other areas of potential hazard shall be kept free of obstruction.
- (d) General permanent or portable storage space shall be available for the storage of facility equipment and supplies.
  - (1) Facility equipment and supplies shall be stored in this space and shall not be stored in space used to meet other requirements specified in this chapter and Chapters 2, and 4 through 7.
- (e) All licensees serving children or serving clients who have physical handicaps, mental disorders, or developmental disabilities shall ensure the inaccessibility of pools, including swimming pools (in-ground and above-ground), fixed-in-place wading pools, hot tubs, spas, fish ponds or similar bodies of water through a pool cover or by surrounding the pool with a fence.
  - (1) Fences shall be at least five feet high and shall be constructed so that the fence does not obscure the pool from view. The bottom and sides of the fence shall comply with Division 1, Appendix Chapter 4 of the 1994 Uniform Building Code. In addition to meeting all of the aforementioned requirements for fences, gates shall swing away from the pool, self-close and have a self-latching device located no more than six inches from the top of the gate. Pool covers shall be strong enough to completely support the weight of an adult and shall be placed on the pool and locked while the pool is not in use.
    - (A) If licensed prior to June 1, 1995, facilities with existing pool fencing shall be exempt from the fence requirements specified in Section 80087(e)(1) until such fence is replaced or structurally altered. If the licensee replaces or alters the fence, it shall meet the fence requirements specified in Section 80087(e)(1).
  - (2) Where an above-ground pool structure is used as the fence or where the fence is mounted on top of the pool structure, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible or erecting a barricade to prevent access to decking. If a barricade is used, the barricade shall meet the requirements of Section 80087(e)(1).

**80087 BUILDINGS AND GROUNDS (Continued)****80087**

- | (f) All in-ground pools, and above-ground pools which cannot be emptied after each use shall have an operative pump and filtering system.
- | (g) Disinfectants, cleaning solutions, poisons, firearms and other items that could pose a danger if readily available to clients shall be stored where inaccessible to clients.
  - (1) Storage areas for poisons, and firearms and other dangerous weapons shall be locked.
  - (2) In lieu of locked storage of firearms, the licensee may use trigger locks or remove the firing pin.
    - (A) Firing pins shall be stored and locked separately from firearms.
  - (3) Ammunition shall be stored and locked separately from firearms.
- | (h) Medicines shall be stored as specified in Section 80075(m) and (n) and separately from other items specified in Section 80087(g) above.
- | (i) The items specified in Section 80087(g) above shall not be stored in food storage areas or in storage areas used by or for clients.

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

**80092.1 GENERAL REQUIREMENTS FOR RESTRICTED HEALTH CONDITIONS (Continued)****80092.1**

- (1) The licensee shall obtain written documentation from the licensed professional outlining the procedures and the names of the facility staff who have been trained in those procedures.
- (2) The licensee ensures that the licensed professional reviews staff performance as often as necessary, but at least annually.
- (l) All training shall be documented in the facility personnel files.
- (m) The licensee of an ARF or SRF shall develop and maintain, as part of the Needs and Services Plan, a Restricted Health Condition Care Plan as specified in Section 80092.2.
  - (1) The care plan shall neither require nor recommend that the licensee or any facility personnel or any other person providing care, other than a physician or licensed professional, implement any health care procedure that may legally be provided only by a physician or licensed professional.
- (n) The licensee shall ensure that the client's health-related service needs are met and shall follow the approved plan for each client.
- (o) The licensee shall document any significant occurrences that result in changes in the client's physical, mental and/or functional capabilities and report these changes to the client's physician and authorized representative.
- (p) The licensee shall demonstrate compliance with the restricted health condition care plan by maintaining in the facility all relevant documentation.
- (q) The licensee shall report any substantive deviation from the care plan to the client's authorized representative.
- (r) The duty established by this section does not infringe on a client's right to receive or reject medical care or services, as allowed in Section 80072.
  - (1) If a client refuses medical services specified in the care plan, the licensee shall immediately notify all persons identified in Section 80092.2(a)(1) and shall participate in developing a plan for meeting the client's needs.
  - (2) If unable to meet the client's needs, the licensee shall issue an eviction notice as specified in Section 80068.5.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

**80092.2 RESTRICTED HEALTH CONDITION CARE PLAN****80092.2**

- (a) If the licensee of an ARF or SRF chooses to care for a client with a restricted health condition, as specified in Section 80092, the licensee shall develop and maintain, as part of the Needs and Services Plan, a written Restricted Health Condition Care Plan. The plan must include all of the following:
- (1) Documentation that the client and the client's authorized representative, if any, the client's physician or a licensed professional designated by the physician, and the placement agency, if any, participated in the development of the plan.
  - (2) Documentation by the client's physician or a licensed professional designated by the physician, of the following:
    - (A) Stability of the medical condition.
    - (B) Medical conditions that require services or procedures.
    - (C) Specific services needed.
    - (D) Client's ability to perform the procedures.
    - (E) The client does not require 24-hour nursing care and/or monitoring.
  - (3) Identification of a licensed professional who will perform procedures if the client needs medical assistance.
  - (4) Identification of the person(s) who will perform incidental medical assistance that does not require a licensed professional.
  - (5) Name and telephone number of emergency medical contacts.
  - (6) A date specified by the client's physician or designee, who is also a licensed professional, when the plan must be reviewed by all parties identified in Section 80092.2(a)(1).
  - (7) A signed statement from the client's attending physician that the plan meets medical scope of practice requirements.
  - (8) For clients of a placement agency, a signed statement from a representative of the placement agency that they have reviewed and approved the plan and that the placement agency will monitor implementation of the plan.

<b>80092.7</b>	<b>STAPH OR OTHER SERIOUS, COMMUNICABLE INFECTIONS</b>	<b>80092.7</b>
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(Continued)

- (4) The licensee ensures that a licensed professional assesses the infection and evaluates the treatment at intervals set by the physician or a licensed professional designated by the physician.
- (5) The licensee ensures that prior to providing care, staff are trained in and follow Universal Precautions and any other procedures recommended by the licensed professional for protection of the client who has the infection, other clients and staff.
- (6) The licensee ensures that all aspects of care performed in the facility by the licensed professional and facility staff are documented in the client's file.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507 and 1530, Health and Safety Code.

## | 80092.8 DIABETES

80092.8

- (a) A licensee of an adult CCF may accept or retain a client who has diabetes if all of the following conditions are met:
- (1) The licensee is in compliance with Section 80092.1.
  - (2) The client is mentally and physically capable of administering his/her own medication and performing his/her own glucose testing if applicable, or a licensed professional administers the tests and injections.
    - (A) The licensed professional may delegate to trained facility staff glucose testing provided all of the following conditions are met:
      1. The blood glucose-monitoring test is performed with a blood glucose-monitoring instrument that has been approved by the federal Food and Drug Administration for over-the-counter sale.
      2. The licensee ensures that facility staff responsible for glucose testing receive training from a licensed professional as specified in Sections 80092.1(k) through (k)(2).
      3. Facility staff comply with the instructions of the licensed professional regarding the performance of the test and the operation of the blood glucose-monitoring instrument.
      4. Facility staff immediately notify the client's physician if the results are not within the normal range for the client.
      5. The licensee ensures that the results of each blood glucose test performed by facility staff are documented and maintained in the client's record in the facility.
  - (3) The licensee ensures that sufficient amounts of medicines, testing equipment, syringes, needles, and other supplies are maintained and stored in the facility.

**80092.8 DIABETES**  
(Continued)**80092.8**

- (4) The licensee ensures that injections are administered immediately after a syringe is filled unless the client is using prefilled syringes prepared by a registered nurse, pharmacist or drug manufacturer.
- (5) The licensee ensures that syringes and needles are disposed of in accordance with California Code of Regulations, Title 8, Section 5193.

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**HANDBOOK BEGINS HERE**

- (A) California Code of Regulations, Title 8, Section 5193(d)(2) is paraphrased in pertinent part:

Contaminated needles and other contaminated sharps shall not be bent, recapped or removed. Shearing or breaking of contaminated needles is prohibited.

Immediately or as soon as possible after use, contaminated reusable sharps shall be placed in appropriate containers until properly reprocessed. These containers shall be:

- 1. Puncture resistant;
- 2. Labeled in accordance with this section;
- 3. Leakproof on the sides and bottom; and
- 4. Repealed by Manual Letter No. CCL-07-01, effective 1/12/07.

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**HANDBOOK ENDS HERE**

- (6) The licensee provides a modified diet as prescribed by a client's physician, as specified in Section 80076(a)(6). Any substitutions shall be made by the facility dietitian or in consultation with a registered dietician or the client's physician or medical provider.

- (A) Repealed by Manual Letter No. CCL-07-01, effective 1/12/07.

- (7) The licensee ensures that all facility staff who provide care receive training in recognizing the signs and symptoms of hyperglycemia and hypoglycemia and in taking appropriate action for client safety.

**80092.8 DIABETES**  
(Continued)**80092.8**

(b) For clients who provide self-care, the licensee shall:

- (1) Monitor the client's ongoing ability to perform his/her glucose testing and administer his/her medication in accordance with the physician's instructions.
- (2) Assist clients with self-administered medication, as specified in Section 80075.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1531, Health and Safety Code.

**80092.9 WOUNDS****80092.9**

(a) A licensee of an adult CCF may accept or retain a client who has a serious wound if all of the following conditions are met:

- (1) The licensee is in compliance with Section 80092.1.
- (2) The wound is either an unhealed, surgically closed incision or wound, or determined by the physician or a licensed professional designated by the physician to be a Stage 1 or 2 dermal ulcer and is expected by the physician or designated professional to completely heal.
- (3) The licensee ensures that a licensed professional in accordance with the physician's instructions provides the wound care.
  - (A) The licensed professional may delegate simple dressing to facility staff who receive training from a licensed professional as specified in Sections 80092.1(k) through (k)(2).
  - (B) Repealed by Manual Letter No. CCL-07-01, effective 1/12/07.