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May 18, 2015

Handbook Package # 0115-02

CDSS MANUAL LETTER NO. CCL-15-04

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL,
TITLE 22, DIVISION 6, CHAPTER 3, ADULT DAY PROGRAMS

Handbook Package # 0115-02

Effective 5/18/2015

Handbook Section 82036

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG635.htm>.

This manual letter is updating a handbook section which includes quoted material relevant to the adult day program regulations.

Since these corrections are nonsubstantive, a public hearing was not necessary.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. 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-15-03. The latest prior manual letter containing transitional housing placement program regulation changes was Manual Letter No. CCL-07-02.

Page(s)
63 through 66

Replace(s) Pages
63 through 66

Attachments

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82035**CONDITIONS FOR FORFEITURE OF A LICENSE (Continued)****82035**

- (b) The licensee is considered to have abandoned the facility if either of the following conditions occur:
- (1) The licensee informs the licensing agency that the licensee no longer accepts responsibility for the day program, or
 - (2) The licensing agency is unable to determine the licensee's whereabouts after the following:
 - (A) The licensing agency requests information of the licensee's whereabouts from the day program staff if any staff can be contacted; and
 - (B) The licensing agency has made at least one (1) phone call per day, to the licensee's last telephone number of record, for five (5) consecutive workdays with no response; and
 - (C) The licensing agency has sent a certified letter, requesting the licensee to contact the licensing agency, to the licensee's last mailing address of record with no response within seven (7) calendar days.
- (c) If the licensee dies, an adult relative who has control of the property shall be permitted to operate a previously licensed day program under an Emergency Approval to Operate (LIC 9117) providing the following conditions are met:
- (1) The relative or an adult acting on the relative's behalf notifies the Department by telephone during the first working day after the licensee's death that the relative intends to operate the adult day program.
 - (2) The relative files with the Department within five days of the licensee's death an Application for License (LIC 200) and evidence of the licensee's death as defined in Section 82001(e).
 - (A) Notwithstanding the instructions on the Application for License (LIC 200), 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 fingerprints.
- (d) If the adult relative complies with Sections 82035(c)(1) and (2), he/she shall not be considered to be operating an unlicensed day program pending the Department's decision on whether to approve a provisional license.

82035 CONDITIONS FOR FORFEITURE OF A LICENSE (Continued)**82035**

- (e) Within 60 days after granting an emergency approval to operate, the Department shall make a decision whether to issue a provisional license pursuant to Section 82030(a).
- (1) A provisional license shall be granted only if the Department is satisfied that the conditions as specified in Section 82030, Provisional License, have been met and that the health and safety of the clients of the day program will not be jeopardized.

NOTE: Authority cited: Sections 1530 and 1530.1, Health and Safety Code. Reference: Sections 1520, 1522, 1524, 1525.5, and 1526, Health and Safety Code; and Section 15376, Government Code.

82036 LICENSING FEES**82036**

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

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Health and Safety Code Section 1523.1 provides in part:

- (a) (1) 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, subject to paragraph (2):

Fee Schedule

Facility Type	Capacity	Initial	
		Application	Annual
Adult Day Programs	1-15	\$ 182	\$ 91
	16-30	\$ 303	\$152
	31-60	\$ 605	\$303
	61-75	\$ 758	\$378
	76-90	\$ 908	\$454
	91-120	\$1,210	\$605
	121+	\$1,513	\$757

- (2) (A) The Legislature finds that all revenues generated by fees for licenses computed under this section and used for the purposes for which they were imposed are not subject to Article XIII B of the California Constitution.

- (B) The department, at least every five years, shall analyze initial application fees and annual fees issued by it to ensure the appropriate fee amounts are charged. The department shall recommend to the Legislature that fees established by the Legislature be adjusted as necessary to ensure that the amounts are appropriate.

HANDBOOK CONTINUES

(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.

(B) A fee that represents 50 percent of the established application fee when a corporate licensee changes who has the authority to select a majority of the board of directors.

(C) A fee of twenty-five dollars (\$25) when an existing licensee seeks to either increase or decrease the licensed capacity of the facility.

(D) An orientation fee of fifty dollars (\$50) for attendance by any individual at a department-sponsored orientation session.

(E) A probation monitoring fee equal to the current annual fee, in addition to the current annual fee for that category and capacity for each year a license has been placed on probation as a result of a stipulation or decision and order pursuant to the administrative adjudication procedures of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(F) A late fee that represents an additional 50 percent of the established current annual fee when any current licensee fails to pay the annual licensing fee on or before the due date as indicated by postmark on the payment.

(G) A fee to cover any costs incurred by the department for processing payments including, but not limited to, bounced check charges, charges for credit and debit transactions, and postage due charges.

(H) A plan of correction fee of two hundred dollars (\$200) when any licensee does not implement a plan of correction on or prior to the date specified in the plan.

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(b) An additional fee shall be charged when the licensee requests an increase or decrease in capacity as specified in Health and Safety Code Section 1523.1(b)(1)(C).

82036 LICENSING FEES (Continued)**82036**

(c) When a licensee moves a day program from one location to another, the relocation fee shall be as specified in Health and Safety Code Section 1523.1(b)(1)(A).

(1) To receive the relocation fee the following shall apply:

(A) The licensee shall have notified the licensing agency before actually relocating the day program.

(B) The categorical type of program shall remain the same when relocating the day program.

(C) The fee shall be based on the requested capacity at the new location.

(d) The fees shall be nonrefundable.

NOTE: Authority cited: Sections 1530 and 1530.1, Health and Safety Code. Reference: Sections 1523.1 and 1524, Health and Safety Code.