

General Licensing:

Amend Section 80044 to read:

80044 INSPECTION AUTHORITY OF THE LICENSING AGENCY 80044

- (a) The licensing agency shall have the inspection authority specified in Health and Safety Code Sections 1526.5, 1533, 1534, ~~and 1538~~ and 1538.7.

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(b) - (d) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1526.5, 1531, 1533, 1534, ~~and 1538~~ and 1538.7, Health and Safety Code.

Group Homes:

Amend Section 84001 to read:

84001 DEFINITIONS

84001

In addition to Section 80001, the following shall apply:

- (a) (1) - (4)(A) (Continued)
- (b) (1) "Behavior Management Consultant", for the purpose of this chapter, means a person who designs and/or implements behavior modification intervention services and meets ~~one of the following~~ requirements as specified in California Code of Regulations, Title 17, Sections ~~54344(d)~~ 54342(a)(13)(A)1-7.

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~~Section 54344(d) of the California Code of Regulations, Title 17 says in part:~~

~~(d)(1)~~

~~(A) Possesses a valid license as a psychologist from the Medical Board of California or Psychology Examining Board;~~

~~(B) Is a licensed clinical social worker pursuant to Business and Professions Code, Sections 4996 through 4998.7;~~

~~(C) Is a licensed marriage family and child counselor pursuant to Business and Professions Code, Sections 4980 through 4984.7; or~~

~~(D) Is any other licensed professional whose California licensure permits the design and/or implementation of behavior modification intervention services.~~

Sections 54342(a)(13)(A)1-7 of the California Code of Regulations, Title 17 states as follows:

1. Individuals vendored as a behavior management consultant prior to, or as of, December 31, 2006, that have not previously completed twelve semester units in applied behavior analysis, shall have until December 31, 2008 to complete twelve semester units in applied behavior analysis and possess a license and experience as specified in 3. through 7. below.
2. Individuals vendored as a behavior management consultant on, or after, January 1, 2007, shall, prior to being vendored, have completed twelve semester units in applied behavior analysis and possess a license and experience as specified in 3. through 7. below.

3. Possesses a valid license as a psychologist from the Medical Board of California or Psychology Examining Board; or
4. Is a Licensed Clinical Social Worker pursuant to Business and Professions Code, Sections 4996 through 4998.7; or
5. Is a Licensed Marriage and Family Therapist pursuant to Business and Professions Code, Sections 4980 through 4984.7; or
6. Is any other licensed professional whose California licensure permits the design and/or implementation of behavior modification intervention services.
7. Have two years experience designing and implementing behavior modification intervention services.

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(c) (1) - (k) (Continued)

(l) — ~~(Reserved)~~ (1) "Law enforcement" means any officer, sheriff, or marshal of a city, state, or federal law enforcement agency.

(m) (1) - (z) (Continued)

Authority cited: Section 17730, Welfare and Institutions Code and Sections 1522.41(j), 1530, 1530.8 and 1530.9, Health and Safety Code.

Reference: Sections 1501, 1502, 1503, 1507, 1507.2, 1522.4, 1522.41, 1522.41(j), 1530.8 and 1531, Health and Safety Code; and Sections 362.04(a)(2), 362.05(a), 727(a)(4)(A), 11331.5(d), 11403, 11406(c), 17710(a), (d), (g), and (h), 17731, 17732.1 and 17736(a) and (b), Welfare and Institutions Code; and 45 CFR Section 1351.1(k).

Amend Section 84061 to read:

84061 REPORTING REQUIREMENTS

84061

- (a) (Continued)
- (b) The licensee shall ensure that the child's authorized representative is notified no later than the next ~~working~~ business day if the following circumstances have occurred without the authorized representative's participation:
 - (1) - (3) (Continued)
- (c) - (e) (Continued)
- (f) The licensee shall notify the licensing agency in writing within ten ~~working~~ business days of acquiring a new member of the board of directors. The notification shall include the following:
 - (1) - (3)(A) (Continued)
- (g) - (h)(7)(H) (Continued)
- (i) The licensee shall submit reports to the Department regarding any incident concerning a child in the facility involving contact with law enforcement.
 - (1) The licensee shall make an initial report to the Department no later than the next business day following each incident. The initial report shall include all information described in Section 84061(i)(2)(A) through (F) that is known to the licensee at the time the report is made.
 - (2) Within six months of the incident, the licensee shall provide a follow-up report for each incident that includes the following information:
 - (A) The type of incident.
 - (B) Whether the incident involved an alleged violation of any crime, other than an age-based curfew law, by a child residing in the facility.
 - (C) Whether staff, children, or both were involved in the incident.
 - (D) The gender, race, ethnicity, and age of children involved in the incident.
 - (E) The outcome of the incident, if known, including arrests, removals of children from placement, termination or suspension of staff, the filing of a 602 petition for the child, or revocation of or changes to the terms of probation.

- (3) The licensee may file the follow-up report at any time within six months of the incident, including with the initial report, if all outcomes and required information are known.
- (4) A licensee reporting an incident under this subsection shall not be required to report the same incident under any other provision of this Section, or under Section 80061, so long as all information required to be reported by the other provision is provided.
- (5) For the purposes of this subsection, "contact with law enforcement" means contact with police officers, sheriffs and others as defined in Section 84001(1)(1), which does not include a probation officer who is supervising the placement of a child in the facility.

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Example: Routine contacts with probation officers do not need to be reported to the Department. However, action taken by a probation officer in response to a reportable incident involving a child in the facility in which law enforcement was called, including, but not limited to, revocation or changes of the terms of probation, should be reported as an outcome as required in (i)(2)(E) if known.

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Authority cited: Sections 1522.4(j) and 1530, Health and Safety Code.

Reference: Sections 1522.41(b)(4), 1531, 1538.7 and 1562, Health and Safety Code; and Section 11406(c), Welfare and Institutions Code.

Amend Section 84063 to read:

84063 ACCOUNTABILITY

84063

(a) The board of directors shall be active in ensuring accountability, and shall perform, at a minimum, the following duties:

(1) - (7) (Continued)

(8) Conduct board of directors meetings at least on a quarterly basis to review and discuss the group home's operation and documents as specified in Health and Safety Code Section 1520.1(f), and based upon the review, ensure that the group home complies with all applicable regulations;

(A) Review and discussion of the group home's operation shall include the incidents concerning a child in the facility involving contact with law enforcement that were reported to the Department as specified in Section 84061(i).

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~~(A)~~ (Continued)

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(9) - (c)(4) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1520.1(f) and 1520.11(c), Health and Safety Code.

Amend Section 84065 to read:

84065 PERSONNEL REQUIREMENTS

84065

(a) - (h)(6) (Continued)

(i) Notwithstanding Sections 80065(f)(1) through (6), new child care staff hired on or after July 1, 1999, shall complete a minimum of 24 hours of initial training comprised of the 8 and 16 hour training as specified in (1) and (2) below:

(1) - (2)(B)3. (Continued)

(3) Training shall include, at a minimum, all of the following topics. The licensee shall determine how much time is spent on each topic, and shall ensure that child care staff have appropriate skills necessary to supervise the children in care.

(A) - (S) (Continued)

(T) The facility's policies and procedures concerning when and how to involve law enforcement in response to an incident involving a child residing in the facility.

(4) - (6)(A) (Continued)

(j) Annual Training

(1) - (2)(A) (Continued)

(3) Training may include, but is not limited to, the following topics:

(A) - (N) (Continued)

(O) Topics listed in Sections 84065(i)(3)(A) through (ST).

(4) - (m) (Continued)

(n) Upon employment, the group home shall make available for review by all group home personnel, an employee training handbook that shall include the following: facility's program philosophy; facility's policies and procedures; disaster response procedures; law enforcement contact procedures; lines of authority and communication; Title 22 regulations; and reporting requirements.

(1) - (p)(1) (Continued)

Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code.

Reference: Section 51, Civil Code; Sections 1501, 1522.4, 1531 and 1562, Health and Safety Code; and Section 16001.9, Welfare and Institutions Code.

Amend Section 84072.1 to read:

84072.1 DISCIPLINE POLICIES AND PROCEDURES

84072.1

(a) The licensee shall develop, maintain and implement written facility discipline policies and procedures meeting the requirements specified in (b), ~~and~~ (c) and (d) below.

(1) - (b) (Continued)

(c) Calls to law enforcement must be made in accordance with the facility's emergency intervention plan as specified in Section 84322. Calling or threatening to call law enforcement is prohibited as a form of discipline.

~~(e)~~ (d) (Continued)

(1) - (6) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Community Treatment Facilities:

Amend Section 84165 to read:

84165 PERSONNEL REQUIREMENTS

84165

(a) - (e) (Continued)

(f) The licensee shall develop, maintain, and implement a written plan for the orientation, continuing education, on-the-job training and development, supervision, and evaluation of all child care staff.

(1) - (1)(C) (Continued)

(2) The on-the-job training and development program shall include training in the following areas:

(A) - (F) (Continued)

(G) The facility's policies and procedures concerning when and how to involve law enforcement in response to an incident involving a child residing in the facility.

(g) - (h) (Continued)

Authority Cited: Sections 1530 and 1530.9, Health and Safety Code.

Reference: Section 51, Civil Code; Sections 1501, 1522.4, 1531 and 1562, Health and Safety Code; and Section 16001.9, Welfare and Institutions Code.

Subchapter 3. Emergency Intervention in Group Homes:

Amend Section 84300.1 to read:

84300.1 EMERGENCY INTERVENTION PROHIBITION

84300.1

(a) - (d) (Continued)

(e) Law enforcement must not be contacted as a substitute for effective care and supervision or the facility's approved continuum of emergency interventions.

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502 and 1531, Health and Safety Code.

Amend Section 84322 to read:

84322 EMERGENCY INTERVENTION PLAN

84322

(a) The emergency intervention plan is to be designed and approved, in conjunction with the licensee, by an individual with the qualifications of a behavior management consultant as defined in Section 84001(b)(1).

(1) - (d)(10) (Continued)

(e) The manual restraint plan is to be included as a component of the emergency intervention plan. If the facility will not use manual restraints, the plan must include the following:

(1) Procedures for responding to a crisis situation to prevent a child who is exhibiting assaultive behavior from injuring or endangering himself, herself or others.

(A) The external community resources to be used to assist facility personnel must be identified and listed in the plan.

(B) The facility's policies and procedures concerning when and how to involve law enforcement in response to an incident involving a child residing in the facility must be included in the plan.

(C) Nothing in Section 84322(e)(1)(A) or (B) shall be interpreted to require a licensee to take, or prevent from taking, any action that would endanger the health and safety of either children in care or staff.

(f) The manual restraint plan is to be included as a component of the emergency intervention plan. If the facility will use, or it is reasonably foreseeable that the facility will use, manual restraints, the plan must include the following:

(1) - (4) (Continued)

(5) Procedures for accessing community emergency services, including, but not limited to, law enforcement, ~~the police/sheriff departments~~ if the use of emergency interventions is not effective or appropriate.

(A) The facility's policies and procedures concerning when and how to involve law enforcement in response to an incident at the facility must be included in the plan.

(B) Nothing in Section 84322(f)(5)(A) shall be interpreted to require a licensee to take, or prevent from taking, any action that would endanger the health and safety of either children in care or staff.

(6) - (m) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Section 84322.2 to read:

84322.2 RUNAWAY PLAN

84322.2

(a) - (b) (Continued)

(c) The runaway plan must include the following:

(1) - (4) (Continued)

(5) Plan to include the involvement of law enforcement, when appropriate, consistent with the policies and procedures specified in Section 84322(e)(1)(B) or Section 84322(f)(5)(A).

(6) - (g) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Section 1501 and 1531, Health and Safety Code.

Amend Section 84365 to read:

84365 EMERGENCY INTERVENTION STAFF TRAINING

84365

(a) - (a)(1) (Continued)

(b) The emergency intervention training curriculum must address the following areas:

(1) - (6) (Continued)

(7) The facility's policies and procedures concerning when and how to involve law enforcement in response to an incident involving a child residing in the facility.

(c) - (f) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1531 and 1562, Health and Safety Code.

Transitional Housing Placement Programs:

Amend Section 86001 to read:

86001 DEFINITIONS

86001

In addition to Section 80001, the following shall apply:

(a) - (k) (Continued)

(l) ~~(reserved)~~ (1) "Law enforcement" means any officer, sheriff, or marshal of a city, state, or federal law enforcement agency.

(m) - (z) (Continued)

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Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: 42 USC Section 677; Sections 1559.110 and 1559.115, Health and Safety Code; and Sections 11400, 11401, 11403, 16522.1 and 16522.5, Welfare and Institutions Code.

Amend Section 86022 to read:

86022 PLAN OF OPERATION

86022

(a) In addition to Section 80022, excluding Sections 80022(b)(9) and (b)(11), the plan of operation shall contain the following:

(1) - (6) (Continued)

(7) The facility's policies and procedures concerning when and how to involve law enforcement in response to an incident at the facility, and how these policies and procedures will be communicated to staff, participants, and to participants' authorized representative(s).

(A) Nothing in Section 86022(a)(7) shall be interpreted to require a licensee to take, or prevent from taking, any action that would endanger the health and safety of either participants or staff.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1520, 1531 and 1559.110, Health and Safety Code; and Sections 11401 and 16522.1, Welfare and Institutions Code.

Amend Section 86061 to read:

86061 REPORTING REQUIREMENTS

86061

(a) In addition to Section 80061, the following shall apply:

(1) - (2) (Continued)

(3) The licensee shall notify the THPP participant's authorized representative and placement entity no later than the next ~~working~~ business day when the participant has been removed from the THPP participant living unit under emergency circumstances without the authorized representative's participation.

(A) Within three ~~working~~ business days following relocation, the licensee shall notify the THPP participant's authorized representative and placement entity of the THPP participant's new address and telephone number.

(4) (Continued)

(5) The licensee shall notify the licensing agency, within ten ~~working~~ business days, of a change of administrator. The notification shall include the following:

(A) - (6) (Continued)

(7) The licensee shall submit reports to the Department regarding any incident concerning a participant in the facility involving contact with law enforcement.

(A) The licensee shall make an initial report to the Department no later than the next business day following each incident. The initial report shall include all information described in items (1.) through (6.) of Section 86061(a)(7)(B) that is known to the licensee at the time the report is made.

(B) Within six months of the incident, the licensee shall provide a follow-up report for each incident that includes the following information:

1. The type of incident.

2. Whether the incident involved an alleged violation of any crime, other than an age-based curfew law, by a participant residing in the facility.

3. Whether staff, participants, or both were involved.

4. The gender, race, ethnicity, and age of participants involved.

5. The outcome of the incident, if known, including arrests, removals of participants from placement, termination or suspension of staff, the filing of a 602 petition for the child, or revocation of or changes to the terms of probation.

(C) A licensee reporting an incident under this paragraph shall not be required to report the same incident under any other provision of this Section, or under Section 80061, if all information required to be reported by the other provision is provided.

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501, 1531, 1538, ~~and~~ 1538.5 and 1538.7, Health and Safety Code.

Amend Section 86065 to read:

86065 PERSONNEL REQUIREMENTS

86065

(a) In addition to Section 80065, excluding ~~Subsections~~ Sections 80065(c) and (e) the following shall apply:

(1) (Continued)

(A) (Continued)

(B) All THPP personnel shall receive training on the facility's policies and procedures concerning when and how to involve law enforcement in response to an incident involving a participant residing in the facility.

(2) - (7)Handbook (Continued)

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Section 51, Civil Code; Sections 1501, 1506, 1529.2, 1531 and 1559.115, Health and Safety Code; Sections 16001.9 and 16522.1, Welfare and Institutions Code; and Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.