

**RESUBMITTAL** (see instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

|  |                                 |   |                         |
|--|---------------------------------|---|-------------------------|
| <b>OAL FILE NUMBERS</b>                            | <b>NOTICE FILE NUMBER</b><br>Z- | <b>REGULATORY ACTION NUMBER</b><br>2016-0706-02NR | <b>EMERGENCY NUMBER</b> |
| For use by Office of Administrative Law (OAL) only |                                 |   |                         |
| NOTICE   |                                 | REGULATIONS                                       |                         |

**ENDORSED - FILED**  
 in the office of the Secretary of State  
 of the State of California

AUG 17 2016  
 3:50pm

2016 JUL -6 A 10:53  
 OFFICE OF  
 ADMINISTRATIVE LAW

**AGENCY WITH RULEMAKING AUTHORITY**  
 California Department of Social Services

**AGENCY FILE NUMBER (if any)**  
 ORD # 1115-12

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

|  |   |                                 |                               |                                      |
|--|---|---------------------------------|-------------------------------|--------------------------------------|
| <b>1. SUBJECT OF NOTICE</b>  |   | <b>TITLE(S)</b>                 | <b>FIRST SECTION AFFECTED</b> | <b>2. REQUESTED PUBLICATION DATE</b> |
| <b>3. NOTICE TYPE</b><br><input type="checkbox"/> Notice re Proposed Regulatory Action<br><input type="checkbox"/> Other |   | <b>4. AGENCY CONTACT PERSON</b> | <b>TELEPHONE NUMBER</b>       | <b>FAX NUMBER (Optional)</b>         |
| <b>OAL USE ONLY</b>  | <b>ACTION ON PROPOSED NOTICE</b><br><input type="checkbox"/> Approved as Submitted<br><input type="checkbox"/> Approved as Modified<br><input type="checkbox"/> Disapproved/Withdrawn |                                 | <b>NOTICE REGISTER NUMBER</b> | <b>PUBLICATION DATE</b>              |

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

|   |   |
|---|---|
| <b>1a. SUBJECT OF REGULATION(S)</b><br>Crisis Nurseries Regulations | <b>1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)</b><br>OAL File No. 2016-0114-02N |
|---|---|

**2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)**

|  |  |
|--|--|
| <b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b> | <b>ADOPT</b>   |
|  | <b>AMEND</b><br>Sections 86500, 86501, 86501.5, 86505.1, 86506, 86522, 86524, 86528, 86561, 86565 see additional sheet |
|  | <b>REPEAL</b>  |
| <b>TITLE(S)</b><br>22, MPP   |  |

**3. TYPE OF FILING**

|  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)   | <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) | <input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) |
| <input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4) | <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)   | <input type="checkbox"/> File & Print                               | <input type="checkbox"/> Print Only  |
| <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))  |   | <input type="checkbox"/> Other (Specify) _____                      |  |

**4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)**

**5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)**

|   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) | <input type="checkbox"/> Effective on filing with Secretary of State | <input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect | <input type="checkbox"/> Effective other (Specify) _____ |
|---|--|---|--|

**6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY**

|  |  |   |
|--|--|---|
| <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) | <input type="checkbox"/> Fair Political Practices Commission | <input type="checkbox"/> State Fire Marshal |
| <input type="checkbox"/> Other (Specify) _____                             |  |   |

|  |   |  |   |
|--|---|--|---|
| <b>7. CONTACT PERSON</b><br>Oliver Chu | <b>TELEPHONE NUMBER</b><br>(916) 657-3588 | <b>FAX NUMBER (Optional)</b><br>(916) 657-3286 | <b>E-MAIL ADDRESS (Optional)</b><br>oliver.chu@dss.ca.gov |
|--|---|--|---|

**8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

|   |                       |
|---|-----------------------|
| <b>SIGNATURE OF AGENCY HEAD OR RESIGNEE</b><br>   | <b>DATE</b><br>7/5/16 |
| <b>TYPED NAME AND TITLE OF SIGNATORY</b><br>Brian Dougherty, Deputy Director, Administration Division |                       |

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

AUG 17 2016

Office of Administrative Law



**STD. 400, Part B.2, Sections Affected (continued)**

Sections 86565.5, 86568.1, 86568.2, 86568.4, 86570, ~~86572~~,  
86575, 86577, 86580, 86587, 86587.1, ~~86587.2~~

UM  
per agency  
request  
8/1/14



Amend Section 86500 to read:

86500

**GENERAL**

86500

- (a) A Crisis Nursery, as defined in Section 86501(c), shall be governed by the provisions specified in Chapter 7.3 and licensed by the department to operate a crisis residential overnight program. Notwithstanding Section 1596.80, a crisis nursery may also provide crisis day services.
- (b) (Continued)
- (c) ~~The provisions of Chapter 7.3 shall remain in effect until January 1, 2014, unless a statute is enacted before January 1, 2014, which deletes or extends that date.~~

Authority Cited: Sections ~~1516(k)~~ and 1530, Health and Safety Code.

Reference: Sections 1501, 1502 and 1516, Health and Safety Code.

Amend Section 86501 to read:

86501      **DEFINITIONS**

86501

(a) (1) (Continued)

(6) "Authorized Representative" means any person or entity authorized by law to act on behalf of any child. Such person or entity may include, but not be limited to, a minor's parent, or a legal guardian, ~~or a public placement agency.~~

(b) (1) ~~"Basic Rate" means the rate charged by the crisis nursery to provide basic services.~~

~~(2)~~ (Continued)

(c) (1) (Continued)

(4) "Caregiver" means a crisis nursery staff person who performs the duties and responsibilities as specified in section 86565.2, Personnel Duties, ~~for no more than three specific children under the age of six.~~

(5) (Continued)

~~(14) "County Placement" means a child who is in the protective custody of the county and placed directly by the county child welfare services agency.~~

~~(15)~~ (Continued)

(16) "Crisis Nursery" means a facility licensed by the Department to operate a crisis residential overnight program pursuant to Health and Safety Code Section 1516 to provide short-term, 24-hour non-medical residential care and supervision for children under six years of age, who are either:

(A) Voluntarily placed, as defined in Section 86501(v)(1), for temporary care, by a parent or legal guardian due to a family crisis or a stressful situation, for no more than 30 days, or. A crisis nursery may also provide crisis day services as defined in Section 86501(c)(16).

~~(B) Temporarily placed by the county child welfare services agency, as defined Section 86501(c), for no more than 14 days, unless the Department issues an exception.~~

~~(176) "Crisis Day Care Services" means any place or building licensed as a crisis nursery in which child day care services are provided to temporary, nonmedical care and supervision for children under six years of age for less than 30 calendar days in a six-month period for families in who are voluntarily placed by a parent or legal guardian due to a family crisis or experiencing a stressful situation for less than 24 hours per day. Crisis day services shall be provided during a time period defined by the crisis nursery in its plan of operation, but not to exceed a period of 14 hours per day. A child may not receive crisis day services at a crisis nursery for more than 30 calendar days, or a total of 360 hours, in a six-month period unless the department issues an exception.~~

~~(17) "Crisis Residential Overnight Program" means short-term, 24-hour nonmedical residential care and supervision, including overnight, for children under six years of age who are voluntarily placed by a parent or legal guardian due to a family crisis or stressful situation for no more than 30 days.~~

~~(d) (1) (Continued)~~

~~(n) (1) (Continued)~~

~~(A) A person who uses postural supports as specified in Section 86572(a)(1817) is deemed nonambulatory. (Continued)~~

~~(o) (Reserved)~~

~~(p) (1) (Continued)~~

~~(2) "Placement agency" is defined in Health and Safety Code Section 1536.1(a).~~

**HANDBOOK BEGINS HERE**

~~(A) Health and Safety Code Section 1536.1(a) provides in part:~~

~~"Placement agency" means any... county welfare department, county social service department, county mental health department,... general acute care hospital discharge planner or coordinator,... and Regional Center for persons with developmental disabilities, which is engaged in finding homes or other places for the placement of persons of any age for temporary or permanent care."~~

**HANDBOOK ENDS HERE**

(32) (Continued)

(r) (1) (Continued)

(3) "Responsible person" means that individual or individuals, including a relative, or health care surrogate decision maker, ~~or placement agency,~~ that assists the child or prospective child in placement or assumes varying degrees of responsibility for the child's well-being. A responsible person cannot act on behalf of a child unless authorized by law.

(s) (1) (Continued)

(v) (1) "~~Voluntary placement~~ Voluntarily placed," means a child who meets the requirements of Health and Safety Code Section 1516~~(eh)~~(3). (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 297, Family Code; Sections 1501, 1502, 1503, 1503.5, 1511, 1516, 1520, 1522, 1525, 1526, 1526.8, 1531, 1533, 1534, ~~1536.1,~~ 1538 and 1538.5, Health and Safety Code; and Sections ~~11400~~ and 17710, Welfare and Institutions Code.

Amend Section 86501.5 to read:

86501.5 **DEFINITIONS-FORMS**

86501.5

(a) (Continued)

(1) (Continued)

(19) LIC 9219 (~~10/063/16~~) – Crisis Nursery Monthly Report.

(20) LIC 9219A (~~10/063/16~~) - Crisis Day ~~Care~~Services Sign-In/Sign-Out Sheet.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1516, 1520, 1522 and 1522.1, Health and Safety Code.

Amend Section 86505.1 to read:

86505.1 **CRISIS NURSERY LICENSE REQUIREMENTS**

86505.1

(a) (Continued)

(b) A crisis nursery license shall be issued only if a facility ~~meets one of the following conditions:~~

~~(1) The facility is operating currently as a group home for children under six years of age, or has an application on file with the Department as of September 1, 2004, intending to operate as a crisis nursery in any of the following counties:~~

~~(A) Contra Costa~~

~~(B) Nevada~~

~~(C) Placer~~

~~(D) Sacramento~~

~~(E) San Joaquin~~

~~(F) Stanislaus~~

~~(G) Yolo~~

~~(2) The crisis nursery meets an urgent, significant, and unmet need for temporary care of children under the age of six years.~~

~~(A) A letter from the host county indicating that the crisis nursery is necessary, as specified in Section 86505.1(b)(2), shall be provided to the Department.~~

~~(3) The facility provides temporary emergency shelter and services only to children under the age of six years who are voluntarily placed, as defined in Section 86501(v) by a parent or guardian, and the facility does not accept county placements as defined in Section 86501(e).~~

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1508, 1509, ~~1513~~, 1516 and 1531, Health and Safety Code; and ~~Section 11400, Welfare and Institutions Code.~~

Amend Section 86506 to read:

86506      **OPERATION WITHOUT A LICENSE**

86506

(a) (Continued)

(f) The Department shall notify the appropriate ~~placement or~~ protective service agency if either of the following conditions exist: (Continued)

Authority Cited:      Section 1530, Health and Safety Code.

Reference:              Sections 1503, 1503.5, 1505, 1508, 1516, 1524, 1533, 1536.1, 1538, 1540, 1540.1, 1541, 1547 and 1549, Health and Safety Code.

Amend Section 86522 to read:

86522      **PLAN OF OPERATION**

86522

(a)      (Continued)

(b)      (Continued)

(5)      A copy of the admission form as specified in Section 86568.1(c)(2) ~~and, for county placed children, of the admission agreement as specified in Section 86568.1(d).~~

(6)      (Continued)

(7)      (Continued)

        (C)      Description of how the crisis nursery will deal with unexpected circumstances related to staffing and ensure that additional caregivers are available when needed.

(8)      ~~Plan for in-service education of staff.~~ A written staff training plan for the orientation, continuing education, on-the-job training and development, supervision, and evaluation of all lead caregivers, caregivers, and volunteers.

(9)      (Continued)

(14)     A statement of the crisis nursery's policy concerning family visits and other communications with the child pursuant to Health and Safety Code Section 1512, that shall permit flexible visitation hours allowing family member's' daily visitation and the opportunity to participate in caregiving. (Continued)

(d)      If the Crisis Nursery is to provide Crisis Day Services, the plan of operation must specify the hours during which crisis day services, as defined in Section 86501(c)(16), are to be provided, not to exceed 14 hours per day.

(1)      The plan of operation shall assure that sleeping arrangements are available for children there after 7 p.m.

(de)     (Continued)

(ef)     (Continued)

Authority Cited:      Section 1530, Health and Safety Code.

Reference:            Sections 1501, 1512, 1516, 1520, 1526.8 and 1531, Health and Safety Code.

Amend Section 86524 to read:

86524

**WAIVERS AND EXCEPTIONS**

86524

- (a) (Continued)
- (c) Within 30 days of receipt of a request for a waiver or an exception, except for requests made pursuant to subsection (e), the Department shall notify the crisis nursery, in writing, ~~of~~ one of the following: (Continued)
- (d) Within 30 days of the Department's acceptance of a completed request for a waiver or an exception, except for requests made pursuant to subsection (e), the Department shall notify the applicant or licensee, in writing, whether the request has been approved or denied.
  - (1) (Continued)
- (e) A crisis nursery may request an exception from the Department to allow a child to receive crisis day services at the crisis nursery beyond the limit of 30 calendar days, maximum of 12 hours per day, or a total of 360 hours in a six-month period as specified in Section 86580. The Department, upon receipt of an exception request pursuant to this subsection and supporting documentation as required by the Department, shall respond within five working days to approve or deny the request.
  - (1) No more than two exceptions, in seven-calendar day or 84-hour increments, may be granted per child in a six-month period.

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1509, 1516 and 1531, Health and Safety Code.

Amend Section 86528 to read:

86528      **CAPACITY DETERMINATION**

86528

(a) (Continued)

- (1) The maximum licensed capacity for a crisis ~~nursery~~residential overnight program shall be 14 children.
- (2) (Continued)
- (3) The maximum licensed capacity for crisis day services shall be based on 35 square feet of indoor activity space per child. Bedrooms, bathrooms, halls, offices, isolation areas, food-preparation areas, and storage places shall not be included in the calculation of indoor activity space. The floor area under tables, desks, chairs, and other equipment intended for use as part of children's activities shall be included in the calculation of indoor space.
- (4) There shall be at least 75 square feet per child of outdoor activity space based on the total licensed capacity. Swimming pools, adjacent pool decking, and natural or man-made hazards shall not be included in the calculation of outdoor activity space.
- (5) A child who has been voluntarily placed in a crisis residential overnight program shall be included in the licensed capacity for crisis day services.

(b) (Continued)

- ~~(f) County placements shall be limited to no more than one-third of a crisis nursery's licensed capacity.~~
- (1) ~~One-third of a crisis nursery capacity for the purpose of accepting county placements shall be interpreted as follows:~~

~~(A)~~

| <del>Crisis Nursery<br/>Licensed Capacity</del> | <del>Allowable County<br/>Placements</del> |
|---|--|
| <del>1-2</del>                                  | <del>0</del>                               |
| <del>3-5</del>                                  | <del>1</del>                               |
| <del>6-8</del>                                  | <del>2</del>                               |
| <del>9-11</del>                                 | <del>3</del>                               |
| <del>12-14</del>                                | <del>4</del>                               |

- (2) ~~The length of stay for a county placed child shall not exceed 14 days unless the Department issues an exception.~~
- (3) ~~A county placed child receiving child day care services shall be counted in the capacity limitation as specified in Section 86528(f).~~

Authority Cited:           Section 1530, Health and Safety Code.

Reference:                 Sections 1501, 1516 and 1531, Health and Safety Code.

Amend Section 86561 to read:

86561      **REPORTING REQUIREMENTS**

86561

(a) (Continued)

(e) The licensee shall send to parents, legal guardians, board members of the crisis nursery, or child rights advocates or placement agencies, as designated in each child's placement agreement, copies of substantiated complaints, in accordance with Health and Safety Code Section 1538.5(b).

(f) (Continued)

(h) The licensee shall ~~submit to the Department by the fifth day of each month a report~~ collect and maintain information on the LIC 9219 that indicates the total number of children placed in the crisis nursery, and shall include the following information:

(1) The total number of children placed in the program. ~~Whether each child is a voluntarily county placement.~~

(2) The length of stay for each child in the crisis nursery.

(3) The number of children receiving crisis day-care services.

(4) The reasons given for the use of the crisis nursery.

(5) The age of each child.

(46) LIC 9219 reports shall be maintained at the crisis nursery for at least three years and made available to the Department upon request pursuant to Section 86544(d).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1507, 1516, ~~1520.1~~, 1522.41(b)(4), 1531, 1538.5, 1558.1 and 1562, Health and Safety Code; ~~and Section 11406(e), Welfare and Institutions Code.~~

Amend Section 86565 to read:

86565      **PERSONNEL REQUIREMENTS**

86565

(a) (Continued)

(n) ~~Lead~~All caregivers, caregivers, and volunteers shall be certified in have a current and valid certificate verifying successful completion of pediatric first aid and pediatric cardiopulmonary resuscitation (CPR) and pediatric first aid, which shall be demonstrated by current and valid pediatric CPR and pediatric first aid cards issued by the American Red Cross, the American Heart Association, a training program approved by the State Emergency Medical Services Authority pursuant to Health and Safety Code Section 1797.191, or from an accredited college or university. (Continued)

(q) (Continued)

(1) Completion of 12 postsecondary semester units, or equivalent quarter units, with a passing grade, as determined by the institution, in classes with a focus on early childhood education, or child development, or child health at an accredited or approved college or university, as determined by the department, and six months of work experience in a licensed group home, licensed infant care center, or comparable group child care program or family day care.

(A) At least three semester units, or equivalent quarter units, or equivalent experience, shall include coursework or experience in the care of infants.

(B) (Continued)

(2) A current and valid Child Development Associate (CDA) credential, with the appropriate age level endorsement issued by the CDA National Credentialing Program, and at least six months of on-the-job training ~~and/or~~ work experience in a licensed child care center or comparable group child care program.

(A) (Continued)

(3) (Continued)

(A) (Continued)

(r) (Continued)

(1) One year experience in a supervisory position in a child care or group care facility may substitute for 16 hours of training and orientation.

(s) The written staff training plan shall require the lead caregiver to receive and document a minimum of 2420 hours of annual training directly related to the functions of his or her position.

(A~~1~~) (Continued)

(B~~2~~) (Continued)

(u) (Continued)

(1) Eight-Hour Training shall be completed by caregiver staff within 90 days of employment.

(A) (Continued)

1. (Continued)

3. Counted in the staff to child ratio required by Sections 86565.5(b) through (~~e~~). (Continued)

(C) (Continued)

1. (Continued)

2. During shadowing, the experienced crisis nursery personnel being shadowed must be performing child care duties and counted in the staff to child ratios, as required by Section 86565.5(b) through (~~e~~). (Continued)

(2) Sixteen hours of training shall be completed by new caregiver staff within 90 days of ~~hire~~ employment.

(A) (Continued)

(B) (Continued)

1. (Continued)

10. ~~The role of placement workers and~~ The role of the parent or legal guardian when a child is placed; (Continued)

(v) (Continued)

(2) (Continued)

(A) (Continued)

- (F) ~~Placement agencies and the placement process;~~
  - (FI) Topics listed in Sections 86565(u)(2)(B)1. through 17.
- (w) The training plan shall address the ~~initial 28~~16 hours training and certification in pediatric first aid and pediatric cardiopulmonary resuscitation requirements for volunteers. Volunteers shall complete ~~eight and 20 hour training~~these requirements as follows:
- (1) Prior to assuming the duties and responsibilities of caring for children in a crisis nursery ~~and~~ or being counted in the staff-to-child ratio, volunteers shall complete at least ~~eight~~five hours of initial training, as follows:
    - (A) ~~Four~~Two hours of crisis nursery job shadowing with a trained and experienced caregiver or lead caregiver. Successful completion of job shadowing shall be verified by a statement completed by the experienced staff being shadowed. The training shall include the following:
      - 1. (Continued)
      - (B) ~~Two~~One hours of review of Title 22, Division 6, Chapter 7.3, Crisis Nursery regulations.
      - (C) (Continued)
      - 2. The goals and objectives, child guidance techniques, and special needs of the child population served.
  - (2) Within 90 days, volunteers who are included in the staff-to-child ratio shall ~~complete at least 20 hours of training, as follows~~do both of the following:
    - (A) ~~Twelve hours of~~Acquire a certification in pediatric first aid, and pediatric cardiopulmonary resuscitation.
    - (B) Complete at least eleven~~Eight~~ hours of training covering child care health and safety issues, trauma informed care, the importance of family and sibling relationships, temperaments of children, self-regulation skills and techniques, and program child guidance techniques, and which may include the topics specified in Section 86565(u)(2)(B)1. through 17. above.
  - (3) Within 30 calendar days of completion of ~~both the eight hour and 20 hour training~~ the training described in Section 86565(w)(1) and (2), the administrator or administrator's designee shall assess if each volunteer understands and can apply the training. (Continued)

(x) Volunteers who have completed a background check, CACI check, and TB test, but have not completed the 2816 hours of training and pediatric first aid and pediatric cardiopulmonary resuscitation certifications as required in Section 86565(w) may assist a trained caregiver or lead caregiver in performing child care duties.

(1) Volunteers who have not completed the 2816 hours of training and pediatric first aid and pediatric cardiopulmonary resuscitation certifications required in Section 86565(w) shall have the following restrictions:

(A) (Continued)

(C) Shall not be counted in meeting the minimum staff-to-child ratio requirements as specified in Section 86565.5 (ed) through (ef).

(y) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1522, 1531, 1526.8 and 1562-~~and 1596.866~~, Health and Safety Code; ~~and Section 11467.1, Welfare and Institutions Code.~~

Amend Section 86565.5 to read:

**86565.5 STAFF TO CHILD RATIOS**

**86565.5**

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per agency  
request  
8/17/16

(a) There shall be at least one fully qualified and employed lead caregiver ~~on-site~~ present at the crisis nursery at all times when children are present.

(b) A crisis nursery shall allow the use of fully trained and qualified volunteers to be counted toward the staff-to-child ratios in Section 86565.5 (d) through (f) provided at least one fully qualified and employed staff person is on site at all times, that volunteers are used to meet minimum caregiver staffing requirements, and each volunteer has satisfied the following conditions:

as specified in Health and Safety Code section 15268(c)(3)(A)-(C) and (d).

(1) Fingerprinting for the purpose of conducting a criminal record review as specified in Section 86519(a)(1).

(2) A child abuse central index check as specified in Section 86519.2.

(3) He or she is in good physical health, and has been tested for tuberculosis not more than one year prior to, or seven days after, his or her initial presence in the facility, as required in Section 86565(h)(2).

(4) Completed the training requirements and certification in pediatric first aid and pediatric cardiopulmonary resuscitation requirements as specified in Section 86565(w).

(bc) (Continued)

(ed) There shall be at least one employed staff person or volunteer caregiver for each group of six children, or fraction thereof, who are 18 months of age or older, and one employed staff person or volunteer caregiver for each group of three children, or fraction thereof, who are under 18 months of age from 7 a.m. to 7 p.m.

(de) There shall be at least one ~~paid-caregiver~~ employed staff person or volunteer caregiver for each group of six children, or fraction thereof, who are 18 months of age or older, and one employed staff person or volunteer caregiver for each group of four children, or fraction thereof, who are under 18 months of age from 7 p.m. to 7 a.m.

(ef) (Continued)

(g) The crisis nursery's plan of operation shall address how it will deal with unexpected circumstances related to staffing and ensure that additional caregivers are available when needed as specified in Section 86522(b)(7)(C).

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1526.8 and 1531, Health and Safety Code.

Amend Section 86568.1 to read:

**86568.1 INTAKE PROCEDURES**

**86568.1**

- (a) (Continued)
- (b) (Continued)
- (c) At the time of admission ~~or placement~~, the crisis nursery shall:
  - (1) Obtain the information and signed consent forms specified in Sections 86570(b)(1) through (165).
    - ~~(A) For county placements, if some of the information is not obtained at the time of placement, the administrator shall make telephone or written requests for the information to the child's authorized representative, and shall record and retain the details of these requests.~~
  - (2) Complete an admission form that includes a description of the family history, child health information, emergency information, dietary requirements, daily needs, habits or routines, and the disciplinary methods used by the parent(s) or legal guardian.  
(Continued)
  - (4) Ensure that the authorized representatives understand, sign, and receive a copy of the following:
    - (A) (Continued)
    - (B) (Continued)
    - (C) (Continued)
    - (D) (Continued)
- ~~(d) No later than seven calendar days following county placement of a child, an admission agreement shall be signed and dated acknowledging the contents of the document, by the child's authorized representative and the licensee's designated representative and at a minimum shall contain the following information:~~
  - (1) ~~Basic services.~~
  - (2) ~~Available optional services.~~

- (3) Payment provisions, including the following:
  - (A) Basic rate.
  - (B) Optional services rates.
  - (C) Payor.
  - (D) Due date.
  - (E) Frequency of payment.
- (4) Right of the Department to perform the duties authorized in Section 86544(b) and (c).
- (5) Conditions under which the agreement may be terminated.
- (6)(d) ~~The crisis nursery's policy concerning family visits and other communication with children, shall comply with pursuant to Health and Safety Code Section 1512.~~

**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1512 provides:

“Each residential community care facility shall state, on its client information form or admission agreement, and on its patient’s rights form, the facility’s policy concerning family visits and other communication with resident clients and shall, except as otherwise provided in this section, promptly post notice of its visiting policy at a location in the facility that is accessible to residents and families. The requirement that a facility post notice of the facility’s visiting policy does not apply to any facility serving six or fewer clients.

The community care facility’s policy concerning family visits and communication shall be designed to encourage regular family involvement with the resident client and shall provide ample opportunities for family participation in activities at the facility.”

**HANDBOOK ENDS HERE**

- ~~(e) Modifications to the admission agreement shall be made whenever circumstances covered in the agreement change, and shall be signed and dated by the licensee's designated representative and the child's authorized representative.~~

(1) ~~The crisis nursery shall provide a copy of the current admission agreement and any modifications to the child's authorized representative.~~

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516 and 1531, Health and Safety Code.

Amend Section 86568.2 to read:

**86568.2 INITIAL ASSESSMENT PLAN**

**86568.2**

- (a) The licensee shall ensure that at the time of placementadmission, an Initial Assessment Plan which identifies the immediate needs of the child is developed and includes the following: (Continued)
- (b) Within seven days of placementadmission, the initial assessment plan shall also address and work towards alleviating the family crisis or stressful situation by including the following: (Continued)
- (c) The licensee shall ensure that the child's parent, legal guardian, or authorized representative(s) are offered the opportunity to participate in the development of the initial assessment plan. (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516 and 1531, Health and Safety Code.

Amend Section 86568.4 to read:

86568.4            **REMOVAL AND DISCHARGE PROCEDURES**

(a) (Continued)

(1) The child's parent, legal guardian, or authorized representative(s) shall receive copies of such policies and procedures. (Continued)

(b) If it is determined that the crisis nursery cannot meet the needs of the child, the licensee shall ensure that the child's parent, legal guardian, or authorized representative(s) are notified of the determination and request that the child be placed elsewhere. (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516 and 1531, Health and Safety Code.

Amend Section 86570 to read:

**86570**

**CHILDREN'S RECORDS**

**86570**

(a) (Continued)

(b) (Continued)

~~(6) A signed copy of the admission agreement and subsequent modifications for county placements.~~

~~(76) (Continued)~~

~~(87) Record of current medications, including the name of the prescribing physician, and instructions, if any, regarding control and custody of medications, and documentation of approval and instructions from the child's authorized representative for administration of prescription and non-prescription medications as specified in Section 86575(c)(1) and Section 86575(d)(1)(A), respectively.~~

~~(98) The name, address, and telephone number of all adults with whom the child was living immediately prior to the current placement admission.~~

~~(109) (Continued)~~

~~(110) (Continued)~~

~~(121) (Continued)~~

~~(132) (Continued)~~

~~(143) (Continued)~~

~~(154) (Continued)~~

~~(165) (Continued)~~

(d) (Continued)

(1) (Continued)

(A) (Continued)

(B) Contact information for the child's medical and mental health providers, as specified in Section 86570(b)(~~76~~).

- (C) Medication record, as specified in Section 86570(b)(~~87~~).
- (D) Initial assessment plan, as specified in Section 86570(b)(~~165~~). (Continued)
- (e) The information specified in Sections 86570(b)(1)-(154) must be updated as necessary to ensure the accuracy of the child's record.
- (f) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1507, 1516, 1526.8 and 1531, Health and Safety Code.

Amend Section 86575 to read:

**86575 HEALTH RELATED SERVICES**

**86575**

(a) (Continued)

(b) When a child has a health condition that requires medication, the licensee shall ensure that the caregiver shall:

- (1) Assist children with the taking of medication as needed.
- (2) Ensure that instructions are followed as outlined by the appropriate medical professional.
- (3) Store Mmedication shall be stored as instructed in the original container with the original unaltered label in a locked and safe area that is not accessible to children.
- (4) ~~Prescription medication must be administered as directed on the label or as advised by the physician in writing.~~
- (5) ~~Non-prescription medication must be administered as directed by the appropriate medical professional and documented by the caregiver.~~
- (64) The administration of PRN medication shall also require documentation by the caregiver of the date, time and dose of medication administered.
- (75) Determine need in accordance with medical instructions ~~iff~~ the child can not determine his or her own need for medications, the caregiver shall determine need in accordance with medical instructions.

(c) When a child has a health condition that requires prescription medication, the licensee shall ensure that, in addition to following the requirements in Section 86575(b), the caregiver shall:

- (1) Administer prescription medication as directed on the label and as prescribed by the physician in writing.
  - (A) The licensee shall obtain, in writing, approval and instructions from the child's authorized representative for administration of the prescription medication for the child. This documentation shall be kept in the child's record.
  - (B) The licensee shall not administer prescription medication to a child in accordance with instructions from the child's authorized representative if the authorized representative's instructions conflict

with the physician's written instructions or the label directions as prescribed by the child's physician.

- (d) Non-prescription medication may be administered without approval or instructions from the child's physician if all of the following conditions are met:
- (1) Non-prescription medications shall be administered in accordance with the product label directions on the nonprescription medication container or containers.
- (A) For each nonprescription medication, the licensee shall obtain, in writing, approval and instructions from the child's authorized representative for administration of the nonprescription medication to the child. This documentation shall be kept in the child's record.
- (B) The licensee shall not administer nonprescription medication to a child in accordance with instructions from the child's authorized representative if the authorized representative's instructions conflict with the product label directions on the nonprescription medication container or containers.
- (e) The licensee shall develop and implement a written plan to record the administration of the prescription and nonprescription medications and to inform the child's authorized representative daily, for crisis day services, and upon discharge for overnight care, when the medications have been given.
- (f) All medications that are no longer needed by the child, or when the child is removed or discharged from the crisis nursery, shall be returned to the child's authorized representative or disposed of after an attempt to reach the authorized representative.
- (eg) Prescription medications that are not taken with the child upon termination of services, or which are not to be retained shall be destroyed by the crisis nursery administrator, or a designee, and one other adult.
- (1) (Continued)
- (dh) ~~Staff responsible for providing direct care and supervision~~All caregivers shall receive training~~be certified~~ in pediatric first aid and pediatric CPR from by persons qualified by agencies including but not limited to the American Red Cross, the American Heart Association, a training program approved by the State Emergency Medical Services Authority pursuant to Section 1797.191, or an accredited college or university as specified in Section 86565(n).
- (1) The licensee shall ensure that copies of unexpired pediatric first aid and pediatric CPR ~~certificates~~cards documenting the required training are maintained.
- (ei) (Continued)

(f) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1507, 1516, 1526.8 and 1531, Health and Safety Code.

Amend Section 86577 to read:

**86577 PERSONAL SERVICES**

**86577**

(a) (Continued)

(d) (Continued)

- (1) The written plan shall be developed by the licensee ~~and placing agency~~ in consultation with the child's parent, legal guardian or authorized representative and include: (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516 and 1531, Health and Safety Code.

Amend Section 86580 to read:

**86580      CRISIS DAY CARE SERVICES**

**86580**

- (a) Notwithstanding Health and Safety Code Section 1596.80, Aa crisis nursery may provide crisis day care services, as defined in Section 86501(c), for children under the age of six years of age at the same site that it is providing crisis residential overnight services as the crisis nursery.
- (1) A child ~~may shall~~ not receive crisis day care services at a crisis nursery for more than 30 calendar days, maximum of 12 hours per day, or a total of 360 hours, in a six-month period unless the Department issues an exception to allow a child to receive additional crisis day services in a six-month period as specified in Section 86524(e).
- (2) A child who is ~~receiving day care services~~ has been voluntarily placed in a crisis residential overnight program shall be ~~counted~~included in the licensed capacity for crisis day services.
- (3) ~~A child placed by the county and receiving day care services shall be counted in the limitation on county placements as specified in Section 86528(f).~~
- (b) A crisis nursery offering crisis day care services shall be governed by all the provisions in this chapter, including the following:
- (1) The licensee shall maintain and implement a written procedure to sign the child in and out of the crisis day care nursery and shall, at a minimum, include the following:
- (A) The person who brings the child to, and removes the child from, ~~day care~~the crisis nursery shall sign the child in and out. (Continued)
- (6) (Continued)
- (B) The person bringing the child to the crisis day care nursery shall remain until the child is accepted. (Continued)
- (10) Crisis day care nursery napping equipment shall meet the following requirements: (Continued)

Authority Cited:      Section 1530, Health and Safety Code.

Reference:            Sections 1501, 1516, 1531 and 1596.792, Health and Safety Code.

Amend Section 86587 to read:

**86587 BUILDING AND GROUNDS**

**86587**

(a) (Continued)

(h) (Continued)

- (7) No child's bedroom shall be used as a napping area by the ~~Crisis Day Care~~ Nursery for children receiving crisis day services. (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1503.2, 1516, 1531, 13260, 13261, 13262 and 13263, Health and Safety Code.

Amend Section 86587.1 to read:

**86587.1 OUTDOOR ACTIVITY SPACE**

**86587.1**

(a) There shall be at least 75 square feet per child of outdoor activity space based on the total licensed capacity as specified in Section 86528(a)(4).

(1) Swimming pools, adjacent pool decking, and natural or man-made hazards shall not be included in the calculation of outdoor activity space.

~~(ab)~~ (Continued)

~~(bc)~~ (Continued)

~~(ed)~~ (Continued)

~~(de)~~ (Continued)

~~(ef)~~ (Continued)

~~(fg)~~ (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516 and 1531, Health and Safety Code.



**CRISIS NURSERY MONTHLY REPORT**

Month \_\_\_\_\_

Facility Name: \_\_\_\_\_ Facility Number: \_\_\_\_\_ Licensed Capacity: \_\_\_\_\_

| Name of Child | DOB | 24 hr. |      | Crisis Day* |      | Date of Admission | Date of Discharge | #-of-Days-in-Care Length of Stay | Exception Through (Crisis Day Only) | Reason for Use |
|---------------|-----|--------|------|-------------|------|-------------------|-------------------|----------------------------------|-------------------------------------|----------------|
|               |     | CWS    | Vol. | CWS         | Vol. |                   |                   |                                  |                                     |                |
| 1.            |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 2.            |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 3.            |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 4.            |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 5.            |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 6.            |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 7.            |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 8.            |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 9.            |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 10.           |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 11.           |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 12.           |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 13.           |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 14.           |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 15.           |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 16.           |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 17.           |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 18.           |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 19.           |     |        |      |             |      |                   |                   |                                  |                                     |                |
| 20.           |     |        |      |             |      |                   |                   |                                  |                                     |                |
| Total:        |     |        |      |             |      |                   |                   |                                  |                                     |                |

Name and Title of Authorized Representative: \_\_\_\_\_ Date: \_\_\_\_\_  
 \*Complete Crisis Day Care Services Sign-in Sign-out sheet – LIC 9219A Page \_\_\_ of \_\_\_

MM  
per agency  
request  
2/17/16

## CRISIS NURSERY MONTHLY REPORT INSTRUCTIONS

Pursuant to California Code of Regulations, Title 22, Section 86561 (eh) A crisis nursery shall submit to the Department collect and maintain a monthly report that indicates the total number of children placed in the crisis nursery, and shall include whether each child is voluntarily placed by the parents/legal guardian or placed directly by the county welfare services agency and the length of stay for each child in the crisis nursery. the number of children receiving crisis day services, the reason given for use of the crisis nursery for each child, and the age of each child.

Monthly Report for the preceding month must be submitted to your local licensing regional office by the 5<sup>th</sup> of each month. Original reports must be kept on file for at least three years and be made available for review upon request by an authorized representative of the licensing agency.

1. Month  
Enter the month and year of this report.
2. Facility Name  
Enter the name of the facility as it appears on the license.
3. Facility Number  
Enter the facility number as it appears on the license.
4. Licensed Capacity  
Enter the licensed capacity on the appropriate line.
5. Name of Child  
Enter the child's first and last name.
6. DOB  
Enter the child's date of birth.
7. 24 hr. CWS/Vol  
Indicate with a check mark ( ✓ ) whether if the child is in placement for receiving 24 hour care, and indicate with a check mark ( ✓ ) whether the child has been placed by the county welfare services (CWS) agency or has been voluntarily (VOL) placed by a parent/guardian.
8. Crisis Day\* CWS/Vol  
Indicate with a check mark ( ✓ ) whether if the child is in receiving Crisis Day Care Services, and indicate with a check mark ( ✓ ) whether the has been enrolled by the county welfare services (CWS) agency or has been voluntarily (Vol) enrolled. Parents/authorized representatives who enroll their child(ren) in the Crisis Day Care program, must sign their child in and out using the Crisis Day Care Services sign-in/sign-out sheet.
9. Date of Admission  
Enter the month and day the child was first admitted into the program.
10. Date of Discharge  
Enter the month and day the child was released from the program.
11. # of Days in Care  
Enter the total number of days the child was in care at the facility for 24 hour overnight care, or the number of hours the child received crisis day services.
12. Exception Through  
Indicate if an exception was granted by the licensing agency to allow a child receiving crisis day services to exceed the 14 day limitation for (Crisis Day Only) of 30 calendar days, maximum of 12 hours per day, or a total of 360 hours, in a six month period and note the ending date of the exception.
- MM  
per agency  
request  
2/17/16  
13. Name and Title  
Enter name and Title of individual attesting to the accuracy of the information.
- f Representative,  
14. Date  
Enter the date the Crisis Nursery Monthly Report was signed and verified.

**CRISIS DAY CARE SERVICES SIGN-IN/SIGN-OUT SHEET**

| Name of Child | Date | Time in | Parent or Authorized Representative Signature | Time out | Parent or Authorized Representative Signature |
|---------------|------|---------|---|----------|---|
| 1.            |      |         |   |          |   |
| 2.            |      |         |   |          |   |
| 3.            |      |         |   |          |   |
| 4.            |      |         |   |          |   |
| 5.            |      |         |   |          |   |
| 6.            |      |         |   |          |   |
| 7.            |      |         |   |          |   |
| 8.            |      |         |   |          |   |
| 9.            |      |         |   |          |   |
| 10.           |      |         |   |          |   |
| 11.           |      |         |   |          |   |
| 12.           |      |         |   |          |   |
| 13.           |      |         |   |          |   |
| 14.           |      |         |   |          |   |
| 15.           |      |         |   |          |   |
| 16.           |      |         |   |          |   |
| 17.           |      |         |   |          |   |
| 18.           |      |         |   |          |   |
| 19.           |      |         |   |          |   |
| 20.           |      |         |   |          |   |

**CRISIS DAY CARE SERVICES SIGN-IN/SIGN-OUT SHEET**

**INSTRUCTIONS**

**Original reports must be kept on file and available for review upon request by an authorized representative of the licensing agency.**

1. Name of Child ..... Enter the child's first and last name.
2. Date ..... Enter the date the child was ~~dropped off~~ accepted at the Crisis Day Care Nursery for crisis day services.
3. Time in ..... Enter the time the child was ~~left~~ accepted at the Crisis Day Care Nursery for crisis day services.
4. Parent/Authorized Representative Signature ..... Signature of the parent or individual authorized to sign the child into the Crisis Day Care Nursery.
5. Time out ..... Enter the time the child was picked up from the Crisis Day Care Nursery.
6. Parent/Authorized Representative Signature ..... Signature of the parent or individual authorized to sign the child out of the Crisis Day Care Nursery.