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SHORT TERM RESIDENTIAL THERAPEUTIC PROGRAMS
SUBCHAPTER 3. CHILDREN’S CRISIS RESIDENTIAL PROGRAM

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SUBCHAPTER 3. CHILDREN'S CRISIS RESIDENTIAL PROGRAM

Article 1. GENERAL REQUIREMENTS AND DEFINITIONS

87098.00 GENERAL

(a) The interim licensing standards contained in this chapter constitute the written instructions authorized by Statutes 2017, Chapter 704, Section 8, for the implementation of the provisions that govern children's crisis residential programs. The Department is authorized to use the interim licensing standards until regulations are adopted, notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5, commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Children's crisis residential programs shall be governed by the provisions in this subchapter.

(1) In addition, children's crisis residential programs, except where specified otherwise, shall be governed by the provisions in California Code of Regulations, Title 22, Chapter 1, General Licensing Requirements, and the provisions in Chapter 7.5, Short-Term Residential Therapeutic Program Interim Licensing Standards.

(2) In addition, children's crisis residential programs shall be governed by the provisions in the Department of Health Care Services Children's Crisis Residential Mental Health Program Interim Regulations.

(c) These interim licensing standards may be cited as the California Department of Social Services Children's Crisis Residential Program Interim Licensing Standards, (Cal. Dept. of Social Services, CCRP ILS).

(d) The children's crisis residential program shall be licensed as a short term residential therapeutic program but will operate as a subcategory.

(e) The three types of a children's crisis residential programs are:

(1) A Short-Term Residential Therapeutic Program where the entire licensed facility operates as a Children's Crisis Residential Program.

(2) Short-Term Residential Therapeutic Program where the licensed facility operates as both a Short-Term Residential Therapeutic Program and a
Children’s Crisis Residential Program within one building. There shall be an identifiable and physically separate unit for the Short-Term Residential Therapeutic Program and the Children’s Crisis Residential Program as per Section 87098.87. An identifiable and physically separate unit shall include, but not be limited to, a dedicated floor or a distinct wing.

(3) Short-Term Residential Therapeutic Program as a campus model, where the licensed facility operates as both a Short-Term Residential Therapeutic Program and a Children’s Crisis Residential Program where the Children’s Crisis Residential Program is in a separate standalone cottage or building.
87098.10 DEFINITIONS

(a) (1) “Acceptance” means when a client physically enters a children’s crisis residential program facility and is under the facility’s care and supervision but has not been admitted to the program.

(2) “Admission” means the determination by a licensed mental health professional, waivered or registered professional, or the Head of Service to admit a client to the children’s crisis residential program based on the Department of Health Care Services admission requirements as set forth in the Department of Health Care Services’ Children’s Crisis Residential Mental Health Program Interim Regulations, Section 9, Admission Determination and Process. Admission includes the completion of all admission procedures as set forth in Sections 87098.6812 and 87098.6814 as applicable.

(b) (reserved)

(c) (1) “Children’s Crisis Residential Program” means a facility licensed by the department as a short-term residential therapeutic program pursuant to Section 1562.02 and approved by the State Department of Health Care Services, or a county mental health plan to which the State Department of Health Care Services has delegated approval authority, to operate a children’s crisis residential mental health program approval pursuant to Section 11462.011 of the Welfare and Institutions Code, to serve children, nonminor dependents, and individuals 18 to 20 years of age, experiencing mental health crises as an alternative to psychiatric hospitalization.

(2) “Client” means a child, nonminor dependent, or individual 18 to 20 years of age, accepted or admitted to a children’s crisis residential program.

(d) (reserved)

(e) (reserved)

(f) (reserved)

(g) (reserved)

(h) (reserved)

(i) (reserved)

(j) (reserved)
(m)  (1) “Mental Health Crisis” means as defined in Department of Health Care Services’ Children’s Crisis Residential Mental Health Program Interim Regulations, Section 2(v).

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Department of Health Care Services’ Children’s Crisis Residential Mental Health Program Interim Regulations Section 2 (v) provides:

“Mental Health Crisis” means an acute psychiatric episode or mental health condition that requires a more timely response to stabilize than a regularly scheduled visit.

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(2) “Mental Health Team” means those persons who provide services directly to clients admitted to the children’s crisis residential program, and shall include the children’s crisis residential mental health program staff, psychiatrist, health care professionals, and the Head of Service.

(n) “Natural Support” means an unpaid individual or individuals who provide emotional and physical supports to the client and will continue to be involved with the client after the child’s discharge from the children’s crisis residential program.

(1) A natural support shall be 18 years or older to remain in the facility overnight.
(y)  (reserved)
(z)  (reserved)
Article 2. LICENSING

87098.18 APPLICATION FOR LICENSE

(a) In addition to California Code of Regulations, Title 22, Section 80018, excluding Section 80018(d)(13), and Short-Term Residential Therapeutic Program Interim Licensing Standards, Section 87018, the following shall apply.

(b) Prior to licensure each applicant shall submit to the Department evidence of a current mental health program approval that includes a Medi-Cal mental health certification, and a children’s crisis residential mental health program approval, as described in Section 1562.02 of the Health and Safety Code, both of which are issued by the State Department of Health Care Services, or a county mental health plan to which the department has delegated approval authority.

   (1) If the short term residential therapeutic program will operate solely as a children’s crisis residential program, the applicant shall submit a children’s crisis mental health program per the Department of Health Care Services Children’s Crisis Residential Program Mental Health Program Interim Standards, Section 4(b).

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Health and Safety Code Section 1562.02(a)(2) provides:

“(a) The department may license a short-term residential therapeutic program operating as a children’s crisis residential program pursuant to this chapter. A children’s crisis residential program shall meet all of the following requirements:

(2) Obtain and have in good standing a mental health program approval that includes a Medi-Cal mental health certification, as described in Section 11462.01 of the Welfare and Institutions Code, and a children’s crisis residential mental health program approval, as described in Section 11462.011 of the Welfare and Institutions Code, both of which are issued by the State Department of Health Care Services, or a county mental health plan to which the department has delegated approval authority. The short-term residential therapeutic program shall obtain a mental health program approval before operating as a children’s crisis residential program. The department may revoke a program’s license pursuant to Section 1550 for a program’s failure to maintain the mental health program approval.
Department of Health Care Services Children’s Crisis Residential Mental Health Program Interim Regulations, Section 4(b) provides:

“If the short-term residential therapeutic program operates solely as a children’s crisis residential program, an approval pursuant to these regulations shall satisfy all of the requirements of Health and Safety Code Section 1562.02, subdivision (a), paragraph (2), which concerns mental health program approval as a condition of licensure.”

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87098.19 CRIMINAL RECORD CLEARANCE

(a) In addition to Short-Term Residential Therapeutic Program Interim Licensing Standards, Section 87019, the following shall apply.

(b) In addition to the persons specified by Title 22, Division 6, Section 80019(b) a natural support, who is not employed, retained, or contracted by the licensee, shall be exempt from the requirement to submit fingerprints.

(c) A natural support shall be supervised by the licensee or a staff member with a criminal record clearance, when in contact with any client other than the client they provide support for.
87098.221 PROGRAM STATEMENT

(a) In addition to Short-Term Residential Therapeutic Program Interim Licensing Standards, Section 87022.1, excluding Section 87022.1(b)(17), the following shall apply.

(b) The program statement shall include the following:

(1) A description of the procedures to conduct a mental health assessment within 24 hours of acceptance into the facility.

(2) A description of the procedures to collaborate with each child's existing mental health team, if applicable, child and family team, if applicable, and other formal and natural supports within 24 hours of acceptance into the facility and throughout the course of care and treatment, as appropriate.

(3) A description of the procedures to collaborate with any previous or existing mental health service providers for both clients in foster care and clients not in foster care within 24 hours of acceptance.

(4) The written policies and procedures governing a child's discharge from the facility as specified in Section 87098.684.

(A) Separate policies and procedures shall be developed, maintained, and implemented for both clients in the foster care system and clients not in the foster care system.

(5) A description of how the program will ensure children's crisis residential program clients will be kept separate from other individuals served by the facility, including but not limited to:

(A) A floor plan of the facility as required in the Short-Term Residential Therapeutic Program Interim Licensing Standards Section 87022(c)(4). The floor plan shall clearly delineate the physically separate units that accommodate a Short-Term Residential Therapeutic Program and a Children's Crisis Residential Program.

(B) For facilities with common areas used by multiple programs, a description of how schedules will be determined and utilized.

(6) The written policies and procedures governing the use of natural supports including but not limited to:
(A) How the natural supports will be supervised, and by what staff.

(B) How natural supports will be identified and approved by the program.

(C) Where in the facility natural supports will be allowed including any designated spaces to specifically accommodate for natural supports.

(D) How the use and approval of natural supports will be clinically driven by the mental health program.

(7) Description of how the program will provide care and supervision to all clients during the period of time following acceptance of the client but prior to admission to the program, including but not limited to crisis related services as needed.
Article 6. CONTINUING REQUIREMENTS

87098.61 REPORTING REQUIREMENTS

(a) In addition to Short-Term Residential Therapeutic Program Interim Licensing Standards Section 87065, the following shall apply.

(b) The children’s crisis residential program shall annually submit to the local regional office a report with all of the following data as it pertains to children in foster care and children not in foster care:

(1) If the client is in foster care.

(2) Age and gender of clients served.

(3) Duration of stay.

(4) Professional classification of staff and contracted staff.

(5) Type of placement the client was discharged to.
87098.651 TRAINING REQUIREMENTS

(a) In addition to Short-Term Residential Therapeutic Program Interim Licensing Standards, Section 87065.1, the following shall apply.

(b) For direct care staff, the initial eight hours of training specified by 87065.1(c)(1) and required before the direct care staff may be left alone with children or counted in ratio, must include the subject of preventing and managing assaultive and self-injurious behavior.

(c) For direct care staff, eight hours of the 24 hours of initial training required by 87065.1(c), shall be on the topics of crisis intervention and crisis services and shall be completed within 90 days.

(d) For direct care staff after their first 12 months of employment, the 40 hours of annual training required by 87065.1(d)(1) shall include both of the following:

(1) Eight hours of training on the topics of crisis intervention and crisis services.

(2) Training on the topic of preventing and managing assaultive and self-injurious behavior.
87098.68 ADMISSION AGREEMENTS

(a) In addition to California Code of Regulations, Title 22, Section 80068, except for subsection (e), the following shall apply.

(b) Such agreements shall be dated and signed, acknowledging the contents of the document, by the client and/or the client’s authorized representative, as applicable, and the licensee of the licensee’s designated representative, no later than 48-hours following acceptance.
87098.6811 ACCEPTANCE PROCEDURES

(a) Short-Term Residential Therapeutic Program Interim Licensing Standards, Sections 87068.1 and 87068.11 shall not apply to a children’s crisis residential program.

(b) The licensee shall develop, maintain, and implement procedures to accept a client. These procedures shall meet the requirements specified in this section.

(c) The children’s crisis residential program shall be capable of accepting clients 24 hours per day, seven days a week.

(d) When a client is accepted and being considered for admission, the following requirements shall be met.

   (1) The information specified in Short-Term Residential Therapeutic Program Interim Licensing Standards Sections 80070(b)(1) through (5), (7), (8) and (10), and Sections 87070(b)(1) through (10) shall be obtained from the placement agency, if any, or from the authorized representative(s), as applicable.

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Section 80070(b)(1) through (5), (7), (8) and (10):

“(b) Each record must contain information including, but not limited to, the following:
(1) Name of client.
(2) Birthdate.
(3) Sex.
(4) Date of Admission.
(5) Names, addresses, and telephone numbers of the authorized representative.
(7) Name, address and telephone number of physician and dentist, and other medical and mental health providers, if any.
(8) Medical assessment, including ambulatory status, as specified in Section 80069.
(10) Record of current medications, including the name of the prescribing physician, and instructions, if any, regarding control and custody of medications.”
Section 87070(b)(1) through (10):
“(b) The following information regarding the child shall be obtained and maintained in the child's record:
(1) The name, address, and telephone number of all adults with whom the child was living immediately prior to the current placement.
(2) The name, address, and telephone number of the child's parent(s), if known.
(3) The name, address, and telephone number of the placement worker and placement agency.
(4) Educational records, if available, describing the child's present academic level, including his/her grade or performance level, and any previous school-related problems.
(5) Dental and medical history, if available, including immunization records; and physician's orders for any medically necessary diet as specified in Section 80076(a)(6).
(6) The child's court status, if applicable, including a copy of any custody orders and agreements with parent(s) or person(s) having legal custody.
(7) The placement agency’s list of persons who should or should not be allowed to visit.
(8) Medical and dental insurance coverage information, or information regarding the agency or person responsible for medical and dental costs.
(9) Consent forms, completed by the child's authorized representative(s), to permit the facility to authorize medical care.
(10) A copy of any court order or parental authorization form if the child is currently taking psychotropic medication.

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(A) If the information is not completed by a placement agency, the licensee shall make telephone and/or written requests for the information to the child's placement agency and/or authorized representative; and shall record and retain the details of those requests.

(B) If the information, requested as specified in (A) above, is not received by the time of admission, the licensee shall obtain the information necessary to complete a standard appraisal form from other sources.

(C) When the information is received, social work staff shall complete a standard appraisal for the child on a form approved and/or furnished by the licensing agency.
87098.6812 ADMISSION PROCEDURES

(a) The licensee shall develop, maintain, and implement procedures to admit a client. These procedures shall meet the requirements specified in this section.

(b) The children's crisis residential program shall be capable of processing admissions at a minimum, from 7 a.m. to 11 p.m., seven days a week, 365 days per year.

(c) A children's crisis residential program may admit any client who meets all of the following requirements:

1. The client is up to 21 years of age.
   (A) If the client is a child, they shall be referred by a parent or guardian, physician, or licensed mental health professional, or by the representative of a public or private entity, including, but not limited to, the county probation agency or client welfare services agency with responsibility for the placement of a client in foster care, that has the right to make mental health treatment decisions on behalf of a client who is in mental health crisis
   (B) If the client is 18 to 20 years of age, they shall refer themselves or be referred by a conservator.

2. The client requires a 24-hour-a-day, seven-day-a-week, staff-secured, unlocked treatment setting.

3. The client has a serious behavioral health disorder as defined in the Department of Health Care Services' Children's Crisis Residential Mental Health Program Interim Regulations, Section 2.

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Department of Health Care Services' Children's Crisis Residential Mental Health Program Interim Regulations, Section 2(cc) provides:
“Serious Behavioral Health Disorder” means a mental health crisis, which may be accompanied by a diagnosis identified in California Code of Regulations, Title 9, Section 1830.205, a serious emotional disturbance as specified in Welfare and Institutions Code Section 5600.3, or both.”

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87098.682 NEEDS AND SERVICES PLAN

(a) In addition to Short-Term Residential Therapeutic Program Interim Licensing Standards, Section 87068.2, with the exception of subdivision (a), the following shall apply to a children’s crisis residential program and children who are accepted or are admitted to a children’s crisis residential program.

(b) Within 48 hours of acceptance into the facility, social work staff shall obtain the information specified in Section 87070, and shall develop an individual needs and services plan for the child that meets the requirements specified in (b) through (d) of Section 87068.2 and includes the anticipated duration of the treatment, and the timeframe and plan for transitioning the child to a less restrictive family environment.

(c) The needs and services plan shall include all pertinent information obtained by the mental health team, including the diagnoses, recommendations and client plan obtained through the initial assessment.

(d) Recommendations from the child and family team shall be considered when developing the needs and services plan.
87098.6822 NEEDS AND SERVICES PLAN FOR CLIENTS FROM 18 UP TO 21 YEARS OF AGE, INCLUDING NONMINOR DEPENDENTS

(a) In addition to Short-Term Residential Therapeutic Program Interim Licensing Standards, Section 87068.22, with the exception of subdivision (b), the following shall apply to a children’s crisis residential program and clients 18 years of age up to 21 years of age who are accepted or are admitted to a children’s crisis residential program.

(b) The administrator or social work staff shall prepare a needs and services plan.

(c) The client shall be permitted to participate in the development of the Needs and Services Plan.

(d) The Needs and Services Plan shall be completed within 48 hours of acceptance into the facility.
87098.684 REMOVAL/TRANSFER/TRANSITION PLAN

(a) In addition to Short-Term Residential Therapeutic Program Interim Licensing Standards, Section 87068.4, the following shall apply.

(b) Children and their authorized representative(s) shall receive copies of discharge policies and procedures. Signed copies of such policies and procedures shall be maintained in the child's record, as specified in Section 87070(c)(2).

(c) The licensee shall ensure that the child and his/her authorized representative(s) are offered the opportunity to participate in the development of a discharge plan for the child.
   (1) The discharge plan shall include how a client will return to their home or to their previous placement, or transition the client to their next placement, as applicable.
   (2) The development of the discharge plan shall be informed by the child and family team, as applicable.

(d) Nothing in this section is intended to prevent the child's removal from the facility under emergency circumstances by an authorized person or agency.

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Examples of emergency circumstances include, but are not limited to, removal by law enforcement officers when a client is arrested or when removal is necessary because the health and safety of the client or of other children in the facility is endangered by the child’s continued presence in the facility; removal for emergency medical or psychiatric care; or relocation by the child's authorized representative(s).

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(e) Social work staff shall develop and maintain a written discharge record containing the information specified in Sections 87070(d) through (d)(3).
(f) When a nonminor dependent is discharged from a facility, the licensee shall distribute the nonminor dependent's records as specified in Section 87070.1.
87098.75 HEALTH-RELATED SERVICES

(a) In addition to Short-Term Residential Therapeutic Program Interim Licensing Standards, Section 87075, the following shall apply.

(b) Psychotropic medication shall only be used in accordance with the written directions of the physician prescribing the medication and in accordance with authorization requirements specified in Sections 369.5(a)(1) and 739.5(a)(1) of the Welfare and Institutions Code and Section 84070(b)(12).

(1) Psychotropic medications may be administered without court authorization in an emergency. Emergency procedures are specified in California Rule of Court, rule 5.640.

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Welfare and Institutions Code section 369.5 provides:

(a)(1) If a child is adjudged a dependent child of the court under Section 300 and the child has been removed from the physical custody of the parent under Section 361, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that child. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the child and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the child’s diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication.

Welfare and Institutions Code section 739.5 provides:

(a)(1) If a minor who has been adjudged a ward of the court under Section 601 or 602 is removed from the physical custody of the parent under Section 726 and placed into foster care, as defined in Section 727.4, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that minor. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the minor and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the minor’s diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication.
California Rules of Court 5.640 provides:

(i) Emergency treatment

1. Psychotropic medications may be administered without court authorization in an emergency. An emergency occurs when:
   A. A physician finds that the child requires psychotropic medication to treat a psychiatric disorder or illness; and
   B. The purpose of the medication is:
      (i) To protect the life of the child or others, or
      (ii) To prevent serious harm to the child or others, or
      (iii) To treat current or imminent substantial suffering; and
   C. It is impractical to obtain authorization from the court before administering the psychotropic medication to the child.

2. Court authorization shall be sought as soon as practical but in no case more than two court days after the emergency administration of the psychotropic medication.

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(c) Court authorization shall be sought as soon as practical but in no case more than two court days after the emergency administration of the psychotropic medication.
Article 7. PHYSICAL ENVIRONMENT

87098.87 BUILDINGS AND GROUNDS

(a) In addition to Short-Term Residential Therapeutic Program Interim Licensing Standards, Section 87087, the following shall apply:

(b) Children’s Crisis Residential Programs shall be limited to fewer than 16 beds, with at least 50 percent of those beds in single-occupancy rooms as per Health and Safety Code 1562.03(a)(3).

(c) Facilities shall include ample physical space for accommodating natural supports for each client and for integrating family members into the day-to-day care of the client. This may include furniture for overnight stay, a common area, restrooms and a common eating place.

(1) A natural support may spend the night in a single occupancy room or a double occupancy room when one client is occupying the room. A natural support shall not stay overnight in a double occupancy room occupied by two clients, unless the two clients are siblings, as described in subdivision (d), and it has been determined that the natural support is appropriate for both clients.

(2) If a natural support spends the night in a single occupancy room, the room shall have appropriate furniture for the natural support to stay the night.

(3) A natural support may accompany a client to all events, treatments and activities as deemed appropriate by the clinical staff. When a natural support is not with the client that they are supporting, the natural support shall remain in a common area of the facility or shall leave the facility.

(d) (1) Children assigned to a room with another client shall not be more than three years apart in age.

(2) Notwithstanding paragraph (4), two siblings of any age may be assigned together to a double occupancy room if a licensed professional, waived/registered professional, or head of service determines that it would be appropriate and therapeutic for both children.
(e) When a licensed facility has both a children’s crisis residential program and a short-term residential therapeutic program, there shall be a clear physical separation between the programs. If a facility has designated areas that are used by more than one program, then these areas shall only be used by one program at a time.
87098.891 MENTAL HEALTH

(a) Short-Term Residential Therapeutic Program Interim Licensing Standards, Sections 87089.1(b), and 87089.1(f) shall not apply to children’s crisis residential programs.