

84077	PERSONAL SERVICES	84077
--------------	--------------------------	--------------

- (a) The licensee shall ensure the following:
 - (1) Provision of basic laundry services, including but not limited to washing, drying, and ironing of children's personal clothing.
 - (A) Children shall be permitted to participate in the performance of such services provided that the requirements specified in Section 80065(j) are met.
 - (2) Provision of an allowance to all children no less frequently than once per month except:
 - (A) If the child in placement is an infant as defined in Section 80001.
 - (B) If the child is unable to manage his/her own money because of age or if the authorized representative determines that the child cannot manage his/her own money.
 - (1) If the authorized representative considers the child incapable of money management, it must be specified in the needs and services plan.
 - (3) Portions of a child's allowance may be withheld through a fining system as specified in Section 84026

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

84078	RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION	84078
--------------	--	--------------

- (a) In addition to Section 80078, the following shall apply.
- (b) The licensee shall provide those services identified in each child's needs and services plan and in the individualized health care plan for each child with special health care needs as necessary to meet the child's needs.
- (c) The licensee is responsible for ensuring care and supervision of the child(ren) of any minor parent(s) in placement.
 - (1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.
- (d) The licensee shall ensure each child's attendance at an educational program in accordance with state law.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 11465 and 17731, Welfare and Institutions Code and Sections 1501 and 1531, Health and Safety Code.

84079 PLANNED ACTIVITIES**84079**

- (a) The licensee shall develop, maintain, and implement a written plan to ensure that indoor and outdoor activities which include but are not limited to the following are provided for all children:
- (1) Activities that require group interaction.
 - (2) Physical activities, including but not limited to games, sports and exercise.
 - (3) Leisure time.
 - (4) Educational activities, including attendance at an educational program in accordance with state law, and supervision of after school study as specified in Section 84078(c).
 - (5) Activities which meet the training, money management, and personal care and grooming needs identified in the children's needs and services plans, as specified in Sections 84068.2(c)(3) through (5).
- (b) Each child who is capable shall be given the opportunity to participate in the planning, preparation, conduct, cleanup, and critique of planned activities.
- (c) The administrator or facility manager, or his or her designee, shall:
- (1) Allow a child to participate in age-appropriate and developmentally-appropriate extracurricular, enrichment, and social activities.
 - (2) Apply the "Reasonable and Prudent Parent Standard" as specified in Section 84067, when determining whether to allow a child to participate in age-appropriate and developmentally-appropriate extracurricular, enrichment, and social activities.

HANDBOOK BEGINS HERE

Activities may include but are not limited to the following:

- (1) Worship services and activities of the child's choice.
- (2) Community events, including but not limited to concerts, tours, dances, plays, and celebrations of special events.
- (3) The YMCA, YWCA, Boy Scouts, and Girl Scouts.
- (4) Sports.
- (5) School activities such as band, dances, and field trips.
- (6) Leisure time such as bike riding, socializing with friends, shopping, and going to the movies.

HANDBOOK CONTINUES

84079 PLANNED ACTIVITIES (Continued)**84079**

HANDBOOK CONTINUES

- (7) 4-H activities.
- (8) Sleepover with friends.
- (9) Having visitors in the home.
- (10) Use of computer equipment.
- (A) Computer equipment made available to other children in the household should also be available to a "child" of similar age and maturity.
- (B) The caregiver is not required to incur a cost to provide computer availability.

HANDBOOK ENDS HERE

- (d) In facilities with a licensed capacity of 13 or more children, a schedule of the planned activities shall be posted on at least a weekly basis in a central facility location readily accessible to children, relatives, and representatives of placement and referral agencies.
 - (1) Copies of schedules shall be retained in the facility's files for at least six months.
- (e) For children 16 years of age or older, the licensee shall allow access to existing information regarding available vocational and postsecondary educational options as specified in Section 84072(c)(34). The information may include, but is not limited to:
 - (1) Admission criteria for universities, community colleges, trade or vocational schools and financial aid information for these schools.
 - (2) Informational brochures on postsecondary or vocational schools/programs.
 - (3) Campus tours.
 - (4) Internet research on postsecondary or vocational schools/programs, sources of financial aid, independent living skills program offerings, and other local resources to assist youth.
 - (5) School-sponsored events promoting postsecondary or vocational schools/programs.
 - (6) Financial aid information, including information about federal, state and school-specific aid, state and school-specific scholarships, grants and loans, as well as aid available specifically to current or former foster youth and contact information for the Student Aid Commission.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Section 16001.9 Welfare and Institutions Code; Sections 361.2(j)(2), 362.04, 362.05, 727, and 16001.9, Welfare and Institutions Code; Assembly Bill 2096, (Chapter 483 Statutes of 2008).

84080 RESIDENT COUNCILS**84080**

- (a) Each facility, at the request of a majority of its residents, shall assist its residents in establishing and maintaining a resident-oriented facility council.
- (1) The licensee shall provide space and post notice for meetings, and shall provide assistance in attending council meetings for those residents who request it.
- (A) If residents are unable to read the posted notice because of a physical or functional disability, the licensee shall notify the residents in a manner appropriate to that disability including but not limited to verbal announcements.
- (2) The licensee shall document notice of meetings, meeting times, and recommendations from council meetings.
- (3) In order to permit a free exchange of ideas, at least part of each meeting shall be conducted without the presence of any facility personnel.
- (4) Residents shall be encouraged but shall not be compelled to attend council meetings.
- (b) The licensee shall ensure that in providing for resident councils the requirements of Section 1520.2 of the Health and Safety Code are observed.

HANDBOOK BEGINS HERE

Health and Safety Code Section 1250.2 reads in pertinent part:

The council shall be composed of residents of the facility and may include family members of residents of the facility. The council may, among other things, make recommendations to facility administrators to improve the quality of daily living in the facility and may negotiate to protect residents' rights with facility administrators.

A violation of this section shall not be subject to the provisions of Health and Safety Code Section 1540 (misdemeanors), but shall be subject to the provisions of Health and Safety Code Section 1534 (civil penalties).

This section shall not apply to facilities licensed for six (6) or fewer individuals.

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1520.2, Health and Safety Code.

Article 7. PHYSICAL ENVIRONMENT**84087 BUILDINGS AND GROUNDS****84087**

- (a) In addition to Section 80087, the following shall apply.
- (b) Bedrooms shall meet, at a minimum, the following requirements:
- (1) No more than two children shall sleep in a bedroom.
 - (2) Bedrooms shall be large enough to allow for easy passage and comfortable use of any required assistive devices, including but not limited to wheelchairs, between beds and other items of furniture.
 - (3) Children of the opposite sex shall not share a bedroom unless each child is under five years of age.
 - (4) No room commonly used for other purposes shall be used as a bedroom.
 - (A) Such rooms shall include but not be limited to halls, stairways, unfinished attics or basements, garages, storage areas, and sheds or similar detached buildings.
 - (5) No bedroom shall be used as a public or general passageway to another room, bath or toilet.
 - (6) Except for infants, children shall not share a bedroom with an adult.
 - (A) In bedrooms shared by adults and infants, no more than one infant and no more than two adults shall share the room.
 - (B) If two children have been sharing a bedroom and one of them turns 18 they may continue to share the bedroom as long as they remain compatible and the licensing agency has granted an exception pursuant to Section 80024.
 - (7) Private bedrooms, separate from the children's bedrooms shall be provided for staff or other adults who sleep at the facility.
 - (A) Staff bedrooms are to be located near the children's sleeping area.

84087 BUILDINGS AND GROUNDS (Continued)**84087**

- (8) Subsections (1), (2), (3), (4), (5), and (6) apply to all bedrooms used by all children in the facility including children who are members of the licensee's family, children of staff members and children in placement.
- (9) Subsections (4), (5) and (7) apply to all bedrooms used by the licensee(s), staff and any other adults in the facility.
- (c) The licensee shall prohibit smoking in the facility and on the grounds of the facility.
- (d) Every group home shall have one or more carbon monoxide detectors in the facility that meets the standards established in Health and Safety Code Chapter 8 (commencing with Section 13260) of Part 2 of Division 12.

HANDBOOK BEGINS HERE

Health and Safety Code Section 13260 provides:

"This chapter shall be known and may be cited as the Carbon Monoxide Poisoning Prevention Act of 2010."

Health and Safety Code Section 13261 provides:

"The Legislature finds and declares all of the following:

- (a) According to the American Medical Association, carbon monoxide is the leading cause of accidental poisoning deaths in the United States. The federal Centers for Disease Control and Prevention estimate that carbon monoxide kills approximately 500 people each year and injures another 20,000 people nationwide.
- (b) According to the United States Environmental Protection Agency, a person cannot see or smell carbon monoxide. At high levels carbon monoxide can kill a person in minutes. Carbon monoxide is produced whenever any fuel, such as gas, oil, kerosene, wood, or charcoal, is burned.
- (c) The State Air Resources Board estimates that every year carbon monoxide accounts for between 30 and 40 avoidable deaths, possibly thousands of avoidable illnesses, and between 175 and 700 avoidable emergency room and hospital visits.
- (d) There are well-documented chronic health effects of acute carbon monoxide poisoning or prolonged exposure to carbon monoxide, including, but not limited to, lethargy, headaches, concentration problems, amnesia, psychosis, Parkinson's disease, memory impairment, and personality alterations.
- (e) Experts estimate that equipping every home with a carbon monoxide device would cut accident-related costs by 93 percent. Eighteen states and a number of large cities have laws mandating the use of carbon monoxide devices.

HANDBOOK CONTINUES

HANDBOOK CONTINUES

(f) Carbon monoxide devices provide a vital, highly effective, and low-cost protection against carbon monoxide poisoning and these devices should be made available to every home in California.

(g) The Homeowners' Guide to Environmental Hazards prepared pursuant to Section 10084 of the Business and Professions Code is an important educational tool and should include information regarding carbon monoxide. It is the intent of the Legislature that when the booklet is next updated as existing resources permit, or as private resources are made available, it be updated to include a section on carbon monoxide."

Health and Safety Code Section 13262 provides:

"For purposes of this chapter, the following definitions shall apply:

(a) 'Carbon monoxide device' means a device that meets all of the following requirements:

(1) A device designed to detect carbon monoxide and produce a distinct, audible alarm.

(2) A device that is battery powered, a plug-in device with battery backup, or a device installed as recommended by Standard 720 of the National Fire Protection Association that is either wired into the alternating current power line of the dwelling unit with a secondary battery backup or connected to a system via a panel.

(3) If the device is combined with a smoke detector, the combined device shall comply with all of the following:

(A) The standards that apply to carbon monoxide alarms as described in this chapter.

(B) The standards that apply to smoke detectors, as described in Section 13113.7.

(C) The combined device emits an alarm or voice warning in a manner that clearly differentiates between a carbon monoxide alarm warning and a smoke detector warning.

(4) The device has been tested and certified, pursuant to the requirements of the American National Standards Institute (ANSI) and Underwriters Laboratories Inc. (UL) as set forth in either ANSI/UL 2034 or ANSI/UL 2075, or successor standards, by a nationally recognized testing laboratory listed in the directory of approved testing laboratories established by the Building Materials Listing Program of the Fire Engineering Division of the Office of the State Fire Marshal of the Department of Forestry and Fire Protection.

HANDBOOK CONTINUES

HANDBOOK CONTINUES

(b) 'Dwelling unit intended for human occupancy' means a single-family dwelling, factory-built home as defined in Section 19971, duplex, lodging house, dormitory, hotel, motel, condominium, stock cooperative, time-share project, or dwelling unit in a multiple-unit dwelling unit building or buildings. 'Dwelling unit intended for human occupancy' does not mean a property owned or leased by the state, the Regents of the University of California, or a local governmental agency.

(c) 'Fossil fuel' means coal, kerosene, oil, wood, fuel gases, and other petroleum or hydrocarbon products, which emit carbon monoxide as a byproduct of combustion."

Health and Safety Code Section 13263 provides:

"(a) (1) The State Fire Marshal shall develop a certification and decertification process to approve and list carbon monoxide devices and to disapprove and delist previously approved devices, if necessary. The certification and decertification process shall include consideration of effectiveness and reliability of the devices, including, but not limited to, their propensity to record false alarms. The certification and decertification process shall include a review of the manufacturer's instructions and shall ensure their consistency with building standards applicable to new construction for the relevant type of occupancy with respect to number and placement.

(2) The State Fire Marshal shall charge an appropriate fee to the manufacturer of a carbon monoxide device to cover his or her costs associated with the approval and listing of carbon monoxide devices.

(b) A person shall not market, distribute, offer for sale, or sell any carbon monoxide device in this state unless the device and the instructions have been approved and listed by the State Fire Marshal."

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1503.2, 1530.8, 1531, 13260, 13261, 13262, and 13263, Health and Safety Code and *"The Health Consequences of Involuntary Exposure to Tobacco Smoke": A Report of the Surgeon General (2006)*.

84087.1 ADDITIONAL BUILDINGS AND GROUNDS REQUIREMENTS FOR SPECIALIZED GROUP HOMES 84087.1

- (a) Areas in the home, including bedrooms, bathrooms, toilets, dining areas, passageways and recreational spaces used by a child with special health care needs shall be large enough to accommodate any medical equipment needed by the child therein.
 - (1) Bedrooms occupied by children with special health care needs shall be large enough to allow the storage of each child's personal items and any required medical equipment or assistive devices, including wheelchairs, adjacent to the child's bed.
 - (A) The bedroom shall be large enough to permit unobstructed bedside ministrations of medical procedures and medications.
- (b) Notwithstanding Section 84087(b)(1), a bedroom used by a child with special health care needs shall not be shared with another minor residing in the facility if the child's need for medical services or the child's medical condition would be incompatible with the use and enjoyment of the bedroom by each minor.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17732, Welfare and Institutions Code.

This page is intentionally left blank.

84087.2 OUTDOOR ACTIVITY SPACE**84087.2**

- (a) Children shall have access to safe outdoor activity space.
- (1) Outdoor activity space meeting the requirement of (a) above shall include but not be limited to activity centers and public parks.
 - (2) A sketch of the physical plant as required in the plan of operation pursuant to Section 80022, shall include the location(s) of outdoor activity space.
 - (3) The outdoor activity space shall not include any area made inaccessible by fencing pursuant to Section 80087(f).
 - (4) Where natural or man-made hazards such as canals, cliffs, condemned buildings, creeks, ditches, lakes, ocean fronts, mines, power lines, quarries, rivers, ravines, swamps, watercourses, and areas subject to flooding lie on or adjacent to the facility premises, the outdoor activity space shall be inaccessible to such hazards.
 - (A) Where a fence or wall is used to make the outdoor activity space inaccessible, the requirements of Section 80087(f)(1) shall be met.
 - (5) The administrator or facility manager, or his or her responsible designee, shall apply the "Reasonable and Prudent Parent Standard," as specified in Section 84067, when determining whether to allow a "child" to have access to fish ponds, fountains, and similar bodies of water.
 - (A) The licensee shall ensure safeguards that include but are not limited to; familiarity of the surroundings, and staff trained in water safety as specified in Section 80065(e)(2).
- (b) As a condition of licensure, the areas around and under high climbing equipment, swings, slides and other similar equipment shall be cushioned with material which absorbs falls.
- (1) Sand, woodchips, peagravel or rubber mats commercially produced for this purpose, shall be permitted.
 - (2) The use of cushioning material other than that specified in (1) above shall be approved by the licensing agency in advance of installation.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Sections 361.2(j)(2), 362.04, 362.05, and 727, Welfare and Institutions Code.

84087.3 INDOOR ACTIVITY SPACE**84087.3**

- (a) As a condition of licensure, there shall be common rooms, including a living room, dining room, den or other recreation/activity room, which provide the necessary space and/or separation to promote and facilitate the program of planned activities specified in Section 84079; and to prevent such activities from interfering with other functions.
- (1) At least one such room shall be available to children for relaxation and visitation with friends and/or relatives.

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

84088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES**84088**

- (a) In addition to Section 80088, the following shall apply.
- (b) As a condition of licensure, toilet, wash basin, bath and shower fixtures shall, at a minimum, meet the following requirements.
- (1) There shall be at least one toilet and wash basin maintained for each six persons residing in the facility, including children and personnel.
- (2) There shall be at least one shower or bathtub maintained for each ten persons residing in the facility, including children and personnel.
- (3) Toilets and bathrooms shall be located so that children do not have to go out-of-doors to have access to such accommodations.
- (4) Individual privacy shall be provided in all toilet, bath, and shower areas.
- (c) The licensee shall provide and make readily available to each child the following furniture, equipment and supplies necessary for personal care and maintenance of personal hygiene:
- (1) An individual bed maintained in good repair; equipped with good springs and a clean mattress; and supplied with pillow(s) which are clean and in good repair.

84088**FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)****84088**

- (A) No group home shall have more beds for children's use than required for the maximum capacity approved by the licensing agency.
 - 1. This requirement shall not apply to the bed(s) made available for illness or separation of others in an isolation room or area as specified in Section 80075(b).
- (B) Fillings and covers for mattresses and pillows shall be flame retardant.
- (C) The use of cots, trundle, or bunk beds shall be prohibited.
- (2) Clean linen in good repair, including lightweight, warm blankets and bedspreads; top and bottom bed sheets; pillow cases; mattress pads; and bath towels, hand towels and wash cloths.
 - (A) The quantity of linen provided shall permit changing the linen at least once each week, or more often when indicated to ensure that clean linen is in use by children at all times.
 - (B) Use of common towels and wash cloths shall be prohibited.

HANDBOOK BEGINS HERE

- (C) Rubber or plastic sheeting or bed coverings should be provided when necessary.

HANDBOOK ENDS HERE

- (3) Items used to maintain basic personal hygiene practices, including but not limited to shampoo, feminine napkins, nonmedicated soap, toilet paper, toothbrush, toothpaste, and comb.
- (4) Portable or permanent closets and drawer space in the child's bedroom to accommodate the child's clothing and personal belongings.
 - (A) A minimum of two drawers or eight cubic feet (.2264 cubic meters) of drawer space, whichever is greater, shall be provided for each child.

84088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)**84088**

- (d) The administrator or facility manager, or his or her responsible designee, shall:
 - (1) Apply the "Reasonable and Prudent Parent Standard," as specified in Section 84067, when determining whether a child should have access to disinfectants and cleaning solutions; and
 - (2) Ensure that the child is properly trained to safely use disinfectants and cleaning solutions.
- (e) The following facilities shall maintain a signal system which meets the requirements specified in (e) and (f) below. Such system shall be used by children to summon staff during an emergency.
 - (1) All facilities with a licensed capacity of 31 or more children.
 - (2) All facilities having separate floors and not providing full-time staff on each floor whenever children are present.
 - (3) All facilities having separate buildings and not providing full-time staff in each building whenever children are present.
- (f) The signal system shall have the ability to meet the following requirements:
 - (1) Operation from each children's living unit.
 - (2) Transmission of a visual and/or auditory signal to a central location, or production of an auditory signal at the specific children's living unit which is loud enough to summon staff.
 - (3) Identification of the specific children's living unit from which the signal originates.

HANDBOOK BEGINS HERE

- (A) Intercoms may be used to meet the requirement for a signal system as long as all facility clients are capable of using the intercom system, and the intercom system meets all the requirements of a signal system.

HANDBOOK ENDS HERE

- (g) Facilities having more than one wing, floor or building shall be allowed to have a separate signal system in each component provided that each such system meets the requirements specified in (e) above.

84088	FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)	84088
--------------	---	--------------

- (h) The licensee shall provide and maintain the supplies, equipment and reading material necessary to implement the planned activities.
- (i) The licensee shall provide and make readily available to each child well-lighted desk or table space and necessary supplies, including reference materials, for school-related study.
- (j) Construction or other equipment, including but not limited to incinerators and air conditioning equipment, shall be made inaccessible to children.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Sections 361.2(j)(2), 362.04, 362.05, and 727, Welfare and Institutions Code.

84088.3	OUTDOOR ACTIVITY EQUIPMENT	84088.3
----------------	-----------------------------------	----------------

- (a) Outdoor activity equipment shall be securely anchored to the ground unless it is portable by design.
 - (1) Equipment shall be maintained in a safe condition free of sharp, loose or pointed parts.

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

THIS PAGE IS INTENTIONALLY LEFT BLANK

Article 9. ADMINISTRATOR CERTIFICATION TRAINING PROGRAMS**84090 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS 84090**

- (a) Initial Certification Training Programs shall be approved by the Department prior to being offered to applicants seeking administrator certification.
- (b) Any vendor applicant seeking approval of an Initial Certification Training Program shall submit a written request to the Department's Administrator Certification Section using the Request for Course Approval form LIC 9140 and Vendor Application/Renewal form LIC 9141. The request shall be signed by an authorized representative of the vendor applicant certifying that the information submitted is true and correct, and contain the following:
- (1) Name, type of entity, physical address, e-mail address and phone number of the vendor applicant requesting approval and the name of the person in charge of the program.
 - (2) Subject title, classroom hours, proposed dates, duration, time, location and proposed instructor of each component.
 - (3) Written description and educational objectives for each subject matter component, hourly topical outline, teaching method, and description of course and participant evaluation methods.
 - (A) The use of videos, videotapes, video clips, or other visual recordings, are permitted as media teaching aids in an Initial Certification Training Program but shall not, in themselves, constitute the Program or any subject matter component thereof.
 - (4) Qualifications of each proposed instructor as specified in Section 84090(i)(7).
 - (5) Locality(ies) in which the Training Program will be offered.
 - (6) A list and the location(s) of records to be maintained pursuant to Section 84090(i)(5) below.
 - (7) A statement of whether or not the vendor applicant and each proposed instructor held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
 - (8) A statement of whether or not the vendor applicant and each proposed instructor held or currently holds a State-issued care facility license or was or is employed by a State-licensed care facility and the license number.
 - (9) A statement of whether or not the vendor applicant and each proposed instructor was the subject of any legal, administrative, or other action involving licensure, certification or other approvals as specified in (7) and (8) above.

84090 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued) 84090

- (10) A non-refundable processing fee of one hundred-fifty dollars (\$150).
- (c) Initial Certification Training Program approval shall expire two (2) years from the date the Initial Certification Program vendorship is approved by the Department.
- (d) A written request for renewal of the Initial Certification Training Program shall be submitted to the Department's Administrator Certification Section using the Request for Course Approval form LIC 9140 and Vendor Application/Renewal form LIC 9141 and shall contain the information and processing fee specified in Section 84090(b) above.
- (1) A vendor must have a current approved Group Home Initial Certification Training Program in order to renew its Group Home Initial Certification Training Program vendorship.
- (e) If a request for approval or renewal of an Initial Certification Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
- (1) The request is deficient, describing which documents or information are outstanding and/or inadequate, and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of notice.
- (f) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) The Group Home Initial Certification Training Program shall consist of the following components:
- (1) A minimum of forty (40) classroom hours, as defined in Section 84001(c)(4), with the following uniform Core of Knowledge curriculum:
- (A) Six (6) hours of instruction in laws, regulations, and policies and procedural standards that impact the operations of the type of facility for which the applicant will be an administrator.
- (B) Four (4) hours of instruction in business operations.
- (C) Four (4) hours of instruction in management and supervision of staff.
- (D) Four (4) hours of instruction in the psychosocial and educational needs of the facility residents.

84090 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued) 84090

- (E) Three (3) hours of instruction in the use of community and support services to meet residents' needs.
- (F) Two (2) hours of instruction in the physical needs of facility residents.
- (G) Six (6) hours of instruction in the administration, storage, prevention of misuse and interaction of medication used by facility residents.
- (H) Five (5) hours of instruction on admission, retention, and assessment procedures, and nondiscrimination policies, including the child's right to fair and equal access to all available services, placement, care, treatment and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status
- (I) Four (4) hours of instruction on nonviolent, emergency intervention and reporting requirements.
- (J) One (1) hour of instruction on existing laws and procedures regarding the safety of foster youth at school as contained in the California Student Safety and Violence Prevention Act of 2000.
- (K) One (1) hour of instruction in cultural competency and sensitivity in issues relating to the underserved lesbian, gay, bisexual, and transgender community.

HANDBOOK BEGINS HERE

Health and Safety Code section 1522.41(c)(1)(J) provides in pertinent part:

"Basic instruction on the existing laws and procedures regarding the safety of foster youth at school and the ensuring of a harassment and violence free school environment contained in the California Student Safety and Violence Prevention Act of 2000...."

Education Code section 32228 provides:

"(a) It is the intent of the Legislature that public schools serving pupils in any of grades 8 to 12, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools.

HANDBOOK CONTINUES

**84090 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND
PROGRAM APPROVAL REQUIREMENTS (Continued)**
84090

HANDBOOK CONTINUES

(b) It is also the intent of the Legislature that public schools have access to supplemental resources to combat bias on the basis of race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, as defined in subdivision (q) of Section 12926 of the Government Code, and to prevent and respond to acts of hate violence and bias related incidents. Sexual orientation shall not include pedophilia.

(c) It is further the intent of the Legislature that schoolsites receiving funds pursuant to this article accomplish all of the following goals:

- (1) Teach pupils techniques for resolving conflicts without violence.
- (2) Train school staff and administrators to support and promote conflict resolution and mediation techniques for resolving conflicts between and among pupils.
- (3) Reduce incidents of violence at the schoolsite with an emphasis on prevention and early detection.
- (4) Provide age-appropriate instruction in domestic violence prevention, dating violence prevention, and interpersonal violence prevention."

HANDBOOK ENDS HERE

(2) A standardized exam developed and administered by the Department.

(A) Individuals completing an Initial Certification Training Program must pass the exam with a minimum score of seventy percent (70%).

(B) The exam questions shall reflect the hour value of the Core of Knowledge areas specified in Sections 84090(h)(1) above.

(i) Initial Certification Training Program vendors shall:

(1) Offer all forty (40) classroom hours required for certification in a classroom setting as defined in Section 84001(c)(5).

(A) A minimum of ten (10) hours of instruction must be provided by an instructor(s) who meets the criteria specified in Section 84090(i)(7)(D).

(B) Where good faith efforts to employ an instructor who meets the criteria specified in (A) are unsuccessful, vendors may apply to the Department's Administrator Certification Section for a waiver of this requirement.

84090 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued) 84090

- (2) Establish a procedure to allow participants to make up any component necessary to complete the total program hours and content.
- (3) Issue certificates of completion to participants who successfully complete the program.
 - (A) The certificate of completion shall be signed by the vendor or its authorized representative and include the approved vendor's name and vendor number, approved course number, and the date(s), time(s) and location(s) of program classes.
- (4) Submit to the Department upon request a Roster of Participants (form LIC 9142A or other document which includes the same information) who completed the program.
- (5) Maintain and ensure that records are available for review by Department representatives. Records shall be maintained for three (3) years from the date of vendorship approval, course approval, or course offering, whichever is applicable and most recent. The records shall include the following information:
 - (A) Course schedules, dates, descriptions and course outlines.
 - (B) A list of instructors and documentation of qualifications of each, as specified in Section 84090(i)(7).
 - (C) A Roster of Participants (LIC 9142A or other document which includes the same information) and documentation of who completed the program.
 - (D) Evaluations by participants of courses and instructors.
 - (E) Audio-visual recordings of all Initial Certification Training Programs and program components offered outside of California.
- (6) Upon request, submit to the Department's Administrator Certification Section a schedule for at least the next calendar quarter specifying the subject title, approved course number, classroom hours, proposed dates, time, duration, location and proposed instructor(s) for each program/component.
- (7) Have instructors who have verifiable knowledge and/or experience in the subject matter and content to be taught and who meet at least one of the following criteria:
 - (A) Hold a bachelor's or higher degree from an accredited institution in a discipline or field related to the subject(s) to be taught, and have at least two (2) years of experience relevant to the subject(s) to be taught, or

84090 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued) 84090

- (B) Four (4) years of experience relevant to the course to be taught, or
 - (C) Be a professional, in a field related to the subject(s) to be taught, with a valid license or certification to practice in California and at least two (2) years of related field experience, or
 - (D) Have at least four (4) years of experience in California as an administrator of a group home, within the last six (6) years, with a record of administering the facility(ies) in substantial compliance, as defined in Section 80001(s)(7), and have verifiable training in the subject(s) to be taught.
- (8) Before adding or replacing an approved instructor, obtain the Department's approval by submitting a completed Request to Add or Replace Instructor form LIC 9140A and supporting documentation to the Department's Administrator Certification Section.
- (9) Encourage course instructors to elicit and respond appropriately to participants' questions.
- (10) Develop and provide to each course participant an end-of-course evaluation requesting feedback on, at minimum, instructor(s) knowledge of the subject(s), quality of instruction provided, attainment of learning objectives, and opportunity of participants to ask questions.
- (11) Report any changes of the information in 84090(b)(1) within thirty (30) days to the Department's Administrator Certification Section.
- (j) Initial Certification Training Program vendors shall allow Department representatives to monitor and inspect training programs.
- (1) Any duly authorized Department representative may, upon proper identification and upon stating the purpose of his/her visit, enter, inspect, and monitor Initial Certification Training Programs with or without advance notice. Such representatives may also request information and copies of records in advance of such visits and/or for desk monitoring.
 - (2) The vendor shall ensure that provisions are made for the private interview of any participant or instructor, and for the examination of any records relating to the program.
 - (3) The Department shall have the authority to inspect, audit, and copy all program records upon demand. Records may be removed if necessary for copying.
 - (4) Department representatives shall not remove any current emergency or health related personnel records unless the same information is otherwise readily available in another document or format. Department representatives shall return the records undamaged and in good order within three business days following the date the records were removed.

84090 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued) 84090

- (k) If, as a result of an investigation or inspection, the Department determines that a deficiency exists, the Department shall issue a notice of deficiency, unless the deficiency is minor and corrected immediately, and shall provide the Initial Certification Training Program Vendor with the notice of deficiency in person or by registered mail.
- (1) The notice of deficiency shall be in writing and shall include:
- (A) A reference to the statute or regulation upon which the deficiency is premised.
- (B) A factual description of the nature of the deficiency fully stating the manner in which the Initial Certification Training Program Vendor failed to comply with the specified statute or regulation.
- (C) The amount of penalty pursuant to Section 84092 which shall be assessed if the deficiency is not corrected and the date the penalty begins.
- (D) The appeal process as specified in Section 84093.
- (2) The Department and the Initial Certification Training Program Vendor shall develop a plan for correcting each deficiency which shall be added to the notice of deficiency.
- (3) Absent prior Department approval, all Program deficiencies shall be corrected prior to the next offering of the Initial Certification Training Program, and all other deficiencies (e.g., recordkeeping) shall be corrected within the number of days agreed to in the corrective action plan.
- (l) Initial Certification Training Program Vendors shall not instruct or "co-locate" more than one program type (Adult Residential Facility, Group Home, Residential Care Facility for the Elderly) at one time.
- (m) Initial Certification Training Program Vendors and their instructors who are also seeking administrator certification shall not be permitted to receive credit for attending the vendor's own Initial Certification Training Program.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 1 of Assembly Bill (AB) 458 (Chapter 331, Statutes of 2003); Sections 1501, 1522.08, 1522.41, and 1531, Health and Safety Code; Section 16001.9, 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.

84090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL CERTIFICATION TRAINING PROGRAM**84090.1**

- (a) The Department may deny a request for approval of an Initial Certification Training Program in accordance with Section 1522.41(h)(1) of the Health and Safety Code. The Department shall provide the applicant with a written notice of the denial.

HANDBOOK BEGINS HERE

Section 1522.41(h)(1) of the Health and Safety Code provides in part:

"(h)(1) The Department may deny vendor approval to any agency or person in any of the following circumstances:

- (A) The applicant has not provided the department with evidence satisfactory to the department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations adopted by the department pursuant to Subdivision (j).
- (B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in group home facilities.
- (C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in group homes and to pay directly for the services. The department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses."

HANDBOOK ENDS HERE

- (b) The applicant may appeal the denial of the application in accordance with Section 1551 of the Health and Safety Code.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code section 1520.3(b).

HANDBOOK BEGINS HERE

Health and Safety Code section 1520.3(b) provides:

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

HANDBOOK CONTINUES

84090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL CERTIFICATION TRAINING PROGRAM (Continued)**84090.1**

HANDBOOK CONTINUES

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

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

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

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3(b), 1522.41(h), and 1551, Health and Safety Code.

84090.2 REVOCATION OF AN INITIAL CERTIFICATION TRAINING PROGRAM**84090.2**

(a) The Department may revoke an Initial Certification Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Section 84090 or:

(1) Is unable to provide training due to lack of staff, funds, or resources, or

(2) Misrepresents or makes false claims regarding the training provided, or

(3) Demonstrates conduct in the administration or instruction of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program, or

(4) Misrepresents or knowingly makes false statements in the vendor application or during program instruction, or

(5) Fails to correct deficiencies and/or to pay civil penalties due.

(b) The vendor may appeal the revocation in accordance with Health and Safety Code section 1551.

(c) Any application for approval of an Initial Certification Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code section 1520.3.

**84090.2 REVOCATION OF AN INITIAL CERTIFICATION
TRAINING PROGRAM (Continued)****84090.2****HANDBOOK BEGINS HERE**

Health and Safety Code Section 1520.3 in pertinent part provides:

"(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law.

(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department or from a certified family home pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3, 1522.41(h) and 1551 Health and Safety Code.

**84091 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS****84091**

- (a) Any vendor applicant seeking approval as a vendor of a Continuing Education Training Program shall obtain vendor approval by the Department prior to offering any course to certificate holders.
- (b) Any vendor applicant seeking approval to become a vendor of a Continuing Education Training Program shall submit a written request to the Department's Administrator Certification Section using the Vendor Application/Renewal form LIC 9141. The request shall be signed by an authorized representative of the vendor applicant certifying that the information submitted is true and correct, and contain the following:
- (1) Name, type of entity, physical address, e-mail address and phone number of the vendor applicant requesting approval and the name of the person in charge of the Program.
 - (2) A statement of whether or not the vendor applicant held or currently holds a license, certification, or other approval as a professional in a specified field and the license or certificate number.

84091 CONTINUING EDUCATION TRAINING PROGRAM VENDOR REQUIREMENTS (Continued) 84091

- (3) A statement of whether or not the vendor applicant held or currently holds a State-issued care facility license or was or is employed by a State-licensed care facility and the license number.
- (4) A statement of whether or not the vendor applicant was the subject of any legal, administrative, or other action involving licensure, certification or other approvals as specified in Sections 84091(b)(2) and (3) above.
- (5) A non-refundable processing fee of one hundred dollars (\$100).
- (c) Continuing Education Training Program vendor approval shall expire two (2) years from the date the vendorship is approved by the Department.
- (d) A written request for renewal of the Continuing Education Training Program vendorship shall be submitted to the Department's Administrator Certification Section using the Vendor Application/Renewal form LIC 9141 and shall contain the information and processing fee specified in Section 84091(b).
 - (1) A continuing education vendor must have one or more current approved Group Home continuing education courses in order to renew its Group Home continuing education program vendorship.
- (e) If the request for approval or renewal of a Continuing Education Training Program vendorship is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
 - (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (f) If the vendor applicant does not submit the requested information above within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) Continuing Education Training Program vendors shall:
 - (1) Issue certificates of completion to participants who successfully complete the program.
 - (A) The certificate of completion shall be signed by the vendor or its authorized representative and include the approved vendor's name and vendor number, the approved course name and course number, the approved course hours, and the date(s), time(s) and location(s) of the course(s).

**84091 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS (Continued)****84091**

- (2) Maintain and ensure that records are available for review by Department representatives. Records shall be maintained for three (3) years from the date of vendorship approval, course approval, or course offering, whichever is applicable and most recent. The records shall include the following:
 - (A) Course schedules, dates, descriptions and course outlines.
 - (B) Lists of instructors and documentation of qualifications of each, as specified in Section 84091(h)(3).
 - (C) Rosters of Participants (LIC 9142A or other document which includes the same information) and documentation of who completed the courses.
 - (D) Evaluations by participants of courses and instructors.
 - (E) Audio-visual recordings of all Continuing Education Training courses offered outside of California.
- (3) Have instructors who have verifiable knowledge and/or experience in the subject matter content to be taught and who meet at least one of the following criteria:
 - (A) Hold a Bachelor's or higher degree from an accredited institution in a discipline or field related to the subject(s) to be taught, and have at least two (2) years of experience relevant to the subject(s) to be taught, or
 - (B) Four (4) years of experience relevant to the course to be taught, or
 - (C) Be a professional, in a field related to the subject(s) to be taught, with a valid license or certification to practice in California and at least two (2) years of related field experience, or
 - (D) Have at least four (4) years of experience in California as an administrator of a group home, within the last six (6) years, with a record of administering the facility(ies) in substantial compliance as defined in Section 80001(s)(7), and have verifiable training in the subject(s) to be taught.
- (4) Upon request, submit to the Department's Administrator Certification Section a schedule for at least the next calendar quarter specifying the subject title, approved course number, classroom hours, proposed dates, time, duration, location and proposed instructor for each future course.
- (5) Before adding or replacing an approved instructor, obtain the Department's approval by submitting a completed Request to Add or Replace Instructor form LIC 9140A and supporting documentation to the Department's Administrator Certification Section.

84091 CONTINUING EDUCATION TRAINING PROGRAM **84091**
VENDOR REQUIREMENTS (Continued)

- (6) Encourage course instructors to elicit and respond appropriately to participants' questions.
 - (7) Develop and provide to each course participant an end-of-course evaluation requesting feedback on, at minimum, instructor(s) knowledge of the subject(s), quality of instruction provided, attainment of learning objectives, and opportunity of participants to ask questions.
 - (8) Report any changes of the information in 84091(b)(1) within thirty (30) days to the Department's Administrator Certification Section.
- (i) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting, as defined in Section 84001(c)(5) except that:
- (1) The Department may approve online courses pursuant to Health and Safety Code section 1522.41(h)(7) where technology permits the interactive participation of the certificate holder and such participation is verifiable. Interactive online training courses require the participant to respond to prompts and receive feedback at various intervals throughout the course in order to progress through the training and to successfully pass a test at the conclusion of the course in order to receive a certificate of completion for the course.
 - (A) A Webinar or similar type of live broadcast of a training course may be approved by the Department for online continuing education hours pursuant to Health and Safety Code section 1522.41(h)(7) where the technology permits interactive participation of the certificate holder and such participation is verifiable, and where it can be verified that the certificate holder was logged on and interacting throughout the entire length of the Webinar.
 - (B) All online training courses shall be designed to ensure participation for the actual number of hours approved and to ensure that participants cannot print a certificate of completion until the approved course hours have been completed.

HANDBOOK BEGINS HERE

Health and Safety Code section 1522.41(h)(7) provides that:

"(A) A vendor of online programs for continuing education shall ensure that each online course contains all of the following:

(i) An interactive portion in which the participant receives feedback, through online communication, based on input from the participant.

(ii) Required use of a personal identification number of personal identification information to confirm the identity of the participant.

HANDBOOK CONTINUES

**84091 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS (Continued)****84091****HANDBOOK CONTINUES**

(iii) A final screen displaying a printable statement, to be signed by the participant, certifying that the identified participant completed the course. The vendor shall obtain a copy of the final screen statement with the original signature of the participant prior to the issuance of a certificate of completion. The signed statement of completion shall be maintained by the vendor for a period of three years and be available to the department upon demand. Any person who certifies as true any material matter pursuant to this clause that he or she knows to be false is guilty of a misdemeanor.

(B) Nothing in this subdivision shall prohibit the department from approving online programs for continuing education that do not meet the requirements of subparagraph (A) if the vendor demonstrates to the department's satisfaction that, through advanced technology, the course and the course delivery meet the requirements of this section."

HANDBOOK ENDS HERE

- (j) Any changes to courses previously approved by the Department must be submitted and approved by the Department prior to being offered.
- (k) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect Training Courses and Programs.
- (1) Any duly authorized Department representative may, upon proper identification and upon stating the purpose of his/her visit, enter, inspect, and monitor continuing education training courses with or without advance notice. Such representatives may also request information and copies of records in advance of such visits and/or for desk monitoring.
 - (2) The vendor shall ensure that provisions are made for the private interview of any participant or instructor, and for the examination of any records relating to the program.
 - (3) The Department shall have the authority to inspect, audit, and copy all program records upon demand. Records may be removed if necessary for copying.
 - (4) Department representatives shall not remove any current emergency or health related personnel records unless the same information is otherwise readily available in another document or format. Department representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (l) If, as a result of an investigation or inspection, the Department determines that a deficiency exists, the Department shall issue a notice of deficiency, unless the deficiency is minor and corrected immediately, and shall provide Continuing Education Training Program Vendor with the notice of deficiency in person or by registered mail.
- (1) The notice of deficiency shall be in writing and shall include:

84091 CONTINUING EDUCATION TRAINING PROGRAM VENDOR REQUIREMENTS (Continued) 84091

- (A) A reference to the statute or regulation upon which the deficiency is premised.
 - (B) A factual description of the nature of the deficiency fully stating the manner in which the Vendor failed to comply with the specified statute or regulation.
 - (C) The amount of penalty pursuant to Section 84092 which shall be assessed if the deficiency is not corrected and the date the penalty begins.
 - (D) The appeal process as specified in Section 84093.
- (2) The Department and the Vendor shall develop a plan for correcting each deficiency which shall be added to the notice of deficiency.
 - (3) Absent prior Department approval, all course deficiencies shall be corrected prior to the next offering of the deficient course(s), and all other deficiencies (e.g., recordkeeping) shall be corrected within the number of days agreed to in the corrective action plan.
- (m) Continuing Education Training Program vendors who teach courses that the Department has approved for more than one program type (Adult Residential Facility, Group Home, Residential Care Facilities for the Elderly), may provide "multiple crediting," that is, more than one certification for the course, to participants who complete the course satisfactorily.
 - (n) Continuing Education Training Program vendors that the Department has approved for more than one program type (Adult Residential Facility, Group Home, Residential Care Facilities for the Elderly), may "co-locate" or instruct specified courses for more than one program type.
 - (1) The approved hours for co-located courses may differ depending on the content pertinent to each program type.
 - (o) Continuing Education Training Program vendors and their instructors who are also certificate holders shall not be permitted to receive credit for attending the vendor's own Continuing Education Training Program courses.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 1522.08, 1522.41(f) and (h), Health and Safety Code.

**84091.1 CONTINUING EDUCATION TRAINING PROGRAM COURSE
APPROVAL REQUIREMENTS****84091.1**

- (a) Any Continuing Education Training Program course shall be approved by the Department prior to being offered to certificate holders.
- (b) Any vendor seeking approval of a Continuing Education Training Program course shall submit a written request to the Department's Administrator Certification Section using the Request for Course Approval form LIC 9140 for each course. The request shall be signed by an authorized representative of the vendor certifying that the information submitted is true and correct, and contain the following:
- (1) Subject title, classroom hours, scheduled dates, duration, time, location, and proposed instructor(s).
 - (2) Written description and educational objectives, teaching methods, hourly topical content outline, and a description of course and participant evaluation methods.
 - (A) The use of videos, videotapes, video clips, or other visual recordings are permitted as media teaching aids in a continuing education course but shall not, in themselves, constitute the course.
 - (3) Qualifications of each proposed instructor, as specified in Section 84091(h)(3).
 - (4) A list and the location(s) of records to be maintained pursuant to Section 84091(h)(2).
 - (5) A statement of whether or not the proposed instructor held or currently holds a license, certification or other approval as a professional in a specified field and the license or certificate number.
 - (6) A statement of whether or not the proposed instructor held or currently holds a State-issued care facility license or was or is employed by a State-licensed care facility and the license number.
 - (7) A statement of whether or not the proposed instructor was the subject of any legal, administrative, or other action involving licensure, certification or other approvals as specified in Sections 84091.1(b)(5) and (6) above.
- (c) Course approval shall expire on the expiration date of the vendor's Continuing Education Training Program vendorship approval as provided in Section 84091(c).
- (1) To renew a course, the vendor shall submit a written request to the Department's Administrator Certification Section using the Renewal of Continuing Education Course Approval form LIC 9139 and Vendor Application/Renewal form LIC 9141, at least thirty (30) days prior to the course expiration.
 - (2) Course renewal requests received by the Department after the course expiration date shall be denied, and the vendor is required to resubmit the courses for approval pursuant to Section 84091.1(b).

84091.1 CONTINUING EDUCATION TRAINING PROGRAM COURSE APPROVAL REQUIREMENTS (Continued) 84091.1

- (3) Course renewal requests received for courses where the content is known to have changed, or needs to be updated, shall be denied. The vendor will need to submit the revised course for approval pursuant to Section 84091.1(b).
- (d) If a request for approval or renewal of a Continuing Education Training Program course is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
 - (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (e) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.
- (f) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the course has been approved or denied.
- (g) Any changes to previously approved courses must be submitted to the Department for approval prior to being offered as specified in Section 84091.1(b).

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1522.08 and 1522.41(f) and (h), Health and Safety Code.

84091.2 ADMINISTRATIVE REVIEW OF DENIAL OR REVOCATION OF A CONTINUING EDUCATION COURSE 84091.2

- (a) A vendor may seek administrative review of the denial or revocation of course approval as follows:
 - (1) The vendor must request administrative review, in writing to the Department's Administrator Certification Section Manager, within ten (10) days of the receipt of the Department's notice denying or revoking course approval.
 - (2) The administrative review shall be conducted by a higher-level staff person than the person who denied or revoked course approval.
 - (3) If the reviewer determines that the denial or revocation of course approval was not issued in accordance with applicable statutes and regulations of the Department, or that other circumstances existed that would have led to a different decision, he/she shall have the authority to amend the denial or revocation of course approval.

84091.2 ADMINISTRATIVE REVIEW OF DENIAL OR REVOCATION OF A CONTINUING EDUCATION COURSE (Continued) 84091.2

- (4) The reviewer shall send a written response to the vendor within thirty (30) days of the Section's receiving the request per Section 84091.2(a)(1).
- (5) The decision of the higher-level staff person shall be final.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 1522.41(h), Health and Safety Code.

84091.3 DENIAL OF A REQUEST FOR APPROVAL OF A CONTINUING EDUCATION TRAINING PROGRAM 84091.3

- (a) The Department may deny a request for approval of a Continuing Education Training Program in accordance with Health and Safety Code section 1522.41(h)(1). The Department shall provide the applicant with a written notice of the denial.

HANDBOOK BEGINS HERE

Section 1522.41(h)(1) of the Health and Safety Code provides in part:

"(h)(1) The Department may deny vendor approval to any agency or person in any of the following circumstances:

- (A) The applicant has not provided the department with evidence satisfactory to the department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations.
- (B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in group home facilities.
- (C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in group home facilities and to pay directly for the services. The Department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses."

HANDBOOK ENDS HERE

- (b) The vendor applicant may appeal the denial in accordance with Health and Safety Code section 1551.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code section 1520.3(b).

**84091.3 DENIAL OF A REQUEST FOR APPROVAL OF A CONTINUING
EDUCATION TRAINING PROGRAM (Continued)****84091.3**

HANDBOOK BEGINS HERE

Health and Safety Code section 1520.3(b) provides:

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

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

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

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

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3(b), 1522.41(h)(1), and 1551 Health and Safety Code.

**84091.4 REVOCATION OF A CONTINUING EDUCATION
TRAINING PROGRAM****84091.4**

(a) The Department may revoke a Continuing Education Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Sections 84091 and 84091.1, or:

(1) Is unable to provide training due to lack of staff, funds, or resources; or

(2) Misrepresents or make false claims regarding the training provided; or

(3) Demonstrates conduct in the administration or instruction of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program; or

(4) Misrepresents or knowingly makes false statements in the vendor application or during program instruction, or

**84091.4 REVOCATION OF A CONTINUING EDUCATION
TRAINING PROGRAM (Continued)****84091.4**

- (5) Fails to correct deficiencies and/or to pay civil penalties due.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code section 1551.
- (c) Any application for approval of an Continuing Education Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code section 1520.3.

HANDBOOK BEGINS HERE

Health and Safety Code section 1520.3 in pertinent part provides:

"(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law.

(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department or from a certified family home pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3, 1522.41(h), and 1551, Health and Safety Code.

84092 PENALTIES**84092**

- (a) A penalty of \$50 per day, per cited violation, shall be assessed for all deficiencies that are not corrected as specified in the notice of deficiency.
- (b) Unless otherwise ordered by the Department, all penalties are due and payable upon receipt of notice of payment, and shall be paid only by money order or cashier's check made payable to the Department.
- (c) The Department shall have authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (b) above.

NOTE: Authority cited: Sections 1522.41(h) and 1530, Health and Safety Code. Reference: Sections 1523.1, 1548 and 1549, Health and Safety Code.

84093 APPEAL PROCESS**84093**

- (a) A vendor may request in writing to the Department's Administrator Certification Section Manager a review of a notice of deficiency or notice of penalty within ten (10) working days of receipt of the notice. This review shall be conducted by a higher level staff person other than the evaluator who issued the notice.
- (b) If the reviewer determines that a notice of deficiency or notice of penalty was not issued in accordance with applicable statutes and regulations, the reviewer shall amend or dismiss the notice. In addition, the reviewer may extend the date specified for correction of a deficiency if warranted by the facts or circumstances to support a request for extension.
- (c) The reviewer will send a written response to the vendor within thirty (30) days of the Section's receiving a request as described in (a) above.

NOTE: Authority cited: Sections 1522.41(h) and 1530, Health and Safety Code. Reference: Section 1534, Health and Safety Code.

This page is intentionally left blank.

SUBCHAPTER 1. COMMUNITY TREATMENT FACILITIES**Article 1. GENERAL REQUIREMENTS AND DEFINITIONS****84110 GENERAL****84110**

- (a) Community treatment facilities, as defined in Section 80001(c)(11), shall be governed by the provisions specified in this subchapter. In addition, community treatment facilities, except where specified otherwise, shall be governed by Title 22, Division 6, Chapter 5, Group Homes, Articles 1 through 7, and Chapter 1, General Licensing Requirements.
- (b) In addition to Section 84110(a), community treatment facilities shall be governed by the provisions specified in the California Code of Regulations, Title 9, Chapter 11, Sections 1900 through 1938.

NOTE: Authority cited: Section 1530.9, Health and Safety Code. Reference: Sections 1501, 1502, 1530, 1530.9 and 1531, Health and Safety Code; and Section 4094, Welfare and Institutions Code.

84111 DEFINITIONS**84111**

In addition to Section 84001, the following shall apply:

- (a) (1) "Advocate" means the person or persons authorized to provide advocacy services pursuant to Section 5520 et seq. of the Welfare and Institutions Code.
- (b) (Reserved)
- (c) (1) "Certified" means a community treatment facility that has been approved by the Department of Mental Health as complying with the standards established for that program.
- (2) "Child" means a person under 18 years of age who is seriously emotionally disturbed as defined in Section 5600.3 of the Welfare and Institutions Code, including those individuals 18 through 21 years of age as specified in Section 1924(b) of the California Code of Regulations, Title 9, Chapter 11.

HANDBOOK BEGINS HERE

- (A) Section 1924(b) of the California Code of Regulations, Title 09, Chapter 11, is contained in Handbook Section 84168.2(e).

HANDBOOK ENDS HERE

84111 DEFINITIONS (Continued)**84111**

- (3) "Conservator" means a person appointed pursuant to Section 5350 of the Welfare and Institutions Code. In the event a child has a conservator and a parent(s), the conservator shall take precedence.
- (d) (Reserved)
- (e) (1) "Emergency" as defined in Section 1901(k) of the California Code of Regulations, Title 9, Chapter 11.

HANDBOOK BEGINS HERE

- (A) Title 9, California Code of Regulations Section 1901(k) states:

"'Emergency' means an unforeseen situation that calls for immediate action without time for full deliberation to prevent the physical injury of a child or others or extreme property damage which could result in such injury."

HANDBOOK ENDS HERE

- (f) (Reserved)
- (g) (Reserved)
- (h) (Reserved)
- (i) (1) "Interagency Placement Committee" (IPC) means a committee established by the county, with a membership that includes at least the county placement agency and a licensed mental health professional from the county department of mental health pursuant to Section 4096(c) of the Welfare and Institutions Code.
- (j) (Reserved)
- (k) (Reserved)
- (l) (1) "Licensed Mental Health Professional" as defined in Section 1901(p) of the California Code of Regulations, Title 9, Chapter 11.

HANDBOOK BEGINS HERE

(A) Title 9, California Code of Regulations Section 1901(p) states:

"Licensed mental health professional' means any of the following:

"(1) A psychiatrist;

"(2) A clinical psychologist;

"(3) A licensed marriage, family and child counselor;

"(4) A licensed clinical social worker;

"(5) A licensed registered nurse with a masters or doctorate degree in psychiatric nursing."

HANDBOOK ENDS HERE

(m) (1) "Mental Health Program Director" means the licensed mental health professional who has been designated by a community treatment facility licensee to oversee and implement the overall mental health treatment program.

(n) (Reserved)

(o) (Reserved)

(p) (1) "Physical Restraint" as defined in Section 1901(v) of the California Code of Regulations, Title 9, Chapter 11.

HANDBOOK BEGINS HERE

(A) California Code of Regulations, Title 9, Section 1901(v) states:

"Physical restraint' means physically controlling a child's behavior. Physical control includes restricting movement by positioning staff, restricting motion by holding, the application of mechanical devices and involuntary placement of a child in a seclusion room or any other room in which they are involuntarily isolated."

HANDBOOK ENDS HERE

84111 DEFINITIONS (Continued)**84111**

(q) (Reserved)

(r) (Reserved)

(s) (1) "Seclusion" as defined in Section 1901(dd) of the California Code of Regulations, Title 9, Chapter 11.

HANDBOOK BEGINS HERE

(A) California Code of Regulations, Title 9, Section 1901(dd) states:

"Seclusion' means the involuntary confinement of a child in a room."

HANDBOOK ENDS HERE

(2) "Secure Portion of the Facility" as defined in Section 1901(ee) of the California Code of Regulations, Title 9, Chapter 11.

HANDBOOK BEGINS HERE

(A) California Code of Regulations, Title 9, Section 1901(ee) states:

"Secure portion of the facility' means that part of a CTF which has entrances and exits, including windows, which are controlled with locking mechanisms that are inaccessible to the children. Any additional outside spaces and recreational areas that are attached to the facility must similarly be enclosed to preclude egress or ingress from the premises."

HANDBOOK ENDS HERE

(3) "Seriously Emotionally Disturbed" as defined in Section 5600.3(a)(2) of the Welfare and Institutions Code.

HANDBOOK BEGINS HERE

- (A) Welfare and Institutions Code Section 5600.3(a)(2) states:

"For the purposes of this part, 'seriously emotionally disturbed children or adolescents' means minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child's age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

- "(A) As a result of the mental disorder the child has substantial impairment in at least two of the following areas: self-care, school functioning, family relationships, or ability to function in the community; and either of the following occur:

"(i) The child is at risk of removal from home or has already been removed from the home.

"(ii) The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.

- "(B) The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.

- "(C) The child meets special education eligibility requirements under Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code."

HANDBOOK ENDS HERE

(t) (Reserved)

(u) (Reserved)

(v) (Reserved)

84111 **DEFINITIONS** (Continued)**84111**

(w) (Reserved)

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

NOTE: Authority cited: Sections 1502, 1530, and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

Article 2. LICENSING (Reserved)**Article 3. APPLICATION PROCEDURES****84118 APPLICATION FOR LICENSE 84118**

- (a) In addition to Section 84018, with the exception of Sections 84018(b)(2) and (3), the following shall apply.
- (b) Prior to licensure each applicant shall submit to the Department evidence of a current community treatment facility mental health program certification, which shall be signed by an authorized representative of the Department of Mental Health.

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501, 1520, and 1531, Health and Safety Code; and Section 4094(b), Welfare and Institution Code.

84120 FIRE CLEARANCE 84120

- (a) In addition to Section 80020, the following shall apply:
- (b) The applicant shall notify the Department if the facility plans to use the following:
 - (1) Mechanical restraint devices.
 - (2) Seclusion room(s).

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 4094.5(d), Welfare and Institutions Code.

84122 PLAN OF OPERATION 84122

- (a) In addition to Section 84022, the following shall apply.
- (b) The plan of operation shall include the following:
 - (1) A utilization review plan and program to monitor the appropriateness of a child's admission and continued stay or discharge, and to establish the basis for identifying and assessing the utilization of mental health program services and continued need for placement.

84122 PLAN OF OPERATION (Continued)**84122**

- (A) The utilization review plan shall include a description of the procedures to be used by the facility to determine the placement, continued stay, or transfer of a child into either the secure or nonsecure portion of the facility.
- (B) These procedures shall include documentation of approval of the proposed change of a child's placement within the facility and continued stay.
- (2) A description of the array of mental health treatment services that can be made available to a child during their placement with the community treatment facility.
- (3) A listing of and copies of all agreements, contracts, or memorandums of understanding with participating private or public mental health and health providers.
- (4) A quality assurance program designed to enhance services and care through an objective assessment of the facility's overall programs to ensure the correction of identified problems.
 - (A) The quality assurance program shall include procedures for insuring the accountability of the facility's licensed mental health professional(s) and child care workers for the services and care provided to residents of the facility, and implementation of indicated changes.
- (5) The name of the proposed mental health program director and his or her professional license number(s).
- (6) A description of procedures and policies which shall include:
 - (A) Policies and procedures for the daily recording of observations and interactions with each child, psychotropic medication control, monthly review of each child's needs and services plan, and seclusion and restraint procedures.
 - (B) Procedures for ensuring a child's due process rights as specified in Section 84172(c).
 - (C) Policies and procedures for providing access to community resources to be utilized, as necessary, in the delivery of prescribed services, including medical and crisis intervention, inpatient psychiatric hospitalization, and education placements and classes.
- (7) A written plan for the orientation, continuing education, on-the-job training, supervision, and evaluation of staff as required by Section 84165(f).

84122	PLAN OF OPERATION (Continued)	84122
--------------	--------------------------------------	--------------

- (8) A written plan for activities as specified in Sections 84079(a) through (a)(5).
- (9) A written description of the facility's security features and procedures.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 1919, Title 9, Chapter 11, Article 5, California Code of Regulations.

84128	CAPACITY DETERMINATION	84128
--------------	-------------------------------	--------------

- (a) In addition to Section 80028, the following shall apply.
- (b) A license for a community treatment facility shall not exceed the Department of Mental Health's certification of specified number of beds.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Section 4094.7(b), Welfare and Institutions Code; and Section 1531, Health and Safety Code.

84134	SUBMISSION OF NEW APPLICATION	84134
--------------	--------------------------------------	--------------

- (a) In addition to Section 80034, the following shall apply.
- (b) The Department may only approve capacity increases that have been approved by the Department of Mental Health.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Section 1531, Health and Safety Code; and Section 4094.7(b), Welfare and Institutions Code.

This page is intentionally left blank.

Article 4. ADMINISTRATIVE ACTIONS**84140 DENIAL OF LICENSE 84140**

- (a) In addition to Section 80040, the following shall apply.
- (b) An application shall be denied if it is determined that the applicant has not been certified by the Department of Mental Health as specified in Section 84118(b).
- (1) A single proceeding to hear an appeal for denial of an application will be held jointly with the Department of Mental Health and conducted by the Department.

NOTE: Authority cited: Section 1530 and 1530.9, Health and Safety Code. Reference: Sections 1520 and 1525, Health and Safety Code; and Section 4094(b), Welfare and Institutions Code.

84142 REVOCATION OR SUSPENSION OF LICENSE 84142

- (a) In addition to Section 80042, the following shall apply.
- (b) The Department shall suspend or revoke the license of a community treatment facility upon written notification from the Department of Mental Health that the facility's certification has been revoked or suspended.
- (1) A single proceeding to hear a revocation or a temporary suspension action will be held jointly with the Department of Mental Health and conducted by the Department.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 4094(b) and (c), Welfare and Institutions Code.

84145 EVALUATION VISITS 84145

- (a) The Department shall notify the Department of Mental Health when there is reasonable cause to believe that a community treatment facility is not in compliance with program standards as specified in the California Code of Regulations, Title 9, Chapter 11, Articles 5 and 6.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Section 4094(c)(4), Welfare and Institutions Code.

This page is intentionally left blank.