

Manual of Policies and Procedures
COMMUNITY CARE LICENSING DIVISION

SMALL FAMILY HOMES

Title 22
Division 6
Chapter 4



STATE OF CALIFORNIA
HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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This Users' Manual is issued as an operational tool.

This Manual contains:

- a) Regulations adopted by the California Department of Social Services (CDSS) for the governance of its agents, licensees, and/or beneficiaries
- b) Regulations adopted by other State Departments affecting CDSS programs
- c) Statutes from appropriate Codes which govern CDSS programs; and
- d) Court decisions
- e) Operational standards by which CDSS staff will evaluate performance within CDSS programs.

Regulations of CDSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and the phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", and "**HANDBOOK ENDS HERE**" in bold print. Please note that both other department's regulations and statutes are mandatory, not optional.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent community care licensing manual letters will now be identified by a line in the left margin.

Questions relative to this Users' Manual should be directed to your usual program policy office.

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Article 1. GENERAL REQUIREMENTS AND DEFINITIONS**83000 GENERAL****83000**

- (a) Small family homes, as defined in Section 80001(s)(3), shall be governed by the provisions specified in this chapter. In addition, such small family homes, except where specified otherwise shall be governed by Chapter 1, General Requirements.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501, 1502, 1530 and 1531, Health and Safety Code.

83001 DEFINITIONS**83001**

In addition to Section 80001, the following shall apply.

- a. (1) "Assistant Caregiver" means an adult who assists the licensee of a specialized small family home caring for four or more children in the administration of specialized in-home health care.
- b. (Reserved)
- c. (1) "Child" means a person who is under 18 placed with a caregiver in a licensed small family home by a regional center, a parent or guardian, or a public child placement agency with or without a court order. "Child" also means a person who is:
- (A) 18 or 19, meets the requirements of Welfare and Institutions Code section 11403, and continues to be provided with care and supervision by the caregiver in the home, or
 - (B) 18-22 as specified in the definition for "child with special health care needs" under subsection (c)(2) and continues to be provided with care and supervision by the caregiver in the home.

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Welfare and Institutions Code section 11403 provides:

"...(b)...Effective January 1, 2012, a nonminor former dependent child or ward of the juvenile court who is receiving AFDC-FC benefits pursuant to Section 11405 shall be eligible to continue to receive aid up to 19 years of age, effective January 1, 2013, up to 20 years of age, and effective January 1, 2014, up to 21 years of age, as long as the nonminor is otherwise eligible for AFDC-FC benefits under this subdivision. This subdivision shall apply when one or more of the following conditions exist:

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83001 DEFINITIONS (Continued)**83001**

HANDBOOK CONTINUES

- (1) The nonminor is completing secondary education or a program leading to an equivalent credential.
- (2) The nonminor is enrolled in an institution which provides postsecondary or vocational education.
- (3) The nonminor is participating in a program or activity designed to promote, or remove barriers to employment.
- (4) The nonminor is employed for at least 80 hours per month.
- (5) The nonminor is incapable of doing any of the activities described in subparagraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor. The requirement to update the case plan under this paragraph shall not apply to nonminor former dependents or wards in receipt of Kin-GAP program or Adoption Assistance Program payments."

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83001 DEFINITIONS (Continued)**83001**

- (2) "Child with Special Health Care Needs" means a person who is 22 years of age or younger, who meets the requirements of Welfare and Institutions Code section 17710, subsection (a) and all of the following conditions:
- (A) Has a medical condition that requires specialized in-home health care and
 - (B) Is one of the following:
 - 1. A child who has been adjudged a dependent of the court under Welfare and Institutions Code section 300.
 - 2. A child who has not been adjudged a dependent of the court under Welfare and Institutions Code section 300, but who is in the custody of the county welfare department.
 - 3. A child with a developmental disability who is receiving services and case management from a regional center.

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Welfare and Institutions Code section 17710, subsection (a) provides:

"'Child with special health care needs' means a child, or a person who is 22 years of age or younger who is completing a publicly funded education program, who has a condition that can rapidly deteriorate resulting in permanent injury or death or who has a medical condition that requires specialized in-home health care, and who either has been adjudged a dependent of the court pursuant to Section 300, has not been adjudged a dependent of the court pursuant to Section 300 but is in the custody of the county welfare department, or has a developmental disability and is receiving services and case management from a regional center."

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83001 DEFINITIONS (Continued)**83001**

- d. (1) "Disability" means a condition which makes a person developmentally disabled, mentally disordered or physically handicapped and for whom special care and supervision is required as a result of their condition.
- e. (Reserved)
- f. (1) "Family Health Care" means health care which does not require the skills of qualified technical or professional personnel and is provided to a child by the foster parent in accordance with Section 83075(e). When these requirements are met, the family health care that may be provided includes, but is not limited to the following:
- (A) Routine administration of medications such as the administration of suppositories, ointments, lotions, pills, enemas or medications given by liquid medication dispenser, puffer, dropper or nebulizer.
 - (B) Changing ostomy or indwelling urinary catheter bags.
 - (C) Urine and blood glucose testing using a monitoring kit approved for home use.
 - (D) Heart and apnea monitoring when it is simply the case of providing stimulation to the infant/child when the cardiac or respiratory rate falls below a specified rate and not a matter of interpreting a monitor pattern with the intervention based on that interpretation.
 - (E) Assistance with procedures self-administered by older children free of severe mental or physical disabilities such as insulin injection and oxygen administration.
- g. (Reserved)
- h. (1) "Health Care Professional" means a physician or an individual who is licensed or certified under Division 2 of the Business and Professions Code to perform the necessary client care procedures prescribed by a physician. Such health care professionals include the following: Registered Nurse, Public Health Nurse, Licensed Vocational Nurse, Psychiatric Technician, Physical Therapist, Occupational Therapist and Respiratory Therapist.
- (2) "Home" means a licensed small family home.
- i. (1) "Individualized Health Care Plan" means the written plan developed by an individualized health care plan team and approved by the team physician, or other health care professional designated by the physician to serve on the team, for the provision of specialized in-home health care.

83001 DEFINITIONS (Continued)

83001

- (2) "Individualized Health Care Plan Team" means those individuals who develop an individualized health care plan for a child with special health care needs. This team must include the child's primary care physician or other health care professional designated by the physician, any involved medical team, the county social worker or regional center caseworker, and any health care professional designated to monitor the specialized in-home health care provided to the child as stated in the child's individualized health care plan. The individualized health care plan team may include, but shall not be limited to, a public health nurse, representatives from the California Children's Services Program or the Child Health and Disability Prevention Program, regional centers, the county mental health department and where reunification is the goal, the parent or parents, if available. In addition, the individualized health care plan team may include the prospective specialized licensees who shall not participate in any team determination required by Sections 83010.1(a)(1)(C) and (2)(C), and 83065.1(a)(1)(B).
- j. (Reserved)
- k. (Reserved)
- l. (1) "Licensee's Family" means any relative as defined in Section 80001r.(1) any adopted children, and any person under guardianship or conservatorship, of the licensee, or the licensee's spouse, who resides in the home.
- m. (1) "Medical Conditions Requiring Specialized In-Home Health Care" means, provided that care may be safely and adequately administered in the home:
- (A) A dependency upon one or more of the following when, but for the fact that trained foster parents may provide these services under Welfare and Institutions Code Section 17736, the skills of qualified technical or professional personnel would be required: enteral feeding tube, total parenteral feeding, a cardiorespiratory monitor, intravenous therapy, a ventilator, oxygen support, urinary catheterization, renal dialysis, ministrations imposed by tracheostomy, colostomy, ileostomy, ileal conduit, or other medical or surgical procedures or special medication regimens, including injection, and intravenous medication; or
- (B) Conditions such as AIDS, premature birth, congenital defects, severe seizure disorders, severe asthma, bronchopulmonary dysplasia, and severe gastroesophageal reflux when, because his/her condition could rapidly deteriorate causing permanent injury or death, the child requires in-home health care other than, or in addition to, family health care.

83001 DEFINITIONS (Continued)**83001**

- n. (1) "Needs and Services Plan" means a time-limited, goal-oriented written plan implemented by the licensee which identifies the specific needs of an individual child, including but not limited to the items specified in Section 83068.2, and delineates those service needs necessary in order to meet the child's identified needs.
- o. (1) "On-Call Assistant" means an adult who is available to respond to a specialized small family home in case of emergency, but who need not otherwise be physically present at the home.
- p. (1) "Physical Restraining Device" means any physical or mechanical device, material, or equipment attached or adjacent to a child's body which the child cannot remove easily and which restricts the child's freedom of movement. Restraining devices include leg restraints, arm restraints, soft ties or vests, wheel chair safety bars, and full length bedrails.
- q. (Reserved)
- r. (Reserved)
- s. (1) "Specialized In-Home Health Care" means health care, other than family health care, identified by the child's physician as appropriately administered in the home by a health care professional or by a licensee or staff trained by health care professionals.
- (2) "Specialized Small Family Home" means a licensed small family home which provides specialized in-home health care to children.
- t. (Reserved)
- u. (Reserved)
- v. (Reserved)
- w. (Reserved)
- x. (Reserved)
- y. (Reserved)
- z. (Reserved)

NOTE: Authority cited: Section 1530, Health and Safety Code; and Section 17730, Welfare and Institutions Code. Reference: Sections 1501, 1502, 1507, 1507.2, 1530 and 1531, Health and Safety Code; and Sections 11403, 17710, 17731(c), 17732(b) and 17732.1, Welfare and Institutions Code.

Article 2. LICENSING**83009 AVAILABILITY OF LICENSE****83009**

- (a) The license shall be retained in the home and shall be available for review upon request.

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

83010 LIMITATIONS ON CAPACITY AND AMBULATORY STATUS**83010**

- (a) In addition to Section 80010, the following shall apply.
- (b) The licensee shall not accept more than two infants, including infants in the licensee's family, without obtaining additional household help.

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

83010.1 LIMITATIONS ON CAPACITY FOR SPECIALIZED SMALL FAMILY HOMES**83010.1**

- (a) No more than two children with or without special health care needs shall reside even on a temporary basis in a specialized small family home, with the following exceptions:
- (1) A specialized small family home may accept a third child with or without special health care needs provided that the licensed capacity, as determined by the licensing agency under Section 80028 is not exceeded, and all of the following conditions are met:
- (A) The county social worker, regional center caseworker or authorized representative responsible for the placement of the child determines the following:
1. That in the county or, if the child is a regional center client, the regional center catchment area, in which the home is physically located,
 - a. No other specialized small family home, foster family home or certified family home is available to meet the needs of the child without exceeding the two child limit; and

83010.1 LIMITATIONS ON CAPACITY FOR SPECIALIZED SMALL FAMILY HOMES (Continued)**83010.1**

- (C) The individualized health care plan team for each child with special health care needs determines that the two-child capacity limit may be exceeded without jeopardizing the health and safety of the child.
1. New determinations are required each time there is an increase or turnover in children and the two-child capacity limit is exceeded.
- (D) At least one of the children in the home is receiving monitoring and case management services from a regional center. The child does not have to be a child with special health care needs.
- (E) The licensee is assisted by one or more assistant caregivers.
1. An assistant caregiver shall be present in the home whenever four or more children, one of which has special health care needs, are present except for those hours, including night hours, during which none of these children requires the services of a health care provider to administer specialized in-home health care as required by Section 83069.1(a)(5)(A).
 2. The licensee shall obtain any additional assistant caregivers determined by the licensing agency, in accordance with Sections 80065(b) through (b)(4) and after consultation with the appropriate regional centers and any appropriate individualized health care plan teams, to be required for the provision of adequate care and supervision for children with special health care needs.
 3. In specialized small family homes subject to Section 83010(b), the provision of an assistant caregiver shall fulfill the extra household help requirement unless the licensing agency determines that additional help is required under Section 83010.1(a)(2)(F)2.
- (F) An on-call assistant shall be available to respond in case of an emergency. The on-call assistant shall be available at all times four or more children are present and at least one of these children has special health care needs.
1. Each on-call assistant, when on call, shall be in addition to any assistant caregiver on duty in the home.
 2. On-call assistance shall be in addition to any local emergency services used by the home.

83010.1 LIMITATIONS ON CAPACITY FOR SPECIALIZED SMALL FAMILY HOMES (Continued)**83010.1**

3. While on call, an on-call assistant shall be capable of arriving at the home within 30 minutes.

(G) The specialized small family home is of sufficient size to accommodate the needs of all children in the home.

1. Private bedrooms shall be provided for assistant caregivers and other staff who sleep at the home.

2. Sections 83087(b)(1), (2), (3), (4) and (5) shall apply to bedrooms used by children of assistant caregivers or by children of other staff.

3. Sections 83087(b)(3) and (4) shall apply to bedrooms used by assistant caregivers or other staff residing in the home.

(b) A licensee shall not accept a child requiring in-home health care other than family health care, unless the child is a child with special health care needs.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 17732(a) and (b); and 17736(b), Welfare and Institutions Code and Sections 1502(a) and 1507, Health and Safety Code.

**83010.2 PROHIBITION OF DUAL LICENSURE FOR SPECIALIZED
SMALL FAMILY HOMES****83010.2**

- (a) A small family home licensee shall not hold any day care, other residential or health care home license for the same premises as the small family home while caring for children with special health care needs.
- (1) Any small family home licensee planning to care for a child with special health care needs who holds a license as specified in Section 83010.2(a) shall surrender the license to the licensing agency prior to accepting a child with special health care needs.
- (2) The provisions specified in Sections 83010.2(a) and (a)(1) shall not apply to existing licensed small family homes that meet both of the following:
- (A) All children with special health care needs were accepted prior to the effective date of this Section 83010.2(a)(2); and
- (B) No application for a day care, other residential or health care home license was approved for the premises on or after the effective date of this Section 83010.2(a)(2).

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Sections 1300 and 1530, Health and Safety Code. Reference: Section 17732, Welfare and Institutions Code and Section 1531, Health and Safety Code.

Article 3. APPLICATION PROCEDURES**83017 APPLICANT QUALIFICATIONS****83017**

- (a) An applicant for a license shall:
- (1) Attend and complete an orientation provided by the licensing agency.
 - (2) Be educated, trained, or experienced in providing family home care and supervision appropriate to the type of children to be served.
 - (A) Applicable education shall be documented through submission, to the licensing agency, of a copy of a certificate, transcript or credentials.
 - (B) Applicable training shall be documented through submission, to the licensing agency, of a copy of a certificate of training.
 - (C) Applicable experience shall be documented in writing, by a person other than the applicant, and submitted to the licensing agency.

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- (b) The following are examples of course, seminar, conference or training topics which will be accepted by the licensing agency to meet the requirements in (b) above. Programs which can be shown to be similar will also be accepted.
- (1) Child development
 - (2) Recognizing and/or dealing with learning disabilities
 - (3) Infant care and stimulation
 - (4) Parenting skills

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HANDBOOK CONTINUES

- (5) Complexities, demands and special needs of children in placement
- (6) Building self-esteem, for the licensee or the children
- (7) First aid and/or CPR
- (8) Record keeping
- (9) Bonding and/or safeguarding of children's property
- (10) Licensee rights and grievance process
- (11) Licensing and placement regulations
- (12) Rights and responsibilities of family home providers

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1520 and 1531, Health and Safety Code.

- (a) In addition to Section 80018, the following shall apply.
- (b) The application shall contain a health screening report on the applicant, meeting the standards required in Section 80065(g).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1520 and 1531, Health and Safety Code.

83020 FIRE CLEARANCE**83020**

- (a) Notwithstanding Section 80020, small family homes shall be required to request a fire clearance only prior to accepting one or more disabled children or deciding to continue to provide services to a child determined after placement, to have a disability.

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- (1) Health and Safety Code Section 13143 provides generally:

A fire clearance shall not be required if the small family home is providing care for:

- (A) six or fewer ambulatory children, and/or
(B) children two years of age or younger.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1520 and 1531, Health and Safety Code.

**83026 SAFEGUARDS FOR CASH RESOURCES, PERSONAL PROPERTY,
AND VALUABLES****83026**

- (a) Notwithstanding Section 80026(c), a licensee shall be permitted to accept appointment and serve as guardian for the person, or estate, or person and estate, of a child.
- (1) Such appointment shall be reported to the licensing agency as specified in Section 83061(c).

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

83032	TERM OF AN INITIAL OR RENEWAL LICENSE	83032
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| Repealed by Manual Letter No. CCL-01-08 effective 6/29/01.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1524 and 1525, Health and Safety Code.

Article 4. ADMINISTRATIVE ACTIONS (RESERVED)

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ARTICLE 5. ENFORCEMENT PROVISIONS**83051 SERIOUS DEFICIENCIES****83051**

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- (a) The following are examples of regulations which, if not complied with, nearly always result in a serious deficiency.
- (1) Section 83010.1 relating to limitations on the capacity of specialized small family homes.
 - (2) Section 83010.2 relating to dual licensure of specialized small family homes.
 - (3) Section 83065.1 relating to specialized in-home health care training and health screenings for staff in specialized small family homes.
 - (4) Section 83087.1 relating to safety of accommodations for children with special health care needs.

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

Article 6. CONTINUING REQUIREMENTS**83061 REPORTING REQUIREMENTS****83061**

- (a) In addition to Section 80061, the following shall apply.
- (b) The licensee shall notify the licensing agency and the child's authorized representative in advance when he/she intends to be absent from the home for 48 hours or longer.
 - (1) Notification shall be in writing, or by telephone, and shall include:
 - (A) Dates of intended absence.
 - (B) Whether the child will accompany the licensee or remain in the home.
 - (C) Telephone number where licensee may be contacted.
 - (D) Name, address, telephone number of the substitute specified in Section 83064(c).
- (c) The licensee shall report all changes in family composition which would affect the services provided children to the licensing agency in writing or by telephone within ten working days. These changes shall include, but not be limited to:
 - (1) Any additions to the licensee's family, including when the licensee becomes guardian or conservator for any individual.
 - (2) The departure of an adult who was providing care to the children.
- (d) Any unexplained absence of a child shall be reported to the licensing agency.

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

83064 LICENSEE DUTIES AND RESPONSIBILITIES**83064**

- (a) The licensee shall be responsible for:
- (1) Participating with the child in activities.
 - (2) Participating with agencies and other responsible persons in planning for the needs of the child.
 - (3) Ensuring that the child is clean and providing the child with training in personal cleanliness and hygiene.
 - (4) Protecting the child from home accidents.
 - (5) Making provisions for the child to attend available community treatment or training programs when the child has needs which can be met by such programs.
 - (6) Participating in activities which increase the licensee's own understanding of, and skill in, caring for children.
 - (7) Providing for and meeting service needs of the child as identified in the needs and services plan required by Section 83068.2.
 - (8) Assisting the child in the development of goals and encouraging him/her to reach those goals.
 - (9) Supervising the provision of basic services within the home.
 - (10) Unless restricted by the case plan adopted by the court or other court order, the licensee shall permit and facilitate connections between the child and the child's family and non-relative extended family members. Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.
- (b) The licensee shall be regularly present in the home when children are in the home full time.
- (1) If all children are involved in out of home programs, such as school or day care, the licensee shall be permitted to be regularly absent during those hours.
 - (2) When the licensee is absent from the home while children are present he/she shall provide for supervision of the children by a responsible adult unless otherwise agreed to in advance by the licensing and placing agencies.
- (c) The licensee shall not hire or require a child in placement to baby-sit children residing in the facility, including children who are members of the licensee's family, guardianship children, and children in placement.

83064 LICENSEE DUTIES AND RESPONSIBILITIES (Continued.)**83064**

- (d) 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 83072(c)(29).
- (1) The information may include, but is not limited to:
 - (A) Admission criteria for universities, community colleges, trade or vocational schools and financial aid information for these schools.
 - (B) Informational brochures on postsecondary or vocational schools/programs.
 - (C) Campus tours.
 - (D) Internet research on postsecondary or vocational schools/programs, sources of financial aid, independent living skills program offerings, and other local resources to assist youth.
 - (E) School-sponsored events promoting postsecondary or vocational schools/programs.
 - (F) 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.
- (e) The Licensee shall ensure that caregivers meet initial and ongoing training requirements regarding the child's right to nondiscriminatory care as outlined below:
- (1) Fair and equal access to all available services, placement, care, treatment, and benefits.
 - (2) To not be subject 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.
- (f) The licensee shall ensure that individuals, who provide care and supervision of a child in a facility, have training on the 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.

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Health and Safety Code section 1529.2(b)(3)(G) provides:

"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 (Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code)."

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83064 LICENSEE DUTIES AND RESPONSIBILITIES (Continued.)**83064**

HANDBOOK CONTINUES

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.

(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."

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 51, Civil Code; Sections 1501, 1529.1, 1529.2, 1530.91, 1531, and 1562, Health and Safety Code; Sections 366.1, 366.21, and Section 16001.9, Welfare and Institutions Code; and California Student Safety and Violence Prevention Act of 2000 (Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

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83065 PERSONNEL REQUIREMENTS**83065**

- (a) In addition to Section 80065, the following shall apply.
- (b) Physician reports from general practitioners or specialists may be required after licensure if the licensing agency has reason to believe that a licensee's or staff member's physical and/or mental health is not adequate to carry out responsibilities under these regulations.
 - (1) The licensing agency shall provide the licensee a written explanation of the need for the additional report.

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

83065.1 ADDITIONAL PERSONNEL REQUIREMENTS FOR SPECIALIZED SMALL FAMILY HOMES**83065.1**

- (a) The licensee, assistant caregivers, on-call assistants and any other persons providing specialized in-home health care shall comply with the following requirements:
 - (1) Prior to caring for a child with special health care needs or when the child's needs change, the in-home health care provider shall complete training in specialized in-home health care provided by a health care professional as required by the child's individualized health care plan, except when
 - (A) The in-home health care provider is a licensed health care professional; and
 - (B) The child's individualized health care plan team determines that completion of specialized in-home health care training for the child is unnecessary on the basis of the in-home health care provider's medical qualifications and expertise.
- (b) Volunteers caring for children in a specialized small family home shall meet the health screening requirements in Sections 80065(g)(1) and (g)(2).

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 17731(c) and 17732(b); and 17736(a), Welfare and Institutions Code and Sections 1531 and 1562, Health and Safety Code.

83066 PERSONNEL RECORDS FOR SPECIALIZED SMALL FAMILY HOMES 83066

- (a) The licensee shall ensure that the personnel records of all persons subject to the requirements of Section 83065.1(a) contain the following:
- (1) For any training or additional training from which the licensee or other in-home health care provider is exempt:
 - (A) Documentation that the child's individualized health care plan team has determined that it is not necessary for the licensee or other in-home health care provider to complete the specialized in-home health care training or additional training.
 1. Documentation may be provided in different ways, including, but not limited to, a written statement from a member designated by the team that the team has been notified and has determined that the training or additional training is unnecessary.
 - (B) A copy of a valid license or certificate indicating that he/she is a licensed health care professional.
 - (2) For any training or additional training from which the licensee or other in-home health care provider is not exempt:

83066 PERSONNEL RECORDS FOR SPECIALIZED SMALL FAMILY HOMES 83066
(Continued.)

- (A) Documentation, by a health care professional providing the training, that he/she has successfully completed the specialized in-home health care training specified in Section 83065.1(a)(1).
- (b) The licensee of a specialized small family home caring for more than three children shall keep a current and dated work schedule for assistant caregivers and on-call assistants.
- (c) For each on-call assistant, the licensee shall keep on file a telephone number at which that person can be reached while on call.
- (d) For each volunteer caring for children in a specialized small family home, the licensee shall have on file the record of a health screening and test for tuberculosis as specified in Section 83065.1(b). The health screening shall be used in place of the volunteer statement specified in Section 80065(g)(3)(A).

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 17731 and 17732(b), Welfare and Institutions Code and Section 1531, Health and Safety Code.

83068.1 ADMISSION PROCEDURES 83068.1

- (a) The licensee shall develop, maintain and implement admission procedures which shall meet the requirements specified in this section.
- (b) Upon placement the licensee or designated person shall:
- (1) Request the information specified in Section 83068.2.
 - (2) Obtain the information specified in Sections 80070(b)(1) through (b)(5), (b)(7), (b)(8) and (b)(10), and 83070(b)(1) through (b)(8).
 - (3) Complete, and have signed, an admission agreement as specified in Section 80068.
- (c) As soon as the information specified in (b)(1) above is available, the licensee or designated person, shall review the information and determine:
- (1) The licensee's ability to meet the individual needs of the child.
 - (2) The licensee's ability to simultaneously continue meeting the needs of other children and the licensee's family.

83068.1 ADMISSION PROCEDURES (Cont.)**83068.1**

- (d) If it is determined after review that the home cannot meet the service needs of the child, the licensee shall:
- (A) Inform the child's authorized representative.
 - (B) Request that the child be placed elsewhere.

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

83068.2 NEEDS AND SERVICES PLAN**83068.2**

- (a) At the time of placement, the licensee or a designated person shall request for each child, a needs and services plan which describes the child's service needs.
- (1) Such plan shall be requested from the child's authorized representative.
 - (2) The licensee shall use a form approved by the licensing agency.
- (b) The needs and services plan shall contain at a minimum the following information:
- (1) Name.
 - (2) Age.
 - (3) Physical limitations.
 - (4) History of infections or contagious diseases.
 - (5) History of other medical, emotional, behavioral and physical problems.
 - (6) Capability of the child to handle his/her own cash resources.
 - (7) Current service needs related to (3), (4), (5), and (6) above.
 - (8) Any applicable needs appraisal or individual program plans completed by a placement agency or consultant.
 - (9) Plans for providing services to meet the individual needs identified above.

83068.2 NEEDS AND SERVICES PLAN (Cont.)**83068.2**

- (10) Signature of the person or representative of the agency providing the information.
- (c) If the licensee is not given the child's record with the above information at the time of placement, the licensee shall make telephone and/or written requests for the information to the child's authorized representative, and shall record and retain the details of those requests.
 - (1) If the information is not received within 15 calendar days, the licensee shall obtain an assessment of current service needs from other sources.

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

83068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN**83068.3**

- (a) The written needs and services plan shall be updated at least annually and:
 - (1) As frequently as necessary to ensure accuracy and to document determination of a disability.
 - (2) As frequently as determined necessary by the child's authorized representative.
- (b) If modifications to the plan identify unmet needs the following requirements shall be met:
 - (1) It shall be determined whether the licensee has the ability to meet the needs of the child.
 - (A) If it is determined that the identified needs can be met by the licensee, a written plan to meet the needs shall be developed and maintained in the home.
 - (B) If it is determined that the identified needs cannot be met by the licensee, the licensee shall give notice to the child's authorized representative to remove the child from the home.
- (c) The licensee shall permit the participation of the child's authorized representative in modification to the needs and services plan.
 - (1) Such participation shall be verified by his/her signature on the needs and services plan.

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

**83069.1 INDIVIDUALIZED HEALTH CARE PLANS FOR SPECIALIZED
SMALL FAMILY HOMES****83069.1**

- (a) The licensee shall not accept a child with special health care needs unless the licensee has obtained an individualized health care plan for the child. The plan shall include the following information:
- (1) The name, address, and phone number of the health care professional responsible for monitoring the child's ongoing health care.
 - (2) The appropriate number of hours of on-site supervision and monitoring, and the appropriate number of hours of off-site supervision and monitoring, needed to be provided by the monitor designated in Section 83069.1(a)(1).
 - (3) Documentation by the child's individualized health care plan team identifying the specialized in-home health care to be administered by a health care professional or responsible adult trained by a health care professional.
 - (4) Arrangements for in-home health support services if required.
 - (5) Specific responsibilities of the licensee for the provision of specialized in-home health care, including any required training and/or additional training.
 - (A) If the specialized small family home has, or will have, four or more children in placement, the individualized health care plan shall include the hours, if any, during which the child will not require an in-home health care provider to deliver specialized in-home health care.
 - (6) Identification of any available and funded medical services that are to be provided to the child in the home which may include, but is not limited to, assistance from health care professionals.
 - (7) Identification of any psychological, emotional, behavioral, or medical problems that will be identified in the child's needs and services plan or the medical assessment specified in Section 80069.
- (b) The individualized health care plan for each child with special health care needs shall be updated at least every six months or sooner if the needs of the child change.
- (c) For any child with special health care needs the hospital discharge plan may be adopted by the individualized health care plan team as the child's individualized health care plan.
- (d) The individualized health care plan may be combined with the child's needs and services plan or regional center individual program plan provided that all the information required by each plan is included.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731(c), Welfare and Institutions Code.

83070 CHILD'S RECORDS**83070**

- (a) In addition to Section 80070, the following shall apply.
- (b) Each child's record shall contain at least the following:
 - (1) A copy of the child's birth certificate if available.
 - (2) Date of placement in the home.
 - (3) Name, address and telephone number of the placement agency, if any.
 - (4) Name, address and telephone number of person(s) to be contacted in an emergency when the child's authorized representative cannot be contacted.
 - (5) Written consent which authorizes the licensee to obtain other than ordinary medical and dental care in an emergency if the authorized representative cannot be located.
 - (6) Names of all persons authorized to take the child from the home.
 - (7) Dental and medical history, if available, including immunization records and any physician's orders for any medically necessary diet as specified in Section 80076(a)(6).
 - (8) Religious preference, and the name and address of clergyman or religious adviser, if any.
 - (9) A copy of the child's needs and services plan and any modifications thereto specified in Sections 83068.2 and 83068.3.
 - (10) A record of the continuing health needs and services received while the child is in the home including but not limited to, physical therapy and counseling.
- (c) The original or photographic reproductions of the child's record shall be given to the placement agency or the child's authorized representative when the child is moved from the home, and one copy retained in compliance with Section 80070(f).

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

**83070.1 ADDITIONAL CHILDREN'S RECORDS FOR SPECIALIZED
SMALL FAMILY HOMES****83070.1**

- (a) The licensee shall ensure that records for each child with special health care needs contain the following:
- (1) Documentation that the child has been adjudged a dependent of the court under Section 300 of the Welfare and Institutions Code or has not been adjudged a dependent of the court under Section 300 of the Welfare and Institutions Code but is in the custody of the county welfare department, or has a developmental disability and is receiving services and case management from a regional center.
 - (2) A copy of the child's individualized health care plan as specified in Section 83069.1.
 - (3) A copy of the written reassessment of the child's individualized health care plan as specified in Section 83069.1(b).
- (b) The licensee of a specialized small family home not exceeding the two-child capacity limit shall ensure that each child's needs and services plan contains the following information in addition to the information required in Sections 83068.2 and 83068.3:
- (1) Documentation by the child's county social worker, regional center caseworker or authorized representative that the needs of the child can be met by the facility.
 - (A) New documentation shall be obtained for all children and placed in the respective needs and services plans each time there is an increase or turnover in children and the home meets the conditions described in above Section 83070.1(b).
- (c) If a third child is placed in a specialized small family home, the licensee shall ensure that:
- (1) The needs and services plan for the third child documents the determination specified in Section 83010.1(a)(1)(A).
 - (2) The needs and services plan for each child in the home documents the determinations specified in Section 83010.1(a)(1)(B) and (B)1.
 - (3) The individualized health care plan for each child with special health care needs documents the determinations specified in Sections 83010.1(a)(1)(C) and (C)1.

83070.1 ADDITIONAL CHILDREN'S RECORDS FOR SPECIALIZED SMALL FAMILY HOMES (Continued) 83070.1

- (A) Documentation may be provided in different ways, including, but not limited to, a written statement from a member designated by the team that the team has been notified and has determined that the two-child limit may be exceeded.
- (d) If more than three children are placed in a small family home caring for children with special health care needs, the licensee shall ensure that:
 - (1) The needs and services plan for each child placed in excess of the two-child limit documents the determinations specified in Section 83010.1(a)(2)(A).
 - (2) The needs and services plan for each child in the home documents the determinations specified in Sections 83010.1(a)(1)(B) and (B)1.
 - (3) The individualized health care plan for each child with special health care needs documents the determinations specified in Section 83010.1(a)(2)(C) and (C)1.
 - (A) Documentation may be provided in different ways, including, but not limited to, a written statement from a member designated by the team that the team has been notified and has determined that the two child limit may be exceeded.
 - (4) Records for at least one of the children contains a regional center placement agreement documenting that the child is a regional center client as specified in Section 83010.1(b)(2)(D).

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 17710(a), 17731(c), and 17732(a) and (b), Welfare and Institutions Code and Section 1531, Health and Safety Code.

83072 PERSONAL RIGHTS 83072

- (a) Each facility licensed to provide foster care for six or more children shall post a listing of a foster child's rights.
- (b) Each facility shall provide each school age child, who is placed in foster care, and his or her authorized representative with an age and developmentally appropriate orientation that includes an explanation of the rights of the child and addresses the child's questions and concerns.
- (c) At admission, each child, and his/her authorized representative, shall be personally advised of and given a copy of the child's rights as specified below:

83072 PERSONAL RIGHTS (Continued)**83072**

- (1) To have visitors provided the rights of others are not infringed upon, including:
 - (A) Brothers and sisters, unless prohibited by court order.
 - (1) Other relatives, unless prohibited by court order or by the child's authorized representative.
 - (B) Authorized representative.
 - (C) Other visitors unless prohibited by court order or by the child's authorized representative.
- (2) To wear his/her own clothes.
- (3) To possess and control his/her own cash resources, maintain an emancipation bank account and manage personal income consistent with the child's age and developmental level, unless otherwise agreed to in the child's needs and services plan and by the child's authorized representative.
- (4) To possess and use his/her own personal possessions, including toilet articles.
- (5) To have access to individual storage space for his/her private use.
- (6) To make and receive confidential telephone calls, unless prohibited by court order.
 - (A) Reasonable restrictions to telephone use may be imposed by the licensee. The licensee shall be permitted to:
 1. Restrict the making of long distance calls upon documentation that requested reimbursement for previous long distance calls has not been received.
 2. Restrict phone use in accordance with the facility's discipline program;
 3. Impose restrictions to ensure that phone use does not infringe on the rights of others or restrict the availability of the phone during emergencies.
 - (B) All restrictions shall be documented in the child's needs and services plan or the facility's discipline policies, and be signed by the child's authorized representative.
 - (C) Calls permitted to be restricted by subsections (A)1. and (A)2. above shall not include calls to the child's authorized representative, placement agency, family members (except by court order), social workers, attorneys, Court Appointed Special Advocates (CASA), probation officers, Community Care Licensing Division of the California Department of Social Services or the State Foster Care Ombudsperson.

83072 PERSONAL RIGHTS (Continued)**83072**

- (7) To have access to letter writing material and to send and receive unopened correspondence unless prohibited by court order.
- (8) To be accorded dignity in his/her personal relationships with staff and other persons.
- (9) To live in a safe, healthy and comfortable home where he or she is treated with respect, in accordance with Section 83072(c)(11).
- (10) To be free of physical, sexual, emotional, or other abuse, and corporal punishment.
- (11) To have 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.
- (12) To receive adequate and healthy food, and adequate clothing.
 - (A) Clothing and personal items provided shall be in accordance with Section 83072(c)(11).
- (13) To receive medical, dental, vision, and mental health services.
- (14) To be free of the administration of medication or chemical substances, unless authorized by a physician.
- (15) To contact family members (including brothers and sisters), unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters.
- (16) To contact the Community Care Licensing Division of the California Department of Social Services or the State Foster Care Ombudsperson regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.
- (17) To be informed, and to have his or her authorized representative informed by the licensee of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency, and of information regarding confidentiality.
- (18) To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice. Attendance at religious services in or outside of the facility, shall be on a completely voluntary basis.
- (19) To not be locked in any room, building, or facility premises at any time.

83072 PERSONAL RIGHTS (Continued)**83072**

- (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of clients provided the clients are able to exit the facility.
 - (B) The licensee shall be permitted to utilize means other than those specified in (A) above for securing exterior doors and windows only provided the clients are able to exit the facility and with the prior approval of the licensing agency.
- (20) To attend school and participate in extracurricular, cultural, and personal enrichment activities consistent with the child's age and developmental level, in accordance with Section 83072(c)(11).
 - (21) To work and develop job skills at an age-appropriate level that is consistent with state law.
 - (22) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends, in accordance with Section 83072(c)(11).
 - (23) To attend Independent Living Program classes and activities if he or she meets age requirements.
 - (24) To attend court hearings and speak to the judge.
 - (25) To review his or her own case plan if he or she is over 12 years of age and to receive information about his or her out-of-home placement and case plan, including being told of changes to the plan.
 - (26) To be free from unreasonable searches of personal belongings.
 - (27) To confidentiality of all juvenile court records consistent with existing law.
 - (28) Not to be placed in any restraining device. Postural supports may be used if they are approved in advance by the licensing agency as specified in (A) through (F) below.
 - (A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties used to achieve proper body position and balance, to improve a client's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a client from falling out of bed, a chair, etc.
 - 1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports.
 - (B) All requests to use postural supports shall be in writing and include a written order of a physician indicating the need for such supports. The licensing agency shall be authorized to require other additional documentation in order to evaluate the request.
 - (C) Approved postural supports shall be fastened or tied in a manner which permits quick release by the child.

83072 PERSONAL RIGHTS (Continued) 83072

- (D) The licensing agency shall approve the use of postural supports only after the appropriate fire clearance, as required by Section 80020(a) or (b), has been secured.
- (E) The licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports.
- (F) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a child's hands or feet.
1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited.
- (G) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below.
1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request.
 2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.
- (H) Under no circumstances shall postural supports or protective devices be used for disciplinary purposes.

(29) At 16 years or older, to have access to existing information regarding available educational options, including, but not limited to, coursework necessary for vocational and postsecondary educational programs, and financial aid information for these programs.

- (d) Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.91, and 1531, Health and Safety Code; and Section 16001.9, Welfare and Institutions Code.

83072.1 DISCIPLINE**83072.1**

- (a) Any form of discipline which violates a child's personal rights as specified in Sections 80072 and 83072 shall be prohibited.

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

83072.2 ADDITIONAL PERSONAL RIGHTS FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS**83072.2**

- (a) Except as specified in this section, Section 80072(a)(8) shall not apply to children with special health care needs.
- (b) A child with special health care needs has the right to be free from any restraining/postural support device imposed for purposes of discipline or convenience, and not required to treat the child's specific medical symptoms.
- (1) Physical restraining devices may be used for the protection of a child with special health care needs during treatment and diagnostic procedures such as, but not limited to, intravenous therapy or catheterization procedures. The restraining device, which shall not have a locking device, shall be applied for no longer than the time required to complete the treatment and shall be applied in conformance with the child's individualized health care plan. The child's individualized health care plan shall include all of the following:
- (A) The specific medical symptom(s) that require use of the restraining device.
- (B) An evaluation of less restrictive therapeutic interventions and the reason(s) for ruling out these other practices as ineffective.
- (C) A written order by the child's physician. The order must specify the duration and circumstances under which the restraining device is to be used.
- (2) Postural supports, as specified in Sections 80072(a)(8)(A) and (A)1., half-length bed rails, and protective devices as specified in Section 80072(a)(8)(G), may be used if prescribed in the individualized health care plan. The use of a postural support or protective device and the method of application shall be specified in the child's individualized health care plan and approved in writing by the child's physician.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17736, Welfare and Institutions Code.

83074 TRANSPORTATION**83074**

- (a) In addition to Section 80074, the following shall apply.
- (b) When transporting children in a private motor vehicle the licensee shall secure the children as specified below:
- (1) Infants shall be secured in a car seat designed for infants.
 - (2) All children between two and four years of age and all children who weigh less than 40 pounds, or who have disabilities which prevent them from sitting unassisted, shall be secured in a car seat or harness designed for such children.
 - (3) Children over four years of age and who weigh over 40 pounds who are able to sit unassisted shall be secured in the vehicle's regular seat belt/harness.
- (c) The caregiver and his/her staff are prohibited from smoking a tobacco product, or permitting any person from smoking a tobacco product in a motor vehicle that is regularly used to transport children, regardless of when the children are present. This prohibition applies when the motor vehicle is moving or at rest. Smoking has the same meaning as in subdivision (c) of Section 22950.5 of the Business and Professions Code, and tobacco product means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

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Business and Professions Code sections 22950.5(c) and (d) provide:

(c) "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoking" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

(d) (1) "Tobacco product" means any of the following:

(A) A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.

(B) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

(C) Any component, part, or accessory of a tobacco product, whether or not sold separately.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.7, 1531 and 118948, Health and Safety Code; and 22950.5(c) and (d), Business and Professions Code.

83075 HEALTH RELATED SERVICES**83075**

- (a) In addition to Section 80075, the following shall apply.
- (b) When a child shows signs of serious illness or injury, the licensure shall have the nature of the illness or injury determined by a physician as quickly as possible.
- (c) Whenever a child is exposed to a serious communicable disease, or has any illness or injury which requires medical treatment or for which the cause is unknown, the licensee shall be responsible for ensuring that the child's immediate medical needs are met.
- (1) As soon as the child's immediate needs are met, the licensee shall notify the child's authorized representative.
- (d) Notwithstanding the requirements of Section 80075(d), when a child is unable to determine and/or communicate his/her need for a prescription or nonprescription PRN medication, the licensee may assist the child without contacting the child's physician prior to each dose provided that all of the following conditions are met:
- (1) The child's physician has recommended or prescribed the medication and provided written instructions for its use in at least the level of detail specified in Sections 80075(c)(1) and (e).
- (2) The date, time and content of the physician contact required in Section 83075(d)(1) shall be documented and maintained in the child's file.
- (3) The date and time each PRN medication dosage was taken, the exact symptoms for which it was given, the dosage taken and the child's response shall be documented and maintained in the child's record.
- (4) The medication is given according to the physician's directions.
- (e) When providing family health care, the licensee shall ensure that the child's physician or designated registered nurse has assigned the specific task(s) and has provided adequate practical and written instruction.
- (1) The date, time and content of the initial contact with the physician or nurse shall be documented and maintained in the child's file.

83075 HEALTH RELATED SERVICES
(continued)**83075**

- (f) Any time a child is in the home, at least one of the persons providing regular and routine direct care and supervision to the child shall have received current training in First Aid and Cardio Pulmonary Resuscitation (CPR). Training shall be obtained from an agency offering such training including, but not limited to, the American Red Cross, and shall be appropriate to the child's age and needs.
- (1) The caregiver shall complete First Aid and CPR training in addition to training which increases understanding of, and skill in, caring for children.
 - (2) The licensee shall maintain copies of current First Aid and CPR certificates.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, 1530.6 and 531, Health and Safety Code.

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83076 FOOD SERVICE**83076**

- (a) In addition to Section 80076, the following shall apply.
- (b) There shall always be fresh perishable and nonperishable food in the home in a quantity to meet the needs of the next three meals and the between meal snacks.
- (c) Food served to the child shall be of the same quality as that served to other family members.
- (d) If the child is out of the home during a normal meal time, the licensee shall ensure that alternate arrangements are made for the child to receive a meal.
- (e) If the licensee has been informed, or has observed, that the child has an allergy to any food, the licensee shall not serve such food to the child.
 - (1) If there is doubt about whether a child has an allergy, the licensee shall seek medical verification.
- (f) Infants younger than seven months shall be held during bottle feeding.
- (g) Notwithstanding the requirement of Section 80076(a)(5) licensed small family homes shall not be required to prepare daily written menus.

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- (h) Whenever children in placement eat at the home it is expected that they will have their meals with family members.

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

83078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION**83078**

(a) In addition to Section 80078, the following shall apply:

- (1) 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.
- (b) The licensee is responsible for ensuring care and supervision of the child(ren) of any minor parent 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.

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.

83079 ACTIVITIES**83079**

- (a) The licensee shall provide opportunity for, and encourage participation in, activities, including but not limited to, the following:
- (1) Activities that require group interaction.
 - (2) Physical activities including but not limited to games, sports, and exercise.
 - (3) Leisure time for the children, and participation with other members of the licensee's family in leisure time activities.
 - (4) Education through enrollment in public, private or special schools and assistance with school work.
 - (5) Learning of daily living skills, including but not limited to bathing, dressing, grooming, manners, shopping, cooking, money management, and use of public transportation.
- (b) The child shall not be required to perform duties which interfere with school, training, treatment programs or family visits.

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

Article 7. PHYSICAL ENVIRONMENT**83087 BUILDINGS AND GROUNDS****83087**

- (a) In addition to Section 80087, the following shall apply.
- (b) The licensee shall provide bedrooms in the home which shall meet, at a minimum, the following requirements:
- (1) No more than two children shall share a bedroom.
 - (2) Children of the opposite sex shall not share a bedroom unless each child is under five years of age.
 - (3) No room commonly used for other purposes shall be used as a bedroom, except as permitted pursuant to Section 80024.
 - (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.
 - (4) No bedroom shall be used as a public or general passageway to another room.
 - (5) 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.
 - (6) Subsections 83087(b)(1), (2), (3), (4), and (5) apply to all bedrooms used by all children residing in the facility, including children who are members of the licensee's family, guardianship children, and children in placement.
 - (7) Sections 83087(b)(3) and (4) apply to all bedrooms used by the licensee(s) and all other adults residing in the facility.
- (c) The licensee who accepts a child with a disability shall make necessary specific provisions including but not limited to changes to the buildings and grounds as required to protect and assist the child and maximize the child's potential for self-help.
- (d) The licensee shall prohibit smoking in the facility and on the grounds of the facility.
- (e) Every small family home shall have one or more carbon monoxide detectors in the home that meets the standards established in Health and Safety Code Chapter 8 (commencing with Section 13260) of Part 2 of Division 12.

83087 BUILDINGS AND GROUNDS
(continued)**83087**

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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.

(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:

"(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.

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(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.

(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.

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83087 BUILDINGS AND GROUNDS
(continued)

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(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."

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1503.2, 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)*.

**83087.1 ADDITIONAL BUILDINGS AND GROUNDS REQUIREMENTS
FOR SPECIALIZED SMALL FAMILY HOMES**

83087.1

- (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 83087(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.
- (c) When required by the child's individualized health care plan, the licensee(s) or other adult caring for the child, shall sleep in a bedroom adjacent or in close proximity to the child's room.

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

83087.2 OUTDOOR ACTIVITY SPACE

83087.2

- (a) The licensee shall provide outdoor activity space which is free from hazards to life and health.
- (1) The outdoor activity space shall include, but not be limited to, activity centers and public parks where the licensee resides in an apartment, condominium, or similar housing arrangement which does not have separate yard space.

83087.2 OUTDOOR ACTIVITY SPACE 83087.2
(Continued)

- (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.

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

83087.4 STORAGE SPACE 83087.4

Repealed by Manual Letter 85-23 (effective 6/20/85).

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

83088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES 83088

- (a) In addition to Section 80088, the following shall apply.
- (b) The licensee shall maintain at least one toilet, sink, and tub or shower in the home.
- (c) The licensee shall provide each child with an individual bed which is equipped with a clean, comfortable mattress, clean linens, blankets, and pillows, as needed, all in good repair.

83088**FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)****83088**

- (1) No small family home shall have more beds for children's use than required for the maximum capacity approved by the licensing agency.
 - (A) This requirement shall not apply to the beds made available for illness or separation in an isolation room or area as specified in Section 80087(d).
- (2) Linen shall be changed at least once per week or more often when necessary to ensure that clean linen is in use by children at all times.
- (3) Beds shall be arranged to allow easy passage between beds and easy entrance into the room.

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- (4) Rubber or plastic sheeting or bed coverings should be provided when needed.

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- (d) The licensee shall provide each infant with a safe and sturdy bassinet or crib, appropriate to the child's age and size.
- (e) Bunk beds of more than two tiers shall not be used.
 - (1) Bunk beds shall have railings on the upper tier to prevent falling.
 - (2) Children under 5 years of age or those who are unable to climb into or out of the upper tier unassisted shall not be permitted to use the upper tier.
- (f) The licensee shall provide toys, games, books and recreational and educational materials for the children, based upon their ages, and mental and physical development.
- (g) Each bedroom shall have portable or permanent closets and drawer space to accommodate the child's clothing and personal belongings.

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