

AMENDED IN ASSEMBLY MAY 7, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2228

Introduced by Assembly Member Cooley

February 20, 2014

An act to amend Sections 1516 and 1526.8 of the Health and Safety Code, relating to crisis nurseries.

LEGISLATIVE COUNSEL'S DIGEST

AB 2228, as amended, Cooley. Crisis nurseries.

Existing law provides for the licensure and regulation by the State Department of Social Services of crisis nurseries, as defined. Violation of these provisions is a misdemeanor. Existing law authorizes crisis nurseries to provide care and supervision for children under 6 years of age who are voluntarily placed by a parent or legal guardian due to a family crisis for no more than 30 days.

Existing law provides that a maximum licensed capacity for a crisis nursery program is 14 children. Existing law authorizes a crisis nursery to provide child day care services for children under 6 years of age at the same site as a crisis nursery, but provides that a child is prohibited from receiving more than 30 calendar days of child day care services at the crisis nursery in a 6-month period unless the department issues an exception. Existing law requires the department to allow the use of fully trained and qualified volunteers as caregivers in a crisis nursery subject to specified conditions.

This bill would provide that the maximum licensed capacity of 14 children applies to overnight crisis nursery programs. The bill would instead provide that a crisis nursery may provide crisis day respite services and *would prohibit a child from receiving child day care*

services at a crisis nursery for more than 30 calendar days in a 6-month period unless the department issues an extension, as prescribed. The bill would provide that the maximum licensed capacity for crisis day respite shall be based on 35 square feet of indoor activity space per child, as prescribed.

This bill would require that the licensee designate at least one lead caregiver, as described, to be present at the crisis nursery at all times when children are present, would require the licensee to develop, maintain, and implement a written staff training plan, as specified, and would require a crisis nursery to have at least one caregiver at all times who has completed training pediatric first aid and cardiopulmonary resuscitation. The bill would modify the requirements relating to the use of volunteers to be counted in the staff-to-child ratios in a crisis nursery, as specified, and would prescribe requirements relating to when a child has a health condition that requires medication.

By expanding the scope of crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1516 of the Health and Safety Code is
- 2 amended to read:
- 3 1516. (a) For purposes of this chapter, “crisis nursery” means
- 4 a facility licensed by the department to provide short-term, 24-hour
- 5 nonmedical residential care and supervision for children under six
- 6 years of age, who are voluntarily placed for temporary care by a
- 7 parent or legal guardian due to a family crisis or stressful situation
- 8 for no more than 30 days.
- 9 (b) A crisis nursery shall be organized and operated on a
- 10 nonprofit basis by either a private nonprofit corporation or a
- 11 nonprofit public benefit corporation.
- 12 (c) “Voluntary placement,” for purposes of this section, means
- 13 a child, who is not receiving Aid to Families with Dependent

1 Children-Foster Care, placed by a parent or legal guardian who
2 retains physical custody of, and remains responsible for, the care
3 of his or her children who are placed for temporary emergency
4 care, as described in subdivision (a). Voluntary placement does
5 not include placement of a child who has been removed from the
6 care and custody of his or her parent or legal guardian and placed
7 in foster care by a child welfare services agency.

8 (d) (1) Except as provided in paragraph (2), the maximum
9 licensed capacity for an overnight crisis nursery program shall be
10 14 children.

11 (2) A facility licensed on or before January 1, 2004, as a group
12 home for children under six years of age with a licensed capacity
13 greater than 14 children, but less than 21 children, that provides
14 crisis nursery services shall be allowed to retain its capacity if
15 issued a crisis nursery license until there is a change in the
16 licensee's program, location, or client population.

17 (e) Each crisis nursery shall collect and maintain information,
18 in a format specified by the department, indicating the total number
19 of children placed in the program, the length of stay for each child,
20 the reasons given for the use of the crisis nursery, and the age of
21 each child. This information shall be made available to the
22 department upon request.

23 (f) ~~(1)~~ Notwithstanding Section 1596.80, a crisis nursery may
24 provide crisis day respite services for children under six years of
25 age at the same site as the crisis ~~nursery~~; nursery.

26 (1) *A child shall not receive child day care services at a crisis*
27 *nursery for more than 30 calendar days in a six-month period*
28 *unless the department issues an extension. The department, upon*
29 *receipt of an exemption request, shall respond within five working*
30 *days to approve or deny the request. No more than two extensions*
31 *may be granted in seven calendar day increments.*

32 (2) The maximum licensed capacity for crisis day respite shall
33 be based on 35 square feet of indoor activity space per child.
34 Bedrooms, bathrooms, halls, offices, isolation areas,
35 food-preparation areas, and storage places shall not be included
36 in the calculation of indoor activity space. Floor area under tables,
37 desks, chairs, and other equipment intended for use as part of
38 children's activities shall be included in the calculation of indoor
39 space.

1 (g) Exceptions to group home licensing regulations pursuant to
2 subdivision (c) of Section 84200 of Title 22 of the California Code
3 of Regulations, in effect on August 1, 2004, for county-operated
4 or county-contracted emergency shelter care facilities that care for
5 children under six years of age for no more than 30 days, shall be
6 contained in regulations for crisis nurseries.

7 SEC. 2. Section 1526.8 of the Health and Safety Code is
8 amended to read:

9 1526.8. (a) It is the intent of the Legislature that the department
10 develop modified staffing levels and requirements for crisis
11 nurseries, provided that the health, safety, and well-being of the
12 children in care are protected and maintained.

13 (1) ~~At all times, at least one caregiver shall have completed~~
14 ~~training—All caregivers shall be certified~~ in pediatric
15 cardiopulmonary resuscitation (CPR) and pediatric first aid.
16 ~~Completion of training~~ Certification shall be demonstrated by
17 current and valid pediatric CPR and pediatric first aid cards issued
18 by the American Red Cross, the American Heart Association, or
19 by a training program that has been approved by the Emergency
20 Medical Services Authority pursuant to Section 1797.191.

21 (2) The licensee shall develop, maintain, and implement a
22 written staff training plan for the orientation, continuing education,
23 on-the-job training and development, supervision, and evaluation
24 of all lead caregivers, caregivers, and volunteers. The licensee
25 shall incorporate the training plan in the crisis nursery plan of
26 operation.

27 (3) The licensee shall designate at least one lead caregiver to
28 be present at the crisis nursery at all times when children are
29 present. The lead caregiver shall have one of the following
30 education and experience qualifications:

31 (A) Completion of 12 postsecondary semester units or equivalent
32 quarter units, with a passing grade, as determined by the institution,
33 in classes with a focus on early childhood education, child
34 development, or child health at an accredited college or university,
35 as determined by the department, and six months of work
36 experience in a licensed group home, licensed infant care center,
37 or comparable group child care program or family day care. At
38 least three semester units, or equivalent quarter units, or equivalent
39 experience shall include coursework or experience in the care of
40 infants.

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

6 (C) A current and valid Child Development Associate Teacher
7 Permit issued by the California Commission on Teacher
8 Credentialing pursuant to Sections 80105 to 80116, inclusive, of
9 Title 5 of the California Code of Regulations.

10 (4) Lead caregivers shall have a minimum of 24 hours of training
11 and orientation before working with children. One year experience
12 in a supervisory position in a child care or group care facility may
13 substitute for 16 hours of training and orientation. The written staff
14 training plan shall require the lead caregiver to receive and
15 document a minimum of 20 hours of annual training directly related
16 to the functions of his or her position.

17 (5) Caregiver staff shall complete a minimum of 24 hours of
18 initial training within the first 90 days of employment, which may
19 include first aid and CPR and shall be included in the written staff
20 training plan. ~~employment.~~ Eight hours of training shall be
21 completed before the caregiver staff are responsible for children,
22 left alone with children, and counted in the staff-to-child ratios
23 described in subdivision (c). A maximum of four hours of training
24 may be satisfied by job shadowing.

25 (b) The department shall allow the use of fully trained and
26 qualified volunteers as caregivers in a crisis nursery, subject to the
27 following conditions:

28 (1) Volunteers shall be fingerprinted for the purpose of
29 conducting a criminal record review as specified in subdivision
30 (b) of Section 1522.

31 (2) Volunteers shall complete a child abuse central index check
32 as specified in Section 1522.1.

33 (3) Volunteers shall be in good physical health and be tested
34 for tuberculosis not more than one year prior to, or seven days
35 after, initial presence in the facility.

36 (4) Prior to assuming the duties and responsibilities of a crisis
37 caregiver or being counted in the staff-to-child ratio, volunteers
38 shall complete at least five hours of initial training divided as
39 follows:

40 (A) Two hours of crisis nursery job shadowing.

1 (B) One hour of review of community care licensing regulations.

2 (C) Two hours of review of the crisis nursery program, including
3 the facility mission statement, goals and objectives, child guidance
4 techniques, and special needs of the client population they serve.

5 (5) Within 90 days, volunteers who are included in the
6 staff-to-child ratios shall *acquire a certification in pediatric first*
7 *aid and pediatric cardiopulmonary resuscitation* and complete at
8 least eight hours of training covering child care health and safety
9 issues, trauma informed care, the importance of family and sibling
10 relationships, temperaments of children, self-regulation skills and
11 techniques, and program child guidance techniques.

12 (6) Volunteers who meet the requirements of paragraphs (1),
13 (2), and (3), but who have not completed the training specified in
14 paragraph (4) or (5) may assist a fully trained and qualified staff
15 person in performing child care duties. However, these volunteers
16 shall not be left alone with children, shall always be under the
17 direct supervision and observation of a fully trained and qualified
18 staff person, and shall not be counted in meeting the minimum
19 staff-to-child ratio requirements, ~~except that volunteers may~~
20 ~~supervise napping children without being under the direct~~
21 ~~supervision of staff.~~ *requirements.*

22 (c) The department shall allow the use of fully trained and
23 qualified volunteers to be counted in the staff-to-child ratio in a
24 crisis nursery subject to the following conditions:

25 (1) The volunteers have fulfilled the requirements in paragraphs
26 (1) to (4), inclusive, of subdivision (b).

27 (2) There shall be at least one fully qualified and employed staff
28 person on site at all times.

29 (3) (A) There shall be at least one employed staff or volunteer
30 caregiver for each group of six preschool age children, or fraction
31 thereof, and one employed staff or volunteer caregiver for each
32 group of four infants, or fraction thereof, from 7 a.m. to 7 p.m.

33 (B) There shall be at least one paid caregiver or volunteer
34 caregiver for each group of six children, or fraction thereof, from
35 7 p.m. to 7 a.m.

36 (C) There shall be at least one employed staff person present
37 for every volunteer caregiver used by the crisis nursery for the
38 purpose of meeting the minimum caregiver staffing requirements.

39 (d) There shall be at least one staff person or volunteer caregiver
40 awake at all times from 7 p.m. to 7 a.m.

1 (e) (1) When a child has a health condition that requires
2 prescription medication, the licensee shall ensure that the caregiver
3 does all of the following:

4 (A) Assists children with the taking of the medication as needed.

5 (B) Ensures that instructions are followed as outlined by the
6 appropriate medical professional.

7 (C) Stores the medication as instructed in the original container
8 with the original unaltered label in a locked and safe area that is
9 not accessible to children.

10 (D) Administers the medication as directed on the label or as
11 advised by the physician in writing.

12 (2) Nonprescription medications may be administered without
13 approval or instructions from the child's physician if all of the
14 following conditions are met:

15 (A) Nonprescription medications are administered in accordance
16 with the product label directions on the nonprescription medication
17 containers.

18 (B) For each nonprescription medication, the licensee obtains,
19 in writing, approval and instructions from the child's authorized
20 representative for the administration of the medication to the child.
21 This documentation shall be kept in the child's record. The
22 instructions from the child's authorized representative shall not
23 conflict with the product label directions on the nonprescription
24 medication container.

25 (3) The licensee shall develop and implement a written plan to
26 record the administration of the prescription and nonprescription
27 medications and to inform the child's authorized representative
28 daily, for day care, and upon discharge for overnight care, when
29 the medications have been given.

30 (4) When no longer needed by the child, or when the child
31 withdraws from the center, all medications shall be returned to the
32 child's authorized representative or disposed of after an attempt
33 to reach the authorized representative.

34 SEC. 3. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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