

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN ASSEMBLY MAY 7, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2228**

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**Introduced by Assembly Member Cooley**

February 20, 2014

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An act to amend Sections ~~1516 and 1526.8~~ 1502, 1516, 1526.8, and 1596.792 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 *nonmedical 24-hour residential* 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 *or stressful situation* 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 revise these provisions to require crisis nurseries to be licensed by the department to operate crisis residential overnight programs, as defined, and to authorize crisis nurseries to provide crisis day services, as defined. The bill would establish the maximum licensed capacity for a crisis residential overnight program at 14 children and provide that the maximum licensed capacity for crisis day services 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 1502 of the Health and Safety Code is*  
2 *amended to read:*

3     1502. As used in this chapter:

4     (a) “Community care facility” means any facility, place, or  
5 building that is maintained and operated to provide nonmedical  
6 residential care, day treatment, adult day care, or foster family  
7 agency services for children, adults, or children and adults,  
8 including, but not limited to, the physically handicapped, mentally  
9 impaired, incompetent persons, and abused or neglected children,  
10 and includes the following:

11     (1) “Residential facility” means any family home, group care  
12 facility, or similar facility determined by the director, for 24-hour  
13 nonmedical care of persons in need of personal services,  
14 supervision, or assistance essential for sustaining the activities of  
15 daily living or for the protection of the individual.

16     (2) “Adult day program” means any community-based facility  
17 or program that provides care to persons 18 years of age or older  
18 in need of personal services, supervision, or assistance essential  
19 for sustaining the activities of daily living or for the protection of  
20 these individuals on less than a 24-hour basis.

21     (3) “Therapeutic day services facility” means any facility that  
22 provides nonmedical care, counseling, educational or vocational  
23 support, or social rehabilitation services on less than a 24-hour  
24 basis to persons under 18 years of age who would otherwise be  
25 placed in foster care or who are returning to families from foster  
26 care. Program standards for these facilities shall be developed by  
27 the department, pursuant to Section 1530, in consultation with  
28 therapeutic day services and foster care providers.

29     (4) “Foster family agency” means any organization engaged in  
30 the recruiting, certifying, and training of, and providing  
31 professional support to, foster parents, or in finding homes or other  
32 places for placement of children for temporary or permanent care  
33 who require that level of care as an alternative to a group home.  
34 Private foster family agencies shall be organized and operated on  
35 a nonprofit basis.

36     (5) “Foster family home” means any residential facility  
37 providing 24-hour care for six or fewer foster children that is  
38 owned, leased, or rented and is the residence of the foster parent

1 or parents, including their family, in whose care the foster children  
2 have been placed. The placement may be by a public or private  
3 child placement agency or by a court order, or by voluntary  
4 placement by a parent, parents, or guardian. It also means a foster  
5 family home described in Section 1505.2.

6 (6) “Small family home” means any residential facility, in the  
7 licensee’s family residence, that provides 24-hour care for six or  
8 fewer foster children who have mental disorders or developmental  
9 or physical disabilities and who require special care and supervision  
10 as a result of their disabilities. A small family home may accept  
11 children with special health care needs, pursuant to subdivision  
12 (a) of Section 17710 of the Welfare and Institutions Code. In  
13 addition to placing children with special health care needs, the  
14 department may approve placement of children without special  
15 health care needs, up to the licensed capacity.

16 (7) “Social rehabilitation facility” means any residential facility  
17 that provides social rehabilitation services for no longer than 18  
18 months in a group setting to adults recovering from mental illness  
19 who temporarily need assistance, guidance, or counseling. Program  
20 components shall be subject to program standards pursuant to  
21 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part  
22 2 of Division 5 of the Welfare and Institutions Code.

23 (8) “Community treatment facility” means any residential  
24 facility that provides mental health treatment services to children  
25 in a group setting and that has the capacity to provide secure  
26 containment. Program components shall be subject to program  
27 standards developed and enforced by the State Department of  
28 Health Care Services pursuant to Section 4094 of the Welfare and  
29 Institutions Code.

30 Nothing in this section shall be construed to prohibit or  
31 discourage placement of persons who have mental or physical  
32 disabilities into any category of community care facility that meets  
33 the needs of the individual placed, if the placement is consistent  
34 with the licensing regulations of the department.

35 (9) “Full-service adoption agency” means any licensed entity  
36 engaged in the business of providing adoption services, that does  
37 all of the following:

38 (A) Assumes care, custody, and control of a child through  
39 relinquishment of the child to the agency or involuntary termination  
40 of parental rights to the child.

1 (B) Assesses the birth parents, prospective adoptive parents, or  
2 child.

3 (C) Places children for adoption.

4 (D) Supervises adoptive placements.

5 Private full-service adoption agencies shall be organized and  
6 operated on a nonprofit basis. As a condition of licensure to provide  
7 intercountry adoption services, a full-service adoption agency shall  
8 be accredited and in good standing according to Part 96 of Title  
9 22 of the Code of Federal Regulations, or supervised by an  
10 accredited primary provider, or acting as an exempted provider,  
11 in compliance with Subpart F (commencing with Section 96.29)  
12 of Part 96 of Title 22 of the Code of Federal Regulations.

13 (10) “Noncustodial adoption agency” means any licensed entity  
14 engaged in the business of providing adoption services, that does  
15 all of the following:

16 (A) Assesses the prospective adoptive parents.

17 (B) Cooperatively matches children freed for adoption, who are  
18 under the care, custody, and control of a licensed adoption agency,  
19 for adoption, with assessed and approved adoptive applicants.

20 (C) Cooperatively supervises adoptive placements with a  
21 full-service adoptive agency, but does not disrupt a placement or  
22 remove a child from a placement.

23 Private noncustodial adoption agencies shall be organized and  
24 operated on a nonprofit basis. As a condition of licensure to provide  
25 intercountry adoption services, a noncustodial adoption agency  
26 shall be accredited and in good standing according to Part 96 of  
27 Title 22 of the Code of Federal Regulations, or supervised by an  
28 accredited primary provider, or acting as an exempted provider,  
29 in compliance with Subpart F (commencing with Section 96.29)  
30 of Part 96 of Title 22 of the Code of Federal Regulations.

31 (11) “Transitional shelter care facility” means any group care  
32 facility that provides for 24-hour nonmedical care of persons in  
33 need of personal services, supervision, or assistance essential for  
34 sustaining the activities of daily living or for the protection of the  
35 individual. Program components shall be subject to program  
36 standards developed by the State Department of Social Services  
37 pursuant to Section 1502.3.

38 (12) “Transitional housing placement provider” means an  
39 organization licensed by the department pursuant to Section  
40 1559.110 and Section 16522.1 of the Welfare and Institutions Code

1 to provide transitional housing to foster children at least 16 years  
2 of age and not more than 18 years of age, and nonminor  
3 dependents, as defined in subdivision (v) of Section 11400 of the  
4 Welfare and Institutions Code, to promote their transition to  
5 adulthood. A transitional housing placement provider shall be  
6 privately operated and organized on a nonprofit basis.

7 (13) “Group home” means a residential facility that provides  
8 24-hour care and supervision to children, delivered at least in part  
9 by staff employed by the licensee in a structured environment. The  
10 care and supervision provided by a group home shall be  
11 nonmedical, except as otherwise permitted by law.

12 (14) “Runaway and homeless youth shelter” means a group  
13 home licensed by the department to operate a program pursuant  
14 to Section 1502.35 to provide voluntary, short-term, shelter and  
15 personal services to runaway youth or homeless youth, as defined  
16 in paragraph (2) of subdivision (a) of Section 1502.35.

17 (15) “Enhanced behavioral supports home” means a facility  
18 certified by the State Department of Developmental Services  
19 pursuant to Article 3.6 (commencing with Section 4684.80) of  
20 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,  
21 and licensed by the State Department of Social Services as an adult  
22 residential facility or a group home that provides 24-hour  
23 nonmedical care to individuals with developmental disabilities  
24 who require enhanced behavioral supports, staffing, and  
25 supervision in a homelike setting. An enhanced behavioral supports  
26 home shall have a maximum capacity of four consumers, shall  
27 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal  
28 Regulations, and shall be eligible for federal Medicaid home-and  
29 community-based services funding.

30 (16) “Community crisis home” means a facility certified by the  
31 State Department of Developmental Services pursuant to Article  
32 8 (commencing with Section 4698) of Chapter 6 of Division 4.5  
33 of the Welfare and Institutions Code, and licensed by the State  
34 Department of Social Services pursuant to Article 9.7 (commencing  
35 with Section 1567.80), as an adult residential facility, providing  
36 24-hour nonmedical care to individuals with developmental  
37 disabilities receiving regional center service, in need of crisis  
38 intervention services, and who would otherwise be at risk of  
39 admission to the acute crisis center at Fairview Developmental  
40 Center, Sonoma Developmental Center, an acute general hospital,

1 acute psychiatric hospital, an institution for mental disease, as  
 2 described in Part 5 (commencing with Section 5900) of Division  
 3 5 of the Welfare and Institutions Code, or an out-of-state  
 4 placement. A community crisis home shall have a maximum  
 5 capacity of eight consumers, as defined in subdivision (a) of  
 6 Section 1567.80, shall conform to Section 441.530(a)(1) of Title  
 7 42 of the Code of Federal Regulations, and shall be eligible for  
 8 federal Medicaid home- and community-based services funding.

9 (17) “Crisis nursery” means a facility licensed by the  
 10 department to operate a program pursuant to Section 1516 to  
 11 provide short-term care and supervision for children under six  
 12 years of age who are voluntarily placed for temporary care by a  
 13 parent or legal guardian due to a family crisis or stressful situation.

14 (b) “Department” or “state department” means the State  
 15 Department of Social Services.

16 (c) “Director” means the Director of Social Services.

17 SECTION 1.

18 SEC. 2. Section 1516 of the Health and Safety Code is amended  
 19 to read:

20 1516. (a) ~~For purposes of this chapter, “crisis nursery” means~~  
 21 ~~a facility licensed by the department to provide short-term, 24-hour~~  
 22 ~~nonmedical residential care and supervision for children under six~~  
 23 ~~years of age, who are voluntarily placed for temporary care by a~~  
 24 ~~parent or legal guardian due to a family crisis or stressful situation~~  
 25 ~~for no more than 30 days.~~

26 1516. (a) A crisis nursery, as defined in paragraph (17) of  
 27 subdivision (a) of Section 1502, shall be licensed by the department  
 28 to operate a crisis residential overnight program. Notwithstanding  
 29 Section 1596.80, a crisis nursery may also provide crisis day  
 30 services.

31 (b) A crisis nursery shall be organized and operated on a  
 32 nonprofit basis by either a private nonprofit corporation or a  
 33 nonprofit public benefit corporation.

34 (c) ~~“Voluntary placement,” for purposes of this section, means~~  
 35 ~~a child, who is not receiving Aid to Families with Dependent~~  
 36 ~~Children Foster Care, placed by a parent or legal guardian who~~  
 37 ~~retains physical custody of, and remains responsible for, the care~~  
 38 ~~of his or her children who are placed for temporary emergency~~  
 39 ~~care, as described in subdivision (a). Voluntary placement does~~  
 40 ~~not include placement of a child who has been removed from the~~

1 care and custody of his or her parent or legal guardian and placed  
2 in foster care by a child welfare services agency.

3 ~~(d) (1) Except as provided in paragraph (2), the maximum~~  
4 ~~licensed capacity for an overnight crisis nursery program shall be~~  
5 ~~14 children.~~

6 *(c) For purposes of this section, the following definitions shall*  
7 *apply:*

8 *(1) "Crisis day services" means temporary, nonmedical care*  
9 *and supervision for children under six years of age who are*  
10 *voluntarily placed by a parent or legal guardian due to a family*  
11 *crisis or stressful situation for less than 24 hours per day. A child*  
12 *may not receive crisis day services at a crisis nursery for more*  
13 *than 30 calendar days, or a total of 360 hours, in a six-month*  
14 *period unless the department issues an exception.*

15 *(2) "Crisis residential overnight program" means short-term,*  
16 *24-hour nonmedical residential care and supervision, including*  
17 *overnight, for children under six years of age who are voluntarily*  
18 *placed by a parent or legal guardian due to a family crisis or*  
19 *stressful situation for no more than 30 days.*

20 *(3) "Voluntarily placed" means a child, who is not receiving*  
21 *Aid to Families with Dependent Children-Foster Care, placed by*  
22 *a parent or legal guardian who retains physical custody of, and*  
23 *remains responsible for, the care of his or her children who are*  
24 *placed for temporary emergency care. "Voluntarily placed" does*  
25 *not include placement of a child who has been removed from the*  
26 *care and custody of his or her parent or legal guardian and placed*  
27 *in foster care by a child welfare services agency.*

28 ~~(2)~~

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

35 *(e) Each crisis nursery shall collect and maintain information,*  
36 *in a format specified by the department, indicating the total number*  
37 *of children placed in the program, the length of stay for each child,*  
38 *the reasons given for the use of the crisis nursery, and the age of*  
39 *each child. This information shall be made available to the*  
40 *department upon request.*

1 (f) Notwithstanding Section 1596.80, a crisis nursery may  
2 provide crisis day-~~respite~~ services for children under six years of  
3 age at the same site as the crisis nursery. *that it is providing crisis*  
4 *residential overnight services.*

5 (1) A child shall not receive ~~child day care~~ *crisis day* services  
6 at a crisis nursery for more than 30 calendar days, *maximum of 12*  
7 *hours per day, or a total of 360 hours*, in a six-month period unless  
8 the department issues an ~~extension~~. ~~The department,~~ *exception to*  
9 *allow a child to receive additional crisis day services in a*  
10 *six-month period.*

11 (2) ~~The department, upon receipt of an exemption request, an~~  
12 *exception request pursuant to paragraph (1) and supporting*  
13 *documentation as required by the department, shall respond within*  
14 *five working days to approve or deny the request. No more than*  
15 *two extensions may be granted in seven calendar day increments.*

16 (3) *No more than two exceptions, in seven-calendar day or*  
17 *84-hour increments, may be granted per child in a six-month*  
18 *period.*

19 (g) *A crisis nursery license shall be issued for a specific capacity*  
20 *determined by the department.*

21 ~~(2)~~

22 (1) (A) The maximum licensed capacity for crisis day-~~respite~~  
23 *services* shall be based on 35 square feet of indoor activity space  
24 per child. Bedrooms, bathrooms, halls, offices, isolation areas,  
25 food-preparation areas, and storage places shall not be included  
26 in the calculation of indoor activity space. Floor area under tables,  
27 desks, chairs, and other equipment intended for use as part of  
28 children's activities shall be included in the calculation of indoor  
29 space.

30 (B) *There shall be at least 75 square feet per child of outdoor*  
31 *activity space based on the total licensed capacity. Swimming*  
32 *pools, adjacent pool decking, and natural or man-made hazards*  
33 *shall not be included in the calculation of outdoor activity space.*

34 (2) *Except as provided in subdivision (d), the maximum licensed*  
35 *capacity for a crisis residential overnight program shall be 14*  
36 *children.*

37 (3) *A child who has been voluntarily placed in a crisis*  
38 *residential overnight program shall be included in the licensed*  
39 *capacity for crisis day services.*

40 ~~(g)~~

1 (h) 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.~~

8 SEC. 3. Section 1526.8 of the Health and Safety Code is  
9 amended to read:

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

14 (1) All caregivers shall be certified in pediatric cardiopulmonary  
15 resuscitation (CPR) and pediatric first aid. Certification shall be  
16 demonstrated by current and valid pediatric CPR and pediatric  
17 first aid cards issued by the American Red Cross, the American  
18 Heart Association, ~~or~~ by a training program that has been approved  
19 by the Emergency Medical Services Authority pursuant to Section  
20 ~~1797.191~~. 1797.191, or from an accredited college or university.

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. Eight hours  
19 of training shall be completed before the caregiver staff are  
20 responsible for children, left alone with children, and counted in  
21 the staff-to-child ratios described in subdivision (c). A maximum  
22 of four hours of training may be satisfied by job shadowing.

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

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

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

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

34 (4) *Volunteers shall complete a minimum of 16 hours of training*  
35 *as specified in paragraphs (5) and (6).*

36 ~~(4)~~

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

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

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

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

6 ~~(5)~~

7 (6) Within 90 days, volunteers who are included in the  
8 staff-to-child ratios shall ~~acquire~~ *do both of the following:*

9 (A) *Acquire* a certification in pediatric first aid and pediatric  
10 cardiopulmonary ~~resuscitation~~ and ~~complete~~ *resuscitation.*

11 (B) *Complete* at least ~~eight~~ *11* hours of training covering child  
12 care health and safety issues, trauma informed care, the importance  
13 of family and sibling relationships, temperaments of children,  
14 self-regulation skills and techniques, and program child guidance  
15 techniques.

16 ~~(6)~~

17 (7) Volunteers who meet the requirements of paragraphs (1),  
18 (2), and (3), but who have not completed the training specified in  
19 paragraph ~~(4) or (5)~~ (4), (5), or (6) may assist a fully trained and  
20 qualified staff person in performing child care duties. However,  
21 these volunteers shall not be left alone with children, shall always  
22 be under the direct supervision and observation of a fully trained  
23 and qualified staff person, and shall not be counted in meeting the  
24 minimum staff-to-child ratio requirements.

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

28 (1) The volunteers have fulfilled the requirements in paragraphs  
29 (1) to ~~(4)~~, (6), inclusive, of subdivision (b).

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

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

36 (B) There shall be at least one paid caregiver or volunteer  
37 caregiver for each group of six children, or fraction thereof, from  
38 7 p.m. to 7 a.m.

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

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

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

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

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

12 (C) Stores the medication ~~as instructed~~ *in accordance with the*  
13 *label instructions* in the original container with the original  
14 unaltered label in a locked and safe area that is not accessible to  
15 children.

16 (D) Administers the medication as directed on the label ~~or as~~  
17 ~~advised and prescribed~~ by the physician in writing.

18 (i) *The licensee shall obtain, in writing, approval and*  
19 *instructions from the child's authorized representative for*  
20 *administration of the prescription medication for the child. This*  
21 *documentation shall be kept in the child's record.*

22 (ii) *The licensee shall not administer prescription medication*  
23 *to a child in accordance with instructions from the child's*  
24 *authorized representative if the authorized representative's*  
25 *instructions conflict with the physician's written instructions or*  
26 *the label directions as prescribed by the child's physician.*

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

30 (A) Nonprescription medications ~~are~~ *shall be* administered in  
31 accordance with the product label directions on the nonprescription  
32 medication *container or* containers.

33 (B) (i) For each nonprescription medication, the licensee  
34 ~~obtains;~~ *shall obtain*, in writing, approval and instructions from  
35 the child's authorized representative for ~~the~~ administration of the  
36 *nonprescription* medication to the child. This documentation shall  
37 be kept in the child's record. ~~The~~

38 (ii) *The licensee shall not administer nonprescription medication*  
39 *to a child in accordance with instructions from the child's*  
40 *authorized representative* ~~shall not~~ *if the authorized representative's*

1 *instructions* conflict with the product label directions on the  
2 nonprescription medication ~~container~~. *container or containers*.

3 (3) The licensee shall develop and implement a written plan to  
4 record the administration of the prescription and nonprescription  
5 medications and to inform the child's authorized representative  
6 daily, for ~~day care~~, *crisis day services*, and upon discharge for  
7 overnight care, when the medications have been given.

8 (4) When no longer needed by the child, or when the child  
9 ~~withdraws from the center~~, *is removed or discharged from the*  
10 *crisis nursery*, all medications shall be returned to the child's  
11 authorized representative or disposed of after an attempt to reach  
12 the authorized representative.

13 *SEC. 4. Section 1596.792 of the Health and Safety Code is*  
14 *amended to read:*

15 1596.792. This chapter, Chapter 3.5 (commencing with Section  
16 1596.90), and Chapter 3.6 (commencing with Section 1597.30)  
17 do not apply to any of the following:

18 (a) Any health facility, as defined by Section 1250.

19 (b) Any clinic, as defined by Section 1202.

20 (c) Any community care facility, as defined by Section 1502.

21 (d) Any family day care home providing care for the children  
22 of only one family in addition to the operator's own children.

23 (e) Any cooperative arrangement between parents for the care  
24 of their children when no payment is involved and the arrangement  
25 meets all of the following conditions:

26 (1) In a cooperative arrangement, parents shall combine their  
27 efforts so that each parent, or set of parents, rotates as the  
28 responsible caregiver with respect to all the children in the  
29 cooperative.

30 (2) Any person caring for children shall be a parent, legal  
31 guardian, stepparent, grandparent, aunt, uncle, or adult sibling of  
32 at least one of the children in the cooperative.

33 (3) There can be no payment of money or receipt of in-kind  
34 income in exchange for the provision of care. This does not prohibit  
35 in-kind contributions of snacks, games, toys, blankets for napping,  
36 pillows, and other materials parents deem appropriate for their  
37 children. It is not the intent of this paragraph to prohibit payment  
38 for outside activities, the amount of which may not exceed the  
39 actual cost of the activity.

1 (4) No more than 12 children are receiving care in the same  
2 place at the same time.

3 (f) Any arrangement for the receiving and care of children by  
4 a relative.

5 (g) Any public recreation program. “Public recreation program”  
6 means a program operated by the state, city, county, special district,  
7 school district, community college district, chartered city, or  
8 chartered city and county that meets either of the following criteria:

9 (1) The program is operated only during hours other than normal  
10 school hours for kindergarten and grades 1 to 12, inclusive, in the  
11 public school district where the program is located, or operated  
12 only during periods when students in kindergarten and grades 1  
13 to 12, inclusive, are normally not in session in the public school  
14 district where the program is located, for either of the following  
15 periods:

16 (A) For under 20 hours per week.

17 (B) For a total of 14 weeks or less during a 12-month period.  
18 This total applies to any 14 weeks within any 12-month period,  
19 without regard to whether the weeks are consecutive.

20 In determining “normal school hours” or periods when students  
21 are “normally not in session,” the State Department of Social  
22 Services shall, when appropriate, consider the normal school hours  
23 or periods when students are normally not in session for students  
24 attending a year-round school.

25 (2) The program is provided to children who are over the age  
26 of four years and nine months and not yet enrolled in school and  
27 the program is operated during either of the following periods:

28 (A) For under 16 hours per week.

29 (B) For a total of 12 weeks or less during a 12-month period.  
30 This total applies to any 12 weeks within any 12-month period,  
31 without regard to whether the weeks are consecutive.

32 (3) The program is provided to children under the age of four  
33 years and nine months with sessions that run 12 hours per week  
34 or less and are 12 weeks or less in duration. A program subject to  
35 this paragraph may permit children to be enrolled in consecutive  
36 sessions throughout the year. However, the program shall not  
37 permit children to be enrolled in a combination of sessions that  
38 total more than 12 hours per week for each child.

39 (h) Extended day care programs operated by public or private  
40 schools.

- 1 (i) Any school parenting program or adult education child care
- 2 program that satisfies both of the following:
- 3 (1) Is operated by a public school district or operated by an
- 4 individual or organization pursuant to a contract with a public
- 5 school district.
- 6 (2) Is not operated by an organization specified in Section
- 7 1596.793.
- 8 (j) Any child day care program that operates only one day per
- 9 week for no more than four hours on that one day.
- 10 (k) Any child day care program that offers temporary child care
- 11 services to parents and that satisfies both of the following:
- 12 (1) The services are only provided to parents and guardians who
- 13 are on the same premises as the site of the child day care program.
- 14 (2) The child day care program is not operated on the site of a
- 15 ski facility, shopping mall, department store, or any other similar
- 16 site identified by the department by regulation.
- 17 (l) Any program that provides activities for children of an
- 18 instructional nature in a classroom-like setting and satisfies both
- 19 of the following:
- 20 (1) Is operated only during periods of the year when students
- 21 in kindergarten and grades 1 to 12, inclusive, are normally not in
- 22 session in the public school district where the program is located
- 23 due to regularly scheduled vacations.
- 24 (2) Offers any number of sessions during the period specified
- 25 in paragraph (1) that when added together do not exceed a total of
- 26 30 days when only schoolage children are enrolled in the program
- 27 or 15 days when children younger than schoolage are enrolled in
- 28 the program.
- 29 (m) A program facility administered by the Department of
- 30 Corrections and Rehabilitation that (1) houses both women and
- 31 their children, and (2) is specifically designated for the purpose of
- 32 providing substance abuse treatment and maintaining and
- 33 strengthening the family unit pursuant to Chapter 4 (commencing
- 34 with Section 3410) of Title 2 of Part 3 of the Penal Code, or
- 35 Chapter 4.8 (commencing with Section 1174) of Title 7 of Part 2
- 36 of that code.
- 37 (n) Any crisis nursery, as defined in ~~subdivision (a) of Section~~
- 38 ~~1516~~ *paragraph (17) of subdivision (a) of Section 1502.*

1     ~~SEC. 3.~~

2     *SEC. 5.* No reimbursement is required by this act pursuant to  
3 Section 6 of Article XIII B of the California Constitution because  
4 the only costs that may be incurred by a local agency or school  
5 district will be incurred because this act creates a new crime or  
6 infraction, eliminates a crime or infraction, or changes the penalty  
7 for a crime or infraction, within the meaning of Section 17556 of  
8 the Government Code, or changes the definition of a crime within  
9 the meaning of Section 6 of Article XIII B of the California  
10 Constitution.

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