

Introduced by Senator Beall
(Principal coauthor: Assembly Member Chiu)
(Coauthors: Senators Mitchell and Monning)

February 26, 2015

An act to amend Section 1536 of, and to add Section 1538.8 to, the Health and Safety Code, and to amend Section 11469 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 484, as introduced, Beall. Juveniles.

(1) The California Community Care Facilities Act provides for the licensure and regulation of community care facilities, including foster family homes and group homes, by the State Department of Social Services. A violation of this act is a misdemeanor.

Existing law requires the department director, at least annually, to publish and make available to interested persons a list covering all licensed community care facilities, except as specified, and the services for which each facility has been licensed or issued a special permit.

This bill would require the department director to include in that list specified information regarding administering psychotropic medications to children in those facilities. The bill would also require the department, if it determines based on that information that a facility is administering psychotropic medications to children at a rate exceeding the average authorization for all group homes, to inspect that facility at least once a year to examine specified factors that contribute to the high utilization of psychotropic medications. The bill would require an inspected facility to submit to the department, within 60 days of that inspection, a corrective action plan including steps the facility shall take to reduce the utilization of psychotropic medications. The bill would require the

department to monitor the facility’s implementation of that plan and make a report, as provided. Because this bill would create a new crime, the bill would impose a state-mandated local program.

(2) Existing law requires the department, on or before January 1, 2016, in consultation with specified associations and other stakeholders, to develop additional performance standards and outcome measures that require group homes to implement programs and services to minimize law enforcement contacts with minors in group homes or under supervision of group home staff.

This bill would require the department, on or before January 1, 2017, in consultation with specified associations and other stakeholders, to develop additional performance standards and outcome measures that require group homes to implement programs and services to reduce utilization of psychotropic medications for children in group homes. The bill would also delete an obsolete provision.

(3) 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 1536 of the Health and Safety Code is
2 amended to read:

3 1536. (a) (1) At least annually, the director shall publish and
4 make available to interested persons a list or lists covering all
5 licensed community care facilities, other than foster family homes
6 and certified family homes of foster family agencies providing
7 24-hour care for six or fewer foster children, and the services for
8 which each facility has been licensed or issued a special permit.

9 (2) For a group home, transitional housing placement provider,
10 community treatment facility, or runaway and homeless youth
11 shelter, the list shall include ~~both~~ all of the following:

12 (A) The number of licensing complaints, types of complaint,
13 and outcomes of complaints, including citations, fines, exclusion
14 orders, license suspensions, revocations, and surrenders.

1 (B) The number, types, and outcomes of law enforcement
2 contacts made by the facility staff or children, as reported pursuant
3 to subdivision (a) of Section 1538.7.

4 (C) *The number of children administered psychotropic*
5 *medications in the facility, and all off the following information*
6 *pertaining to those children:*

7 (1) *The number of children for whom the juvenile court*
8 *preauthorized the administration of the psychotropic medication.*

9 (2) *The number of children administered psychotropic*
10 *medication on an emergency basis.*

11 (3) *The number of those children who are 6 to 11 years of age,*
12 *inclusive.*

13 (4) *The number of those children who are 12 to 17 years of age,*
14 *inclusive.*

15 (5) *The number of children administered an antipsychotic, mood*
16 *stabilizing, or antidepressant medication.*

17 (6) *The number of children administered two or more drugs*
18 *from the same class, including, but not limited to, antidepressants,*
19 *antipsychotics, antianxiety medications.*

20 (7) *The number of children administered two, three, four, or*
21 *more psychotropic medications concurrently.*

22 (8) *The number of children administered one or more*
23 *medications for longer than 90 days.*

24 (9) *The number of children terminated from the program due*
25 *to the child's refusal to take psychotropic medication.*

26 (b) Subject to subdivision (c), to encourage the recruitment of
27 foster family homes and certified family homes of foster family
28 agencies, protect their personal privacy, and to preserve the security
29 and confidentiality of the placements in the homes, the names,
30 addresses, and other identifying information of facilities licensed
31 as foster family homes and certified family homes of foster family
32 agencies providing 24-hour care for six or fewer children shall be
33 considered personal information for purposes of the Information
34 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
35 of Title 1.8 of Part 4 of Division 3 of the Civil Code). This
36 information shall not be disclosed by any state or local agency
37 pursuant to the California Public Records Act (Chapter 3.5
38 (commencing with Section 6250) of Division 7 of Title 1 of the
39 Government Code), except as necessary for administering the
40 licensing program, facilitating the placement of children in these

1 facilities, and providing names and addresses only to bona fide
2 professional foster parent organizations upon request.

3 (c) Notwithstanding subdivision (b), the department, a county,
4 or a foster family agency may request information from, or divulge
5 information to, the department, a county, or a foster family agency,
6 regarding a prospective certified parent, foster parent, or relative
7 caregiver for the purpose of, and as necessary to, conduct a
8 reference check to determine whether it is safe and appropriate to
9 license, certify, or approve an applicant to be a certified parent,
10 foster parent, or relative caregiver.

11 (d) The department may issue a citation and, after the issuance
12 of that citation, may assess a civil penalty of fifty dollars (\$50) per
13 day for each instance of a foster family agency's failure to provide
14 the department with the information required by subdivision (h)
15 of Section 88061 of Title 22 of the California Code of Regulations.

16 (e) The Legislature encourages the department, when funds are
17 available for this purpose, to develop a database that would include
18 all of the following information:

19 (1) Monthly reports by a foster family agency regarding family
20 homes.

21 (2) A log of family homes certified and decertified, provided
22 by a foster family agency to the department.

23 (3) Notification by a foster family agency to the department
24 informing the department of a foster family agency's determination
25 to decertify a certified family home due to any of the following
26 actions by the certified family parent:

27 (A) Violating licensing rules and regulations.

28 (B) Aiding, abetting, or permitting the violation of licensing
29 rules and regulations.

30 (C) Conducting oneself in a way that is inimical to the health,
31 morals, welfare, or safety of a child placed in that certified family
32 home.

33 (D) Being convicted of a crime while a certified family parent.

34 (E) Knowingly allowing any child to have illegal drugs or
35 alcohol.

36 (F) Committing an act of child abuse or neglect or an act of
37 violence against another person.

38 SEC. 2. Section 1538.8 is added to the Health and Safety Code,
39 to read:

1 1538.8. (a) If the department, based upon the information
2 gathered pursuant to Section 1536, determines that the children
3 and adolescents in a facility are administered psychotropic
4 medications at a rate that exceeds the average authorization for all
5 group homes, the department shall inspect the facility at least once
6 a year to examine the policies, procedures, practices, child-to-staff
7 ratios, staff training, and other factors that the department
8 determines contribute to the high utilization of psychotropic
9 medications.

10 (b) A facility inspected pursuant to subdivision (a) shall submit
11 to the department a corrective action plan within 60 days of that
12 inspection. The plan shall address the steps that the facility shall
13 take to reduce the utilization of psychotropic medications among
14 residents.

15 (c) The department shall monitor a facility's implementation of
16 its corrective action plan to determine both of the following:

17 (1) Whether the facility has reduced the rate at which residents
18 are administered psychotropic medications, and, if so, the
19 percentage decrease in the administration of those medications.

20 (2) Whether and to what extent alternative, less invasive
21 treatments are being provided to residents.

22 (d) Following an inspection pursuant to subdivision (a), the
23 Community Care Licensing Division shall provide a report to the
24 department's Children and Family Services Division and to any
25 other public agency that has certified the facility's program or any
26 component of the facility's program, including, but not limited to,
27 the State Department of Health Care Services, which certifies
28 group homes pursuant to Section 4096.5 of the Welfare and
29 Institutions Code.

30 SEC. 3. Section 11469 of the Welfare and Institutions Code is
31 amended to read:

32 11469. (a) The department, in consultation with group home
33 providers, the County Welfare Directors Association, the Chief
34 Probation Officers of California, the California Mental Health
35 Directors Association, and the State Department of Health Care
36 Services, shall develop performance standards and outcome
37 measures for determining the effectiveness of the care and
38 supervision, as defined in subdivision (b) of Section 11460,
39 provided by group homes under the AFDC-FC program pursuant
40 to Sections 11460 and 11462. These standards shall be designed

1 to measure group home program performance for the client group
2 that the group home program is designed to serve.

3 (1) The performance standards and outcome measures shall be
4 designed to measure the performance of group home programs in
5 areas over which the programs have some degree of influence, and
6 in other areas of measurable program performance that the
7 department can demonstrate are areas over which group home
8 programs have meaningful managerial or administrative influence.

9 (2) These standards and outcome measures shall include, but
10 are not limited to, the effectiveness of services provided by each
11 group home program, and the extent to which the services provided
12 by the group home assist in obtaining the child welfare case plan
13 objectives for the child.

14 (3) In addition, when the group home provider has identified
15 as part of its program for licensing, ratesetting, or county placement
16 purposes, or has included as a part of a child's case plan by mutual
17 agreement between the group home and the placing agency,
18 specific mental health, education, medical, and other child-related
19 services, the performance standards and outcome measures may
20 also measure the effectiveness of those services.

21 (b) Regulations regarding the implementation of the group home
22 performance standards system required by this section shall be
23 adopted no later than one year prior to implementation. The
24 regulations shall specify both the performance standards system
25 and the manner by which the AFDC-FC rate of a group home
26 program shall be adjusted if performance standards are not met.

27 (c) Except as provided in subdivision (d), effective July 1, 1995,
28 group home performance standards shall be implemented. Any
29 group home program not meeting the performance standards shall
30 have its AFDC-FC rate, set pursuant to Section 11462, adjusted
31 according to the regulations required by this section.

32 (d) ~~Effective July 1, 1995, group A~~ *group home programs*
33 *program* shall be classified at rate classification level 13 or 14
34 only if all of the following are met:

35 (1) The program generates the requisite number of points for
36 rate classification level 13 or 14.

37 (2) The program only accepts children with special treatment
38 needs as determined through the assessment process pursuant to
39 paragraph (2) of subdivision (a) of Section 11462.01.

1 (3) The program meets the performance standards designed
2 pursuant to this section.

3 (e) Notwithstanding subdivision (c), the group home program
4 performance standards system shall not be implemented prior to
5 the implementation of the AFDC-FC performance standards
6 system.

7 (f) ~~By~~ *On or before* January 1, 2016, the department, in
8 consultation with the County Welfare Directors Association, the
9 Chief Probation Officers of California, the California Mental
10 Health Directors Association, research entities, foster youth ~~and~~,
11 advocates for foster youth, foster care provider business entities
12 organized and operated on a nonprofit basis, Indian tribes, and
13 other stakeholders, shall develop additional performance standards
14 and outcome measures that require group homes to implement
15 programs and services to minimize law enforcement contacts and
16 delinquency petition filings arising from incidents of allegedly
17 unlawful behavior by minors occurring in group homes or under
18 the supervision of group home staff, including individualized
19 behavior management programs, emergency intervention plans,
20 and conflict resolution processes.

21 (g) *On or before January 1, 2017, the department, in*
22 *consultation with the County Welfare Directors Association, the*
23 *Chief Probation Officers of California, the California Mental*
24 *Health Directors Association, research entities, foster youth,*
25 *advocates for foster youth, foster care provider business entities*
26 *organized and operated on a nonprofit basis, Indian tribes, and*
27 *other stakeholders, shall develop additional performance standards*
28 *and outcome measures that require group homes to implement*
29 *programs and services to reduce the utilization of psychotropic*
30 *medications for children in group homes, including individualized*
31 *behavior management programs, emergency intervention plans,*
32 *and conflict resolution processes.*

33 SEC. 4. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the penalty
38 for a crime or infraction, within the meaning of Section 17556 of
39 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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