

AMENDED IN ASSEMBLY JULY 8, 2015

AMENDED IN SENATE MAY 5, 2015

AMENDED IN SENATE APRIL 14, 2015

SENATE BILL

No. 524

**Introduced by Senator Lara
(Coauthors: Senators Liu and McGuire)**

February 26, 2015

An act to amend ~~Section~~ *Sections 1502 and 1505* of, and to add Section 1502.2 to, the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 524, as amended, Lara. Private *or public* residential care facilities for youth.

Existing law, the California Community Care Facilities Act (the act), provides for the licensure and regulation of community care and residential facilities by the State Department of Social Services. Under existing law, the act does not apply to certain facilities, including, among others, any school dormitory or similar facility determined by the department. Existing law makes a violation of any of these provisions punishable as a misdemeanor.

This bill would define "private *or public* residential care facility for youth," for purposes of the act, and would ~~specify that make those facilities subject to regulation under the act applies to those facilities.~~ The bill would prohibit a person, firm, partnership, association, organization, corporation, or other entity from operating, establishing, managing, conducting, or maintaining this type of facility unless the facility is licensed by the department. *act*. The bill would require the department to license and inspect these facilities as community care

facilities. The bill would prohibit the department from licensing a private *or public* residential care facility for youth unless all therapeutic components of the programs provided at the facility are licensed by the appropriate agency or department. ~~The bill would prohibit transferring a license.~~

~~This bill would require an applicant for a license to file an application on forms furnished by the department and include specified evidence and information, including, but not limited to, a criminal record clearance. The bill would authorize the department to charge a license application fee and annual regulatory fee in an amount not to exceed the costs reasonably borne by the department in licensing and regulating these facilities. The bill would make moneys from these fees available to the department, upon appropriation of the Legislature, solely for purposes of licensing and regulating these facilities. The bill would require a facility *these facilities* to submit to the department a training plan for facility staff to be approved by the department prior to the facility implementing the training plan. The bill would specify the minimum number of hours of staff training, specify required training content, and require the department to adopt related regulations. *The bill would make a staff member of a private or public residential care facility for youth a mandated child abuse reporter.*~~

~~By adding making private residential care facilities for youth *subject to the criminal penalties under the act*, this bill would create a new *crime, crimes*, thereby imposing 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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) ~~Since the 1990s,~~ *For decades,* hundreds of nontraditional
- 4 treatment programs that are intended to be less restrictive treatment
- 5 options for children with significant behavioral issues have been

1 established nationwide, with thousands of allegations of abuse,
2 including death.

3 (b) There are currently facilities operating within California that
4 are not licensed by the State Department of Social Services.

5 (c) These facilities are often owned and operated by nonprofit
6 organizations described in Section 501(c)(3) of the Internal
7 Revenue Code.

8 (d) These facilities advertise services for youth with behavioral
9 issues to families who may feel they have no other options.

10 (e) Former students have formed national and local organizations
11 to expose the trauma and abuse they experienced at these facilities.

12 (f) Students at these facilities are previous victims of trauma,
13 have experienced parental rejection based on actual or perceived
14 sexual orientation or gender identity, and have mental health and
15 substance use issues.

16 (g) It is the role of the Legislature to ensure proper licensing
17 and regulation of residential facilities for the protection and care
18 of all citizens.

19 (h) It is the intent of the Legislature that the state license private
20 *or public* residential care for youth as a community care facility
21 to ensure the safety of children residing in those facilities.

22 *SEC. 2. Section 1502 of the Health and Safety Code is amended*
23 *to read:*

24 1502. As used in this chapter:

25 (a) “Community care facility” means any facility, place, or
26 building that is maintained and operated to provide nonmedical
27 residential care, day treatment, adult day care, or foster family
28 agency services for children, adults, or children and adults,
29 including, but not limited to, the physically handicapped, mentally
30 impaired, incompetent persons, and abused or neglected children,
31 and includes the following:

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

37 (2) “Adult day program” means any community-based facility
38 or program that provides care to persons 18 years of age or older
39 in need of personal services, supervision, or assistance essential

1 for sustaining the activities of daily living or for the protection of
2 these individuals on less than a 24-hour basis.

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

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

18 (5) “Foster family home” means any residential facility
19 providing 24-hour care for six or fewer foster children that is
20 owned, leased, or rented and is the residence of the foster parent
21 or parents, including their family, in whose care the foster children
22 have been placed. The placement may be by a public or private
23 child placement agency or by a court order, or by voluntary
24 placement by a parent, parents, or guardian. It also means a foster
25 family home described in Section 1505.2.

26 (6) “Small family home” means any residential facility, in the
27 licensee’s family residence, that provides 24-hour care for six or
28 fewer foster children who have mental disorders or developmental
29 or physical disabilities and who require special care and supervision
30 as a result of their disabilities. A small family home may accept
31 children with special health care needs, pursuant to subdivision
32 (a) of Section 17710 of the Welfare and Institutions Code. In
33 addition to placing children with special health care needs, the
34 department may approve placement of children without special
35 health care needs, up to the licensed capacity.

36 (7) “Social rehabilitation facility” means any residential facility
37 that provides social rehabilitation services for no longer than 18
38 months in a group setting to adults recovering from mental illness
39 who temporarily need assistance, guidance, or counseling. Program
40 components shall be subject to program standards pursuant to

1 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
2 2 of Division 5 of the Welfare and Institutions Code.

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

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

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

18 (A) Assumes care, custody, and control of a child through
19 relinquishment of the child to the agency or involuntary termination
20 of parental rights to the child.

21 (B) Assesses the birth parents, prospective adoptive parents, or
22 child.

23 (C) Places children for adoption.

24 (D) Supervises adoptive placements.

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

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

36 (A) Assesses the prospective adoptive parents.

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

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

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

12 (11) “Transitional shelter care facility” means any group care
13 facility that provides for 24-hour nonmedical care of persons in
14 need of personal services, supervision, or assistance essential for
15 sustaining the activities of daily living or for the protection of the
16 individual. Program components shall be subject to program
17 standards developed by the State Department of Social Services
18 pursuant to Section 1502.3.

19 (12) “Transitional housing placement provider” means an
20 organization licensed by the department pursuant to Section
21 1559.110 and Section 16522.1 of the Welfare and Institutions Code
22 to provide transitional housing to foster children at least 16 years
23 of age and not more than 18 years of age, and nonminor
24 dependents, as defined in subdivision (v) of Section 11400 of the
25 Welfare and Institutions Code, to promote their transition to
26 adulthood. A transitional housing placement provider shall be
27 privately operated and organized on a nonprofit basis.

28 (13) “Group home” means a residential facility that provides
29 24-hour care and supervision to children, delivered at least in part
30 by staff employed by the licensee in a structured environment. The
31 care and supervision provided by a group home shall be
32 nonmedical, except as otherwise permitted by law.

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

38 (15) “Enhanced behavioral supports home” means a facility
39 certified by the State Department of Developmental Services
40 pursuant to Article 3.6 (commencing with Section 4684.80) of

1 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,
2 and licensed by the State Department of Social Services as an adult
3 residential facility or a group home that provides 24-hour
4 nonmedical care to individuals with developmental disabilities
5 who require enhanced behavioral supports, staffing, and
6 supervision in a homelike setting. An enhanced behavioral supports
7 home shall have a maximum capacity of four consumers, shall
8 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal
9 Regulations, and shall be eligible for federal Medicaid home- and
10 community-based services funding.

11 (16) “Community crisis home” means a facility certified by the
12 State Department of Developmental Services pursuant to Article
13 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
14 of the Welfare and Institutions Code, and licensed by the State
15 Department of Social Services pursuant to Article 9.7 (commencing
16 with Section 1567.80), as an adult residential facility, providing
17 24-hour nonmedical care to individuals with developmental
18 disabilities receiving regional center service, in need of crisis
19 intervention services, and who would otherwise be at risk of
20 admission to the acute crisis center at Fairview Developmental
21 Center, Sonoma Developmental Center, an acute general hospital,
22 acute psychiatric hospital, an institution for mental disease, as
23 described in Part 5 (commencing with Section 5900) of Division
24 5 of the Welfare and Institutions Code, or an out-of-state
25 placement. A community crisis home shall have a maximum
26 capacity of eight consumers, as defined in subdivision (a) of
27 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
28 42 of the Code of Federal Regulations, and shall be eligible for
29 federal Medicaid home- and community-based services funding.

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

35 (18) *“Private or public residential care facility for youth” means*
36 *a facility or program licensed by the department to operate*
37 *pursuant to Section 1502.2 to provide nonmedical care, counseling,*
38 *or educational or vocational support to persons under 18 years*
39 *of age with social, emotional, behavioral, or mental health issues*
40 *or disorders.*

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

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

4 ~~SEC. 2.~~

5 ~~SEC. 3.~~ Section 1502.2 is added to the Health and Safety Code,
6 to read:

7 ~~1502.2. (a) As used in this section, the following definitions~~
8 ~~apply:~~

9 ~~(1) “Administrator” means the individual designated by the~~
10 ~~licensee to act on behalf of the licensee in the overall management~~
11 ~~of the facility. The licensee, if an individual, and the administrator~~
12 ~~may be one and the same person.~~

13 ~~(2) “Department” means the State Department of Social~~
14 ~~Services.~~

15 ~~(3) “Director” means the Director of Social Services.~~

16 ~~(4) “License” means a basic permit to operate a private~~
17 ~~residential care facility for youth.~~

18 ~~(5) “Private residential care facility for youth” means any~~
19 ~~24-hour residential facility or program operated by a private entity~~
20 ~~providing nonmedical care, counseling, educational or vocational~~
21 ~~support to persons from 12 to 18 years of age with social,~~
22 ~~emotional, behavioral, or mental health issues or disorders,~~
23 ~~including a program that provides any of the following:~~

24 ~~1502.2. (a) The department shall license a private or public~~
25 ~~residential care facility for youth as a community care facility~~
26 ~~pursuant to this chapter. A private or public residential care facility~~
27 ~~for youth may provide any of the following:~~

28 ~~(A)~~

29 ~~(1) A program with wilderness or outdoor experience,~~
30 ~~expedition, or intervention.~~

31 ~~(B)~~

32 ~~(2) A boot camp experience or other experience designed to~~
33 ~~simulate characteristics of basic military training or correctional~~
34 ~~regimes.~~

35 ~~(C)~~

36 ~~(3) A therapeutic boarding school.~~

37 ~~(D)~~

38 ~~(4) A behavior modification program.~~

39 ~~(b) (1) A person, firm, partnership, association, organization,~~
40 ~~corporation, or other entity shall not operate, establish, manage,~~

1 ~~conduct, or maintain a private residential care facility for youth,~~
2 ~~unless the facility is licensed by the department.~~

3 ~~(2) The department shall license and inspect a private residential~~
4 ~~care facility for youth as a community care facility. A license is~~
5 ~~not transferable.~~

6 ~~(e)~~

7 ~~(b) The department shall not license a private or public~~
8 ~~residential care facility for youth unless all therapeutic components~~
9 ~~of the programs provided at the facility are licensed by the~~
10 ~~appropriate agency or department.~~

11 ~~(d) Any person desiring issuance of a license for a private~~
12 ~~residential care facility for youth under this chapter shall file an~~
13 ~~application on forms furnished by the department. The application~~
14 ~~shall include, but not be limited to, all of the following:~~

15 ~~(1) Evidence satisfactory to the department of the ability of the~~
16 ~~applicant to comply with this section and any rules and regulations~~
17 ~~adopted by the department under this section.~~

18 ~~(2) (A) Evidence satisfactory to the department that the~~
19 ~~applicant is of reputable and responsible character.~~

20 ~~(B) The evidence under this paragraph shall include, but is not~~
21 ~~limited to, all of the following:~~

22 ~~(i) (I) A criminal record clearance pursuant to Section 1522.~~
23 ~~The law enforcement agency from which a criminal record is~~
24 ~~requested may charge a reasonable fee sufficient to cover its cost~~
25 ~~in providing the criminal record in accordance with this paragraph.~~

26 ~~(H) The department shall review the criminal record to determine~~
27 ~~whether the applicant has ever been convicted of a crime other~~
28 ~~than a minor traffic violation or arrested for any crime specified~~
29 ~~in subdivision (c) of Section 290 of the Penal Code, or for violating~~
30 ~~Section 245, 273ab, or 273.5, subdivision (b) of Section 273a, or,~~
31 ~~prior to January 1, 1994, paragraph (2) of Section 273a, of the~~
32 ~~Penal Code, or for any crime for which the department is prohibited~~
33 ~~from granting a criminal record exemption. If the applicant has~~
34 ~~been convicted of one of these crimes, the department shall not~~
35 ~~license the applicant.~~

36 ~~(ii) Employment history.~~

37 ~~(iii) Character references.~~

38 ~~(C) If the applicant is a firm, association, organization,~~
39 ~~partnership, business trust, corporation, or other entity, the evidence~~
40 ~~required by this paragraph shall be submitted for members or~~

1 ~~shareholders of the entity and the person who will act as~~
2 ~~administrator.~~
3 ~~(3) Evidence satisfactory to the department that the applicant~~
4 ~~has sufficient financial resources to maintain the standards of~~
5 ~~service required by this section.~~
6 ~~(4) Disclosure of any revocation or other disciplinary action~~
7 ~~taken, or in the process of being taken, against a license held or~~
8 ~~previously held by the applicant.~~
9 ~~(5) Evidence satisfactory to the department of the applicant's~~
10 ~~ability to meet regulatory requirements for the level of care the~~
11 ~~facility intends to provide.~~
12 ~~(6) Evidence satisfactory to the department of adequate~~
13 ~~knowledge of supportive services and other community supports~~
14 ~~that may be necessary to meet the needs of youth residents.~~
15 ~~(7) Designation by the applicant of the individual who shall be~~
16 ~~the administrator of the facility, including, if the applicant is an~~
17 ~~individual, whether the licensee shall also be the administrator.~~
18 ~~(8) A signed statement that the individual submitting the~~
19 ~~application for a license has read and understands the laws and~~
20 ~~regulations governing a private residential care facility for youth.~~
21 ~~(9) Any other information as may be required by the department~~
22 ~~for the proper administration and enforcement of this chapter.~~
23 ~~(10) The facilities plan of operation in accordance with Section~~
24 ~~80022 of Title 22 of the California Code of Regulations.~~
25 ~~(e) The department shall notify a prospective applicant for~~
26 ~~licensure of all of the following:~~
27 ~~(1) At the time of the initial request for information regarding~~
28 ~~the application for licensure, that, prior to obtaining a license, the~~
29 ~~facility shall secure and maintain a fire clearance approval from~~
30 ~~the appropriate local fire enforcing agency or the State Fire~~
31 ~~Marshall, whichever has primary fire protection jurisdiction.~~
32 ~~(2) The provisions of Section 13235 relating to the fire safety~~
33 ~~clearance application.~~
34 ~~(3) That the fire clearance shall be in accordance with state and~~
35 ~~local fire safety regulations.~~
36 ~~(f) (1) The department shall deny an application to issue a~~
37 ~~license if the applicant fails to cooperate with the department in~~
38 ~~completing the application.~~
39 ~~(2) An applicant shall have failed to cooperate if the applicant~~
40 ~~has not provided the information described in this section and in~~

1 applicable regulations of the department, or has not provided that
2 information in the form requested by the department.

3 ~~(g) Any duly authorized officer, employee, or agent of the~~
4 ~~department may, upon presentation of proper identification, enter~~
5 ~~and inspect any place within a private residential care facility for~~
6 ~~youth providing personal care, supervision, or services at any time,~~
7 ~~with or without advance notice, to secure compliance with, or to~~
8 ~~prevent a violation of, this chapter.~~

9 ~~(h) (1) The department may charge an application fee, adjusted~~
10 ~~by capacity, for the issuance of a license to operate a private~~
11 ~~residential care facility for youth, in an amount not to exceed the~~
12 ~~costs reasonably borne by the department in licensing these~~
13 ~~facilities.~~

14 ~~(2) The department may charge a regulatory fee on each annual~~
15 ~~anniversary of the effective date of the license, in an amount not~~
16 ~~to exceed the costs reasonably borne by the department in~~
17 ~~regulating these facilities.~~

18 ~~(3) Fee moneys collected pursuant to this subdivision shall be~~
19 ~~available to the department, upon appropriation of the Legislature,~~
20 ~~solely for the purposes of this section.~~

21 ~~(i) (1) The Legislature finds and declares that the quality of~~
22 ~~services provided to residents of a private residential care facility~~
23 ~~for youth is dependent upon the training and skills of the staff. It~~
24 ~~is the intent of the Legislature in enacting this section to ensure~~
25 ~~that a direct-care staff member has the knowledge and proficiency~~
26 ~~to carry out the tasks of his or her job.~~

27 ~~(2)~~

28 ~~(c) (1) A staff member of a private or public residential care~~
29 ~~facility for youth who supervises residents shall receive appropriate~~
30 ~~training consisting of 10 hours within the first four weeks of~~
31 ~~employment and 8 hours annually thereafter. This training shall~~
32 ~~be administered while the staff is working at the facility, or in a~~
33 ~~classroom setting, or a combination of those settings.~~

34 ~~(2) A staff member of a private or public residential care facility~~
35 ~~for youth is a mandated child abuse reporter, as described in~~
36 ~~subdivision (a) of Section 11165.7 of the Penal Code.~~

37 ~~(3) A private or public residential care facility for youth shall~~
38 ~~submit its training plan to the department and shall implement the~~
39 ~~training plan only after the department has approved the plan. The~~

- 1 training plan shall include, but not be limited to, all of the following
 2 subject areas:
- 3 (A) Residents’ rights as described in subdivision ~~(j)~~: *(d)*.
 - 4 (B) Psychosocial needs of youth.
 - 5 (C) Appropriate response to emergencies.
 - 6 (D) Physical needs for youth residents.
 - 7 (E) Cultural competency and sensitivity in issues relating to the
 8 underserved, lesbian, gay, bisexual, and transgender communities.
 - 9 (F) Laws and regulations pertaining to community care facilities
 10 and programs of private *or public* residential care facilities for
 11 youth.
 - 12 (G) The department shall adopt regulations that establish
 13 additional subject matter required to be included in this training.
 - 14 ~~(j)~~
 - 15 *(d)* A resident of a private *or public* residential care facility for
 16 youth has all of the following ~~rights~~: *rights, a list of which shall*
 17 *be publically posted and accessible to residents:*
 - 18 (1) To be accorded dignity in his or her personal relationships
 19 with staff, residents, and other persons.
 - 20 (2) To be granted a reasonable level of personal privacy in
 21 accommodations, medical care, personal care and assistance, visits,
 22 written and electronic communications, and telephone
 23 conversations.
 - 24 (3) To confidential care of his or her records and personal
 25 information, and to approve release of those records prior to their
 26 release, except as otherwise authorized or required by law.
 - 27 (4) To care, supervision, and services that meet his or her
 28 individual needs and are delivered by staff that are sufficient in
 29 numbers, qualifications, and competency to meet his or her needs
 30 and ensure his or her safety.
 - 31 (5) To be served food of the quality and in the quantity necessary
 32 to meet his or her nutritional needs.
 - 33 (6) (A) To present grievances and recommend changes in
 34 policies, procedures, and services to the facility’s staff,
 35 management, and governing authority, and any other person
 36 without restraint, coercion, discrimination, reprisal, or other
 37 retaliatory actions.
 - 38 (B) To have the licensee take prompt actions to respond to those
 39 grievances.

1 (7) To have frequent contact with parents or guardians, including
2 scheduled and unscheduled telephone conversations, unrestricted
3 written correspondence, and electronic communications.

4 (8) To be fully informed, as evidenced by the resident’s written
5 acknowledgment, prior to, or at the time of, admission to the
6 facility, of all the rules governing the resident’s conduct and
7 responsibilities.

8 (9) To receive in the admission agreement, information that
9 details the planned treatments and care for the resident.

10 (10) For *custodial* parents or guardians to remove the resident
11 from the facility.

12 (11) To consent to have a relative or other person of the
13 resident’s choosing visit or telephone during reasonable hours,
14 privately and without prior notice.

15 (12) To be free of corporal punishment, deprivation of basic
16 necessities, including education, as a punishment, deterrent, or
17 incentive, and physical restraints of any kind.

18 (13) To receive supportive mental and emotional health-related
19 services from trained staff who are licensed or are overseen by
20 licensed mental health professionals.

21 (14) To be free from abusive, humiliating, degrading, or
22 traumatizing actions.

23 ~~(k)~~

24 (e) (1) A private *or public* residential care facility for youth
25 shall not accept for placement, or provide care or supervision to,
26 a child assessed as seriously emotionally disturbed, unless the State
27 Department of Health Care Services has certified the facility as a
28 program *that* meets the standards to provide mental health
29 treatment services for a seriously emotionally disturbed child set
30 forth in Section 4096.5 of the Welfare and Institutions Code.

31 (2) “Seriously emotionally disturbed” has the meaning defined
32 in paragraph (2) of subdivision (a) of Section 5600.3 of the Welfare
33 and Institutions Code.

34 ~~(l)~~

35 (f) Unless a private *or public* residential care facility for youth
36 has been licensed as an alcoholism or drug abuse recovery or
37 treatment facility pursuant to Section 11834.01, the facility shall
38 not advertise or promote services designed to promote the treatment
39 of, or maintain recovery from, alcohol or drug use, which services
40 include one or more of the following types of treatment:

- 1 (1) Detoxification.
- 2 (2) Group sessions.
- 3 (3) Individual sessions.
- 4 (4) Educational sessions.
- 5 (5) Alcoholism or drug abuse recovery or treatment planning.

6 ~~(m)~~

7 (g) A private *or public* residential care facility for youth shall
8 not provide secure containment or use restraints of any kind unless
9 the program components are subject to program standards
10 developed and enforced by the State Department of Health Care
11 Services pursuant to Section 4094 of the Welfare and Institutions
12 Code.

13 ~~(n)~~

14 (h) A private *or public* residential care facility for youth is not
15 an eligible placement option pursuant to Section 319, 361.2, 450,
16 or 727 of the Welfare and Institutions Code.

17 ~~(o)~~

18 (i) A private *or public* residential care facility for youth is not
19 eligible for a rate pursuant to Section 11462 of the Welfare and
20 Institutions Code.

21 ~~(p)~~

22 (j) A private *or public* residential care facility for youth shall
23 not accept for residential placement a child younger than 12 years
24 of age.

25 ~~(q)~~

26 (k) A licensee of a private *or public* residential care facility for
27 youth that advertises or promotes special care, programming, or
28 environments for persons with a mental health, emotional, or social
29 challenge, shall provide each prospective resident and his or her
30 parent or guardian an accurate narrative description of these
31 programs and services. The facility shall provide the description
32 in writing prior to admitting the prospective resident.

33 ~~SEC. 3.~~

34 *SEC. 4.* Section 1505 of the Health and Safety Code is amended
35 to read:

36 1505. This chapter does not apply to any of the following:

- 37 (a) Any health facility, as defined by Section 1250.
- 38 (b) Any clinic, as defined by Section 1202.

1 (c) Any juvenile placement facility approved by the Department
2 of Corrections and Rehabilitation, Division of Juvenile Justice, or
3 any juvenile hall operated by a county.

4 (d) Any place in which a juvenile is judicially placed pursuant
5 to subdivision (a) of Section 727 of the Welfare and Institutions
6 Code.

7 (e) Any child day care facility, as defined in Section 1596.750.

8 (f) Any facility conducted by and for the adherents of any
9 well-recognized church or religious denomination for the purpose
10 of providing facilities for the care or treatment of the sick who
11 depend solely upon prayer or spiritual means for healing in the
12 practice of the religion of the church or denomination.

13 (g) Any school dormitory or similar facility determined by the
14 department, except a private *or public* residential care facility for
15 youth as defined in Section 1502.2.

16 (h) Any house, institution, hotel, homeless shelter, or other
17 similar place that supplies board and room only, or room only, or
18 board only, provided that no resident thereof requires any element
19 of care as determined by the director.

20 (i) Recovery houses or other similar facilities providing group
21 living arrangements for adults recovering from alcoholism or drug
22 addiction where the facility provides no care or supervision.

23 (j) Any alcoholism or drug abuse recovery or treatment facility
24 serving adults as defined by Section 11834.11.

25 (k) Any arrangement for the receiving and care of persons by
26 a relative or any arrangement for the receiving and care of persons
27 from only one family by a close friend of the parent, guardian, or
28 conservator, if the arrangement is not for financial profit and occurs
29 only occasionally and irregularly, as defined by regulations of the
30 department. For purposes of this chapter, arrangements for the
31 receiving and care of persons by a relative shall include relatives
32 of the child for the purpose of keeping sibling groups together.

33 (l) (1) Any home of a relative caregiver of children who are
34 placed by a juvenile court, supervised by the county welfare or
35 probation department, and the placement of whom is approved
36 according to subdivision (d) of Section 309 of the Welfare and
37 Institutions Code.

38 (2) Any home of a nonrelative extended family member, as
39 described in Section 362.7 of the Welfare and Institutions Code,
40 providing care to children who are placed by a juvenile court,

1 supervised by the county welfare or probation department, and the
2 placement of whom is approved according to subdivision (d) of
3 Section 309 of the Welfare and Institutions Code.

4 (3) On and after January 1, 2012, any supervised independent
5 living placement for nonminor dependents, as defined in
6 subdivision (w) of Section 11400 of the Welfare and Institutions
7 Code, who are placed by the juvenile court, supervised by the
8 county welfare department, probation department, Indian tribe,
9 consortium of tribes, or tribal organization that entered into an
10 agreement pursuant to Section 10553.1 of the Welfare and
11 Institutions Code, and whose placement is approved pursuant to
12 subdivision (k) of Section 11400 of the Welfare and Institutions
13 Code.

14 (4) A Transitional Housing Program-Plus, as defined in
15 subdivision (s) of Section 11400 of the Welfare and Institutions
16 Code, that serves only eligible former foster youth over 18 years
17 of age who have exited from the foster care system on or after their
18 18th birthday, and that has obtained certification from the
19 applicable county in accordance with subdivision (c) of Section
20 16522 of the Welfare and Institutions Code.

21 (m) Any supported living arrangement for individuals with
22 developmental disabilities, as defined in Section 4689 of the
23 Welfare and Institutions Code.

24 (n) (1) Any family home agency, family home, or family
25 teaching home as defined in Section 4689.1 of the Welfare and
26 Institutions Code, that is vendored by the State Department of
27 Developmental Services and that does any of the following:

28 (A) As a family home approved by a family home agency,
29 provides 24-hour care for one or two adults with developmental
30 disabilities in the residence of the family home provider or
31 providers and the family home provider or providers' family, and
32 the provider is not licensed by the State Department of Social
33 Services or the State Department of Public Health or certified by
34 a licensee of the State Department of Social Services or the State
35 Department of Public Health.

36 (B) As a family teaching home approved by a family home
37 agency, provides 24-hour care for a maximum of three adults with
38 developmental disabilities in independent residences, whether
39 contiguous or attached, and the provider is not licensed by the
40 State Department of Social Services or the State Department of

1 Public Health or certified by a licensee of the State Department of
2 Social Services or the State Department of Public Health.

3 (C) As a family home agency, engages in recruiting, approving,
4 and providing support to family homes.

5 (2) No part of this subdivision shall be construed as establishing
6 by implication either a family home agency or family home
7 licensing category.

8 (o) Any facility in which only Indian children who are eligible
9 under the federal Indian Child Welfare Act (Chapter 21
10 commencing with Section 1901) of Title 25 of the United States
11 Code) are placed and that is one of the following:

12 (1) An extended family member of the Indian child, as defined
13 in Section 1903 of Title 25 of the United States Code.

14 (2) A foster home that is licensed, approved, or specified by the
15 Indian child's tribe pursuant to Section 1915 of Title 25 of the
16 United States Code.

17 (p) (1) (A) Any housing occupied by elderly or disabled
18 persons, or both, that is initially approved and operated under a
19 regulatory agreement pursuant to Section 202 of Public Law 86-372
20 (12 U.S.C. Sec. 1701q), or Section 811 of Public Law 101-625
21 (42 U.S.C. Sec. 8013), or whose mortgage is insured pursuant to
22 Section 236 of Public Law 90-448 (12 U.S.C. Sec. 1715z), or that
23 receives mortgage assistance pursuant to Section 221d (3) of Public
24 Law 87-70 (12 U.S.C. Sec. 1715l), where supportive services are
25 made available to residents at their option, as long as the project
26 owner or operator does not contract for or provide the supportive
27 services.

28 (B) Any housing that qualifies for a low-income housing credit
29 pursuant to Section 252 of Public Law 99-514 (26 U.S.C. Sec. 42)
30 or that is subject to the requirements for rental dwellings for
31 low-income families pursuant to Section 8 of Public Law 93-383
32 (42 U.S.C. Sec. 1437f), and that is occupied by elderly or disabled
33 persons, or both, where supportive services are made available to
34 residents at their option, as long as the project owner or operator
35 does not contract for or provide the supportive services.

36 (2) The project owner or operator to which paragraph (1) applies
37 may coordinate, or help residents gain access to, the supportive
38 services, either directly, or through a service coordinator.

39 (q) A resource family, as defined in Section 16519.5 of the
40 Welfare and Institutions Code.

1 (r) Any similar facility determined by the director.

2 ~~SEC. 4.~~

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