

AMENDED IN ASSEMBLY AUGUST 4, 2016  
AMENDED IN ASSEMBLY AUGUST 17, 2015  
AMENDED IN ASSEMBLY JULY 8, 2015  
AMENDED IN SENATE MAY 5, 2015  
AMENDED IN SENATE APRIL 14, 2015

**SENATE BILL**

**No. 524**

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**Introduced by Senator Lara**  
**(Coauthors: Senators Liu and McGuire)**  
(Coauthors: Assembly Members Lopez and Low)

February 26, 2015

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An act to amend Sections ~~1502 and 1505~~ of, and to add Section ~~1502.2~~ 1502, 1505, 1507.6, 1522.06, 1522.44, 1523.1, 1538.8, and 1538.9 of, and to add Sections 1502.2 and 1502.21 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.~~ *alternative boarding schools and outdoor programs.*

Existing law, the California Community Care Facilities Act (the act), 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 make those facilities subject~~

~~to regulation under the 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 require 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.~~

*This bill would define “private alternative boarding school” and “private alternative outdoor program” for purposes of the act and would make those facilities subject to regulation under the act. The bill would require the department, commencing January 1, 2018, to license private alternative boarding schools as group homes and, commencing January 1, 2019, to license private alternative outdoor programs as group homes. The bill would impose additional requirements on these facilities and programs, including, among others, requiring them to provide each prospective youth and his or her parent or legal guardian with an accurate written description of the programs and services to be provided and requiring their staff to receive training in specified subject areas. The bill would also establish rights for youth admitted to a private alternative boarding school or a private alternative outdoor program. The bill would require the department to adopt regulations implementing licensure of private alternative boarding schools by January 1, 2018, and to adopt regulations implementing licensure of private alternative outdoor programs by January 1, 2019, and would authorize the department to adopt emergency regulations in both instances.*

~~By making private residential care facilities for youth alternative boarding schools and private alternative outdoor programs subject to the criminal penalties under the act, this bill would create new 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) For decades, hundreds of nontraditional treatment programs  
4 that are intended to be less restrictive treatment options for children  
5 with significant behavioral issues have been established nationwide,  
6 with thousands of allegations of abuse, including death.

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

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

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

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

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

20 (g) It is the role of the Legislature to ensure proper licensing  
21 and regulation of residential facilities for the protection and care  
22 of all citizens.

23 (h) It is the intent of the Legislature that the state license private  
24 ~~or public residential care for youth~~ *alternative boarding schools*  
25 *and private alternative outdoor programs* as a community care  
26 *facility facilities* to ensure the safety of children ~~residing in those~~  
27 *facilities: admitted to those schools or programs.*

28 ~~SEC. 2. Section 1502 of the Health and Safety Code is amended~~  
29 ~~to read:~~

30 ~~1502. As used in this chapter:~~

31 (a) ~~“Community care facility” means any facility, place, or~~  
32 ~~building that is maintained and operated to provide nonmedical~~  
33 ~~residential care, day treatment, adult day care, or foster family~~

1 agency services for children, adults, or children and adults,  
2 including, but not limited to, the physically handicapped, mentally  
3 impaired, incompetent persons, and abused or neglected children,  
4 and includes the following:

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

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

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

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

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

38 (6) “Small family home” means any residential facility, in the  
39 licensee’s family residence, that provides 24-hour care for six or  
40 fewer foster children who have mental disorders or developmental

1 or physical disabilities and who require special care and supervision  
2 as a result of their disabilities. A small family home may accept  
3 children with special health care needs, pursuant to subdivision  
4 (a) of Section 17710 of the Welfare and Institutions Code. In  
5 addition to placing children with special health care needs, the  
6 department may approve placement of children without special  
7 health care needs, up to the licensed capacity.

8 (7) “Social rehabilitation facility” means any residential facility  
9 that provides social rehabilitation services for no longer than 18  
10 months in a group setting to adults recovering from mental illness  
11 who temporarily need assistance, guidance, or counseling. Program  
12 components shall be subject to program standards pursuant to  
13 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part  
14 2 of Division 5 of the Welfare and Institutions Code.

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

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

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

30 (A) Assumes care, custody, and control of a child through  
31 relinquishment of the child to the agency or involuntary termination  
32 of parental rights to the child.

33 (B) Assesses the birth parents, prospective adoptive parents, or  
34 child.

35 (C) Places children for adoption.

36 (D) Supervises adoptive placements.

37 Private full-service adoption agencies shall be organized and  
38 operated on a nonprofit basis. As a condition of licensure to provide  
39 intercountry adoption services, a full-service adoption agency shall  
40 be accredited and in good standing according to Part 96 of Title

1 ~~22 of the Code of Federal Regulations, or supervised by an~~  
 2 ~~accredited primary provider, or acting as an exempted provider,~~  
 3 ~~in compliance with Subpart F (commencing with Section 96.29)~~  
 4 ~~of Part 96 of Title 22 of the Code of Federal Regulations.~~

5 (10) ~~“Noncustodial adoption agency” means any licensed entity~~  
 6 ~~engaged in the business of providing adoption services, that does~~  
 7 ~~all of the following:~~

8 (A) ~~Assesses the prospective adoptive parents.~~

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

12 (C) ~~Cooperatively supervises adoptive placements with a~~  
 13 ~~full-service adoptive agency, but does not disrupt a placement or~~  
 14 ~~remove a child from a placement.~~

15 ~~Private noncustodial adoption agencies shall be organized and~~  
 16 ~~operated on a nonprofit basis. As a condition of licensure to provide~~  
 17 ~~intercountry adoption services, a noncustodial adoption agency~~  
 18 ~~shall be accredited and in good standing according to Part 96 of~~  
 19 ~~Title 22 of the Code of Federal Regulations, or supervised by an~~  
 20 ~~accredited primary provider, or acting as an exempted provider,~~  
 21 ~~in compliance with Subpart F (commencing with Section 96.29)~~  
 22 ~~of Part 96 of Title 22 of the Code of Federal Regulations.~~

23 (11) ~~“Transitional shelter care facility” means any group care~~  
 24 ~~facility that provides for 24-hour nonmedical care of persons in~~  
 25 ~~need of personal services, supervision, or assistance essential for~~  
 26 ~~sustaining the activities of daily living or for the protection of the~~  
 27 ~~individual. Program components shall be subject to program~~  
 28 ~~standards developed by the State Department of Social Services~~  
 29 ~~pursuant to Section 1502.3.~~

30 (12) ~~“Transitional housing placement provider” means an~~  
 31 ~~organization licensed by the department pursuant to Section~~  
 32 ~~1559.110 and Section 16522.1 of the Welfare and Institutions Code~~  
 33 ~~to provide transitional housing to foster children at least 16 years~~  
 34 ~~of age and not more than 18 years of age, and nonminor~~  
 35 ~~dependents, as defined in subdivision (v) of Section 11400 of the~~  
 36 ~~Welfare and Institutions Code, to promote their transition to~~  
 37 ~~adulthood. A transitional housing placement provider shall be~~  
 38 ~~privately operated and organized on a nonprofit basis.~~

39 (13) ~~“Group home” means a residential facility that provides~~  
 40 ~~24-hour care and supervision to children, delivered at least in part~~

1 by staff employed by the licensee in a structured environment. The  
2 care and supervision provided by a group home shall be  
3 nonmedical, except as otherwise permitted by law.

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

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

22 (16) “Community crisis home” means a facility certified by the  
23 State Department of Developmental Services pursuant to Article  
24 8 (commencing with Section 4698) of Chapter 6 of Division 4.5  
25 of the Welfare and Institutions Code, and licensed by the State  
26 Department of Social Services pursuant to Article 9.7 (commencing  
27 with Section 1567.80), as an adult residential facility, providing  
28 24-hour nonmedical care to individuals with developmental  
29 disabilities receiving regional center service, in need of crisis  
30 intervention services, and who would otherwise be at risk of  
31 admission to the acute crisis center at Fairview Developmental  
32 Center, Sonoma Developmental Center, an acute general hospital,  
33 acute psychiatric hospital, an institution for mental disease, as  
34 described in Part 5 (commencing with Section 5900) of Division  
35 5 of the Welfare and Institutions Code, or an out-of-state  
36 placement. A community crisis home shall have a maximum  
37 capacity of eight consumers, as defined in subdivision (a) of  
38 Section 1567.80, shall conform to Section 441.530(a)(1) of Title  
39 42 of the Code of Federal Regulations, and shall be eligible for  
40 federal Medicaid home- and community-based services funding.

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

6 (18) “Private or public residential care facility for youth” means  
7 a facility or program licensed by the department to operate pursuant  
8 to Section 1502.2 to provide nonmedical care, counseling, or  
9 educational or vocational support to persons under 18 years of age  
10 with social, emotional, behavioral, or mental health issues or  
11 disorders.

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

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

15 SEC. 3. Section 1502.2 is added to the Health and Safety Code,  
16 to read:

17 1502.2. (a) The department shall license a private or public  
18 residential care facility for youth as a community care facility  
19 pursuant to this chapter. A private or public residential care facility  
20 for youth may provide any of the following:

21 (1) A program with wilderness or outdoor experience,  
22 expedition, or intervention.

23 (2) A boot camp experience or other experience designed to  
24 simulate characteristics of basic military training or correctional  
25 regimes.

26 (3) A therapeutic boarding school.

27 (4) A behavior modification program.

28 (b) The department shall not license a private or public  
29 residential care facility for youth unless all therapeutic components  
30 of the programs provided at the facility are licensed by the  
31 appropriate agency or department.

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

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

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

- 1     ~~(B) To have the licensee take prompt actions to respond to those~~
- 2     ~~grievances.~~
- 3     ~~(7) To have frequent contact with parents or guardians, including~~
- 4     ~~scheduled and unscheduled telephone conversations, unrestricted~~
- 5     ~~written correspondence, and electronic communications.~~
- 6     ~~(8) To be fully informed, as evidenced by the resident’s written~~
- 7     ~~acknowledgment, prior to, or at the time of, admission to the~~
- 8     ~~facility, of all the rules governing the resident’s conduct and~~
- 9     ~~responsibilities.~~
- 10    ~~(9) To receive in the admission agreement, information that~~
- 11    ~~details the planned treatments and care for the resident.~~
- 12    ~~(10) For custodial parents or guardians to remove the resident~~
- 13    ~~from the facility.~~
- 14    ~~(11) To consent to have a relative or other person of the~~
- 15    ~~resident’s choosing visit or telephone during reasonable hours,~~
- 16    ~~privately and without prior notice.~~
- 17    ~~(12) To be free of corporal punishment, deprivation of basic~~
- 18    ~~necessities, including education, as a punishment, deterrent, or~~
- 19    ~~incentive, and physical restraints of any kind.~~
- 20    ~~(13) To receive supportive mental and emotional health-related~~
- 21    ~~services from trained staff who are licensed or are overseen by~~
- 22    ~~licensed mental health professionals.~~
- 23    ~~(14) To be free from abusive, humiliating, degrading, or~~
- 24    ~~traumatizing actions.~~
- 25    ~~(e) (1) A private or public residential care facility for youth~~
- 26    ~~shall not accept for placement, or provide care or supervision to,~~
- 27    ~~a child assessed as seriously emotionally disturbed, unless the State~~
- 28    ~~Department of Health Care Services has certified the facility as a~~
- 29    ~~program that meets the standards to provide mental health treatment~~
- 30    ~~services for a seriously emotionally disturbed child set forth in~~
- 31    ~~Section 4096.5 of the Welfare and Institutions Code.~~
- 32    ~~(2) “Seriously emotionally disturbed” has the meaning defined~~
- 33    ~~in paragraph (2) of subdivision (a) of Section 5600.3 of the Welfare~~
- 34    ~~and Institutions Code.~~
- 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 ~~(g) A private or public residential care facility for youth shall~~  
7 ~~not provide secure containment or use restraints of any kind unless~~  
8 ~~the program components are subject to program standards~~  
9 ~~developed and enforced by the State Department of Health Care~~  
10 ~~Services pursuant to Section 4094 of the Welfare and Institutions~~  
11 ~~Code.~~

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

15 ~~(i) A private or public residential care facility for youth is not~~  
16 ~~eligible for a rate pursuant to Section 11462 of the Welfare and~~  
17 ~~Institutions Code.~~

18 ~~(j) A private or public residential care facility for youth shall~~  
19 ~~not accept for residential placement a child younger than 12 years~~  
20 ~~of age.~~

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

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

30 1502. As used in this chapter:

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

38 (1) “Residential facility” means any family home, group care  
39 facility, or similar facility determined by the director, for 24-hour  
40 nonmedical care of persons in need of personal services,

1 supervision, or assistance essential for sustaining the activities of  
2 daily living or for the protection of the individual.

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

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

16 (4) “Foster family agency” means any public agency or private  
17 organization engaged in the recruiting, certifying, and training of,  
18 and providing professional support to, foster parents, or in finding  
19 homes or other places for placement of children for temporary or  
20 permanent care who require that level of care. Private foster family  
21 agencies shall be organized and operated on a nonprofit basis.

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

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

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

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

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

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

23 (A) Assumes care, custody, and control of a child through  
24 relinquishment of the child to the agency or involuntary termination  
25 of parental rights to the child.

26 (B) Assesses the birth parents, prospective adoptive parents, or  
27 child.

28 (C) Places children for adoption.

29 (D) Supervises adoptive placements.

30 Private full-service adoption agencies shall be organized and  
31 operated on a nonprofit basis. As a condition of licensure to provide  
32 intercountry adoption services, a full-service adoption agency shall  
33 be accredited and in good standing according to Part 96 of Title  
34 22 of the Code of Federal Regulations, or supervised by an  
35 accredited primary provider, or acting as an exempted provider,  
36 in compliance with Subpart F (commencing with Section 96.29)  
37 of Part 96 of Title 22 of the Code of Federal Regulations.

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

1 (A) Assesses the prospective adoptive parents.

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

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

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

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

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

32 (13) “Group home” means a residential facility that provides  
33 24-hour care and supervision to children, delivered at least in part  
34 by staff employed by the licensee in a structured environment. The  
35 care and supervision provided by a group home shall be  
36 nonmedical, except as otherwise permitted by law.

37 (14) “Runaway and homeless youth shelter” means a group  
38 home licensed by the department to operate a program pursuant  
39 to Section 1502.35 to provide voluntary, short-term, shelter and

1 personal services to runaway youth or homeless youth, as defined  
2 in paragraph (2) of subdivision (a) of Section 1502.35.

3 (15) “Enhanced behavioral supports home” means a facility  
4 certified by the State Department of Developmental Services  
5 pursuant to Article 3.6 (commencing with Section 4684.80) of  
6 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,  
7 and licensed by the State Department of Social Services as an adult  
8 residential facility or a group home that provides 24-hour  
9 nonmedical care to individuals with developmental disabilities  
10 who require enhanced behavioral supports, staffing, and  
11 supervision in a homelike setting. An enhanced behavioral supports  
12 home shall have a maximum capacity of four consumers, shall  
13 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal  
14 Regulations, and shall be eligible for federal Medicaid home- and  
15 community-based services funding.

16 (16) “Community crisis home” means a facility certified by the  
17 State Department of Developmental Services pursuant to Article  
18 8 (commencing with Section 4698) of Chapter 6 of Division 4.5  
19 of the Welfare and Institutions Code, and licensed by the State  
20 Department of Social Services pursuant to Article 9.7 (commencing  
21 with Section 1567.80), as an adult residential facility, providing  
22 24-hour nonmedical care to individuals with developmental  
23 disabilities receiving regional center service, in need of crisis  
24 intervention services, and who would otherwise be at risk of  
25 admission to the acute crisis center at Fairview Developmental  
26 Center, Sonoma Developmental Center, an acute general hospital,  
27 acute psychiatric hospital, an institution for mental disease, as  
28 described in Part 5 (commencing with Section 5900) of Division  
29 5 of the Welfare and Institutions Code, or an out-of-state  
30 placement. A community crisis home shall have a maximum  
31 capacity of eight consumers, as defined in subdivision (a) of  
32 Section 1567.80, shall conform to Section 441.530(a)(1) of Title  
33 42 of the Code of Federal Regulations, and shall be eligible for  
34 federal Medicaid home- and community-based services funding.

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

1 (18) “Short-term residential treatment center” means a  
2 residential facility licensed by the department pursuant to Section  
3 1562.01 and operated by any public agency or private organization  
4 that provides short-term, specialized, and intensive treatment, and  
5 24-hour care and supervision to children. The care and supervision  
6 provided by a short-term residential treatment center shall be  
7 nonmedical, except as otherwise permitted by law.

8 (19) “Private alternative boarding school” means a group home  
9 licensed by the department to operate a program pursuant to  
10 Section 1502.2 to provide youth with 24-hour residential care and  
11 supervision, which, in addition to providing educational services  
12 to youth, provides, or holds itself out as providing,  
13 behavioral-based services to youth with social, emotional, or  
14 behavioral issues. The care and supervision provided by a private  
15 alternative boarding school shall be nonmedical, except as  
16 otherwise permitted by law.

17 (20) “Private alternative outdoor program” means a group  
18 home licensed by the department to operate a program pursuant  
19 to Section 1502.21 to provide youth with 24-hour residential care  
20 and supervision, which provides, or holds itself out as providing,  
21 behavioral-based services in an outdoor living setting to youth  
22 with social, emotional, or behavioral issues. The care and  
23 supervision provided by a private alternative outdoor program  
24 shall be nonmedical, except as otherwise permitted by law.

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

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

28 SEC. 3. Section 1502.2 is added to the Health and Safety Code,  
29 to read:

30 1502.2. (a) Commencing January 1, 2018, the department  
31 shall license private alternative boarding schools, as defined in  
32 paragraph (19) of subdivision (a) of Section 1502, as a group  
33 home pursuant to this chapter. A licensed private alternative  
34 boarding school shall comply with all provisions of this chapter  
35 that are applicable to group homes, unless otherwise indicated,  
36 and with this section.

37 (b) A licensed private alternative boarding school shall comply  
38 with all of the following:

39 (1) It shall be owned and operated on a nonprofit basis by a  
40 private nonprofit corporation or a nonprofit organization.

1 (2) *It shall prepare and maintain a current, written plan of*  
2 *operation, as defined by the department.*

3 (3) *It shall offer 24-hour, nonmedical care and supervision to*  
4 *youth who voluntarily consent to being admitted to the program*  
5 *and who are voluntarily admitted by his or her parent or legal*  
6 *guardian.*

7 (4) (A) *It shall not admit a child younger than 12 years of age.*

8 (B) *It shall not admit a youth who has been assessed by a*  
9 *licensed mental health professional as seriously emotionally*  
10 *disturbed, unless the youth does not require care in a licensed*  
11 *health facility and the State Department of Health Care Services*  
12 *has certified the facility as a program that meets the standards to*  
13 *provide mental health treatment services for a child having a*  
14 *serious emotional disturbance, as set forth in Section 4096.5 of*  
15 *the Welfare and Institutions Code.*

16 (5) *It shall provide each prospective youth and his or her parent*  
17 *or legal guardian with an accurate written description of the*  
18 *programs and services to be provided. If it advertises or promotes*  
19 *special care, programming, or environments for persons with*  
20 *behavioral, emotional, or social challenges, the written description*  
21 *shall include how its programs and services are intended to achieve*  
22 *the advertised or promoted claims.*

23 (6) *It shall ensure that all individuals providing*  
24 *behavioral-based services to youth at the facility are licensed or*  
25 *certified by the appropriate agency, department, or accrediting*  
26 *body, as specified by the department in regulation.*

27 (7) *It shall not use secure containment or manual or mechanical*  
28 *restraints.*

29 (8) *If it offers access to, or holds itself out as offering access*  
30 *to, mental health services, it shall ensure that those services are*  
31 *provided by a licensed mental health provider.*

32 (9) *If it advertises or includes in its marketing materials*  
33 *reference to providing alcohol or substance abuse treatment, it*  
34 *shall ensure that the treatment is provided by a licensed or certified*  
35 *alcoholism or drug abuse recovery or treatment facility.*

36 (c) *A licensed private alternative boarding school shall submit*  
37 *a staff training plan to the department as part of its plan of*  
38 *operation. In addition to the training required of group home staff,*  
39 *the staff training plan shall include, but not be limited to, training*  
40 *in all of the following subject areas:*

- 1     (1) Youth rights, as described in subdivision (d).  
2     (2) Physical and psychosocial needs of youth.  
3     (3) Appropriate responses to emergencies, including an  
4     emergency intervention plan.  
5     (4) Cultural competency and sensitivity in issues relating to the  
6     lesbian, gay, bisexual, and transgender communities.  
7     (5) Laws pertaining to residential care facilities for youth.  
8     (d) (1) A youth admitted to a licensed private alternative  
9     boarding school shall be accorded the following rights and any  
10    other rights adopted by the department in regulations, a list of  
11    which shall be publicly posted and accessible to youth. The  
12    personal rights enumerated in Section 84072 of Title 22 of the  
13    California Code of Regulations shall not apply.  
14    (A) To be accorded dignity in his or her personal relationships  
15    with staff, youth, and other persons.  
16    (B) To live in a safe, healthy, and comfortable environment  
17    where he or she is treated with respect.  
18    (C) To be free from physical, sexual, emotional, or other abuse,  
19    or corporal punishment.  
20    (D) To be granted a reasonable level of personal privacy in  
21    accommodations, personal care and assistance, and visits.  
22    (E) To confidential care of his or her records and personal  
23    information, and to approve release of those records prior to  
24    release, except as otherwise authorized or required by law.  
25    (F) To care, supervision, and services that meet his or her  
26    individual needs and that are delivered by staff who are sufficient  
27    in numbers, qualifications, and competency to meet his or her  
28    needs and ensure his or her safety.  
29    (G) To be served food and beverages of the quality and in the  
30    quantity necessary to meet his or her nutritional and physical  
31    needs.  
32    (H) (i) To present grievances and recommend changes in  
33    policies, procedures, and services to the facility's staff,  
34    management, and governing authority, or any other person without  
35    restraint, coercion, discrimination, reprisal, or other retaliatory  
36    actions.  
37    (ii) To have the licensee take prompt actions to respond to  
38    grievances presented pursuant to clause (i).  
39    (I) To be able to contact parents or legal guardians, including  
40    visits and scheduled and unscheduled private telephone

1 *conversations, written correspondence, and electronic*  
2 *communications, unless prohibited by court order.*

3 *(J) To be fully informed, as evidenced by the youth's written*  
4 *acknowledgment, prior to, or at the time of, admission at the*  
5 *facility, of all the rules governing the youth's conduct and*  
6 *responsibilities.*

7 *(K) To receive in the admission agreement information that*  
8 *details the planned programs and services for the youth.*

9 *(L) To have his or her parents or legal guardians remove him*  
10 *or her from the facility.*

11 *(M) To consent to have visitors or telephone calls during*  
12 *reasonable hours, privately and without prior notice, if the visitors*  
13 *or telephone calls do not disrupt planned activities and are not*  
14 *prohibited by court order or by the youth's parent or legal*  
15 *guardian.*

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

19 *(O) To have caregivers who have received instruction on*  
20 *cultural competency and sensitivity relating to, and best practices*  
21 *for, providing adequate care to lesbian, gay, bisexual, and*  
22 *transgender youth in out-of-home care.*

23 *(P) To be free from acts that seek to change his or her sexual*  
24 *orientation, including efforts to change his or her gender*  
25 *expressions, or to eliminate or reduce sexual or romantic*  
26 *attractions or feelings toward individuals of the same sex.*

27 *(Q) To have fair and equal access to all available services,*  
28 *placement, care, treatment, and benefits and to not be subjected*  
29 *to discrimination or harassment on the basis of actual or perceived*  
30 *race, ethnic group identification, ancestry, national origin, color,*  
31 *religion, sex, sexual orientation, gender identity, mental or physical*  
32 *disability, or HIV status.*

33 *(R) To be free from abusive, humiliating, degrading, or*  
34 *traumatizing actions.*

35 *(2) Paragraph (1) shall not be interpreted to require a licensed*  
36 *private alternative boarding school to take any action that would*  
37 *impair the health or safety of youth in the facility.*

38 *(e) (1) A licensed private alternative boarding school is not an*  
39 *eligible placement option pursuant to Section 319, 361.2, 450, or*  
40 *727 of the Welfare and Institutions Code.*

1 (2) A licensed private alternative boarding school shall not be  
2 eligible for a rate pursuant to Section 11462 of the Welfare and  
3 Institutions Code.

4 (f) This section does not apply to any facility operated, licensed,  
5 or certified by the Department of Corrections and Rehabilitation  
6 and its Division of Juvenile Justice, the California Conservation  
7 Corps, the Military Department, or any other governmental entity  
8 or to a boarding school that solely focuses on academics.

9 (g) (1) On or before January 1, 2018, the department shall  
10 adopt regulations to implement this section, in consultation with  
11 interested parties, including representatives of private alternative  
12 boarding schools, former residents of private alternative boarding  
13 schools, and advocates for youth. Until regulations are adopted  
14 and become effective pursuant to the Administrative Procedure  
15 Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of  
16 Division 3 of Title 2 of the Government Code, a private alternative  
17 boarding school shall be governed by the regulations applicable  
18 to group homes, Chapter 5 (commencing with Section 84000) of  
19 Division 6 of Title 22 of the California Code of Regulations.

20 (2) The department may adopt emergency regulations to  
21 implement this section. The adoption, amendment, repeal, or  
22 readoption of a regulation authorized by this section is deemed to  
23 address an emergency, for purposes of Sections 11346.1 and  
24 11349.6 of the Government Code, and the department is hereby  
25 exempted for this purpose from the requirements of subdivision  
26 (b) of Section 11346.1 of the Government Code.

27 (h) A private alternative boarding school operating prior to  
28 January 1, 2018, shall comply with licensing requirements on or  
29 before July 1, 2018.

30 (i) For the purpose of this section, “youth” means a person who  
31 is 12 to 17 years of age, inclusive, or a person who is 18 years of  
32 age if he or she is completing high school or its equivalent.

33 SEC. 4. Section 1502.21 is added to the Health and Safety  
34 Code, to read:

35 1502.21. (a) Commencing January 1, 2019, the department  
36 shall license private alternative outdoor programs, as defined in  
37 paragraph (20) of subdivision (a) of Section 1502, as a group  
38 home pursuant to this chapter. A private alternative outdoor  
39 program shall comply with the provisions of this chapter that are

1 applicable to group homes, unless otherwise indicated, and with  
2 this section.

3 (b) A licensed private alternative outdoor program shall comply  
4 with all of the following:

5 (1) It shall be owned and operated on a nonprofit basis by a  
6 private nonprofit corporation or a nonprofit organization.

7 (2) It shall prepare and maintain a current, written plan of  
8 operation, as defined by the department.

9 (3) It shall offer 24-hour, nonmedical care and supervision to  
10 youth who voluntarily consent to being admitted to the program  
11 and who are voluntarily admitted by his or her parent or legal  
12 guardian.

13 (4) It shall have a ratio of one staff person to every four youths.

14 (5) (A) It shall not admit a child who is younger than 12 years  
15 of age.

16 (B) It shall not admit a youth who has been assessed by a  
17 licensed mental health professional as seriously emotionally  
18 disturbed, unless the youth does not require care in a licensed  
19 health facility and the State Department of Health Care Services  
20 has certified the program as a program that meets the standards  
21 to provide mental health treatment services for a child having a  
22 serious emotional disturbance, as set forth in Section 4096.5 of  
23 the Welfare and Institutions Code.

24 (6) It shall provide each prospective youth and his or her parent  
25 or legal guardian with an accurate written description of the  
26 programs and services to be provided. If it advertises or promotes  
27 special care, programming, or environments for persons with  
28 behavioral, emotional, or social challenges, the written description  
29 shall include how its programs and services are intended to achieve  
30 the advertised or promoted claims.

31 (7) It shall ensure that all individuals providing  
32 behavioral-based services to youth in the program are licensed  
33 or certified by the appropriate agency, department, or accrediting  
34 body, as specified by the department in regulation.

35 (8) It shall not use secure containment or manual or mechanical  
36 restraints.

37 (9) If it offers access to, or holds itself out as offering access  
38 to, mental health services, it shall ensure that those services are  
39 provided by a licensed mental health provider.

1 (10) If it advertises or includes in its marketing materials  
2 reference to providing alcohol or substance abuse treatment, it  
3 shall ensure that the treatment is provided by a licensed or certified  
4 alcoholism or drug abuse recovery or treatment facility.

5 (c) (1) In addition to the training required of group home staff  
6 by department regulations, a staff member of a licensed private  
7 alternative outdoor program who supervises youth shall receive  
8 an additional number of hours of initial and annual training, to  
9 be determined by the department in regulations developed in  
10 consultation with stakeholders.

11 (2) A licensed private alternative outdoor program shall submit  
12 a staff training plan to the department as part of its plan of  
13 operation. The staff training plan shall provide for the number of  
14 additional initial and annual training hours required by paragraph  
15 (1) and shall include, but not be limited to, training in all of the  
16 following subject areas:

17 (A) Youth rights, as described in subdivision (d).

18 (B) Physical and psychosocial needs of youth.

19 (C) Appropriate responses to emergencies, including an  
20 emergency intervention plan.

21 (D) Cultural competency and sensitivity in issues relating to  
22 the lesbian, gay, bisexual, and transgender communities.

23 (E) Laws pertaining to residential care facilities for youth.

24 (F) Low-impact camping.

25 (G) Navigation skills.

26 (H) Water, food, and shelter procurement.

27 (I) Recognition of poisonous plants.

28 (J) Wilderness first aid.

29 (K) Health issues related to acclimation and exposure.

30 (L) Report writing and log maintenance.

31 (d) (1) A youth admitted to a licensed private alternative  
32 outdoor program shall be accorded the following rights and any  
33 other rights adopted by the department by regulation, a list of  
34 which shall be publicly posted and accessible to youth. The  
35 personal rights enumerated in Section 84072 of Title 22 of the  
36 California Code of Regulations shall not apply.

37 (A) To be accorded dignity in his or her personal relationships  
38 with staff, youth, and other persons.

39 (B) To live in a safe, healthy, and comfortable environment  
40 where he or she is treated with respect.

1 (C) *To be free from physical, sexual, emotional, or other abuse,*  
2 *or corporal punishment.*

3 (D) *To be granted a reasonable level of personal privacy in*  
4 *accommodations, personal care and assistance, and visits.*

5 (E) *To confidential care of his or her records and personal*  
6 *information, and to approve release of those records prior to*  
7 *release, except as otherwise authorized or required by law.*

8 (F) *To care, supervision, and services that meet his or her*  
9 *individual needs and that are delivered by staff who are sufficient*  
10 *in numbers, qualifications, and competency to meet his or her*  
11 *needs and ensure his or her safety.*

12 (G) *To be served food and beverages of the quality and in the*  
13 *quantity necessary to meet his or her nutritional and physical*  
14 *needs.*

15 (H) (i) *To present grievances and recommend changes in*  
16 *policies, procedures, and services to the program's staff,*  
17 *management, and governing authority, or any other person without*  
18 *restraint, coercion, discrimination, reprisal, or other retaliatory*  
19 *actions.*

20 (ii) *To have the licensee take prompt actions to respond to*  
21 *grievances presented pursuant to clause (i).*

22 (I) *To be able to contact parents or legal guardians, including*  
23 *visits and scheduled and unscheduled private telephone*  
24 *conversations, written correspondence, and electronic*  
25 *communications, unless prohibited by court order.*

26 (J) *To be fully informed, as evidenced by the youth's written*  
27 *acknowledgment, prior to, or at the time of, admission in the*  
28 *program, of all the rules governing the youth's conduct and*  
29 *responsibilities.*

30 (K) *To receive in the admission agreement information that*  
31 *details the planned programs and services for the youth.*

32 (L) *To have his or her parents or legal guardians remove him*  
33 *or her from the program.*

34 (M) *To consent to have visitors or telephone calls during*  
35 *reasonable hours, privately and without prior notice, provided the*  
36 *visitors or telephone calls do not disrupt planned activities and*  
37 *are not prohibited by court order or by the youth's parent or legal*  
38 *guardian.*

1 (N) To be free of corporal punishment, physical restraints of  
2 any kind, and deprivation of basic necessities, including education,  
3 as a punishment, deterrent, or incentive.

4 (O) To have caregivers who have received instruction on  
5 cultural competency and sensitivity relating to, and best practices  
6 for, providing adequate care to lesbian, gay, bisexual, and  
7 transgender youth in out-of-home care.

8 (P) To be free from acts that seek to change his or her sexual  
9 orientation, including efforts to change his or her gender  
10 expressions, or to eliminate or reduce sexual or romantic  
11 attractions or feelings toward individuals of the same sex.

12 (Q) To have fair and equal access to all available services,  
13 placement, care, treatment, and benefits and to not be subjected  
14 to discrimination or harassment on the basis of actual or perceived  
15 race, ethnic group identification, ancestry, national origin, color,  
16 religion, sex, sexual orientation, gender identity, mental or physical  
17 disability, or HIV status.

18 (R) To be free from abusive, humiliating, degrading, or  
19 traumatizing actions.

20 (2) Paragraph (1) shall not be interpreted to require a licensed  
21 private alternative outdoor program to take any action that would  
22 impair the health or safety of youth in the program.

23 (e) (1) A licensed private alternative outdoor program is not  
24 an eligible placement option pursuant to Section 319, 361.2, 450,  
25 or 727 of the Welfare and Institutions Code.

26 (2) A licensed private alternative outdoor program shall not be  
27 eligible for a rate pursuant to Section 11462 of the Welfare and  
28 Institutions Code.

29 (f) This section does not apply to programs operated, licensed,  
30 or certified by the Department of Corrections and Rehabilitation  
31 and its Division of Juvenile Justice, the California Conservation  
32 Corps, or the Military Department, programs operated by any  
33 governmental entity, any organized camp as defined in Section  
34 18897, outdoor activities for youth designed to be primarily  
35 recreational, including, but not limited to, activities organized by  
36 Outward Bound, Boy Scouts, Girl Scouts, Camp Fire, or other  
37 similar organizations, or any camp exclusively serving children  
38 with a medical diagnosis for a physical condition or illness,  
39 including, but not limited to, cancer, muscular dystrophy, or burn  
40 injuries.

1 (g) (1) *On or before January 1, 2019, the department shall*  
2 *adopt regulations to implement this section in consultation with*  
3 *interested parties, including representatives of private alternative*  
4 *outdoor programs, former participants in private alternative*  
5 *outdoor programs, and advocates for youth. Regulations adopted*  
6 *pursuant to this section shall be contained in the regulations*  
7 *applicable to group homes in Chapter 5 (commencing with Section*  
8 *84000) of Division 6 of Title 22 of the California Code of*  
9 *Regulations.*

10 (2) *The department may adopt emergency regulations to*  
11 *implement this section. The adoption, amendment, repeal, or*  
12 *readoption of a regulation authorized by this section is deemed to*  
13 *address an emergency, for purposes of Sections 11346.1 and*  
14 *11349.6 of the Government Code, and the department is hereby*  
15 *exempted for this purpose from the requirements of subdivision*  
16 *(b) of Section 11346.1 of the Government Code.*

17 (h) *A private alternative outdoor program operating prior*  
18 *January 1, 2019, shall comply with licensing requirements on or*  
19 *before July 1, 2019.*

20 (i) *For the purpose of this section, “youth” means a person who*  
21 *is 12 to 17 years of age, inclusive, or a person who is 18 years of*  
22 *age if he or she is completing high school or its equivalent.*

23 ~~SEC. 4.~~

24 SEC. 5. Section 1505 of the Health and Safety Code is amended  
25 to read:

26 1505. This chapter does not apply to any of the following:

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

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

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

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

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

36 (f) Any facility conducted by and for the adherents of any  
37 well-recognized church or religious denomination for the purpose  
38 of providing facilities for the care or treatment of the sick who  
39 depend solely upon prayer or spiritual means for healing in the  
40 practice of the religion of the church or ~~denomination, except a~~

1 ~~private or public residential care facility for youth as defined in~~  
2 ~~subdivision (a) of Section 1502.~~ *denomination.*

3 (g) Any school dormitory or similar facility determined by the  
4 department, except a ~~private or public residential care facility for~~  
5 ~~youth~~ *alternative boarding school or private alternative outdoor*  
6 *program* as defined in subdivision (a) of Section 1502.

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

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

14 (j) Any alcoholism or drug abuse recovery or treatment facility  
15 ~~servicing adults as defined by Section 11834.11.~~ *as defined in Section*  
16 *11834.02.*

17 (k) Any arrangement for the receiving and care of persons by  
18 a relative or any arrangement for the receiving and care of persons  
19 from only one family by a close friend of the parent, guardian, or  
20 conservator, if the arrangement is not for financial profit and occurs  
21 only occasionally and irregularly, as defined by regulations of the  
22 department. For purposes of this chapter, arrangements for the  
23 receiving and care of persons by a relative shall include relatives  
24 of the child for the purpose of keeping sibling groups together.

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

30 (2) Any home of a nonrelative extended family member, as  
31 described in Section 362.7 of the Welfare and Institutions Code,  
32 providing care to children who are placed by a juvenile court,  
33 supervised by the county welfare or probation department, and the  
34 placement of whom is approved according to subdivision (d) of  
35 Section 309 of the Welfare and Institutions Code.

36 (3) On and after January 1, 2012, any supervised independent  
37 living placement for nonminor dependents, as defined in  
38 subdivision (w) of Section 11400 of the Welfare and Institutions  
39 Code, who are placed by the juvenile court, supervised by the  
40 county welfare department, probation department, Indian tribe,

1 consortium of tribes, or tribal organization that entered into an  
2 agreement pursuant to Section 10553.1 of the Welfare and  
3 Institutions Code, and whose placement is approved pursuant to  
4 subdivision (k) of Section 11400 of the Welfare and Institutions  
5 Code.

6 (4) A Transitional Housing Program-Plus, as defined in  
7 subdivision (s) of Section 11400 of the Welfare and Institutions  
8 Code, that serves only eligible former foster youth over 18 years  
9 of age who have exited from the foster care system on or after their  
10 18th birthday, and that has obtained certification from the  
11 applicable county in accordance with subdivision (c) of Section  
12 16522 of the Welfare and Institutions Code.

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

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

20 (A) As a family home approved by a family home agency,  
21 provides 24-hour care for one or two adults with developmental  
22 disabilities in the residence of the family home provider or  
23 providers and the family home provider or providers' family, and  
24 the provider is not licensed by the State Department of Social  
25 Services or the State Department of Public Health or certified by  
26 a licensee of the State Department of Social Services or the State  
27 Department of Public Health.

28 (B) As a family teaching home approved by a family home  
29 agency, provides 24-hour care for a maximum of three adults with  
30 developmental disabilities in independent residences, whether  
31 contiguous or attached, and the provider is not licensed by the  
32 State Department of Social Services or the State Department of  
33 Public Health or certified by a licensee of the State Department of  
34 Social Services or the State Department of Public Health.

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

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

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

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

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

10 (p) (1) (A) Any housing occupied by elderly or disabled  
11 persons, or both, that is initially approved and operated under a  
12 regulatory agreement pursuant to Section 202 of Public Law 86-372  
13 (12 U.S.C. Sec. 1701q), or Section 811 of Public Law 101-625  
14 (42 U.S.C. Sec. 8013), or whose mortgage is insured pursuant to  
15 Section 236 of Public Law 90-448 (12 U.S.C. Sec. 1715z), or that  
16 receives mortgage assistance pursuant to Section 221d (3) of Public  
17 Law 87-70 (12 U.S.C. Sec. 1715l), where supportive services are  
18 made available to residents at their option, as long as the project  
19 owner or operator does not contract for or provide the supportive  
20 services.

21 (B) Any housing that qualifies for a low-income housing credit  
22 pursuant to Section 252 of Public Law 99-514 (26 U.S.C. Sec. 42)  
23 or that is subject to the requirements for rental dwellings for  
24 low-income families pursuant to Section 8 of Public Law 93-383  
25 (42 U.S.C. Sec. 1437f), and that is occupied by elderly or disabled  
26 persons, or both, where supportive services are made available to  
27 residents at their option, as long as the project owner or operator  
28 does not contract for or provide the supportive services.

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

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

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

35 *SEC. 6. Section 1507.6 of the Health and Safety Code is*  
36 *amended to read:*

37 1507.6. (a) Mental health services, as deemed necessary by  
38 the placing agency, may be provided to children in a group home.  
39 Except for the physical safety and direct care and supervision of  
40 children so placed, the State Department of Social Services and

1 its agents shall not evaluate or have responsibility or liability for  
2 the evaluation of mental health services provided in those homes.  
3 Supervision of mental health treatment services provided to a child  
4 in a group home shall be a case management responsibility of the  
5 placing agency.

6 (b) (1) Psychotropic medications shall be used only in  
7 accordance with the written directions of the physician prescribing  
8 the medication and as authorized by the juvenile court pursuant to  
9 Section 369.5 or 739.5 of the Welfare and Institutions Code.

10 (2) The facility shall maintain in a child's records all of the  
11 following information:

12 (A) A copy of any court order authorizing the psychotropic  
13 medication for the child.

14 (B) A separate log for each psychotropic medication prescribed  
15 for the child, showing all of the following:

16 (i) The name of the medication.

17 (ii) The date of the prescription.

18 (iii) The quantity of medication and number of refills initially  
19 prescribed.

20 (iv) When applicable, any additional refills prescribed.

21 (v) The required dosage and directions for use as specified in  
22 writing by the physician prescribing the medication, including any  
23 changes directed by the physician.

24 (vi) The date and time of each dose taken by the child.

25 (3) This subdivision does not apply to a runaway and homeless  
26 youth shelter, as defined in Section 1502.

27 (4) *The requirements regarding juvenile court authorization,*  
28 *as described in paragraph (1), and maintaining a copy of any court*  
29 *order, as described in subparagraph (A) of paragraph (2), shall*  
30 *only apply to private alternative boarding schools and private*  
31 *alternative outdoor programs, as defined in Section 1502, as*  
32 *otherwise required by applicable law.*

33 *SEC. 7. Section 1522.06 of the Health and Safety Code is*  
34 *amended to read:*

35 1522.06. (a) Individuals who are volunteer candidates for  
36 mentoring children in foster care settings, as defined by the  
37 department, *in private alternative boarding schools, or in private*  
38 *alternative outdoor programs*, shall be subject to a criminal  
39 background investigation prior to having unsupervised contact  
40 with the children. The criminal background check shall be initiated

1 and conducted pursuant to either Sections 1522 and 1522.1 or  
2 Section 1596.603, as applicable. Sections 1522 and 1522.1 may  
3 be utilized by a county social services agency in cooperation with,  
4 or as a component of, a licensed foster family agency.

5 (b) (1) The Department of Justice shall not charge a processing  
6 fee with respect to any individual to whom subdivision (a) applies  
7 for a state-level criminal offender record information search  
8 pursuant to Section 1522.

9 (2) The State Department of Social Services shall not charge a  
10 fee for the cost of a criminal background investigation under  
11 Section 1522 with respect to any individual to whom subdivision  
12 (a) applies.

13 *SEC. 8. Section 1522.44 of the Health and Safety Code is*  
14 *amended to read:*

15 1522.44. (a) It is the policy of the state that caregivers of  
16 children in foster care possess knowledge and skills relating to the  
17 reasonable and prudent parent standard, as defined in subdivision  
18 (c) of Section 362.05 of the Welfare and Institutions Code.

19 (b) Except for licensed foster family homes and certified family  
20 homes, each licensed community care facility that provides care  
21 and supervision to children and operates with staff shall designate  
22 at least one onsite staff member to apply the reasonable and prudent  
23 parent standard to decisions involving the participation of a child  
24 who is placed in the facility in age or developmentally appropriate  
25 activities in accordance with the requirements of Section 362.05  
26 of the Welfare and Institutions Code, Section 671(a)(10) of Title  
27 42 of the United States Code, and the regulations adopted by the  
28 department pursuant to this chapter.

29 (c) A licensed and certified foster parent or facility staff member,  
30 as described in subdivision (b), shall receive training related to the  
31 reasonable and prudent parent standard that is consistent with  
32 Section 671(a)(24) of Title 42 of the United States Code. This  
33 training shall include knowledge and skills relating to the  
34 reasonable and prudent parent standard for the participation of the  
35 child in age or developmentally appropriate activities, including  
36 knowledge and skills relating to the developmental stages of the  
37 cognitive, emotional, physical, and behavioral capacities of a child,  
38 and knowledge and skills relating to applying the standard to  
39 decisions such as whether to allow the child to engage in  
40 extracurricular, enrichment, cultural, and social activities, including

1 sports, field trips, and overnight activities lasting one or more days,  
 2 and to decisions involving the signing of permission slips and  
 3 arranging of transportation for the child to and from extracurricular,  
 4 enrichment, and social activities.

5 (d) This section does not apply to a runaway and homeless youth  
 6 ~~shelters as defined in paragraph (14) of subdivision (a) of Section~~  
 7 ~~1502. shelter, a private alternative boarding school, or a private~~  
 8 ~~alternative outdoor program, as those terms are defined,~~  
 9 ~~respectively, in subdivision (a) of Section 1502.~~

10 SEC. 9. Section 1523.1 of the Health and Safety Code is  
 11 amended to read:

12 1523.1. (a) (1) An application fee adjusted by facility and  
 13 capacity shall be charged by the department for the issuance of a  
 14 license. After initial licensure, a fee shall be charged by the  
 15 department annually on each anniversary of the effective date of  
 16 the license. The fees are for the purpose of financing the activities  
 17 specified in this chapter. Fees shall be assessed as follows, subject  
 18 to paragraph (2):

19 Fee Schedule				
20	21 Facility Type	22 Capacity	23 Initial	24 Annual
25	Foster Family and		\$3,025	\$1,513
26	Adoption Agencies			
27	Adult Day Programs	1-15	\$182	\$91
28		16-30	\$303	\$152
29		31-60	\$605	\$303
30		61-75	\$758	\$378
31		76-90	\$908	\$454
32		91-120	\$1,210	\$605
33		121+	\$1,513	\$757
34	Other Community Care Facilities	1-3	\$454	\$454
35		4-6	\$908	\$454
36		7-15	\$1,363	\$681
37		16-30	\$1,815	\$908
38		31-49	\$2,270	\$1,135
39		50-74	\$2,725	\$1,363
40		75-100	\$3,180	\$1,590
	101-150	\$3,634	\$1,817	

1	151–200	\$4,237	\$2,119
2	201–250	\$4,840	\$2,420
3	251–300	\$5,445	\$2,723
4	301–350	\$6,050	\$3,025
5	351–400	\$6,655	\$3,328
6	401–500	\$7,865	\$3,933
7	501–600	\$9,075	\$4,538
8	601–700	\$10,285	\$5,143
9	701+	\$12,100	\$6,050

10

11 (2) (A) The Legislature finds that all revenues generated by  
 12 fees for licenses computed under this section and used for the  
 13 purposes for which they were imposed are not subject to Article  
 14 XIII B of the California Constitution.

15 (B) The department, at least every five years, shall analyze  
 16 initial application fees and annual fees issued by it to ensure the  
 17 appropriate fee amounts are charged. The department shall  
 18 recommend to the Legislature that fees established by the  
 19 Legislature be adjusted as necessary to ensure that the amounts  
 20 are appropriate.

21 (b) (1) In addition to fees set forth in subdivision (a), the  
 22 department shall charge the following fees:

23 (A) A fee that represents 50 percent of an established application  
 24 fee when an existing licensee moves the facility to a new physical  
 25 address.

26 (B) A fee that represents 50 percent of the established  
 27 application fee when a corporate licensee changes who has the  
 28 authority to select a majority of the board of directors.

29 (C) A fee of twenty-five dollars (\$25) when an existing licensee  
 30 seeks to either increase or decrease the licensed capacity of the  
 31 facility.

32 (D) An orientation fee of fifty dollars (\$50) for attendance by  
 33 any individual at a department-sponsored orientation session.

34 (E) A probation monitoring fee equal to the current annual fee,  
 35 in addition to the current annual fee for that category and capacity  
 36 for each year a license has been placed on probation as a result of  
 37 a stipulation or decision and order pursuant to the administrative  
 38 adjudication procedures of the Administrative Procedure Act  
 39 (Chapter 4.5 (commencing with Section 11400) and Chapter 5

1 (commencing with Section 11500) of Part 1 of Division 3 of Title  
2 2 of the Government Code).

3 (F) A late fee that represents an additional 50 percent of the  
4 established current annual fee when any licensee fails to pay the  
5 current annual licensing fee on or before the due date as indicated  
6 by postmark on the payment.

7 (G) A fee to cover any costs incurred by the department for  
8 processing payments including, but not limited to, bounced check  
9 charges, charges for credit and debit transactions, and postage due  
10 charges.

11 (H) A plan of correction fee of two hundred dollars (\$200) when  
12 any licensee does not implement a plan of correction on or prior  
13 to the date specified in the plan.

14 (I) *Additional fees established by the department by regulation*  
15 *for private alternative boarding schools and private alternative*  
16 *outdoor programs, as necessary to regulate those licensees.*

17 (2) Foster family homes shall be exempt from the fees imposed  
18 pursuant to this subdivision.

19 (3) Foster family agencies shall be annually assessed  
20 eighty-eight dollars (\$88) for each home certified by the agency.

21 (4) No local jurisdiction shall impose any business license, fee,  
22 or tax for the privilege of operating a facility licensed under this  
23 chapter which serves six or fewer persons.

24 (c) (1) The revenues collected from licensing fees pursuant to  
25 this section shall be utilized by the department for the purpose of  
26 ensuring the health and safety of all individuals provided care and  
27 supervision by licensees and to support activities of the licensing  
28 program, including, but not limited to, monitoring facilities for  
29 compliance with licensing laws and regulations pursuant to this  
30 chapter, and other administrative activities in support of the  
31 licensing program, when appropriated for these purposes. The  
32 revenues collected shall be used in addition to any other funds  
33 appropriated in the Budget Act in support of the licensing program.  
34 The department shall adjust the fees collected pursuant to this  
35 section as necessary to ensure that they do not exceed the costs  
36 described in this paragraph.

37 (2) The department shall not utilize any portion of these revenues  
38 sooner than 30 days after notification in writing of the purpose  
39 and use of this revenue, as approved by the Director of Finance,  
40 to the Chairperson of the Joint Legislative Budget Committee, and

1 the chairpersons of the committee in each house that considers  
2 appropriations for each fiscal year. The department shall submit  
3 a budget change proposal to justify any positions or any other  
4 related support costs on an ongoing basis.

5 (d) A facility may use a bona fide business check to pay the  
6 license fee required under this section.

7 (e) The failure of an applicant or licensee to pay all applicable  
8 and accrued fees and civil penalties shall constitute grounds for  
9 denial or forfeiture of a license.

10 *SEC. 10. Section 1538.8 of the Health and Safety Code is*  
11 *amended to read:*

12 1538.8. (a) (1) In order to review and evaluate the use of  
13 psychotropic medications in group homes, the department shall  
14 compile, to the extent feasible and not otherwise prohibited by law  
15 and based on information received from the State Department of  
16 Health Care Services, at least annually, information concerning  
17 each group home, including, but not limited to, the child welfare  
18 psychotropic medication measures developed by the department  
19 and the following Healthcare Effectiveness Data and Information  
20 Set (HEDIS) measures related to psychotropic medications:

21 (A) Follow-Up Care for Children Prescribed Attention Deficit  
22 Hyperactivity Disorder Medication (HEDIS ADD), which measures  
23 the number of children 6 to 12 years of age, inclusive, who have  
24 a visit with a provider with prescribing authority within 30 days  
25 of the new prescription.

26 (B) Use of Multiple Concurrent Antipsychotics in Children and  
27 Adolescents (HEDIS APC), which does both of the following:

28 (i) Measures the number of children receiving an antipsychotic  
29 medication for at least 60 out of 90 days and the number of children  
30 who additionally receive a second antipsychotic medication that  
31 overlaps with the first.

32 (ii) Reports a total rate and age stratifications including 6 to 11  
33 years of age, inclusive, and 12 to 17 years of age, inclusive.

34 (C) Use of First-Line Psychosocial Care for Children and  
35 Adolescents on Antipsychotics (HEDIS APP), which measures  
36 whether a child has received psychosocial services 90 days before  
37 through 30 days after receiving a new prescription for an  
38 antipsychotic medication.

39 (D) Metabolic Monitoring for Children and Adolescents on  
40 Antipsychotics (HEDIS APM), which does both of the following:

1 (i) Measures testing for glucose or HbA1c and lipid or  
2 cholesterol of a child who has received at least two different  
3 antipsychotic prescriptions on different days.

4 (ii) Reports a total rate and age stratifications including 6 to 11  
5 years of age, inclusive, and 12 to 17 years of age, inclusive.

6 (2) The department shall post the list of data to be collected  
7 pursuant to this subdivision on the department's Internet Web site.

8 (b) The data in subdivision (a) concerning psychotropic  
9 medication, mental health services, and placement shall be drawn  
10 from existing data maintained by the State Department of Health  
11 Care Services and the State Department of Social Services and  
12 shared pursuant to a data sharing agreement meeting the  
13 requirements of all applicable state and federal laws and  
14 regulations.

15 (c) This section does not apply to a runaway and homeless youth  
16 shelter, ~~as defined in Section 1502: a private alternative boarding~~  
17 ~~school, or a private alternative outdoor program, as those terms~~  
18 ~~are defined, respectively, in Section 1502.~~

19 *SEC. 11. Section 1538.9 of the Health and Safety Code is*  
20 *amended to read:*

21 1538.9. (a) (1) (A) The department shall consult with the  
22 State Department of Health Care Services and stakeholders to  
23 establish a methodology for identifying those group homes  
24 providing care under the AFDC-FC program pursuant to Sections  
25 11460 and 11462 of the Welfare and Institutions Code that have  
26 levels of psychotropic drug utilization warranting additional review.  
27 The methodology shall be adopted on or before July 1, 2016.

28 (B) Every three years after adopting the methodology developed  
29 under subparagraph (A), or earlier if needed, the department shall  
30 consult with the State Department of Health Care Services and  
31 stakeholders and revise the methodology, if necessary.

32 (2) If the department, applying the methodology described in  
33 paragraph (1), determines that a facility appears to have levels of  
34 psychotropic drug utilization warranting additional review, it shall  
35 inspect the facility at least once a year.

36 (3) The inspection of the facility shall include, but not be limited  
37 to, a review of the following:

38 (A) Plan of operation, policies, procedures, and practices.

39 (B) Child-to-staff ratios.

40 (C) Staff qualifications and training.

1 (D) Implementation of children’s needs and services plan.

2 (E) Availability of psychosocial and other alternative treatments  
3 to the use of psychotropic medications.

4 (F) Other factors that the department determines contribute to  
5 levels of psychotropic drug utilization that warrant additional  
6 review.

7 (G) Confidential interviews of children residing in the facility  
8 at the time of the inspection.

9 (4) The inspection of the facility may include, but is not limited  
10 to, the following:

11 (A) Confidential interviews of children who resided in the  
12 facility within the last six months.

13 (B) Confidential discussions with physicians identified as  
14 prescribing the medications.

15 (b) Following an inspection conducted pursuant to this section,  
16 the department, as it deems appropriate, may do either or both of  
17 the following:

18 (1) Share relevant information and observations with county  
19 placing agencies, social workers, probation officers, the court,  
20 dependency counsel, or the Medical Board of California, as  
21 applicable.

22 (2) Share relevant information and observations with the facility  
23 and require the facility to submit a plan, within 30 days of receiving  
24 the information and observations from the department, to address  
25 any identified risks within the control of the facility related to  
26 psychotropic medication. The department shall approve the plan  
27 and verify implementation of the plan to determine whether those  
28 risks have been remedied.

29 (c) (1) Notwithstanding the rulemaking provisions of the  
30 Administrative Procedure Act (Chapter 3.5 (commencing with  
31 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
32 Code), until emergency regulations are filed with the Secretary of  
33 State, the department may implement this section through  
34 all-county letters or similar instructions.

35 (2) On or before January 1, 2017, the department shall adopt  
36 regulations to implement this section. The initial adoption,  
37 amendment, or repeal of a regulation authorized by this subdivision  
38 is deemed to address an emergency, for purposes of Sections  
39 11346.1 and 11349.6 of the Government Code, and the department  
40 is hereby exempted for that purpose from the requirements of

1 subdivision (b) of Section 11346.1 of the Government Code. After  
2 the initial adoption, amendment, or repeal of an emergency  
3 regulation pursuant to this section, the department may twice  
4 request approval from the Office of Administrative Law to readopt  
5 the regulation as an emergency regulation pursuant to Section  
6 11346.1 of the Government Code. The department shall adopt final  
7 regulations on or before January 1, 2018.

8 (d) Nothing in this section does any of the following:

9 (1) Replaces or alters other requirements for responding to  
10 complaints and making inspections or visits to group homes,  
11 including, but not limited to, those set forth in Sections 1534 and  
12 1538.

13 (2) Prevents or precludes the department from taking any other  
14 action permitted under any other law, including any regulation  
15 adopted pursuant to this chapter.

16 (e) This section does not apply to a runaway and homeless youth  
17 shelter, ~~as defined in Section 1502:~~ *a private alternative boarding*  
18 *school, or a private alternative outdoor program, as those terms*  
19 *are defined, respectively, in Section 1502.*

20 ~~SEC. 5:~~

21 *SEC. 12.* No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.