

AMENDED IN ASSEMBLY AUGUST 19, 2016

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

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

February 26, 2015

An act to amend Sections 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 alternative boarding schools and outdoor programs.

Existing law, the California Community Care Facilities 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 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 alternative boarding schools and private alternative outdoor programs subject to criminal penalties under the act, this bill would create new crimes, thereby imposing a state-mandated local program.

This bill would incorporate additional changes made by AB 741 and AB 1997 that would become operative only if this bill is chaptered last.

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.

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

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

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

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

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

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

17 (h) It is the intent of the Legislature that the state license private
18 alternative boarding schools and private alternative outdoor
19 programs as community care facilities to ensure the safety of
20 children admitted to those schools or programs.

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

23 1502. As used in this chapter:

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

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

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

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

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

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

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

33 (7) “Social rehabilitation facility” means any residential facility
34 that provides social rehabilitation services for no longer than 18
35 months in a group setting to adults recovering from mental illness
36 who temporarily need assistance, guidance, or counseling. Program
37 components shall be subject to program standards pursuant to
38 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
39 2 of Division 5 of the Welfare and Institutions Code.

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

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

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

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

19 (B) Assesses the birth parents, prospective adoptive parents, or
20 child.

21 (C) Places children for adoption.

22 (D) Supervises adoptive placements.

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

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

34 (A) Assesses the prospective adoptive parents.

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

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

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

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

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

25 (13) “Group home” means a residential facility that provides
26 24-hour care and supervision to children, delivered at least in part
27 by staff employed by the licensee in a structured environment. The
28 care and supervision provided by a group home shall be
29 nonmedical, except as otherwise permitted by law.

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

35 (15) “Enhanced behavioral supports home” means a facility
36 certified by the State Department of Developmental Services
37 pursuant to Article 3.6 (commencing with Section 4684.80) of
38 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,
39 and licensed by the State Department of Social Services as an adult
40 residential facility or a group home that provides 24-hour

1 nonmedical care to individuals with developmental disabilities
2 who require enhanced behavioral supports, staffing, and
3 supervision in a homelike setting. An enhanced behavioral supports
4 home shall have a maximum capacity of four consumers, shall
5 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal
6 Regulations, and shall be eligible for federal Medicaid home- and
7 community-based services funding.

8 (16) “Community crisis home” means a facility certified by the
9 State Department of Developmental Services pursuant to Article
10 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
11 of the Welfare and Institutions Code, and licensed by the State
12 Department of Social Services pursuant to Article 9.7 (commencing
13 with Section 1567.80), as an adult residential facility, providing
14 24-hour nonmedical care to individuals with developmental
15 disabilities receiving regional center service, in need of crisis
16 intervention services, and who would otherwise be at risk of
17 admission to the acute crisis center at Fairview Developmental
18 Center, Sonoma Developmental Center, an acute general hospital,
19 acute psychiatric hospital, an institution for mental disease, as
20 described in Part 5 (commencing with Section 5900) of Division
21 5 of the Welfare and Institutions Code, or an out-of-state
22 placement. A community crisis home shall have a maximum
23 capacity of eight consumers, as defined in subdivision (a) of
24 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
25 42 of the Code of Federal Regulations, and shall be eligible for
26 federal Medicaid home- and community-based services funding.

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

32 (18) “Short-term residential treatment center” means a
33 residential facility licensed by the department pursuant to Section
34 1562.01 and operated by any public agency or private organization
35 that provides short-term, specialized, and intensive treatment, and
36 24-hour care and supervision to children. The care and supervision
37 provided by a short-term residential treatment center shall be
38 nonmedical, except as otherwise permitted by law.

39 (19) “Private alternative boarding school” means a group home
40 licensed by the department to operate a program pursuant to Section

1 1502.2 to provide youth with 24-hour residential care and
 2 supervision, which, in addition to providing educational services
 3 to youth, provides, or holds itself out as providing,
 4 behavioral-based services to youth with social, emotional, or
 5 behavioral issues. The care and supervision provided by a private
 6 alternative boarding school shall be nonmedical, except as
 7 otherwise permitted by law.

8 (20) “Private alternative outdoor program” means a group home
 9 licensed by the department to operate a program pursuant to Section
 10 1502.21 to provide youth with 24-hour residential care and
 11 supervision, which provides, or holds itself out as providing,
 12 behavioral-based services in an outdoor living setting to youth
 13 with social, emotional, or behavioral issues. The care and
 14 supervision provided by a private alternative outdoor program
 15 shall be nonmedical, except as otherwise permitted by law.

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

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

19 *SEC. 2.1. Section 1502 of the Health and Safety Code is*
 20 *amended to read:*

21 1502. (a) As used in this chapter:

22 ~~(a)~~

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

30 ~~(1)~~

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

36 ~~(2)~~

37 (B) “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)~~

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

12 ~~(4)~~

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

19 ~~(5)~~

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

28 ~~(6)~~

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

39 ~~(7)~~

1 (G) “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)~~

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

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

21 ~~(9)~~

22 (I) (i) “Full-service adoption agency” means any licensed entity
 23 engaged in the business of providing adoption services, that does
 24 all of the following:

25 ~~(A)~~

26 (I) Assumes care, custody, and control of a child through
 27 relinquishment of the child to the agency or involuntary termination
 28 of parental rights to the child.

29 ~~(B)~~

30 (II) Assesses the birth parents, prospective adoptive parents, or
 31 child.

32 ~~(C)~~

33 (III) Places children for adoption.

34 ~~(D)~~

35 (IV) Supervises adoptive placements.

36 ~~Private~~

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

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

5 ~~(I)~~

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

9 ~~(A)~~

10 (I) Assesses the prospective adoptive parents.

11 ~~(B)~~

12 (II) Cooperatively matches children freed for adoption, who are
13 under the care, custody, and control of a licensed adoption agency,
14 for adoption, with assessed and approved adoptive applicants.

15 ~~(C)~~

16 (III) Cooperatively supervises adoptive placements with a
17 full-service adoptive agency, but does not disrupt a placement or
18 remove a child from a placement.

19 **Private**

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

28 ~~(H)~~

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

36 ~~(I)~~

37 (L) “Transitional housing placement provider” means an
38 organization licensed by the department pursuant to Section
39 1559.110 and Section 16522.1 of the Welfare and Institutions Code
40 to provide transitional housing to foster children at least 16 years

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

6 ~~(13)~~

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

12 ~~(14)~~

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

18 ~~(15)~~

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

32 ~~(16)~~

33 (P) “Community crisis home” means a facility certified by the
34 State Department of Developmental Services pursuant to Article
35 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
36 of the Welfare and Institutions Code, and licensed by the State
37 Department of Social Services pursuant to Article 9.7 (commencing
38 with Section 1567.80), as an adult residential facility, providing
39 24-hour nonmedical care to individuals with developmental
40 disabilities receiving regional center service, in need of crisis

1 intervention services, and who would otherwise be at risk of
2 admission to the acute crisis center at Fairview Developmental
3 Center, Sonoma Developmental Center, an acute general hospital,
4 acute psychiatric hospital, an institution for mental disease, as
5 described in Part 5 (commencing with Section 5900) of Division
6 5 of the Welfare and Institutions Code, or an out-of-state
7 placement. A community crisis home shall have a maximum
8 capacity of eight consumers, as defined in subdivision (a) of
9 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
10 42 of the Code of Federal Regulations, and shall be eligible for
11 federal Medicaid home- and community-based services funding.

12 ~~(17)~~

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

18 ~~(18)~~

19 (R) “Short-term residential treatment center” means a residential
20 facility licensed by the department pursuant to Section 1562.01
21 and operated by any public agency or private organization that
22 provides short-term, specialized, and intensive treatment, and
23 24-hour care and supervision to children. The care and supervision
24 provided by a short-term residential treatment center shall be
25 nonmedical, except as otherwise permitted by law. *A short-term*
26 *residential treatment center may be operated as a children’s crisis*
27 *residential center.*

28 (S) “*Children’s crisis residential center*” means a short-term
29 *residential treatment center operated specifically to divert children*
30 *experiencing a mental health crisis from psychiatric*
31 *hospitalization.*

32 (T) “*Private alternative boarding school*” means a group home
33 *licensed by the department to operate a program pursuant to*
34 *Section 1502.2 to provide youth with 24-hour residential care and*
35 *supervision, which, in addition to providing educational services*
36 *to youth, provides, or holds itself out as providing,*
37 *behavioral-based services to youth with social, emotional, or*
38 *behavioral issues. The care and supervision provided by a private*
39 *alternative boarding school shall be nonmedical, except as*
40 *otherwise permitted by law.*

1 (U) “Private alternative outdoor program” means a group
 2 home licensed by the department to operate a program pursuant
 3 to Section 1502.21 to provide youth with 24-hour residential care
 4 and supervision, which provides, or holds itself out as providing,
 5 behavioral-based services in an outdoor living setting to youth
 6 with social, emotional, or behavioral issues. The care and
 7 supervision provided by a private alternative outdoor program
 8 shall be nonmedical, except as otherwise permitted by law.

9 (b)

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

12 (e)

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

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

19 SEC. 2.2. Section 1502 of the Health and Safety Code is
 20 amended to read:

21 1502. As used in this chapter:

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

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

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

39 (3) “Therapeutic day services facility” means any facility that
 40 provides nonmedical care, counseling, educational or vocational

1 support, or social rehabilitation services on less than a 24-hour
2 basis to persons under 18 years of age who would otherwise be
3 placed in foster care or who are returning to families from foster
4 care. Program standards for these facilities shall be developed by
5 the department, pursuant to Section 1530, in consultation with
6 therapeutic day services and foster care providers.

7 (4) “Foster family agency” means any public agency or private
8 ~~organization engaged in the recruiting, certifying, and training of,~~
9 ~~and providing professional support to, foster parents, or in finding~~
10 ~~homes or other places for placement of children for temporary or~~
11 ~~permanent care who require that level of care. Private foster family~~
12 ~~agencies shall be organized and operated on a nonprofit basis.~~
13 *organization, organized and operated on a nonprofit basis,*
14 *engaged in any of the following:*

15 (A) *Recruiting, certifying, approving, and training of, and*
16 *providing professional support to, foster parents and resource*
17 *families.*

18 (B) *Coordinating with county placing agencies to find homes*
19 *for foster children in need of care.*

20 (C) *Providing services and supports to licensed or certified*
21 *foster parents, county-approved resource families, and children*
22 *to the extent authorized by state and federal law.*

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

31 (6) “Small family home” means any residential facility, in the
32 licensee’s family residence, that provides 24-hour care for six or
33 fewer foster children who have mental disorders or developmental
34 or physical disabilities and who require special care and supervision
35 as a result of their disabilities. A small family home may accept
36 children with special health care needs, pursuant to subdivision
37 (a) of Section 17710 of the Welfare and Institutions Code. In
38 addition to placing children with special health care needs, the
39 department may approve placement of children without special
40 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~~ *adoption* placements
6 with a full-service adoptive agency, but does not disrupt a
7 placement or 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” *therapeutic*
2 *program*” means a residential facility *operated by a public agency*
3 *or private organization and licensed by the department pursuant*
4 *to Section 1562.01 and operated by any public agency or private*
5 *organization that provides short-term, specialized, and intensive*
6 *treatment, and that provides an integrated program of specialized*
7 *and intensive care and supervision, services and supports,*
8 *treatment, and short-term, 24-hour care and supervision to children.*
9 The care and supervision provided by a short-term residential
10 ~~treatment center~~ *therapeutic program* shall be nonmedical, except
11 as otherwise permitted by law. *Private short-term residential*
12 *therapeutic programs shall be organized and operated on a*
13 *nonprofit basis.*

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

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

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

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

34 SEC. 2.3. Section 1502 of the Health and Safety Code is
35 amended to read:

36 1502. (a) As used in this chapter:

37 (a)

38 (1) “Community care facility” means any facility, place, or
39 building that is maintained and operated to provide nonmedical
40 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)

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

11 (2)

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

17 (3)

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

26 (4)

27 (D) “Foster family agency” means any public agency or private
 28 ~~organization engaged in the recruiting, certifying, and training of,~~
 29 ~~and providing professional support to, foster parents, or in finding~~
 30 ~~homes or other places for placement of children for temporary or~~
 31 ~~permanent care who require that level of care. Private foster family~~
 32 ~~agencies shall be organized and operated on a nonprofit basis.~~
 33 *organization, organized and operated on a nonprofit basis,*
 34 *engaged in any of the following:*

35 (i) *Recruiting, certifying, approving, and training of, and*
 36 *providing professional support to, foster parents and resource*
 37 *families.*

38 (ii) *Coordinating with county placing agencies to find homes*
 39 *for foster children in need of care.*

1 (iii) *Providing services and supports to licensed or certified*
2 *foster parents, county-approved resource families, and children*
3 *to the extent authorized by state and federal law.*

4 ~~(5)~~

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

13 ~~(6)~~

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

24 ~~(7)~~

25 (G) “Social rehabilitation facility” means any residential facility
26 that provides social rehabilitation services for no longer than 18
27 months in a group setting to adults recovering from mental illness
28 who temporarily need assistance, guidance, or counseling. Program
29 components shall be subject to program standards pursuant to
30 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
31 2 of Division 5 of the Welfare and Institutions Code.

32 ~~(8)~~

33 (H) “Community treatment facility” means any residential
34 facility that provides mental health treatment services to children
35 in a group setting and that has the capacity to provide secure
36 containment. Program components shall be subject to program
37 standards developed and enforced by the State Department of
38 Health Care Services pursuant to Section 4094 of the Welfare and
39 Institutions Code.

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

6 ~~(9)~~

7 (I) (i) “Full-service adoption agency” means any licensed entity
8 engaged in the business of providing adoption services, that does
9 all of the following:

10 ~~(A)~~

11 (I) Assumes care, custody, and control of a child through
12 relinquishment of the child to the agency or involuntary termination
13 of parental rights to the child.

14 ~~(B)~~

15 (II) Assesses the birth parents, prospective adoptive parents, or
16 child.

17 ~~(C)~~

18 (III) Places children for adoption.

19 ~~(D)~~

20 (IV) Supervises adoptive placements.

21 Private

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

30 ~~(10)~~

31 (J) (i) “Noncustodial adoption agency” means any licensed
32 entity engaged in the business of providing adoption services, that
33 does all of the following:

34 ~~(A)~~

35 (I) Assesses the prospective adoptive parents.

36 ~~(B)~~

37 (II) 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.

40 ~~(C)~~

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

4 ~~Private~~

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

13 ~~(H)~~

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

21 ~~(I)~~

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

31 ~~(J)~~

32 (M) “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 ~~(K)~~

38 (N) “Runaway and homeless youth shelter” means a group home
39 licensed by the department to operate a program pursuant to Section
40 1502.35 to provide voluntary, ~~short-term~~, *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)~~

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

17 ~~(16)~~

18 (P) “Community crisis home” means a facility certified by the
19 State Department of Developmental Services pursuant to Article
20 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
21 of the Welfare and Institutions Code, and licensed by the State
22 Department of Social Services pursuant to Article 9.7 (commencing
23 with Section 1567.80), as an adult residential facility, providing
24 24-hour nonmedical care to individuals with developmental
25 disabilities receiving regional center service, in need of crisis
26 intervention services, and who would otherwise be at risk of
27 admission to the acute crisis center at Fairview Developmental
28 Center, Sonoma Developmental Center, an acute general hospital,
29 acute psychiatric hospital, an institution for mental disease, as
30 described in Part 5 (commencing with Section 5900) of Division
31 5 of the Welfare and Institutions Code, or an out-of-state
32 placement. A community crisis home shall have a maximum
33 capacity of eight consumers, as defined in subdivision (a) of
34 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
35 42 of the Code of Federal Regulations, and shall be eligible for
36 federal Medicaid home- and community-based services funding.

37 ~~(17)~~

38 (Q) “Crisis nursery” means a facility licensed by the department
39 to operate a program pursuant to Section 1516 to provide short-term
40 care and supervision for children under six years of age who are

1 voluntarily placed for temporary care by a parent or legal guardian
2 due to a family crisis or stressful situation.

3 ~~(18)~~

4 (R) “Short-term residential—~~treatment center~~” *therapeutic*
5 *program*” means a residential facility *operated by a public agency*
6 *or private organization and licensed by the department pursuant*
7 *to Section 1562.01 and operated by any public agency or private*
8 *organization that provides short-term, specialized, and intensive*
9 *treatment, and that provides an integrated program of specialized*
10 *and intensive care and supervision, services and supports,*
11 *treatment, and short-term, 24-hour care and supervision to children.*
12 The care and supervision provided by a short-term residential
13 ~~treatment center~~ *therapeutic program* shall be nonmedical, except
14 as otherwise permitted by law. *Private short-term residential*
15 *therapeutic programs shall be organized and operated on a*
16 *nonprofit basis. A short-term residential therapeutic program may*
17 *be operated as a children’s crisis residential center.*

18 (S) “*Children’s crisis residential center*” means a short-term
19 *residential therapeutic program operated specifically to divert*
20 *children experiencing a mental health crisis from psychiatric*
21 *hospitalization.*

22 (T) “*Private alternative boarding school*” means a group home
23 *licensed by the department to operate a program pursuant to*
24 *Section 1502.2 to provide youth with 24-hour residential care and*
25 *supervision, which, in addition to providing educational services*
26 *to youth, provides, or holds itself out as providing,*
27 *behavioral-based services to youth with social, emotional, or*
28 *behavioral issues. The care and supervision provided by a private*
29 *alternative boarding school shall be nonmedical, except as*
30 *otherwise permitted by law.*

31 (U) “*Private alternative outdoor program*” means a group
32 *home licensed by the department to operate a program pursuant*
33 *to Section 1502.21 to provide youth with 24-hour residential care*
34 *and supervision, which provides, or holds itself out as providing,*
35 *behavioral-based services in an outdoor living setting to youth*
36 *with social, emotional, or behavioral issues. The care and*
37 *supervision provided by a private alternative outdoor program*
38 *shall be nonmedical, except as otherwise permitted by law.*

39 ~~(b)~~

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

3 (e)

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

5 (b) *Nothing in this section shall be construed to prohibit or*
6 *discourage placement of persons who have mental or physical*
7 *disabilities into any category of community care facility that meets*
8 *the needs of the individual placed, if the placement is consistent*
9 *with the licensing regulations of the department.*

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

12 1502.2. (a) Commencing January 1, 2018, the department shall
13 license private alternative boarding schools, as defined in paragraph
14 (19) of subdivision (a) of Section 1502, as a group home pursuant
15 to this chapter. A licensed private alternative boarding school shall
16 comply with all provisions of this chapter that are applicable to
17 group homes, unless otherwise indicated, and with this section.

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

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

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

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

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

29 (B) It shall not admit a youth who has been assessed by a
30 licensed mental health professional as seriously emotionally
31 disturbed, unless the youth does not require care in a licensed
32 health facility and the State Department of Health Care Services
33 has certified the facility as a program that meets the standards to
34 provide mental health treatment services for a child having a
35 serious emotional disturbance, as set forth in Section 4096.5 of
36 the Welfare and Institutions Code.

37 (5) It shall provide each prospective youth and his or her parent
38 or legal guardian with an accurate written description of the
39 programs and services to be provided. If it advertises or promotes
40 special care, programming, or environments for persons with

1 behavioral, emotional, or social challenges, the written description
2 shall include how its programs and services are intended to achieve
3 the advertised or promoted claims.

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

8 (7) It shall not use secure containment or manual or mechanical
9 restraints.

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

13 (9) If it advertises or includes in its marketing materials
14 reference to providing alcohol or substance abuse treatment, it
15 shall ensure that the treatment is provided by a licensed or certified
16 alcoholism or drug abuse recovery or treatment facility.

17 (c) A ~~licensed~~ private alternative boarding school shall submit
18 a staff training plan to the department as part of its plan of
19 operation. In addition to the training required of group home staff,
20 the staff training plan shall include, but not be limited to, training
21 in all of the following subject areas:

22 (1) Youth rights, as described in subdivision (d).

23 (2) Physical and psychosocial needs of youth.

24 (3) Appropriate responses to emergencies, including an
25 emergency intervention plan.

26 (4) Cultural competency and sensitivity in issues relating to the
27 lesbian, gay, bisexual, and transgender communities.

28 (5) Laws pertaining to residential care facilities for youth.

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

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

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

39 (C) To be free from physical, sexual, emotional, or other abuse,
40 or corporal punishment.

- 1 (D) To be granted a reasonable level of personal privacy in
2 accommodations, personal care and assistance, and visits.
- 3 (E) To confidential care of his or her records and personal
4 information, and to approve release of those records prior to
5 release, except as otherwise authorized or required by law.
- 6 (F) To care, supervision, and services that meet his or her
7 individual needs and that are delivered by staff who are sufficient
8 in numbers, qualifications, and competency to meet his or her
9 needs and ensure his or her safety.
- 10 (G) To be served food and beverages of the quality and in the
11 quantity necessary to meet his or her nutritional and physical needs.
- 12 (H) (i) To present grievances and recommend changes in
13 policies, procedures, and services to the facility's staff,
14 management, and governing authority, or any other person without
15 restraint, coercion, discrimination, reprisal, or other retaliatory
16 actions.
- 17 (ii) To have the licensee take prompt actions to respond to
18 grievances presented pursuant to clause (i).
- 19 (I) To be able to contact parents or legal guardians, including
20 visits and scheduled and unscheduled private telephone
21 conversations, written correspondence, and electronic
22 communications, unless prohibited by court order.
- 23 (J) To be fully informed, as evidenced by the youth's written
24 acknowledgment, prior to, or at the time of, admission at the
25 facility, of all the rules governing the youth's conduct and
26 responsibilities.
- 27 (K) To receive in the admission agreement information that
28 details the planned programs and services for the youth.
- 29 (L) To have his or her parents or legal guardians remove him
30 or her from the facility.
- 31 (M) To consent to have visitors or telephone calls during
32 reasonable hours, privately and without prior notice, if the visitors
33 or telephone calls do not disrupt planned activities and are not
34 prohibited by court order or by the youth's parent or legal guardian.
- 35 (N) To be free of corporal punishment, physical restraints of
36 any kind, and deprivation of basic necessities, including education,
37 as a punishment, deterrent, or incentive.
- 38 (O) To have caregivers who have received instruction on cultural
39 competency and sensitivity relating to, and best practices for,

1 providing adequate care to lesbian, gay, bisexual, and transgender
2 youth in out-of-home care.

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

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

13 (R) To be free from abusive, humiliating, degrading, or
14 traumatizing actions.

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

18 (e) (1) A licensed private alternative boarding school is not an
19 eligible placement option pursuant to Section 319, 361.2, 450, or
20 727 of the Welfare and Institutions Code.

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

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

29 (g) (1) On or before January 1, 2018, the department shall adopt
30 regulations to implement this section, in consultation with
31 interested parties, including representatives of private alternative
32 boarding schools, former residents of private alternative boarding
33 schools, and advocates for youth. Until regulations are adopted
34 and become effective pursuant to the Administrative Procedure
35 Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of
36 Division 3 of Title 2 of the Government Code, a private alternative
37 boarding school shall be governed by the regulations applicable
38 to group homes, Chapter 5 (commencing with Section 84000) of
39 Division 6 of Title 22 of the California Code of Regulations.

1 (2) The department may adopt emergency regulations to
 2 implement this section. The adoption, amendment, repeal, or
 3 readoption of a regulation authorized by this section is deemed to
 4 address an emergency, for purposes of Sections 11346.1 and
 5 11349.6 of the Government Code, and the department is hereby
 6 exempted for this purpose from the requirements of subdivision
 7 (b) of Section 11346.1 of the Government Code.

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

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

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

16 1502.21. (a) Commencing January 1, 2019, the department
 17 shall license private alternative outdoor programs, as defined in
 18 paragraph (20) of subdivision (a) of Section 1502, as a group home
 19 pursuant to this chapter. A private alternative outdoor program
 20 shall comply with the provisions of this chapter that are applicable
 21 to group homes, unless otherwise indicated, and with this section.

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

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

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

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

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

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

35 (B) It shall not admit a youth who has been assessed by a
 36 licensed mental health professional as seriously emotionally
 37 disturbed, unless the youth does not require care in a licensed
 38 health facility and the State Department of Health Care Services
 39 has certified the program as a program that meets the standards to
 40 provide mental health treatment services for a child having a

1 serious emotional disturbance, as set forth in Section 4096.5 of
2 the Welfare and Institutions Code.

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

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

14 (8) It shall not use secure containment or manual or mechanical
15 restraints.

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

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

23 (c) (1) In addition to the training required of group home staff
24 by department regulations, a staff member of a licensed private
25 alternative outdoor program who supervises youth shall receive
26 an additional number of hours of initial and annual training, to be
27 determined by the department in regulations developed in
28 consultation with stakeholders.

29 (2) A ~~licensed~~ private alternative outdoor program shall submit
30 a staff training plan to the department as part of its plan of
31 operation. The staff training plan shall provide for the number of
32 additional initial and annual training hours required by paragraph
33 (1) and shall include, but not be limited to, training in all of the
34 following subject areas:

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

36 (B) Physical and psychosocial needs of youth.

37 (C) Appropriate responses to emergencies, including an
38 emergency intervention plan.

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

- 1 (E) Laws pertaining to residential care facilities for youth.
- 2 (F) Low-impact camping.
- 3 (G) Navigation skills.
- 4 (H) Water, food, and shelter procurement.
- 5 (I) Recognition of poisonous plants.
- 6 (J) Wilderness first aid.
- 7 (K) Health issues related to acclimation and exposure.
- 8 (L) Report writing and log maintenance.
- 9 (d) (1) A youth admitted to a licensed private alternative
- 10 outdoor program shall be accorded the following rights and any
- 11 other rights adopted by the department by regulation, a list of which
- 12 shall be publicly posted and accessible to youth. The personal
- 13 rights enumerated in Section 84072 of Title 22 of the California
- 14 Code of Regulations shall not apply.
- 15 (A) To be accorded dignity in his or her personal relationships
- 16 with staff, youth, and other persons.
- 17 (B) To live in a safe, healthy, and comfortable environment
- 18 where he or she is treated with respect.
- 19 (C) To be free from physical, sexual, emotional, or other abuse,
- 20 or corporal punishment.
- 21 (D) To be granted a reasonable level of personal privacy in
- 22 accommodations, personal care and assistance, and visits.
- 23 (E) To confidential care of his or her records and personal
- 24 information, and to approve release of those records prior to
- 25 release, except as otherwise authorized or required by law.
- 26 (F) To care, supervision, and services that meet his or her
- 27 individual needs and that are delivered by staff who are sufficient
- 28 in numbers, qualifications, and competency to meet his or her
- 29 needs and ensure his or her safety.
- 30 (G) To be served food and beverages of the quality and in the
- 31 quantity necessary to meet his or her nutritional and physical needs.
- 32 (H) (i) To present grievances and recommend changes in
- 33 policies, procedures, and services to the program'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 in the
5 program, 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 program.

11 (M) To consent to have visitors or telephone calls during
12 reasonable hours, privately and without prior notice, provided the
13 visitors or telephone calls do not disrupt planned activities and are
14 not 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 cultural
20 competency and sensitivity relating to, and best practices for,
21 providing adequate care to lesbian, gay, bisexual, and transgender
22 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 attractions
26 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 outdoor program to take any action that would
37 impair the health or safety of youth in the program.

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

1 (2) A licensed private alternative outdoor program 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 programs operated, licensed,
5 or certified by the Department of Corrections and Rehabilitation
6 and its Division of Juvenile Justice, the California Conservation
7 Corps, or the Military Department, programs operated by any
8 governmental entity, any organized camp as defined in Section
9 18897, outdoor activities for youth designed to be primarily
10 recreational, including, but not limited to, activities organized by
11 Outward Bound, Boy Scouts, Girl Scouts, Camp Fire, or other
12 similar organizations, or any camp exclusively serving children
13 with a medical diagnosis for a physical condition or illness,
14 including, but not limited to, cancer, muscular dystrophy, or burn
15 injuries.

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

24 (2) The department may adopt emergency regulations to
25 implement this section. The adoption, amendment, repeal, or
26 readoption of a regulation authorized by this section is deemed to
27 address an emergency, for purposes of Sections 11346.1 and
28 11349.6 of the Government Code, and the department is hereby
29 exempted for this purpose from the requirements of subdivision
30 (b) of Section 11346.1 of the Government Code.

31 (h) A private alternative outdoor program operating prior
32 January 1, 2019, shall comply with licensing requirements on or
33 before July 1, 2019.

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

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

39 1505. This chapter does not apply to any of the following:

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

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

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

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

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

9 (f) (1) Any facility conducted by and for the adherents of any
10 well-recognized church or religious denomination for the purpose
11 of providing facilities for the care or treatment of the sick who
12 depend solely upon prayer or spiritual means for healing in the
13 practice of the religion of the church or denomination.

14 (2) *A private alternative boarding school or private alternative*
15 *outdoor program, as defined in subdivision (a) of Section 1502,*
16 *that uses prayer or spiritual means as a component of its*
17 *programming or services in addition to behavioral based services*
18 *is subject to licensure under this chapter.*

19 (g) Any school dormitory or similar facility determined by the
20 department, except a private alternative boarding school or private
21 alternative outdoor program as defined in subdivision (a) of Section
22 1502.

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

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

30 (j) Any alcoholism or drug abuse recovery or treatment facility
31 as defined in Section 11834.02.

32 (k) Any arrangement for the receiving and care of persons by
33 a relative or any arrangement for the receiving and care of persons
34 from only one family by a close friend of the parent, guardian, or
35 conservator, if the arrangement is not for financial profit and occurs
36 only occasionally and irregularly, as defined by regulations of the
37 department. For purposes of this chapter, arrangements for the
38 receiving and care of persons by a relative shall include relatives
39 of the child for the purpose of keeping sibling groups together.

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

6 (2) Any home of a nonrelative extended family member, as
7 described in Section 362.7 of the Welfare and Institutions Code,
8 providing care to children who are placed by a juvenile court,
9 supervised by the county welfare or probation department, and the
10 placement of whom is approved according to subdivision (d) of
11 Section 309 of the Welfare and Institutions Code.

12 (3) On and after January 1, 2012, any supervised independent
13 living placement for nonminor dependents, as defined in
14 subdivision (w) of Section 11400 of the Welfare and Institutions
15 Code, who are placed by the juvenile court, supervised by the
16 county welfare department, probation department, Indian tribe,
17 consortium of tribes, or tribal organization that entered into an
18 agreement pursuant to Section 10553.1 of the Welfare and
19 Institutions Code, and whose placement is approved pursuant to
20 subdivision (k) of Section 11400 of the Welfare and Institutions
21 Code.

22 (4) A Transitional Housing Program-Plus, as defined in
23 subdivision (s) of Section 11400 of the Welfare and Institutions
24 Code, that serves only eligible former foster youth over 18 years
25 of age who have exited from the foster care system on or after their
26 18th birthday, and that has obtained certification from the
27 applicable county in accordance with subdivision (c) of Section
28 16522 of the Welfare and Institutions Code.

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

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

36 (A) As a family home approved by a family home agency,
37 provides 24-hour care for one or two adults with developmental
38 disabilities in the residence of the family home provider or
39 providers and the family home provider or providers' family, and
40 the provider is not licensed by the State Department of Social

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

4 (B) As a family teaching home approved by a family home
5 agency, provides 24-hour care for a maximum of three adults with
6 developmental disabilities in independent residences, whether
7 contiguous or attached, and the provider is not licensed by the
8 State Department of Social Services or the State Department of
9 Public Health or certified by a licensee of the State Department of
10 Social Services or the State Department of Public Health.

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

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

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

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

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

25 (p) (1) (A) Any housing occupied by elderly or disabled
26 persons, or both, that is initially approved and operated under a
27 regulatory agreement pursuant to Section 202 of Public Law 86-372
28 (12 U.S.C. Sec. 1701q), or Section 811 of Public Law 101-625
29 (42 U.S.C. Sec. 8013), or whose mortgage is insured pursuant to
30 Section 236 of Public Law 90-448 (12 U.S.C. Sec. 1715z), or that
31 receives mortgage assistance pursuant to Section 221d (3) of Public
32 Law 87-70 (12 U.S.C. Sec. 1715l), where supportive services are
33 made available to residents at their option, as long as the project
34 owner or operator does not contract for or provide the supportive
35 services.

36 (B) Any housing that qualifies for a low-income housing credit
37 pursuant to Section 252 of Public Law 99-514 (26 U.S.C. Sec. 42)
38 or that is subject to the requirements for rental dwellings for
39 low-income families pursuant to Section 8 of Public Law 93-383
40 (42 U.S.C. Sec. 1437f), and that is occupied by elderly or disabled

1 persons, or both, where supportive services are made available to
2 residents at their option, as long as the project owner or operator
3 does not contract for or provide the supportive services.

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

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

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

10 SEC. 6. Section 1507.6 of the Health and Safety Code is
11 amended to read:

12 1507.6. (a) Mental health services, as deemed necessary by
13 the placing agency, may be provided to children in a group home.
14 Except for the physical safety and direct care and supervision of
15 children so placed, the State Department of Social Services and
16 its agents shall not evaluate or have responsibility or liability for
17 the evaluation of mental health services provided in those homes.
18 Supervision of mental health treatment services provided to a child
19 in a group home shall be a case management responsibility of the
20 placing agency.

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

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

27 (A) A copy of any court order authorizing the psychotropic
28 medication for the child.

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

31 (i) The name of the medication.

32 (ii) The date of the prescription.

33 (iii) The quantity of medication and number of refills initially
34 prescribed.

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

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

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

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

3 (4) The requirements regarding juvenile court authorization, as
4 described in paragraph (1), and maintaining a copy of any court
5 order, as described in subparagraph (A) of paragraph (2), shall
6 only apply to private alternative boarding schools and private
7 alternative outdoor programs, as defined in Section 1502, as
8 otherwise required by applicable law.

9 SEC. 7. Section 1522.06 of the Health and Safety Code is
10 amended to read:

11 1522.06. (a) Individuals who are volunteer candidates for
12 mentoring children in foster care settings, as defined by the
13 department, in private alternative boarding schools, or in private
14 alternative outdoor programs, shall be subject to a criminal
15 background investigation prior to having unsupervised contact
16 with the children. The criminal background check shall be initiated
17 and conducted pursuant to either Sections 1522 and 1522.1 or
18 Section 1596.603, as applicable. Sections 1522 and 1522.1 may
19 be utilized by a county social services agency in cooperation with,
20 or as a component of, a licensed foster family agency.

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

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

29 SEC. 8. Section 1522.44 of the Health and Safety Code is
30 amended to read:

31 1522.44. (a) It is the policy of the state that caregivers of
32 children in foster care possess knowledge and skills relating to the
33 reasonable and prudent parent standard, as defined in subdivision
34 (c) of Section 362.05 of the Welfare and Institutions Code.

35 (b) Except for licensed foster family homes and certified family
36 homes, each licensed community care facility that provides care
37 and supervision to children and operates with staff shall designate
38 at least one onsite staff member to apply the reasonable and prudent
39 parent standard to decisions involving the participation of a child
40 who is placed in the facility in age or developmentally appropriate

1 activities in accordance with the requirements of Section 362.05
2 of the Welfare and Institutions Code, Section 671(a)(10) of Title
3 42 of the United States Code, and the regulations adopted by the
4 department pursuant to this chapter.

5 (c) A licensed and certified foster parent or facility staff member,
6 as described in subdivision (b), shall receive training related to the
7 reasonable and prudent parent standard that is consistent with
8 Section 671(a)(24) of Title 42 of the United States Code. This
9 training shall include knowledge and skills relating to the
10 reasonable and prudent parent standard for the participation of the
11 child in age or developmentally appropriate activities, including
12 knowledge and skills relating to the developmental stages of the
13 cognitive, emotional, physical, and behavioral capacities of a child,
14 and knowledge and skills relating to applying the standard to
15 decisions such as whether to allow the child to engage in
16 extracurricular, enrichment, cultural, and social activities, including
17 sports, field trips, and overnight activities lasting one or more days,
18 and to decisions involving the signing of permission slips and
19 arranging of transportation for the child to and from extracurricular,
20 enrichment, and social activities.

21 (d) This section does not apply to a runaway and homeless youth
22 shelter, a private alternative boarding school, or a private alternative
23 outdoor program, as those terms are defined, respectively, in
24 subdivision (a) of Section 1502.

25 *SEC. 8.5. Section 1522.44 of the Health and Safety Code is*
26 *amended to read:*

27 1522.44. (a) It is the policy of the state that caregivers of
28 children in foster care possess knowledge and skills relating to the
29 reasonable and prudent parent standard, as defined in subdivision
30 (c) of Section 362.05 of the Welfare and Institutions Code.

31 (b) Except for licensed foster family ~~homes and homes~~, certified
32 family homes, *and resource families approved by a foster family*
33 *agency*, each licensed community care facility that provides care
34 and supervision to children and operates with staff shall designate
35 at least one onsite staff member to apply the reasonable and prudent
36 parent standard to decisions involving the participation of a child
37 who is placed in the facility in age or developmentally appropriate
38 activities in accordance with the requirements of Section 362.05
39 of the Welfare and Institutions Code, Section 671(a)(10) of Title

1 42 of the United States Code, and the regulations adopted by the
2 department pursuant to this chapter.

3 (c) A licensed and certified foster ~~parent~~ *parent, resource family,*
4 or facility staff member, as described in subdivision (b), shall
5 receive training related to the reasonable and prudent parent
6 standard that is consistent with Section 671(a)(24) of Title 42 of
7 the United States Code. This training shall include knowledge and
8 skills relating to the reasonable and prudent parent standard for
9 the participation of the child in age or developmentally appropriate
10 activities, including knowledge and skills relating to the
11 developmental stages of the cognitive, emotional, physical, and
12 behavioral capacities of a child, and knowledge and skills relating
13 to applying the standard to decisions such as whether to allow the
14 child to engage in extracurricular, enrichment, cultural, and social
15 activities, including sports, field trips, and overnight activities
16 lasting one or more days, and to decisions involving the signing
17 of permission slips and arranging of transportation for the child to
18 and from extracurricular, enrichment, and social activities.

19 (d) This section does not apply to *a runaway and homeless youth*
20 ~~shelters as defined in paragraph (14) of shelter; a private~~
21 *alternative boarding school, or a private alternative outdoor*
22 *program, as those terms are defined, respectively, in subdivision*
23 *(a) of Section 1502.*

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

26 1523.1. (a) (1) An application fee adjusted by facility and
27 capacity shall be charged by the department for the issuance of a
28 license. After initial licensure, a fee shall be charged by the
29 department annually on each anniversary of the effective date of
30 the license. The fees are for the purpose of financing the activities
31 specified in this chapter. Fees shall be assessed as follows, subject
32 to paragraph (2):

33 Fee Schedule				
34	35 Facility Type		36 Initial	
37	38 Capacity	39 Application	40 Annual	
37	38 Foster Family and		\$3,025	\$1,513
38	39 Adoption Agencies			
39	40 Adult Day Programs	1-15	\$182	\$91
40		16-30	\$303	\$152

1		31-60	\$605	\$303
2		61-75	\$758	\$378
3		76-90	\$908	\$454
4		91-120	\$1,210	\$605
5		121+	\$1,513	\$757
6				
7	Other Community	1-3	\$454	\$454
8	Care Facilities	4-6	\$908	\$454
9		7-15	\$1,363	\$681
10		16-30	\$1,815	\$908
11		31-49	\$2,270	\$1,135
12		50-74	\$2,725	\$1,363
13		75-100	\$3,180	\$1,590
14		101-150	\$3,634	\$1,817
15		151-200	\$4,237	\$2,119
16		201-250	\$4,840	\$2,420
17		251-300	\$5,445	\$2,723
18		301-350	\$6,050	\$3,025
19		351-400	\$6,655	\$3,328
20		401-500	\$7,865	\$3,933
21		501-600	\$9,075	\$4,538
22		601-700	\$10,285	\$5,143
23		701+	\$12,100	\$6,050
24				

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

29 (B) The department, at least every five years, shall analyze
 30 initial application fees and annual fees issued by it to ensure the
 31 appropriate fee amounts are charged. The department shall
 32 recommend to the Legislature that fees established by the
 33 Legislature be adjusted as necessary to ensure that the amounts
 34 are appropriate.

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

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

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

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

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

9 (E) A probation monitoring fee equal to the current annual fee,
10 in addition to the current annual fee for that category and capacity
11 for each year a license has been placed on probation as a result of
12 a stipulation or decision and order pursuant to the administrative
13 adjudication procedures of the Administrative Procedure Act
14 (Chapter 4.5 (commencing with Section 11400) and Chapter 5
15 (commencing with Section 11500) of Part 1 of Division 3 of Title
16 2 of the Government Code).

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

21 (G) A fee to cover any costs incurred by the department for
22 processing payments including, but not limited to, bounced check
23 charges, charges for credit and debit transactions, and postage due
24 charges.

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

28 (I) Additional fees established by the department by regulation
29 for private alternative boarding schools and private alternative
30 outdoor programs, as necessary to regulate those licensees.

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

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

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

38 (c) (1) The revenues collected from licensing fees pursuant to
39 this section shall be utilized by the department for the purpose of
40 ensuring the health and safety of all individuals provided care and

1 supervision by licensees and to support activities of the licensing
 2 program, including, but not limited to, monitoring facilities for
 3 compliance with licensing laws and regulations pursuant to this
 4 chapter, and other administrative activities in support of the
 5 licensing program, when appropriated for these purposes. The
 6 revenues collected shall be used in addition to any other funds
 7 appropriated in the Budget Act in support of the licensing program.
 8 The department shall adjust the fees collected pursuant to this
 9 section as necessary to ensure that they do not exceed the costs
 10 described in this paragraph.

11 (2) The department shall not utilize any portion of these revenues
 12 sooner than 30 days after notification in writing of the purpose
 13 and use of this revenue, as approved by the Director of Finance,
 14 to the Chairperson of the Joint Legislative Budget Committee, and
 15 the chairpersons of the committee in each house that considers
 16 appropriations for each fiscal year. The department shall submit
 17 a budget change proposal to justify any positions or any other
 18 related support costs on an ongoing basis.

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

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

24 *SEC. 9.5. Section 1523.1 of the Health and Safety Code is*
 25 *amended to read:*

26 1523.1. (a) (1) An application fee adjusted by facility and
 27 capacity shall be charged by the department for the issuance of a
 28 license. After initial licensure, a fee shall be charged by the
 29 department annually on each anniversary of the effective date of
 30 the license. The fees are for the purpose of financing the activities
 31 specified in this chapter. Fees shall be assessed as follows, subject
 32 to paragraph (2):

33				
34				
35				
36				
37				
38				
39				
40				
Fee Schedule				
Facility Type	Capacity	Initial	Application	Annual
Foster Family and			\$3,025	\$1,513
Adoption Agencies				
Adult Day Programs	1-15		\$182	\$91
	16-30		\$303	\$152

1		31-60	\$605	\$303
2		61-75	\$758	\$378
3		76-90	\$908	\$454
4		91-120	\$1,210	\$605
5		121+	\$1,513	\$757
6				
7	Other Community	1-3	\$454	\$454
8	Care Facilities	4-6	\$908	\$454
9		7-15	\$1,363	\$681
10		16-30	\$1,815	\$908
11		31-49	\$2,270	\$1,135
12		50-74	\$2,725	\$1,363
13		75-100	\$3,180	\$1,590
14		101-150	\$3,634	\$1,817
15		151-200	\$4,237	\$2,119
16		201-250	\$4,840	\$2,420
17		251-300	\$5,445	\$2,723
18		301-350	\$6,050	\$3,025
19		351-400	\$6,655	\$3,328
20		401-500	\$7,865	\$3,933
21		501-600	\$9,075	\$4,538
22		601-700	\$10,285	\$5,143
23		701+	\$12,100	\$6,050
24				

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

29 (B) The department, at least every five years, shall analyze
 30 initial application fees and annual fees issued by it to ensure the
 31 appropriate fee amounts are charged. The department shall
 32 recommend to the Legislature that fees established by the
 33 Legislature be adjusted as necessary to ensure that the amounts
 34 are appropriate.

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

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

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

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

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

9 (E) A probation monitoring fee equal to the current annual fee,
10 in addition to the current annual fee for that category and capacity
11 for each year a license has been placed on probation as a result of
12 a stipulation or decision and order pursuant to the administrative
13 adjudication procedures of the Administrative Procedure Act
14 (Chapter 4.5 (commencing with Section 11400) and Chapter 5
15 (commencing with Section 11500) of Part 1 of Division 3 of Title
16 2 of the Government Code).

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

21 (G) A fee to cover any costs incurred by the department for
22 processing payments including, but not limited to, bounced check
23 charges, charges for credit and debit transactions, and postage due
24 charges.

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

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

31 (2) Foster family homes *and resource family homes approved*
32 *by a foster family agency* shall be exempt from the fees imposed
33 pursuant to this subdivision.

34 (3) Foster family agencies shall be annually assessed
35 eighty-eight dollars (\$88) for each ~~home-certified~~ *certified family*
36 *home and resource family certified or approved* by the agency.

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

1 (c) (1) The revenues collected from licensing fees pursuant to
2 this section shall be utilized by the department for the purpose of
3 ensuring the health and safety of all individuals provided care and
4 supervision by licensees and to support activities of the licensing
5 program, including, but not limited to, monitoring facilities for
6 compliance with licensing laws and regulations pursuant to this
7 chapter, and other administrative activities in support of the
8 licensing program, when appropriated for these purposes. The
9 revenues collected shall be used in addition to any other funds
10 appropriated in the Budget Act in support of the licensing program.
11 The department shall adjust the fees collected pursuant to this
12 section as necessary to ensure that they do not exceed the costs
13 described in this paragraph.

14 (2) The department shall not utilize any portion of these revenues
15 sooner than 30 days after notification in writing of the purpose
16 and use of this revenue, as approved by the Director of Finance,
17 to the Chairperson of the Joint Legislative Budget Committee, and
18 the chairpersons of the committee in each house that considers
19 appropriations for each fiscal year. The department shall submit
20 a budget change proposal to justify any positions or any other
21 related support costs on an ongoing basis.

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

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

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

29 1538.8. (a) (1) In order to review and evaluate the use of
30 psychotropic medications in group homes, the department shall
31 compile, to the extent feasible and not otherwise prohibited by law
32 and based on information received from the State Department of
33 Health Care Services, at least annually, information concerning
34 each group home, including, but not limited to, the child welfare
35 psychotropic medication measures developed by the department
36 and the following Healthcare Effectiveness Data and Information
37 Set (HEDIS) measures related to psychotropic medications:

38 (A) Follow-Up Care for Children Prescribed Attention Deficit
39 Hyperactivity Disorder Medication (HEDIS ADD), which measures
40 the number of children 6 to 12 years of age, inclusive, who have

1 a visit with a provider with prescribing authority within 30 days
2 of the new prescription.

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

5 (i) Measures the number of children receiving an antipsychotic
6 medication for at least 60 out of 90 days and the number of children
7 who additionally receive a second antipsychotic medication that
8 overlaps with the first.

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

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

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

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

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

23 (2) The department shall post the list of data to be collected
24 pursuant to this subdivision on the department’s Internet Web site.

25 (b) The data in subdivision (a) concerning psychotropic
26 medication, mental health services, and placement shall be drawn
27 from existing data maintained by the State Department of Health
28 Care Services and the State Department of Social Services and
29 shared pursuant to a data sharing agreement meeting the
30 requirements of all applicable state and federal laws and
31 regulations.

32 (c) This section does not apply to a runaway and homeless youth
33 shelter, a private alternative boarding school, or a private alternative
34 outdoor program, as those terms are defined, respectively, in
35 Section 1502.

36 *SEC. 10.5. Section 1538.8 of the Health and Safety Code is*
37 *amended to read:*

38 1538.8. (a) (1) In order to review and evaluate the use of
39 psychotropic medications in group-homes, ~~homes~~ *homes and short-term*
40 *residential therapeutic programs*, the department shall compile,

1 to the extent feasible and not otherwise prohibited by law and
2 based on information received from the State Department of Health
3 Care Services, at least annually, information concerning each group
4 ~~home~~, *home and short-term residential therapeutic program*,
5 including, but not limited to, the child welfare psychotropic
6 medication measures developed by the department and the
7 following Healthcare Effectiveness Data and Information Set
8 (HEDIS) measures related to psychotropic medications:

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

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

16 (i) Measures the number of children receiving an antipsychotic
17 medication for at least 60 out of 90 days and the number of children
18 who additionally receive a second antipsychotic medication that
19 overlaps with the first.

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

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

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

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

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

36 (b) The data in subdivision (a) concerning psychotropic
37 medication, mental health services, and placement shall be drawn
38 from existing data maintained by the State Department of Health
39 Care Services and the State Department of Social Services and
40 shared pursuant to a data sharing agreement meeting the

1 requirements of all applicable state and federal laws and
2 regulations.

3 (c) This section does not apply to a runaway and homeless youth
4 shelter, ~~as defined a private alternative boarding school, or a~~
5 *private alternative outdoor program, as those terms are defined,*
6 *respectively*, in Section 1502.

7 SEC. 11. Section 1538.9 of the Health and Safety Code is
8 amended to read:

9 1538.9. (a) (1) (A) The department shall consult with the
10 State Department of Health Care Services and stakeholders to
11 establish a methodology for identifying those group homes
12 providing care under the AFDC-FC program pursuant to Sections
13 11460 and 11462 of the Welfare and Institutions Code that have
14 levels of psychotropic drug utilization warranting additional review.
15 The methodology shall be adopted on or before July 1, 2016.

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

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

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

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

27 (B) Child-to-staff ratios.

28 (C) Staff qualifications and training.

29 (D) Implementation of children's needs and services plan.

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

32 (F) Other factors that the department determines contribute to
33 levels of psychotropic drug utilization that warrant additional
34 review.

35 (G) Confidential interviews of children residing in the facility
36 at the time of the inspection.

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

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

1 (B) Confidential discussions with physicians identified as
2 prescribing the medications.

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

6 (1) Share relevant information and observations with county
7 placing agencies, social workers, probation officers, the court,
8 dependency counsel, or the Medical Board of California, as
9 applicable.

10 (2) Share relevant information and observations with the facility
11 and require the facility to submit a plan, within 30 days of receiving
12 the information and observations from the department, to address
13 any identified risks within the control of the facility related to
14 psychotropic medication. The department shall approve the plan
15 and verify implementation of the plan to determine whether those
16 risks have been remedied.

17 (c) (1) Notwithstanding the rulemaking provisions of the
18 Administrative Procedure Act (Chapter 3.5 (commencing with
19 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
20 Code), until emergency regulations are filed with the Secretary of
21 State, the department may implement this section through
22 all-county letters or similar instructions.

23 (2) On or before January 1, 2017, the department shall adopt
24 regulations to implement this section. The initial adoption,
25 amendment, or repeal of a regulation authorized by this subdivision
26 is deemed to address an emergency, for purposes of Sections
27 11346.1 and 11349.6 of the Government Code, and the department
28 is hereby exempted for that purpose from the requirements of
29 subdivision (b) of Section 11346.1 of the Government Code. After
30 the initial adoption, amendment, or repeal of an emergency
31 regulation pursuant to this section, the department may twice
32 request approval from the Office of Administrative Law to readopt
33 the regulation as an emergency regulation pursuant to Section
34 11346.1 of the Government Code. The department shall adopt final
35 regulations on or before January 1, 2018.

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

37 (1) Replaces or alters other requirements for responding to
38 complaints and making inspections or visits to group homes,
39 including, but not limited to, those set forth in Sections 1534 and
40 1538.

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

4 (e) This section does not apply to a runaway and homeless youth
5 shelter, a private alternative boarding school, or a private alternative
6 outdoor program, as those terms are defined, respectively, in
7 Section 1502.

8 *SEC. 11.5. Section 1538.9 of the Health and Safety Code is*
9 *amended to read:*

10 1538.9. (a) (1) (A) The department shall consult with the
11 State Department of Health Care Services and stakeholders to
12 establish a methodology for identifying those group homes
13 providing care under the AFDC-FC program pursuant to Sections
14 11460 and 11462 of the Welfare and Institutions Code that have
15 levels of psychotropic drug utilization warranting additional review.
16 The methodology shall be adopted on or before July 1, 2016.

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

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

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

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

28 (B) Child-to-staff ratios.

29 (C) Staff qualifications and training.

30 (D) Implementation of children's needs and services plan.

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

33 (F) Other factors that the department determines contribute to
34 levels of psychotropic drug utilization that warrant additional
35 review.

36 (G) Confidential interviews of children residing in the facility
37 at the time of the inspection.

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

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

3 (B) Confidential discussions with physicians identified as
4 prescribing the medications.

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

8 (1) Share relevant information and observations with county
9 placing agencies, social workers, probation officers, the court,
10 dependency counsel, or the Medical Board of California, as
11 applicable.

12 (2) Share relevant information and observations with the facility
13 and require the facility to submit a plan, within 30 days of receiving
14 the information and observations from the department, to address
15 any identified risks within the control of the facility related to
16 psychotropic medication. The department shall approve the plan
17 and verify implementation of the plan to determine whether those
18 risks have been remedied.

19 (c) (1) Notwithstanding the rulemaking provisions of the
20 Administrative Procedure Act (Chapter 3.5 (commencing with
21 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
22 Code), until emergency regulations are filed with the Secretary of
23 State, the department may implement this section through
24 all-county letters or similar instructions.

25 (2) On or before January 1, 2017, the department shall adopt
26 regulations to implement this section. The initial adoption,
27 amendment, or repeal of a regulation authorized by this subdivision
28 is deemed to address an emergency, for purposes of Sections
29 11346.1 and 11349.6 of the Government Code, and the department
30 is hereby exempted for that purpose from the requirements of
31 subdivision (b) of Section 11346.1 of the Government Code. After
32 the initial adoption, amendment, or repeal of an emergency
33 regulation pursuant to this section, the department may twice
34 request approval from the Office of Administrative Law to readopt
35 the regulation as an emergency regulation pursuant to Section
36 11346.1 of the Government Code. The department shall adopt final
37 regulations on or before January 1, 2018.

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

39 (1) Replaces or alters other requirements for responding to
40 complaints and making inspections or visits to group homes,

1 including, but not limited to, those set forth in Sections 1534 and
2 1538.

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

6 (e) *The methodology developed pursuant to this section shall*
7 *apply to short-term residential therapeutic programs, as defined*
8 *in Section 1502, in a manner determined by the department.*

9 (e)

10 (f) This section does not apply to a runaway and homeless youth
11 shelter, ~~as defined a private alternative boarding school, or a~~
12 *private alternative outdoor program, as those terms are defined,*
13 *respectively, in Section 1502.*

14 *SEC. 12. (a) (1) Section 2.1 of this bill incorporates*
15 *amendments to Section 1502 of the Health and Safety Code*
16 *proposed by both this bill and Assembly Bill 741. It shall only*
17 *become operative if (A) both bills are enacted and become effective*
18 *on or before January 1, 2017, (B) each bill amends Section 1502*
19 *of the Health and Safety Code, (C) Assembly Bill 1997 is not*
20 *enacted or as enacted does not amend that section, and (D) this*
21 *bill is enacted after Assembly Bill 741, in which case Sections 2,*
22 *2.2, and 2.3 of this bill shall not become operative.*

23 (2) *Section 2.2 of this bill incorporates amendments to Section*
24 *1502 of the Health and Safety Code proposed by both this bill and*
25 *Assembly Bill 1997. It shall only become operative if (A) both bills*
26 *are enacted and become effective on or before January 1, 2017,*
27 *(B) each bill amends Section 1502 of the Health and Safety Code,*
28 *(C) Assembly Bill 741 is not enacted or as enacted does not amend*
29 *that section, and (D) this bill is enacted after Assembly Bill 1997,*
30 *in which case Sections 2, 2.1, and 2.3 of this bill shall not become*
31 *operative.*

32 (3) *Section 2.3 of this bill incorporates amendments to Section*
33 *1502 of the Health and Safety Code proposed by this bill, Assembly*
34 *Bill 741, and Assembly Bill 1997. It shall only become operative*
35 *if (A) all three bills are enacted and become effective on or before*
36 *January 1, 2017, (B) all three bills amend Section 1502 of the*
37 *Health and Safety Code, and (C) this bill is enacted after Assembly*
38 *Bill 741 and Assembly Bill 1997, in which case Sections 2, 2.1,*
39 *and 2.2 of this bill shall not become operative.*

1 (b) Section 8.5 of this bill incorporates amendments to Section
2 1522.44 of the Health and Safety Code proposed by both this bill
3 and Assembly Bill 1997. It shall only become operative if (1) both
4 bills are enacted and become effective on or before January 1,
5 2017, (2) each bill amends Section 1522.44 of the Health and
6 Safety Code, and (3) this bill is enacted after Assembly Bill 1997,
7 in which case Section 8 of this bill shall not become operative.

8 (c) Section 9.5 of this bill incorporates amendments to Section
9 1523.1 of the Health and Safety Code proposed by both this bill
10 and Assembly Bill 1997. It shall only become operative if (1) both
11 bills are enacted and become effective on or before January 1,
12 2017, (2) each bill amends Section 1523.1 of the Health and Safety
13 Code, and (3) this bill is enacted after Assembly Bill 1997, in which
14 case Section 9 of this bill shall not become operative.

15 (d) Section 10.5 of this bill incorporates amendments to Section
16 1538.8 of the Health and Safety Code proposed by both this bill
17 and Assembly Bill 1997. It shall only become operative if (1) both
18 bills are enacted and become effective on or before January 1,
19 2017, (2) each bill amends Section 1538.8 of the Health and Safety
20 Code, and (3) this bill is enacted after Assembly Bill 1997, in which
21 case Section 10 of this bill shall not become operative.

22 (e) Section 11.5 of this bill incorporates amendments to Section
23 1538.9 of the Health and Safety Code proposed by both this bill
24 and Assembly Bill 1997. It shall only become operative if (1) both
25 bills are enacted and become effective on or before January 1,
26 2017, (2) each bill amends Section 1538.9 of the Health and Safety
27 Code, and (3) this bill is enacted after Assembly Bill 1997, in which
28 case Section 11 of this bill shall not become operative.

29 ~~SEC. 12.~~

30 SEC. 13. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

O