

AMENDED IN ASSEMBLY APRIL 18, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2985

Introduced by Assembly Member Maze

February 24, 2006

An act to amend Section 1522.41 of, and to add Section 1522.6 to, the Health and Safety Code, relating to group homes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2985, as amended, Maze. Group homes: administrator and employee requirements.

Under the existing California Community Care Facilities Act, the State Department of Social Services generally regulates the licensure and operation of community care facilities, including group homes. Under existing law, a violation of these provisions is a misdemeanor.

This bill would *provide*, with ~~a specified exception~~ *exceptions*, ~~provide~~ that no group home may employ any person under ~~22~~ 21 years of age in any aspect of the operation of the group home, and would apply ~~that requirement to include these provisions to~~ administrators of group homes.

Because this bill would create a new crime, this bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares as follows:*

2 (a) *Children living in group homes are among the most*
3 *vulnerable of children, receiving care and treatment for a*
4 *number of problems, including mental illness and severe*
5 *emotional disturbance.*

6 (b) *Caring for and treating these children can present*
7 *strenuous and difficult situations for their caregivers, presenting*
8 *significant demands upon their counseling skills, life experience,*
9 *and emotional maturity.*

10 (c) *In order to promote a workforce of group home caregivers*
11 *with the requisite level of skills, life experience, and emotional*
12 *maturity, it is necessary and proper to establish minimum age*
13 *standards for group home caregivers.*

14 SECTION 1.

15 SEC. 2. Section 1522.6 is added to the Health and Safety
16 Code, to read:

17 1522.6. (a) No group home may employ a person under-22
18 21 years of age in any aspect of the operation of the group home.

19 (b) Subdivision (a) shall not apply to any person employed by
20 a facility on December 31, 2006, subject to the requirement that
21 the person shall be subject to a new criminal background check
22 appropriate to employment requirements applicable to the
23 facility. This subdivision shall not apply to any former employee
24 who is rehired by a facility on or after January 1, 2007. a facility
25 who meets any of the following criteria:

26 (1) *The person is employed by the facility on December 31,*
27 *2006.*

28 (2) *The person is a full-time or part-time college student*
29 *participating in a course of study leading to a degree in the*
30 *behavioral sciences.*

31 (3) *The person is not solely responsible for the care and*
32 *supervision of children, and works with another person who is at*
33 *least 21 years of age.*

34 (4) *The person’s duties do not include responsibilities for the*
35 *care and supervision of children.*

1 ~~SEC. 2.~~

2 SEC. 3. Section 1522.41 of the Health and Safety Code is
3 amended to read:

4 1522.41. (a) The director, in consultation and collaboration
5 with county placement officials, group home provider
6 organizations, the Director of Mental Health, and the Director of
7 Developmental Services, shall develop and establish a
8 certification program to ensure that administrators of group home
9 facilities have appropriate training to provide the care and
10 services for which a license or certificate is issued.

11 (b) (1) In addition to any other requirements or qualifications
12 required by the department, an administrator of a group home
13 facility shall successfully complete a department-approved
14 certification program pursuant to subdivision (c) prior to
15 employment. An administrator employed in a group home on the
16 effective date of this section shall meet the requirements of
17 paragraph (2) of subdivision (c).

18 (2) In those cases where the individual is both the licensee and
19 the administrator of a facility, the individual shall comply with
20 all of the licensee and administrator requirements of this section.

21 (3) Failure to comply with this section shall constitute cause
22 for revocation of the license of the facility.

23 (4) The licensee shall notify the department within 10 days of
24 any change in administrators.

25 (c) (1) The administrator certification programs shall require
26 a minimum of 40 hours of classroom instruction that provides
27 training on a uniform core of knowledge in each of the following
28 areas:

29 (A) Laws, regulations, and policies and procedural standards
30 that impact the operations of the type of facility for which the
31 applicant will be an administrator.

32 (B) Business operations.

33 (C) Management and supervision of staff.

34 (D) Psychosocial and educational needs of the facility
35 residents.

36 (E) Community and support services.

37 (F) Physical needs for facility residents.

38 (G) Administration, storage, misuse, and interaction of
39 medication used by facility residents.

1 (H) Resident admission, retention, and assessment procedures,
2 including the right of a foster child to have fair and equal access
3 to all available services, placement, care, treatment, and benefits,
4 and to not be subjected to discrimination or harassment on the
5 basis of actual or perceived race, ethnic group identification,
6 ancestry, national origin, color, religion, sex, sexual orientation,
7 gender identity, mental or physical disability, or HIV status.

8 (I) Nonviolent emergency intervention and reporting
9 requirements.

10 (2) The department shall adopt separate program requirements
11 for initial certification for persons who are employed as group
12 home administrators on the effective date of this section. A
13 person employed as an administrator of a group home facility on
14 the effective date of this section, shall obtain a certificate by
15 completing the training and testing requirements imposed by the
16 department within 12 months of the effective date of the
17 regulations implementing this section. After the effective date of
18 this section, these administrators shall meet the requirements
19 imposed by the department on all other group home
20 administrators for certificate renewal.

21 (3) Individuals applying for certification under this section
22 shall successfully complete an approved certification program,
23 pass a written test administered by the department within 60 days
24 of completing the program, and submit to the department the
25 documentation required by subdivision (d) within 30 days after
26 being notified of having passed the test. The department may
27 extend these time deadlines for good cause. The department shall
28 notify the applicant of his or her test results within 30 days of
29 administering the test.

30 (d) The department shall not begin the process of issuing a
31 certificate until receipt of all of the following:

32 (1) A certificate of completion of the administrator training
33 required pursuant to this chapter.

34 (2) The fee required for issuance of the certificate. A fee of
35 one hundred dollars (\$100) shall be charged by the department to
36 cover the costs of processing the application for certification.

37 (3) Documentation from the applicant that he or she has
38 passed the written test.

1 (4) Submission of fingerprints pursuant to Section 1522. The
2 department may waive the submission for those persons who
3 have a current clearance on file.

4 (5) (A) That person is at least ~~22~~ 21 years of age.

5 (B) Subparagraph (A) shall not apply to any person employed
6 ~~by a facility on December 31, 2006, subject to the requirement~~
7 ~~that the person shall be subject to a new criminal background~~
8 ~~check appropriate to employment requirements to the facility.~~
9 This subparagraph shall not apply to any former employee who is
10 ~~rehired by a facility on or after January 1, 2007: by a facility who~~
11 *meets any of the following criteria:*

12 (i) *The person is employed by the facility on December 31,*
13 *2006.*

14 (ii) *The person is a full-time or part-time college student*
15 *participating in a course of study leading to a degree in the*
16 *behavioral sciences.*

17 (iii) *The person is not solely responsible for the care and*
18 *supervision of children, and works with another person who is at*
19 *least 21 years of age.*

20 (iv) *The person's duties do not include responsibilities for the*
21 *care and supervision of children.*

22 (e) It shall be unlawful for any person not certified under this
23 section to hold himself or herself out as a certified administrator
24 of a group home facility. Any person willfully making any false
25 representation as being a certified administrator or facility
26 manager is guilty of a misdemeanor.

27 (f) (1) Certificates issued under this section shall be renewed
28 every two years and renewal shall be conditional upon the
29 certificate holder submitting documentation of completion of 40
30 classroom hours of continuing education related to the core of
31 knowledge specified in subdivision (c). For purposes of this
32 section, an individual who is a group home facility administrator
33 and who is required to complete the continuing education hours
34 required by the regulations of the State Department of
35 Developmental Services, and approved by the regional center,
36 may have up to 24 of the required continuing education course
37 hours credited toward the 40-hour continuing education
38 requirement of this section. Community college course hours
39 approved by the regional centers shall be accepted by the
40 department for certification.

1 (2) Every administrator of a group home facility shall
2 complete the continuing education requirements of this
3 subdivision.

4 (3) Certificates issued under this section shall expire every two
5 years on the anniversary date of the initial issuance of the
6 certificate, except that any administrator receiving his or her
7 initial certification on or after July 1, 1999, shall make an
8 irrevocable election to have his or her recertification date for any
9 subsequent recertification either on the date two years from the
10 date of issuance of the certificate or on the individual's birthday
11 during the second calendar year following certification. The
12 department shall send a renewal notice to the certificate holder
13 90 days prior to the expiration date of the certificate. If the
14 certificate is not renewed prior to its expiration date,
15 reinstatement shall only be permitted after the certificate holder
16 has paid a delinquency fee equal to three times the renewal fee
17 and has provided evidence of completion of the continuing
18 education required.

19 (4) To renew a certificate, the certificate holder shall, on or
20 before the certificate expiration date, request renewal by
21 submitting to the department documentation of completion of the
22 required continuing education courses and pay the renewal fee of
23 one hundred dollars (\$100), irrespective of receipt of the
24 department's notification of the renewal. A renewal request
25 postmarked on or before the expiration of the certificate shall be
26 proof of compliance with this paragraph.

27 (5) A suspended or revoked certificate shall be subject to
28 expiration as provided for in this section. If reinstatement of the
29 certificate is approved by the department, the certificate holder,
30 as a condition precedent to reinstatement, shall submit proof of
31 compliance with paragraphs (1) and (2) of subdivision (f), and
32 shall pay a fee in an amount equal to the renewal fee, plus the
33 delinquency fee, if any, accrued at the time of its revocation or
34 suspension. Delinquency fees, if any, accrued subsequent to the
35 time of its revocation or suspension and prior to an order for
36 reinstatement, shall be waived for a period of 12 months to allow
37 the individual sufficient time to complete the required continuing
38 education units and to submit the required documentation.
39 Individuals whose certificates will expire within 90 days after the
40 order for reinstatement may be granted a three-month extension

1 to renew their certificates during which time the delinquency fees
2 shall not accrue.

3 (6) A certificate that is not renewed within four years after its
4 expiration shall not be renewed, restored, reissued, or reinstated
5 except upon completion of a certification training program,
6 passing any test that may be required of an applicant for a new
7 certificate at that time, and paying the appropriate fees provided
8 for in this section.

9 (7) A fee of twenty-five dollars (\$25) shall be charged for the
10 reissuance of a lost certificate.

11 (8) A certificate holder shall inform the department of his or
12 her employment status and change of mailing address within 30
13 days of any change.

14 (g) Unless otherwise ordered by the department, the certificate
15 shall be considered forfeited under either of the following
16 conditions:

17 (1) The department has revoked any license held by the
18 administrator after the department issued the certificate.

19 (2) The department has issued an exclusion order against the
20 administrator pursuant to Section 1558, 1568.092, 1569.58, or
21 1596.8897, after the department issued the certificate, and the
22 administrator did not appeal the exclusion order or, after the
23 appeal, the department issued a decision and order that upheld
24 the exclusion order.

25 (h) (1) The department, in consultation and collaboration with
26 county placement officials, provider organizations, the State
27 Department of Mental Health, and the State Department of
28 Developmental Services, shall establish, by regulation, the
29 program content, the testing instrument, the process for
30 approving certification training programs, and criteria to be used
31 in authorizing individuals, organizations, or educational
32 institutions to conduct certification training programs and
33 continuing education courses. The department may also grant
34 continuing education hours for continuing courses offered by
35 accredited educational institutions that are consistent with the
36 requirements in this section. The department may deny vendor
37 approval to any agency or person in any of the following
38 circumstances:

39 (A) The applicant has not provided the department with
40 evidence satisfactory to the department of the ability of the

1 applicant to satisfy the requirements of vendorization set out in
2 the regulations adopted by the department pursuant to
3 subdivision (j).

4 (B) The applicant person or agency has a conflict of interest in
5 that the person or agency places its clients in group home
6 facilities.

7 (C) The applicant public or private agency has a conflict of
8 interest in that the agency is mandated to place clients in group
9 homes and to pay directly for the services. The department may
10 deny vendorization to this type of agency only as long as there
11 are other vendor programs available to conduct the certification
12 training programs and conduct education courses.

13 (2) The department may authorize vendors to conduct the
14 administrator’s certification training program pursuant to this
15 section. The department shall conduct the written test pursuant to
16 regulations adopted by the department.

17 (3) The department shall prepare and maintain an updated list
18 of approved training vendors.

19 (4) The department may inspect certification training
20 programs and continuing education courses to determine if
21 content and teaching methods comply with regulations. If the
22 department determines that any vendor is not complying with the
23 requirements of this section, the department shall take
24 appropriate action to bring the program into compliance, which
25 may include removing the vendor from the approved list.

26 (5) The department shall establish reasonable procedures and
27 timeframes not to exceed 30 days for the approval of vendor
28 training programs.

29 (6) The department may charge a reasonable fee, not to exceed
30 one hundred fifty dollars (\$150) every two years, to certification
31 program vendors for review and approval of the initial 40-hour
32 training program pursuant to subdivision (c). The department
33 may also charge the vendor a fee, not to exceed one hundred
34 dollars (\$100) every two years, for the review and approval of
35 the continuing education courses needed for recertification
36 pursuant to this subdivision.

37 (i) The department shall establish a registry for holders of
38 certificates that shall include, at a minimum, information on
39 employment status and criminal record clearance.

1 (j) Subdivisions (b) to (i), inclusive, shall be implemented
2 upon regulations being adopted by the department, by January 1,
3 2000.

4 (k) Notwithstanding any provision of law to the contrary,
5 vendors approved by the department who exclusively provide
6 either initial or continuing education courses for certification of
7 administrators of a group home facility as defined by regulations
8 of the department, an adult residential facility as defined by
9 regulations of the department, or a residential care facility for the
10 elderly as defined in subdivision (k) of Section 1569.2, shall be
11 regulated solely by the department pursuant to this chapter. No
12 other state or local governmental entity shall be responsible for
13 regulating the activity of those vendors.

14 SEC. 3. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the
19 penalty for a crime or infraction, within the meaning of Section
20 17556 of the Government Code, or changes the definition of a
21 crime within the meaning of Section 6 of Article XIII B of the
22 California Constitution.