

# CCLD-4	PRIORITY NO. CDSS-80	ORG. CODE 5180	DEPARTMENT Social Services
PROGRAM Social Services and Licensing	ELEMENT Children and Adult Services and Licensing	COMPONENT	

TITLE OF PROPOSED CHANGE

California Community Care Licensing Program-Strengthening Health and Safety Protections

SUMMARY OF PROPOSED CHANGES

The Community Care Licensing Division (CCLD) proposes to realign business practices within existing resources to strengthen health and safety protections by implementing a new facility inspection protocol and adjusting licensing fees.

REQUIRES LEGISLATION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CODE SECTION(S) TO BE AMENDED/ADDED H&SC 1523.1, 1568.05, 1569.185, 1569.803, 1526.5, 1568.07(A)(1)-1568.07(A)(2), 1569.24, 1534(A)(1), 1569.33, 1597.09, 1597.55A	BUDGET IMPACT—PROVIDE LIST AND MARK IF APPLICABLE <input type="checkbox"/> ONE-TIME COST <input type="checkbox"/> FUTURE SAVINGS <input type="checkbox"/> FULL-YEAR COSTS <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> FACILITIES/CAPITAL COSTS
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PREPARED BY GARY PALMER	DATE	REVIEWED BY JEREMY HIRATSURA	DATE 1/25/10
DEPARTMENT DIRECTOR JOHN A. WAGNER	DATE 2/3/2010	AGENCY SECRETARY KIMBERLY BELSHÉ	DATE 2/10/10

DOES THIS SFL CONTAIN INFORMATION TECHNOLOGY (IT) COMPONENTS? YES OR NO
 IF YES, DEPARTMENT CHIEF INFORMATION OFFICER SIGNATURE _____ DATE _____

FOR IT REQUESTS, SPECIFY THE DATE A SPECIAL PROJECT REPORT (SPR) OR FEASIBILITY STUDY REPORT (FSR) WAS APPROVED BY THE OFFICE OF THE CHIEF INFORMATION OFFICER (OCIO), OR PREVIOUSLY BY THE DEPARTMENT OF FINANCE.

DATE _____ PROJECT # _____ FSR OR SPR

IF PROPOSAL AFFECTS ANOTHER DEPARTMENT, DOES OTHER DEPARTMENT CONCUR WITH PROPOSAL?
 YES NO ATTACH COMMENTS OF AFFECTED DEPARTMENT, SIGNED AND DATED BY THE DEPARTMENT DIRECTOR OR DESIGNEE.

DEPARTMENT OF FINANCE ANALYST USE
 (ADDITIONAL REVIEW)
 CAPITAL OUTLAY ITCU FSCU OSAE CALSTARS OCIO

DATE SUBMITTED TO THE LEGISLATURE: _____ PPBA: _____

STATE OF CALIFORNIA
 BUDGET CHANGE PROPOSAL-FISCAL DETAIL
 STATE OPERATIONS
 (DOLLARS IN THOUSANDS)

SFL #: CCLD-4
 DATE: 01/28/10

TITLE OF PROPOSED CHANGE:

Strengthening Health and Safety Protections

PROGRAM: Social Services and Licensing
 ELEMENT: Children and Adult Services and Licensing
 PRIORITY NUMBER: CDSS-80

	PERSONNEL YEARS			DOLLARS		
	CY	BY	BY+1	CY	BY	BY +1
TOTAL SALARIES AND WAGES ¹	0	0	0	\$0	\$0	\$0
Salary Savings	0	0	0	0	0	0
NET TOTAL SALARIES AND WAGES	0	0	0	\$0	\$0	\$0
Staff Benefits ²	0	0	0	0	0	0
TOTAL PERSONAL SERVICES	0	0	0	\$0	\$0	\$0
OPERATING EXPENSES & EQUIPMENT ³						
General Expense				\$0	\$0	\$0
Printing				0	0	0
Communications				0	0	0
Postage				0	0	0
Travel-In State				0	0	0
Travel-Out-Of-State				0	0	0
Training				0	0	0
Facilities Operations				0	0	0
Utilities				0	0	0
Consulting & Professional Services: Interdepartmental ³				0	0	0
Consulting & Professional Services: External ³				0	0	0
Department of Technology Services Consolidated Data Center				0	0	0
Data Processing				0	0	0
Equipment ³				0	0	0
Debt Service				0	0	0
Other Items of Expense (Specify Below)				0	0	0
				0	0	0
TOTAL OPERATING EXPENSES AND EQUIPMENT				\$0	\$0	\$0
Special Items of Expense ⁴				0	0	0
TOTAL STATE OPERATIONS EXPENDITURES				\$0	\$0	\$0

SOURCE OF FUNDS	APPROPRIATION NO.					
	ORG	REF	FUND			
General Fund	5180	0001	0001	\$0	\$0	\$0
Special Funds	5180	0001	0803	0	0	0
Federal Funds	5180	0001	0890	0	0	0
Other Funds (Specify)						
Reimbursements	5180	0001	0995	0	0	0

SFL TITLE: Strengthening Health and Safety Protections
 LOCAL ASSISTANCE AND DETAIL SFL #: CCLD-4
 OF STAFF BENEFITS AND PERSONAL SERVICES DATE : 01/28/10

LOCAL ASSISTANCE

SOURCE OF FUNDS	APPROPRIATION		
	ORG	REF	FUND
General Fund			
Special Funds			
Federal Funds			
Other Funds			
Reimbursements			

DETAIL OF SALARIES AND WAGES (WHOLE DOLLARS)

CLASSIFICATIONS	POSITIONS			SALARY RANGE			AMOUNT		
	CY	BY	BY+1	CY	BY	BY +1	CY	BY	BY +1

0.0 0.0 0.0 \$0 \$0 \$0

STAFF BENEFITS DETAIL

	CY	BY	BY +1
	(WHOLE DOLLARS)		
OASDI	0	0	0
Health Insurance	0	0	0
Retirement ⁶	0	0	0
Workers' Compensation	0	0	0
Industrial Disability Leave	0	0	0
Unemployment Insurance	0	0	0
Other	0	0	0
Non-Industrial Disability Leave	0	0	0
TOTAL	\$0	\$0	\$0

(DOLLARS IN THOUSANDS)

DEPARTMENT:	SFL #:	FISCAL YEAR:
Social Services	CCLD-4	2010-11

	CURRENT YEAR	BUDGET YEAR	BUDGET YEAR + ONE
PROPOSED EQUIPMENT			
TOTAL	\$0	\$0	\$0

PROPOSED CONTRACTS (EXTERNAL & INTERDEPT'L)

TOTAL	\$0	\$0	\$0
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ONE-TIME COSTS (LIST BY ITEM)

General Expense
Facilities Operations

TOTAL	\$0	\$0	\$0
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FUTURE SAVINGS

TOTAL	\$0	\$0	\$0
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FULL-YEAR COST ADJUSTMENTS

TOTAL	\$0	\$0	\$0
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FACILITIES/CAPITAL COSTS^o

TOTAL	\$0	\$0	\$0
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¹ Itemized detail on page 3 by classification (as in Salaries and Wages Supplement)

² Provide detail on page 3.

³ Provide list on page 4.

⁴ Special Items of Expense must be titled. Please refer to the Uniform Codes Manual for a list of the standardized special items of expense that may be used.

⁵ Use standard abbreviations per the Salaries and Wages Supplement. Use footnotes to reflect any effective date or limited term if position is not proposed for a full year. Note: Information provided should appear in the same format as it would on the Schedule 2 (Changes in Authorized Positions).

⁶ List type of retirement, i.e., miscellaneous, safety, industrial, etc.

⁷ Totals must be rounded to the nearest thousand dollars before posting to page 2.

^o Indicate one-time or ongoing.

SFL TITLE: Strengthening Health and Safety Protections

2009-10 (CY) PROGRAM TOTALS (IN THOUSANDS)

ITEM 0001	SOCIAL			DISABILITY		GRAND TOTAL
	WELFARE PROGRAMS	SERVICES & LICENS	& OTHER SERVICES			
FUND						
0001 General	\$0	\$0	\$0	\$0	\$0	\$0
0890 Federal	0	0	0	0	0	0
0995 Reimbursement	0	0	0	0	0	0
0803 SCTF	0	0	0	0	0	0
0163 CCPFF	0	0	0	0	0	0
0271 Certification	0	0	0	0	0	0
0270 Tech Assist	0	0	0	0	0	0
0279 CHSF	0	0	0	0	0	0
GRAND TOTAL	\$0	\$0	\$0	\$0	\$0	\$0

2010-11 (BY) PROGRAM TOTALS (IN THOUSANDS)

ITEM 0001	SOCIAL			DISABILITY		GRAND TOTAL
	WELFARE PROGRAMS	SERVICES & LICENS	& OTHER SERVICES			
FUND						
0001 General	\$0	\$0	\$0	\$0	\$0	\$0
0890 Federal	0	0	0	0	0	0
0995 Reimbursement	0	0	0	0	0	0
0803 SCTF	0	0	0	0	0	0
0163 CCPFF	0	0	0	0	0	0
0271 Certification	0	0	0	0	0	0
0270 Tech Assist	0	0	0	0	0	0
0279 CHSF	0	0	0	0	0	0
GRAND TOTAL	\$0	\$0	\$0	\$0	\$0	\$0

A. NATURE OF REQUEST

The California Department of Social Services (CDSS) proposes to strengthen health and safety protections and reduce its dependency on the State General Fund (GF) through a set of changes to the licensing program. The CDSS proposes to eliminate the existing inspection protocol which includes random sample inspections, required annual inspections, five year inspections, certain pre-licensing inspections, post-licensing inspections, and the trigger requirement. These would be replaced with a new compliance assessment inspection protocol, which would provide for annual/biennial inspections. The implementation of this new inspection protocol would align the inspection mandates to the existing resources and not require additional staff or GF expenditures.

The CDSS also proposes to increase fees by ten percent. The additional fee revenue will help stabilize the funding for the Community Care Licensing Program and ensure these critical health and safety resources are less reliant on the GF.

B. BACKGROUND/HISTORY

As a result of several consecutive years of unallocated reductions and position sweeps, CCLD is no longer able to sustain the required inspection frequency, and has developed this proposal to restructure the licensing inspection protocols in an effort to promote a more frequent and consistent level of facility monitoring, that will enhance client safety.

The position losses and fluctuations in licensing resources are resulting in a declining mandated facility inspection frequency, potentially placing client health and safety at risk. Prior to 2003, CCLD conducted annual inspections for all residential facilities and child care centers. (Family Child Care Homes (FCCBs) received inspections every three years.) As a result of the State's GF challenges, it was necessary to find ways to reduce costs.

Based on budget reductions, the CCLD then transitioned to a random-sample based inspection protocol. Under this protocol, approximately ten percent of facilities are inspected annually because of their poor compliance history, or because they are federally mandated to receive annual inspections. Of the remaining facilities, thirty percent are randomly selected for an annual inspection. Current statute also requires the CCLD to inspect every facility at least once every five years. The five-year inspection was created as a safety net to capture those facilities that were not required to receive an annual inspection and that were not randomly selected for an inspection. As a result, Licensing Program Analysts (LPAs) conduct required annual, random sample, and five-year inspections. See Attachment 1A.

Finally, the random sample inspection protocol also has a "trigger" that requires the random inspections to increase by ten percent if citations increase by ten percent from one year to the next. The trigger assumed that increases in citations would be an indicator of facilities in general failing to provide adequate health and safety protections to clients. The trigger did not take into

consideration resource changes that affected the number of inspections made in a year, which affected the total number of citations within a given year.

There are also two types of inspections used for new facilities or when changes occur to the license. These are the pre-licensing inspection and the post-licensing inspection. These inspections help to ensure that a new licensee starts off correctly.

C. STATE LEVEL CONSIDERATIONS

This proposal is consistent with statutory mandates (Health and Safety Code) and the California Code of Regulations that charge the CDSS with the responsibility of regulating community care facilities in California.

Compared to other states, California conducts less frequent facility inspections. To measure against other states, 14 states were surveyed to determine their inspection frequency. Copies of the tools used to conduct these inspections were also obtained (i.e. checklists). The results of the survey showed that all 14 states conduct comprehensive inspections. With the exception of Nebraska, 13 states conduct inspections at least once every three years and most states conduct inspections one or more times per year.

D. FACILITY/CAPITAL OUTLAY CONSIDERATIONS

There is no expected impact on current facility needs.

E. JUSTIFICATION

CCLD's experience with the random sample inspection protocol and fluctuations in resources have put client health and safety at risk. By not consistently inspecting facilities, inspecting a facility only once every five years or inspecting a facility only as the result of a complaint, CCLD Licensing Program Analysts lose rapport with Licensees, which in turn, is not conducive to helping clients in those facilities.

Studies have shown that regular and frequent inspections of facilities improve client health and safety as evidenced by reductions in the percentage of the more serious imminent risk citations to total citations. First, more annual inspections equates to better quality of care. Thus, in FY 2006-07, when the CCLD used a 20 percent random sample protocol for annual inspections, 2.0 citations were issued per annual inspection (46,581 citations issued / 23,583 annual visits). In FY 2007-08, when the CCLD used a 30 percent random sample protocol for annual inspections, only 1.8 citations were issued per annual inspection (43,940 citations issued / 24,353 annual visits).

Second, more annual inspections equates to a smaller risk to the health and safety of clients. A recent University of California, San Francisco study investigating the decrease in annual state inspections of residential care facilities for the elderly, for

instance, found that complaint visits accounted for 16.1 to 30.3% of all visits during the 2000-2003 period (i.e., prior to the change in the CCLD's facility visit policy), and increased to 42.5 to 43.9% during the 2004-2006 period (10 percent random sample protocol). Thus, the higher the inspection rate, the more opportunities exist to address health and safety issues and to improve care for clients in licensed facilities.

Additionally, pre- and post-licensing inspections currently do not use resources efficiently. The pre- and post-licensing inspections were meant to evaluate a new licensee's compliance with laws and regulations and ability to meet licensing requirements. Because of the nature of the licensing process, pre- and post-licensing inspections are currently done even when the only change to a facility is its corporate structure. These inspections use CCLD resources without yielding any increased health and safety protections.

To respond to the issues of infrequent inspections and a decreased workforce, the CCLD proposes a new inspection protocol and an increase in fees, to efficiently use state resources while increasing the health and safety of clients.

New Inspection Protocol

Every facility would be inspected annually with the exception of FCCHs, which would be inspected biennially. (Unlike residential or large center based care arrangements, FCCHs are located in private residences where parents or guardians drop off and pick up their children daily, so there is an added monitoring aspect to these facilities.) The new inspection protocol (which would take half the time of the current comprehensive inspection) uses a compliance assessment process to replace the existing inspection protocol. A comparison of current and proposed inspection protocols is provided in attachments 1B and 1C. It should also be noted that a number of other states utilize this type of indicator-based inspection protocol (ex.: Colorado, Florida, Massachusetts, New Mexico, Washington).

The current inspection protocol requires a comprehensive review of all licensing regulations and statutes, and this comprehensive review would continue to be in effect for all pre-licensing inspections. For the new annual compliance inspection (occurring after the initial comprehensive pre-licensing inspection), LPAs would be required to focus on the most serious health and safety indicators as a means of determining whether a more thorough facility assessment is needed. The health and safety risk indicators would be established as key predictors to determine the facility's overall propensity for compliance. If the facility is in compliance with the key indicators, there is a greater chance that the facility will be in compliance with all other statutes and regulations. The key indicators to be established for this protocol are the six "Zero Tolerance" violations: fire clearance, absence of supervision, access to bodies of water, access to firearms or ammunition, refusing entry to a facility, and presence of an excluded person in the facility. After reviewing the results of a facility's performance on the key indicators, CCLD annual compliance inspections would expand to a comprehensive review if warranted. This new annual compliance inspection protocol allows CCLD to target its limited resources to areas that are anticipated to provide the greatest return on the health and safety protections of clients.

The new inspection protocol would be implemented with existing resources. To achieve this, the CCLD proposes to:

- Reduce Office Time and Time per Annual Inspection: A greater proportion of the annual work hours (1,778 hours) will be allotted for case-specific licensing activities (field inspections, field travel, inspection preparation, inspection follow-up, and legal tasks) and fewer hours for general licensing support (desk duty, meetings, orientations, training, and other administrative tasks).
- Eliminate "Trigger" Increases in Annual Visits: The current inspection protocol requires an annual inspection in specific situations, plus annual inspections to randomly selected facilities with the number of facilities increasing by 10 percent if the number of citations increases by 10 percent over the previous year (the "trigger"). If the number of inspections increases by 10 percent each year, the corresponding total number of citations will increase. Therefore, the trigger factor in the current inspection protocol does not necessarily reflect a decrease in the compliance of facilities, yet it requires an increase in resources. The CCLD's report, due to the Legislature by February 1, 2010, recommends the elimination of the trigger language. For language regarding the elimination of the trigger, see Attachment 2.
- Eliminate Post-Licensing Visits: Currently, post-licensing inspections are conducted within 90 days after a facility accepts its first resident following its initial licensure. (Current law does not require a post-licensing inspection for Child Care Centers, FCCHs or Foster Family Homes.) The post-licensing inspection would be replaced by the new inspection protocol, which ensures that each facility is inspected annually and that each FCCH is inspected biennially. See Attachment 3.
- Revise Pre-licensing Inspections: The current protocol requires a facility inspection prior to the issuance of any license. Therefore, facilities that have a change in ownership or are in current operation are also subject to a pre-licensing inspection. For example, a current licensee licensed as an individual, applies to become licensed as a limited liability corporation (LLC). There are no changes to the physical plant, the clients in care, or facility staff, but the CCLD currently conducts a pre-licensing inspection before the new license is issued. Under the new inspection protocol, CCLD would not use resources to duplicate a pre-licensing inspection due solely to a change in ownership. See Attachment 4.

Fee Increases

Statutes mandate all facilities (except Foster Family Homes) to pay application and annual fees. These fees support licensing program activities such as processing applications, monitoring facilities for compliance, and other administrative activities.

To further reduce its dependency on the GF, the CCLD proposes the following:

- Application and Annual Fees

Increase application and annual fees, as well as fees for homes certified by foster family agencies by 10 percent. See new fee schedule – Attachment 5. This measure is part of a continual effort to move the CCLD into a more fee-supported program.

- Re-Inspection Fee

The CCLD would assess a fee of \$100 to any facility in which a citation has been issued and a follow up inspection would be required to verify compliance. The CCLD anticipates that the assessment of this fee would act as a deterrent, resulting in better overall facility compliance. The imposition of “correction” type fees is a standard practice for regulatory agencies.

The assessment of the above fees would generate additional funds to help stabilize the CCLD revenue base and allow the CCLD to continue to move toward a fee-supported program. Specifically, CCLD expects to generate an additional \$1.15 million based on a 10 percent increase in annual, application and certified family home fees, and \$243,000 in re-inspection fees during the last two quarters of FY 2010-11. For FY 2011-12 and ongoing, the CCLD expects to generate an additional \$2.3 million based on a 10 percent increase in annual, application and certified family home fees, and \$485,000 in re-inspection fees. Refer to Attachments 6, 7 & 8.

In summary, annual inspections would enhance relationships between the CCLD and providers by building more collaborative relationships, which will increase compliance and minimize the overall health and safety risks to clients in care. Additionally, stakeholders prefer more frequent inspections by CCLD as they view inspections as a vehicle for providing technical assistance to licensees.

F. OUTCOMES AND ACCOUNTABILITY

The Department would use existing automation systems to 1) ensure that workload controls, work volume statistical reports, etc. are completed and tracked, and 2) monitor increased revenue.

G. ANALYSIS OF ALL FEASIBLE ALTERNATIVES

Alternative 1: Implement the new visit protocol and fee increase.

Pros:

- Would improve client health and safety through increased facility monitoring focusing on key indicators.

- Would achieve efficiencies in program operations, and more targeted use of limited resources.
- Would improve relationships between CCLD and providers.
- Would increase program stability and decrease dependence on GF.

Cons:

- Inspections may be perceived as less thorough.
- Negative economic impact on providers.

Alternative 2: Continue the licensing program with the existing inspection protocol and fee levels.

Pros:

- Would have no negative economic impact on providers.

Cons:

- Would not reduce CCLD reliance on GF.
- Once every five years inspections would continue.
- Would be unable to meet all statutory mandates.

H. TIMETABLE

Establish the new inspection protocol and fee increase effective January 1, 2011.

I. RECOMMENDATION

Alternative 1 is recommended. A new facility inspection protocol would improve health and safety protections for clients in out-of-home care, and an adjustment to licensing fees is needed to fiscally stabilize the CCLD program and reduce reliance on GF.

**Attachment 1A: Comparison of Current versus
Proposed Inspection Protocols**

Current	Proposed
<p>Pre-licensing visit</p> <ul style="list-style-type: none"> • New facilities • Existing facilities (e.g. Change of ownership) <p>Post-licensing visit</p> <ul style="list-style-type: none"> • Within 90 days of acceptance of first resident <p>Evaluation visit</p> <ul style="list-style-type: none"> • Random sample <ul style="list-style-type: none"> ○ Social rehabilitation facilities, small family homes and residential care facilities-chronically ill are inspected annually • Required annually <ul style="list-style-type: none"> ○ Probationary licenses ○ Condition of compliance plan ○ Pending administrative action ○ Condition of federal funding ○ Facilities where individuals have been ordered out by the department • Five year visit <ul style="list-style-type: none"> ○ To ensure all facilities are visited at least once every five years 	<p>Pre-licensing visit</p> <ul style="list-style-type: none"> • New facilities only <p>Eliminated</p> <p>Evaluation visit</p> <ul style="list-style-type: none"> • Annual compliance assessment (all facilities except FCCH facilities, which will receive biennial assessments)

**Attachment 1B: Residential Facilities
Current versus Proposed Inspection Protocol**

Current	Proposed
<p>Observation of Residents</p> <ul style="list-style-type: none"> • Ambulatory status of residents • Incidental medical needs • Dressing/grooming requirements met • Restraints being used or present • Operating within capacity and limitations of license • Personal rights met <p>Food Service</p> <ul style="list-style-type: none"> • Sufficient and nutritive food supplies • Food properly stored • Food areas, dishes and utensils clean • Special dietary needs met <p>Physical Plant/Safety Issues</p> <ul style="list-style-type: none"> • Water temperature within limits • Signal system • Clean, safe and in good repair • Accessible bodies of water • Grab bars, non-skid mats in bathroom • Toxics, firearms, ammunition properly stored • Adequate common areas • Necessary furniture, equipment and supplies • Individual privacy provided • Access to all exits • Telephone service available • Appropriate temperature • Presence of pests • Waiver on file <p>Medically Related Services</p> <ul style="list-style-type: none"> • Medications centrally stored and locked • Medications given as prescribed • Medical and dental care needs met • Assist with self-administered meds • Physician's orders on file • Prohibited health conditions • Hospice care services and approved waiver • Residents with dementia <p>Resident Records</p> <ul style="list-style-type: none"> • Review client records • Pre-admission appraisal • Medical assessment • Admission agreement • Records accessible • Exceptions on file • Receipt of Personal Rights form 	<p>"Zero Tolerance"</p> <ul style="list-style-type: none"> • Fire Clearance Violations • Absence of Supervision • Accessible bodies of water • Accessible firearms, ammunition • Refused entry • Presence of excluded person <p>Repeat violations</p> <p>Payment of all fees</p> <p>Key Indicators, including but not limited to:</p> <ul style="list-style-type: none"> • All staff and adults residing in the facility have a criminal record clearance • Water temperature • Storage and record of medications • Incidental Medical and Dental Care • Personal rights

Current (Cont.)

Staffing

- Has criminal record clearance or exemption
- Child Abuse Index Check (for children's facilities)
- Employment application
- Health screening
- Certified administrator
- Sufficient and competent staff
- Proof of required training
- Report Suspected Abuse form

Plan of Operation

- Transportation arrangements
- Disaster and mass casualty plan
- Advised of Personal rights
- Planned activities
- Program statement
- Payment of annual fees
- Refused entry

**Attachment 1C: Child Care Facilities
Current versus Proposed Inspection Protocol**

Current	Proposed
<p>Evaluation of Care and Supervision</p> <ul style="list-style-type: none"> • Ratio and capacity * • Refused entry * • Personal rights met , free of corporal punishment* • Absence of Supervision (child left unattended, supervision of a child by a person under 18yrs and lack of supervision resulting in a child wandering away)* • Presence of excluded person * • Any violation that results in the injury, illness, or death of a child. ** <p>Physical Plant</p> <ul style="list-style-type: none"> • Water temperature within limits • Clean, safe and in good repair * • Proper heating, lighting, ventilation • Fire Clearance Violations (overcapacity, inoperable smoke alarms and fire alarm systems) • Adequate storage • Accessible bodies of water * • Accessible poisons * • Accessible firearms, ammunition or both * • Age appropriate furniture, equipment, supplies * • Telephone service available * • Isolation area, toilet and sink for sick children * • Sufficient, and operable toilets • Entry/Exit areas accessible • Sufficient and nutritious food supplies • Food properly stored * • Inaccessible food preparation area • Menus posted • Play equipment securely anchored • Adequate cushioning material • Drinking water readily available • Adequate shade • Perimeter fencing * • Free of debris and hazards * • Cots and mats for children under 5 • Bedding stored properly • Baby walker on premises * <p>Health Related Services</p> <ul style="list-style-type: none"> • Accessible medications * • Children checked for illness * • First aid supplies available • Medications given as prescribed • Physician's orders on file • Accommodate special health care needs* 	<p>Evaluation of Care and Supervision</p> <ul style="list-style-type: none"> • Ratio and capacity * • Refused entry * • Personal rights, free of corporal punishment * • Absence of Supervision (child left unattended, supervision of a child by a person under 18yrs and lack of supervision resulting in a child wandering away) * • Presence of excluded person * • Any violation that results in the injury, illness, or death of a child. ** <p>Physical Plant</p> <ul style="list-style-type: none"> • Fire Clearance Violations (overcapacity, inoperable smoke alarms and fire alarm systems) • Accessible bodies of water * • Accessible firearms, ammunition or both * • Accessible poisons * • Free of debris and hazards * <p>Health Related Services</p> <ul style="list-style-type: none"> • Accessible medications * <p>Records Review</p> <ul style="list-style-type: none"> • All staff and adults residing/working/ present in the facility have a criminal record clearance * • Child Abuse Index Check * <p>Administration</p> <ul style="list-style-type: none"> • Posting and Notification *

Current (Cont.)

Records Review

- Review children's records *
- Review Personnel records *
- All staff and adults residing/working/ present in the facility have a criminal record clearance *
- Child Abuse Index Check *

Administration

- Records accessible *
- Waiver/Exceptions on file *
- Admission agreement
- Posting and Notification *

Notes:

*Applicable to both Family Child Care Home and Child Care Center

**Applicable to Family Child Care Home Only

No asterisk – Applicable to Child Care Center Only

Bold - Zero Tolerance Violations

Attachment 2: Repeal required annual visits, random sample visits and trigger language requirements

Amend Section 1534 of the Health and Safety Code as follows:

~~1534 (a) (1) Every licensed community care facility shall be subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care provided.~~

(a)(1)(A) Every licensed community care facility shall be inspected at least once per year and as often as necessary to ensure the quality of care provided. Evaluation visits shall be unannounced except as noted in Section 1533.

~~(A) The department shall conduct an annual unannounced visit to a facility under any of the following circumstances:~~

- ~~— (i) When a license is on probation.~~
- ~~— (ii) When the terms of agreement in a facility compliance plan require an annual evaluation.~~
- ~~— (iii) When an accusation against a licensee is pending.~~
- ~~— (iv) When a facility requires an annual visit as a condition of receiving federal financial participation.~~
- ~~— (v) In order to verify that a person who has been ordered out of a facility by the department is no longer at the facility.~~

~~(B) (i) The department shall conduct annual unannounced visits to no less than 20 percent of facilities not subject to an evaluation under subparagraph (A). These unannounced visits shall be conducted based on a random sampling methodology developed by the department.~~

~~— (ii) If the total citations issued by the department exceed the previous year's total by 10 percent, the following year the department shall increase the random sample by an additional 10 percent of the facilities not subject to an evaluation under subparagraph (A). The department may request additional resources to increase the random sample by 10 percent.~~

~~(C) Under no circumstance shall the department visit a community care facility less often than once every five years.~~

~~(D) (B) In order to facilitate direct contact with group home clients, the department may interview children who are clients of group homes at any public agency or private agency at which the client may be found, including, but not limited to, a juvenile hall, recreation or vocational program, or a nonpublic school. The department shall respect the rights of the child while conducting the interview, including informing the child that he or she has the right not to be interviewed and the right to have another adult present during the interview.~~

...

Amend Section 1569.33 of the Health and Safety Code as follows:

1569.33. (a) Every licensed residential care facility for the elderly shall be subject to unannounced visits by the department. The department shall visit these facilities at least once per year and as often as necessary to ensure the quality of care provided.

~~(b) The department shall conduct an annual unannounced visit of a facility under any of the following circumstances:~~

- ~~—(1) When a license is on probation.~~
- ~~—(2) When the terms of agreement in a facility compliance plan require an annual evaluation.~~
- ~~—(3) When an accusation against a licensee is pending.~~
- ~~—(4) When a facility requires an annual visit as a condition of receiving federal financial participation.~~
- ~~—(5) In order to verify that a person who has been ordered out of the facility for the elderly by the department is no longer at the facility.~~
- ~~—(c) (1) The department shall conduct annual unannounced visits to no less than 20 percent of facilities not subject to an evaluation under subdivision (b). These unannounced visits shall be conducted based on a random sampling methodology developed by the department.~~
- ~~—(2) If the total citations issued by the department exceed the previous year's total by 10 percent, the following year the department shall increase the random sample by 10 percent of the facilities not subject to an evaluation under subdivision (b). The department may request additional resources to increase the random sample by 10 percent.~~
- ~~—(d) Under no circumstance shall the department visit a residential care facility for the elderly less often than once every five years.~~
- (e) ~~(b)~~ The department shall notify the residential care facility for the elderly in writing of all deficiencies in its compliance with the provisions of this chapter and the rules and regulations adopted pursuant to this chapter, and shall set a reasonable length of time for compliance by the facility.
- (f) ~~(c)~~ Reports on the results of each inspection, evaluation, or consultation shall be kept on file in the department, and all inspection reports, consultation reports, lists of deficiencies, and plans of correction shall be open to public inspection.
- (g) ~~(d)~~ As a part of the department's evaluation process, the department shall review the plan of operation, training logs, and marketing materials of any residential care facility for the elderly that advertises or promotes special care, special programming, or a special environment for persons with dementia to monitor compliance with Sections 1569.626 and 1569.627.

Amend Section 1597.09 of the Health and Safety Code as follows:

1597.09. (a) Each licensed child day care center shall be subject to unannounced visits by the department. The department shall visit these facilities at least once per year and as often as necessary to ensure the quality of care provided.

(b) ~~The department shall conduct an annual unannounced visit to a licensed child day care center under any of the following circumstances:~~

- ~~—(1) When a license is on probation.~~
- ~~—(2) When the terms of agreement in a facility compliance plan require an annual evaluation.~~
- ~~—(3) When an accusation against a licensee is pending.~~

~~—(4) In order to verify that a person who has been ordered out of a child day care center by the department is no longer at the facility.~~

~~—(c) (1) The department shall conduct an annual unannounced visit to no less than 20 percent of facilities not subject to an evaluation under subdivision (b). These unannounced visits shall be conducted based on a random sampling methodology developed by the department.~~

~~—(2) If the total citations issued by the department exceed the previous year's total by 10 percent, the following year the department shall increase the random sample by 10 percent of facilities not subject to an evaluation under subdivision (b). The department may request additional resources to increase the random sample by 10 percent.~~

~~—(d) Under no circumstance shall the department visit a licensed child day care center less often than once every five years.~~

Amend Section 1597.55a of the Health and Safety Code as follows:

1597.55a. Every family day care home shall be subject to unannounced visits by the department as provided in this section. The department shall visit these facilities at least once every two years and as often as necessary to ensure the quality of care provided.

(a) The department shall conduct an announced site visit prior to the initial licensing of the applicant.

(b) The department shall conduct an annual unannounced visit to a facility under any of the following circumstances:

(1) When a license is on probation.

(2) When the terms of agreement in a facility compliance plan require an annual evaluation.

(3) When an accusation against a licensee is pending.

(4) In order to verify that a person who has been ordered out of a family day care home by the department is no longer at the facility.

~~—(c) (1) The department shall conduct annual unannounced visits to no less than 20 percent of facilities not subject to an evaluation under subdivision (b). These unannounced visits shall be conducted based on a random sampling methodology developed by the department.~~

~~—(2) If the total citations issued by the department exceed the previous year's total by 10 percent, the following year the department shall increase the random sample by 10 percent of the facilities not subject to an evaluation under subdivision (b). The department may request additional resources to increase the random sample by 10 percent.~~

~~—(d) Under no circumstance shall the department visit a licensed family day care home less often than once every five years.~~

(e) ~~(c)~~ A public agency under contract with the department may make spot checks if it does not result in any cost to the state. However, spot checks shall not be required by the department.

(f) ~~(d)~~ The department or licensing agency shall make an unannounced site visit on the basis of a complaint and a followup visit as provided in Section 1596.853.

(g) (e) An unannounced site visit shall adhere to both of the following conditions:

(1) The visit shall take place only during the facility's normal business hours or at any time family day care services are being provided.

(2) The inspection of the facility shall be limited to those parts of the facility in which family day care services are provided or to which the children have access.

(h) (f) The department shall implement this section during periods that Section 1597.55b is not being implemented in accordance with Section 18285.5 of the Welfare and Institutions Code.

Attachment 3: Required Amendments to Eliminate Post-Licensing Visits

California Community Care Facilities Act

~~1526.5. (a) Within 90 days after a facility accepts its first client for placement following the issuance of a license or special permit pursuant to Section 1525, the department shall inspect the facility. The licensee shall within five business days after accepting its first client for placement notify the department that the facility has commenced operating. Foster family homes are exempt from the provisions of this subdivision.~~

~~(b) The inspection required by subdivision (a) shall be conducted to evaluate compliance with rules and regulations and to assess the facility's continuing ability to meet regulatory requirements. The department may take appropriate remedial action as authorized by this chapter.~~

~~1526.75. (a) It is the intent of the Legislature to maintain quality resources for children needing placement away from their families. If, during a periodic inspection or an inspection pursuant to Section 1526.5, a facility is found out of compliance with one or more of the licensing standards of the department, the department shall, unless an ongoing investigation precludes it, advise the provider of the noncompliance as soon as possible. The provider shall be given the opportunity to correct the deficiency.~~

Residential Care Facilities for Persons with Chronic Life-Threatening Illness

~~1568.07. (a)(1) Within 90 days after a facility accepts its first resident for placement following its initial licensure, the department shall inspect the facility to evaluate compliance with rules and regulations and to assess the facility's continuing ability to meet regulatory requirements. The licensee shall notify the department within five business days after accepting its first resident for placement, that the facility has commenced operating.~~

~~(2) The department may take appropriate remedial action as provided for in this chapter.~~

~~(ba)(1) Every licensed residential care facility shall be periodically inspected and evaluated for quality of care by a representative or representatives designated by the director. Evaluations shall be conducted at least annually and as often as necessary to ensure the quality of care being provided.~~

~~(2) During each licensing inspection the department shall determine if the facility meets regulatory standards, including, but not limited to, providing residents with the appropriate level of care based on the facility's license, providing adequate staffing and services, updated resident records and assessments, and compliance with basic health and safety standards.~~

~~(3) If the department determines that a resident requires a higher level of care than the facility is authorized to provide, the department may initiate a professional level of care assessment by an assessor approved by the department. An assessment shall be conducted in consultation with the resident, the resident's physician and surgeon, and the resident's case manager, and shall reflect the desires of the resident, the resident's physician and surgeon, and the resident's case manager. The assessment also shall recognize that certain illnesses are episodic in nature and that the resident's need for a higher level of care may be temporary.~~

~~(4) The department shall notify the residential care facility in writing of all deficiencies in its compliance with this chapter and the rules and regulations adopted pursuant to this chapter, and shall set a reasonable length of time for compliance by the facility.~~

~~(5) Reports on the results of each inspection, evaluation, or consultation shall be kept on file in the department, and all inspection reports, consultation reports, lists of deficiencies, and plans of correction shall be open to public.~~

~~(6) The department may take appropriate remedial action as provided for in this chapter.~~

(eb) Any duly authorized officer, employee, or agent of the department may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision, and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, this chapter.

(dc) No licensee shall discriminate or retaliate in any manner against any person receiving the services of the facility of the licensee, or against any employee of the facility, on the basis, or for the reason, that a person or employee or any other person has initiated or participated in an inspection pursuant to Section 1568.071.

(ed) Any person who, without lawful authorization from a duly authorized officer, employee, or agent of the department, informs an owner, operator, employee, agent, or resident of a residential care facility, of an impending or proposed inspection or evaluation of that facility by personnel of the department, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000), by imprisonment in the county jail for a period not to exceed 180 days, or by both a fine and imprisonment.

California Residential Care Facilities for the Elderly Act

~~1569.24 Within 90 days after a facility accepts its first resident for placement, following its initial licensure, the department shall inspect the facility to evaluate compliance with rules and regulations and to assess the facility's continuing ability to meet regulatory requirements. The licensee shall notify the department within five business days after accepting its first resident for placement, that the facility has commenced operating.~~

~~The department may take appropriate remedial action as provided for in this chapter.~~

Attachment 4: Pre-Licensing Visits: Proposed Statutory Changes

Day Care Centers

1597.13. (a) The department and any local agency with which it contracts for the licensing of day care centers shall grant or deny an application for license within 30 days after receipt of all appropriate licensing application materials, as determined by the department, after a site visit has been completed and the facility has been found to be in compliance with licensing standards. The department shall conduct an initial site visit within 30 days after the receipt of all appropriate licensing application materials.

(b) Notwithstanding subdivision (a), the department may exercise its discretion and elect not to conduct a site visit after the receipt of all appropriate licensing application materials when an operating day care center licensee sells or transfers the property or business to a new license applicant.

1597.14. (a) Notwithstanding Section 1596.858, in the event of a sale of a licensed child day care center where the sale will result in a new license being issued, the sale and transfer of property and business shall be subject to both of the following:

(1) The licensee shall provide written notice to the department and to the child's parent or his or her legal guardian of the licensee's intent to sell the child day care center at least 30 days prior to the transfer of the property or business, or at the time that a bona fide offer is made, whichever period is longer.

(2) The licensee shall, prior to entering into an admission agreement, inform the child's parent or his or her legal guardian, admitted to the facility after notification to the department, of the licensee's intent to sell the property or business.

(b) Except as provided in subdivision (e), the property and business shall not be transferred until the buyer qualifies for a license or provisional license pursuant to this chapter.

(1) The seller shall notify, in writing, a prospective buyer of the necessity to obtain a license, as required by this chapter, if the buyer's intent is to continue operating the facility as a child day care center. The seller shall send a copy of this written notice to the licensing agency.

(2) The prospective buyer shall submit an application for a license, as specified in Section 1596.95, within five days of the acceptance of the offer by the seller.

(c) No transfer of the facility shall be permitted until 30 days have elapsed from the date when notice has been provided to the department pursuant to paragraph (1) of subdivision (a).

(d) The department shall give priority to applications for licensure that are submitted pursuant to this section in order to ensure timely transfer of the property and business. Applicants for licensure pursuant to this section are exempt from the initial site visit required in section 1597.13. However, this does not preclude the Department from making an initial site visit if good cause exists for this inspection. This does not preclude the Department, when acting within its discretionary authority, from making an initial site visit. The department shall make a decision within 60 days after a complete application is submitted on whether to issue a license pursuant to Section 1596.95.

(e) If the parties involved in the transfer of the property and business fully comply with this section, then the transfer may be completed and the buyer shall not be considered to be operating an unlicensed facility while the department makes a final determination on the application for licensure.

California Child Day Care Act

1596.858. A license shall be forfeited by operation of law prior to its expiration date when any one of the following occurs:

(a) The licensee sells or otherwise transfers the facility or facility property, except when change of ownership applies to transferring of stock when the facility is owned by a corporation, and when the transfer of stock does not constitute a majority change in ownership.

(b) The licensee surrenders the license to the department.

(c) The licensee moves the facility from one location to another.

The department shall develop regulations to ensure that the facilities are not charged a full licensing fee and do not have to complete the entire application process when applying for license for the new location.

(d) The licensee is convicted of an offense specified in Section 220, 243.4, or 264.1, or paragraph (1) of Section 273a, Section 273d, 288, or 289 of the Penal Code, or is convicted of another crime specified in subdivision (c) of Section 667.5 of the Penal Code.

(e) The licensee dies. If an adult relative notifies the department of his or her desire to continue operation of the facility and submits an application, the department shall expedite the application. Applicants for licensure pursuant to this section are exempt from the initial site visit required in section 1597.13. However, this does not preclude the Department from making an initial site visit if good cause exists for this inspection. This does not preclude the Department, when acting within its discretionary authority, from making an initial site visit. The department shall promulgate regulations for expediting applications submitted pursuant to this subdivision.

(f) The licensee abandons the facility.

California Residential Care Facility for the Elderly Act

1569.20. Upon the filing of the application for issuance of an initial license, the department shall, within five working days of the filing, make a determination regarding the completeness of the application. If the application is complete, the department shall immediately request a fire clearance and notify the applicant to arrange a time for the department to conduct a precensure survey. Applicants for licensure of a currently or previously licensed facility are exempt from the initial site visit. This does not preclude the Department, when acting within its discretionary authority, from making an initial site visit. inspection. If the application is incomplete, the department shall notify the applicant and request the necessary information. Within 60 days of making a determination that the file is complete, the department shall make a determination whether the application is in compliance with this chapter and the rules and regulations of the department and shall either immediately issue the license or notify the applicant of the deficiencies. The notice shall specify whether the deficiencies constitute denial of the application or whether further corrections for compliance will likely result in approval of the application.

Attachment 5: New annual and application fee schedule

Capacity	2009-10 Annual Fee	2009-10 Application Fee	2010-11 Annual Fee	2010-11 Application Fee
FCCH			10.4%	10.4%
1-8	\$ 66	\$ 66	\$ 73	\$ 73
9-14	\$ 127	\$ 127	\$ 140	\$ 140
CCC			10.0%	10.0%
1-30	\$ 220	\$ 440	\$ 242	\$ 484
31-60	\$ 440	\$ 880	\$ 484	\$ 968
61-75	\$ 550	\$ 1100	\$ 605	\$ 1210
76-90	\$ 660	\$ 1320	\$ 726	\$ 1452
91-120	\$ 880	\$ 1760	\$ 968	\$ 1936
121+	\$ 1100	\$ 2200	\$ 1210	\$ 2420
Adult Day			10.0%	10.0%
1-15	\$ 83	\$ 165	\$ 91	\$ 182
16-30	\$ 138	\$ 275	\$ 152	\$ 303
31-60	\$ 275	\$ 550	\$ 303	\$ 605
61-75	\$ 344	\$ 689	\$ 378	\$ 758
76-90	\$ 413	\$ 825	\$ 454	\$ 908
91-120	\$ 550	\$ 1100	\$ 605	\$ 1210
121+	\$ 688	\$ 1375	\$ 757	\$ 1513
Residential			10.0%	10.0%
1-3	\$ 413	\$ 413	\$ 454	\$ 454
4-6	\$ 413	\$ 825	\$ 454	\$ 908
7-15	\$ 619	\$ 1239	\$ 681	\$ 1363
16-30	\$ 825	\$ 1650	\$ 908	\$ 1815
31-49	\$ 1032	\$ 2064	\$ 1135	\$ 2270
50-74	\$ 1239	\$ 2477	\$ 1363	\$ 2725
75-100	\$ 1445	\$ 2891	\$ 1590	\$ 3180
101-150	\$ 1652	\$ 3304	\$ 1817	\$ 3634
151-200	\$ 1926	\$ 3852	\$ 2119	\$ 4237
201-250	\$ 2200	\$ 4400	\$ 2420	\$ 4840
251-300	\$ 2475	\$ 4950	\$ 2723	\$ 5445
301-350	\$ 2750	\$ 5500	\$ 3025	\$ 6050
351-400	\$ 3025	\$ 6050	\$ 3328	\$ 6655
401-500	\$ 3575	\$ 7150	\$ 3933	\$ 7865
501-600	\$ 4125	\$ 8250	\$ 4538	\$ 9075
601-700	\$ 4675	\$ 9350	\$ 5143	\$ 10285
701+	\$ 5500	\$ 11000	\$ 6050	\$ 12100
RCFCI			10.0%	10.0%
1-6	\$ 275	\$ 550	\$ 303	\$ 605
	+		+	
	\$10/bed		\$10/bed	
7-15	\$ 344	\$ 689	\$ 378	\$ 758
	+		+	
	\$10/bed		\$10/bed	
16-25	\$ 413	\$ 825	\$ 454	\$ 908
	+		+	
	\$10/bed		\$10/bed	
26+	\$ 482	\$ 964	\$ 530	\$ 1060
	+		+	
	\$10/bed		\$10/bed	

FFA	\$	1375	\$	2750	10.0%	\$	1513	10.0%	\$	3025
CFH	\$	88			10.2%	\$	97			
AA	\$	1375	\$	2750	10.0%	\$	1513	10.0%	\$	3025

Attachment 6: Increase in annual and application fee revenue

Capacity	2009-10 Annual Fee	2009-10 Application Fee	9/17/09 Facilities*	2008-09 Applications*	2010-11 Annual	2010-11 Application
FCCH						
1-8	\$ 66	\$ 66	29,012	6,914	\$191,480	\$45,630
9-14	\$ 127	\$ 127	13,475	860	\$171,130	\$10,920
CCC						
1-30	\$ 220	\$ 440	6,112	674	\$134,460	\$29,660
31-60	\$ 440	\$ 880	4,929	298	\$216,880	\$26,220
61-75	\$ 550	\$ 1,100	1,410	52	\$77,550	\$5,720
76-90	\$ 660	\$ 1,320	909	43	\$59,990	\$5,680
91-120	\$ 880	\$ 1,760	1,093	30	\$96,180	\$5,280
121+	\$ 1,100	\$ 2,200	733	33	\$80,630	\$7,260
Adult Day						
1-15	\$ 83	\$ 165	92	21	\$760	\$350
16-30	\$ 138	\$ 275	239	35	\$3,300	\$960
31-60	\$ 275	\$ 550	355	29	\$9,760	\$1,600
61-75	\$ 344	\$ 689	66	5	\$2,270	\$340
76-90	\$ 413	\$ 825	52	4	\$2,150	\$330
91-120	\$ 550	\$ 1,100	42	2	\$2,310	\$220
121+	\$ 688	\$ 1,375	48	3	\$3,300	\$410
Residential						
1-3	\$ 413	\$ 413	374	76	\$15,450	\$3,140
4-6	\$ 413	\$ 825	12,005	1,120	\$495,810	\$92,400
7-15	\$ 619	\$ 1,239	949	49	\$58,740	\$6,070
16-30	\$ 825	\$ 1,650	350	19	\$28,880	\$3,140
31-49	\$ 1,032	\$ 2,064	295	31	\$30,440	\$6,400
50-74	\$ 1,239	\$ 2,477	209	15	\$25,900	\$3,720
75-100	\$ 1,445	\$ 2,891	241	27	\$34,820	\$7,810
101-150	\$ 1,652	\$ 3,304	254	30	\$41,960	\$9,910
151-200	\$ 1,926	\$ 3,852	114	9	\$21,960	\$3,470
201-250	\$ 2,200	\$ 4,400	46	5	\$10,120	\$2,200
251-300	\$ 2,475	\$ 4,950	18	0	\$4,460	\$0
301-350	\$ 2,750	\$ 5,500	16	0	\$4,400	\$0
351-400	\$ 3,025	\$ 6,050	7	1	\$2,120	\$610
401-500	\$ 3,575	\$ 7,150	11	0	\$3,930	\$0
501-600	\$ 4,125	\$ 8,250	9	1	\$3,710	\$830
601-700	\$ 4,675	\$ 9,350	1	0	\$470	\$0
701+	\$ 5,500	\$ 11,000	6	0	\$3,300	\$0
RCFCI						
1-6	\$ 275	\$ 550	5	0	\$140	\$0
	+ \$10/bed					
7-15	\$ 344	\$ 689	12	0	\$410	\$0
	+ \$10/bed					
16-25	\$ 413	\$ 825	1	0	\$40	\$0
	+ \$10/bed					
26+	\$ 482	\$ 964	3	0	\$140	\$0
	+ \$10/bed					

FFA	\$	1,375	\$	2,750	288	29	\$39,600	\$7,980
CFH	\$	88			13,421		\$118,100	
AA	\$	1,375	\$	\$2,750	125	21	\$17,190	\$5,780

*FFHs Excluded; Includes County FCCHs

**Total revenues rounded to nearest thousand.

Ongoing Total: \$2,014,000 \$294,000 \$2,308,000

Initial (50%) Total: \$1,007,000 \$147,000 \$1,154,000

Attachment 7: Re-Inspection Fee

Number of Plan of Correction Visits

	Adult Care	Child Care	Children's Res	Senior Care	Ongoing Total	Initial (50%) Total
Visits	934	2,741	320	857	4,852	
Service Fee	\$100	\$100	\$100	\$100	\$100	
Fee Revenue	\$93,400	\$274,100	\$32,000	\$85,700	\$485,000	\$243,000

*Total fee revenue rounded to nearest thousand.

Attachment 8: Statutory changes for increase in fee revenue

1523.1. (a) An application fee adjusted by facility and capacity shall be charged by the department for the issuance of a license. After initial licensure, a fee shall be charged by the department annually on each anniversary of the effective date of the license. The fees are for the purpose of financing the activities specified in this chapter. Fees shall be assessed as follows:

Fee Schedule

Initial

<u>Facility Type</u>	<u>Capacity</u>	<u>Application</u>	<u>Annual</u>
Foster Family And Adoption Agencies		\$2,750	\$1,375
	1-15	\$165	\$83
	16-30	\$275	\$138
	31-60	\$550	\$275
Adult Day Programs	61-75	\$689	\$344
	76-90	\$825	\$413
	91-120	\$1,100	\$550
	121+	\$1,375	\$688
	1-3	\$413	\$413
Other	4-6	\$825	\$413
Community Care Facilities	7-15	\$1,239	\$619
	16-30	\$1,650	\$825
	31-49	\$2,064	\$1,032
	50-74	\$2,477	\$1,239
	75-100	\$2,891	\$1,445
	101-150	\$3,304	\$1,652
	151-200	\$3,852	\$1,926
	201-250	\$4,400	\$2,200
	251-300	\$4,950	\$2,475
	301-350	\$5,500	\$2,750
	351-400	\$6,050	\$3,025
	401-500	\$7,150	\$3,575
	501-600	\$8,250	\$4,125
	601-700	\$9,350	\$4,675
	701+	\$11,000	\$5,500

Fee Schedule

<u>Facility Type</u>	<u>Capacity</u>	<u>Application</u>	<u>Annual</u>
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<u>Foster Family And Adoption Agencies</u>		<u>\$3,025</u>	<u>\$1,513</u>
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<u>Adult Day Programs</u>	<u>1-15</u>	<u>\$182</u>	<u>\$91</u>
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<u>16-30</u>	<u>\$303</u>	<u>\$152</u>
<u>31-60</u>	<u>\$605</u>	<u>\$303</u>
<u>61-75</u>	<u>\$758</u>	<u>\$378</u>
<u>76-90</u>	<u>\$908</u>	<u>\$454</u>
<u>91-120</u>	<u>\$1,210</u>	<u>\$605</u>
<u>121+</u>	<u>\$1,513</u>	<u>\$757</u>

Other

Community

Care Facilities

<u>1-3</u>	<u>\$454</u>	<u>\$454</u>
<u>4-6</u>	<u>\$908</u>	<u>\$454</u>
<u>7-15</u>	<u>\$1,363</u>	<u>\$681</u>
<u>16-30</u>	<u>\$1,815</u>	<u>\$908</u>
<u>31-49</u>	<u>\$2,270</u>	<u>\$1,135</u>
<u>50-74</u>	<u>\$2,725</u>	<u>\$1,363</u>
<u>75-100</u>	<u>\$3,180</u>	<u>\$1,590</u>
<u>101-150</u>	<u>\$3,634</u>	<u>\$1,817</u>
<u>151-200</u>	<u>\$4,237</u>	<u>\$2,119</u>
<u>201-250</u>	<u>\$4,840</u>	<u>\$2,420</u>
<u>251-300</u>	<u>\$5,445</u>	<u>\$2,723</u>
<u>301-350</u>	<u>\$6,050</u>	<u>\$3,025</u>
<u>351-400</u>	<u>\$6,655</u>	<u>\$3,328</u>
<u>401-500</u>	<u>\$7,865</u>	<u>\$3,933</u>
<u>501-600</u>	<u>\$9,075</u>	<u>\$4,538</u>
<u>601-700</u>	<u>\$10,285</u>	<u>\$5,143</u>
<u>701+</u>	<u>\$12,100</u>	<u>\$6,050</u>

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

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

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

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

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

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

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

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

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

(H) A reinspection fee of one hundred dollars (\$100) whenever an inspection of a facility is necessary to ensure a violation has been corrected.

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

(3) Foster family agencies shall be annually assessed ninety-seven ~~eighty-eight~~ dollars (\$97) ~~(\$88)~~ for each home certified by the agency.

...

Amend Section 1568.05 of the Health and Safety Code as follows:

1568.05. (a) An application fee adjusted by facility and capacity, shall be charged by the department for a license to operate a residential care facility for persons with chronic life-threatening illness. After initial licensure, a fee shall be charged by the department annually, on each anniversary of the effective date of the license. The fees are for the purpose of financing the activities specified in this chapter. Fees shall be assessed as follows:

<u>Fee Schedule</u>		
	<u>Initial</u>	
<u>Capacity</u>	<u>Application</u>	<u>Annual</u>
<u>1-6</u>	<u>\$550</u>	<u>\$275 plus \$10 per bed</u>
<u>7-15</u>	<u>\$689</u>	<u>\$344 plus \$10 per bed</u>
<u>16-25</u>	<u>\$825</u>	<u>\$413 plus \$10 per bed</u>
<u>26+</u>	<u>\$964</u>	<u>\$482 plus \$10 per bed</u>

<u>Fee Schedule</u>		
<u>Capacity</u>	<u>Initial Application</u>	<u>Annual</u>
<u>1-6</u>	<u>\$605</u>	<u>\$303 plus \$10 per bed</u>
<u>7-15</u>	<u>\$758</u>	<u>\$378 plus \$10 per bed</u>
<u>16-25</u>	<u>\$908</u>	<u>\$454 plus \$10 per bed</u>
<u>26+</u>	<u>\$1,060</u>	<u>\$530 plus \$10 per bed</u>

(b) (1) In addition to fees set forth in subdivision (a), the

department shall charge the following fees:

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

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

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

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

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

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

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

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

(H) A reinspection fee of one hundred dollars (\$100) whenever an inspection of a facility is necessary to ensure a violation has been corrected.

...

Amend Section 1569.185 of the Health and Safety Code as follows:

1569.185. (a) An application fee adjusted by facility and capacity shall be charged by the department for the issuance of a license to operate a residential care facility for the elderly. After initial licensure, a fee shall be charged by the department annually on each anniversary of the effective date of the license.

The fees are for the purpose of financing activities specified in this chapter. Fees shall be assessed as follows:

Fee Schedule		
Capacity	Application	Annual
1-3	\$413	\$413
4-6	\$825	\$413

7-15	\$1,239	\$619
16-30	\$1,650	\$825
31-49	\$2,064	\$1,032
50-74	\$2,477	\$1,239
75-100	\$2,891	\$1,445
101-150	\$3,304	\$1,652
151-200	\$3,852	\$1,926
201-250	\$4,400	\$2,200
251-300	\$4,950	\$2,475
301-350	\$5,500	\$2,750
351-400	\$6,050	\$3,025
401-500	\$7,150	\$3,575
501-600	\$8,250	\$4,125
601-700	\$9,350	\$4,675
701+	\$11,000	\$5,500

Fee Schedule

<u>Capacity</u>	<u>Initial Application</u>	<u>Annual</u>
<u>1-3</u>	<u>\$454</u>	<u>\$454</u>
<u>4-6</u>	<u>\$908</u>	<u>\$454</u>
<u>7-15</u>	<u>\$1,363</u>	<u>\$681</u>
<u>16-30</u>	<u>\$1,815</u>	<u>\$908</u>
<u>31-49</u>	<u>\$2,270</u>	<u>\$1135</u>
<u>50-74</u>	<u>\$2,725</u>	<u>\$1,363</u>
<u>75-100</u>	<u>\$3,180</u>	<u>\$1,590</u>
<u>101-150</u>	<u>\$3,634</u>	<u>\$1,817</u>
<u>151-200</u>	<u>\$4,237</u>	<u>\$2,119</u>
<u>201-250</u>	<u>\$4,840</u>	<u>\$2,420</u>
<u>251-300</u>	<u>\$5,445</u>	<u>\$2,723</u>
<u>301-350</u>	<u>\$6,050</u>	<u>\$3,025</u>
<u>351-400</u>	<u>\$6,655</u>	<u>\$3,328</u>
<u>401-500</u>	<u>\$7,865</u>	<u>\$3,933</u>
<u>501-600</u>	<u>\$9,075</u>	<u>\$4,538</u>
<u>601-700</u>	<u>\$10,285</u>	<u>\$5,143</u>
<u>701+</u>	<u>\$12,100</u>	<u>\$6,050</u>

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

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

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

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

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

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

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

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

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

(H) A reinspection fee of one hundred dollars (\$100) whenever an inspection of a facility is necessary to ensure a violation has been corrected.

...

Amend Section 1596.803 of the Health and Safety Code as follows:

1596.803. (a) An application fee adjusted by facility and capacity shall be charged by the department for the issuance of a license to operate a child day care facility. After initial licensure, a fee shall be charged by the department annually, on each anniversary of the effective date of the license. The fees are for the purpose of financing activities specified in this chapter. Fees shall be assessed as follows:

Fee Schedule			
Facility Type	Capacity	Application	Annual
Family Day Care	1-8	\$66	\$66
	9-14	\$127	\$127
Day Care Centers	1-30	\$440	\$220
	31-60	\$880	\$440
	61-75	\$1,100	\$550
	76-90	\$1,320	\$660
	91-120	\$1,760	\$880
	121+	\$2,200	\$1,100

Fee Schedule			
Facility Type	Capacity	Application	Annual

<u>Family Day Care</u>	<u>1-8</u>	<u>\$73</u>	<u>\$73</u>
	<u>9-14</u>	<u>\$140</u>	<u>\$140</u>

<u>Day Care</u>			
<u>Centers</u>	<u>1-30</u>	<u>\$484</u>	<u>\$242</u>
	<u>31-60</u>	<u>\$968</u>	<u>\$484</u>
	<u>61-75</u>	<u>\$1,210</u>	<u>\$605</u>
	<u>76-90</u>	<u>\$1,452</u>	<u>\$726</u>
	<u>91-120</u>	<u>\$1,936</u>	<u>\$968</u>
	<u>121+</u>	<u>\$2,420</u>	<u>\$1,210</u>

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

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

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

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

(D) An orientation fee of twenty-five dollars (\$25) for attendance by any individual at a department-sponsored family child day care home orientation session, and a fifty dollar (\$50) orientation fee for attendance by any individual at a department-sponsored child day care center orientation session.

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

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

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

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

(H) A reinspection fee of one hundred dollars (\$100) whenever an inspection of a facility is necessary to ensure a violation has been corrected.