

DEPARTMENT OF DEVELOPMENTAL SERVICES

CHAPTER 3. COMMUNITY SERVICES

Subchapter 23. COMMUNITY CRISIS HOMES

FINDING OF EMERGENCY

These regulations as well as forms DS 6023, DS 6024 and DS 6028 are being adopted on an emergency basis for the immediate preservation of the public peace, health and safety, and general welfare, for purposes of Sections 11346.1 and 11349.6 of the Government Code, within the meaning of Article IV of the Constitution. These regulations are being adopted in order to make changes necessary for the implementation of SB 856, Chapter 30, Statutes of 2014.

The authorizing language for these emergency regulations is found at Welfare and Institutions Code section 4698.1 (b). This provision includes the following express finding of emergency:

The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

Authority and Reference Citations: Welfare and Institutions Code sections 4698 and 4698.1.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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The Lanterman Developmental Disabilities Services Act (Lanterman Act), Welfare & Institutions Code section 4500 et seq., was enacted to reduce institutionalization of people with developmental disabilities and prevent their dislocation from their home communities. Under the Lanterman Act, people with developmental disabilities have a right to services and supports in the least restrictive environment. With the reduced reliance on restrictive institutional and out-of-state placements, there is a need to increase community capacity and develop new alternatives, particularly for the most difficult-to-serve consumers.

To continue the development of alternative living arrangements, Senate Bill 856, Chapter 30, Statutes of 2014, requires the Department of Developmental Services (DDS) to develop the residential option of Community Crisis Homes, as well as Enhanced Behavioral Supports Homes. DDS initiated the emergency regulations for

Enhanced Behavioral Supports Homes in January 2015, as DDS determined this residential option was a priority in order to provide resources for the consumers leaving the Developmental Centers. The Enhanced Behavioral Supports Homes permanent regulations are in the process of finalization, and DDS is now proceeding with the development of the Community Crisis Homes regulations. These emergency regulations are the next step to ensure that consumers as relocate out of the Developmental Centers and the Crisis Units close, there is a resource for consumers in the community. The Community Crisis Homes are required by statute to be an alternative to placements such as an out-of-state placement, a general acute hospital, an acute psychiatric hospital, or an institution for mental disease.

Section 59000: Defines terms relative to Community Crisis Home and these regulations.

Section 59001: Sets forth general requirements for the operation of the Community Crisis Home.

Section 59002: Specifies the items to be included in the Facility Program Plan to ensure the stable operation of the facility and ensure the health and safety of the consumers in residence.

Section 59003: Requires DDS review of the Facility Program Plan to ensure it meets the requirements of section 59002 and permits DDS approval of the Facility Program Plan and requires DDS to submit a Certificate of Approval to the Department of Social Services as a condition of licensure.

59004: Specifies the minimum qualifications that must be met by a facility administrator.

59005: Specifies the minimum qualifications that must be met by direct care staff persons.

59006: Specifies the minimum staffing requirements to ensure the orderly operation of the facility and to ensure the health and safety of consumers.

59007: Specifies the minimum amount of training required of direct care staff to ensure competent care of consumers.

59008: Specifies the minimum amount of continuing education required of direct care staff to ensure continued competent care of consumers.

59009: Specifies the assessments that must be completed and plans that must be completed to ensure a consumer is smoothly transitioned into the Community Crisis Home.

59010: Requires the development of an Individual Behavior Supports Plan for each consumer that outlines the behavioral treatment the consumer will receive.

59011: Requires the maintenance of a facility file and specifies what must be included in the file.

59012: Requires the maintenance of a consumer file and specifies what must be included in the file.

59013: Specifies regional center monitoring of a Community Crisis Home to ensure consistent treatment of the consumer and ensure the health and safety of the consumer.

59014: Requires a contract between the Community Crisis Home and the regional center and specifies what must be in the contract.

59015: Allows for contract termination when the Community Crisis Home is unable to maintain substantial compliance with applicable laws or its contract with the regional center or when the Community Crisis Home demonstrates an inability to ensure the health and safety of consumers.

59016: As a matter of due process, allows the Community Crisis Home to appeal the regional center's decision to terminate the contract.

59017: Specifies which situations are considered an immediate danger.

59018: Specifies which situations are considered substantial inadequacies.

59019: Specifies requirements for corrective action plans.

59020: Requires the regional center to apply sanctions when there is noncompliance with the corrective action plan.

59021: Describes the process by which the facility administrator may appeal regional center findings of immediate danger, substantial inadequacies and sanctions.

59022: Sets forth the procedures for development of rates for both facility costs and individual costs associated with residency, and specifics for payment of said rates.

Form DS 6023 Rate Development - Facility Costs: Form to be used to assist in the development of the facility rate.

Form DS 6024 Rate Development - Individual Costs Associated with Residency: Form to be used to assist in the development of individualized consumer rates.

Form DS 6028 Community Crisis Home - Rate Development Transition Costs: Form to be used to fund additional services and supports for the consumer during times of transition into, or out of, the Community Crisis Home.

OBJECTIVE AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

SB 856 requires DDS to adopt emergency regulations to implement Welfare and Institutions Code sections 4698 and 4698.1, which existing regulations do not address.

The proposed regulations will implement the requirements of Welfare and Institutions Code sections 4698 and 4698.1 and enable consumers eligible to reside in Community Crisis Home to avoid placement in more restrictive settings.

Benefits:

Adoption of these proposed emergency regulations is required as a condition of the development of licensed residential facilities authorized by SB 856.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

DDS has determined the proposed regulations are not inconsistent or incompatible with existing state regulations.

Mandate on local agencies and school districts: DDS has determined that the proposed emergency regulations do not impose a mandate on local agencies or school districts.

Fiscal Impact: DDS has determined that the emergency regulations do not impose any additional costs or savings requiring reimbursement under Government Code section 17500, et seq., any non-discretionary cost or savings to local agencies or school districts, or any cost or savings in federal funding to the State. DDS has determined there will be no cost or savings to any state agency pursuant to Government Code section 11346.1(b) or 11346.5(a)(6).

Economic Impact: DDS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. DDS has made a determination that the emergency regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. DDS has determined that the emergency regulations would not affect the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.