

June 18, 2021

Legislation, Regulations & Public Affairs  
California Department of Developmental Services  
1600 9th Street, Suite 240  
Sacramento, CA 95814

**RE: Children’s Community Crisis Homes - Proposed Regulations (17 CCR sections 59000, 59002, 59006, 59007, 59008, 59009, 59010, 59012, 59022, and 59072)**

Attention: Legislation, Regulations & Public Affairs,

The Association of Regional Center Agencies (ARCA) represents California’s 21 community-based regional centers, which advocate on behalf of, and coordinate services for, more than 350,000 persons in California with developmental disabilities and their families.

ARCA appreciates the opportunity to comment on the emergency regulations proposed by the Department of Developmental Services (DDS) related to Children’s Community Crisis Homes (CCCH)

ARCA would like to acknowledge the work of DDS in developing comprehensive regulations that align with the Welfare and Institutions Code sections 4698 and 4698.1 and promotes placement into least restrictive settings.

With regards to the proposed regulation for Children’s Community Crisis Homes (CCCH), ARCA recommends the following:

**Section 59000(a)(24)- Functional Behavior Assessment:**

ARCA recommends modifying the proposed definition to better capture the “function” aspect of a Functional Behavior Assessment. The definition as currently written appears to combine a functional analysis (experimental analysis) with the Functional Behavior Assessment which is not always part of a Functional Behavior Assessment.

ARCA recommends modifying the proposed definition as follows: “Functional Behavior Assessment” means a variety of systematic information gathering activities whereby relevant and specific data is collected to determine factors influencing the occurrence of a behavior, such as but not limited to antecedents, consequences, setting events, motivating operations, trauma history, indirect assessment, direct observation, and experimental analysis taking into consideration the antecedents and consequences surrounding the behavior, with the purpose of developing appropriate interventions. The results are used as the basis to design a consumer’s Individual Behavior Supports Plan consisting of systematic interventions that are developmentally appropriate and teach appropriate behaviors to replace any maladaptive behaviors.

### **Section 59009- Consumer Admission:**

The proposed languages would require all Community Crisis Homes to develop a Functional Behavior Assessment for each person within 7 days of admission. Since Functional Behavior Assessments can take longer than a week to complete, ARCA recommends it not be included in the requirements to be met within the first week, but instead, be required to be completed within 30 days of admission.

ARCA recommends modifying the proposed section 59009(e)(2) as follows: The administrator, with input from the Individual Behavior Supports Team, shall ensure completion of ~~(A) A written Functional Behavior Assessment; and (B) A~~ a written Individual Behavior Supports Plan.

ARCA recommends adding section 59009(h) to read as follows: (h) Within 30 days of admission the administrator, with input from the Individual Behavior Supports Team, shall ensure completion of a written Functional Behavior Assessment.

### **Section 59022-Establishment of Rates:**

The proposed language requires continued residency for consumers residing at a Children's Community Crisis Home beyond 12 months to be approved by the Department. Due to the limited number of step-down resources available to support children, ARCA believes the maximum time in which a consumer can reside at a Children's Community Crisis Home should match that of adult Community Crisis Homes, which is 18 months. This will allow more time for children to stabilize and regional centers to develop resources for them to transition into. To achieve this change, ARCA recommends the existing regulatory language remain unchanged.

ARCA recommends modifying proposed section 59022(b)(3)(D) as follows: If the consumer resides at a Community Crisis Home ~~licensed as an adult residential facility beyond 18 months, or at a Community Crisis Home licensed as a group home beyond 12 months,~~ any additional day(s) must be approved by the Department and reviewed monthly thereafter.

### **Section 59010.4 Debriefing After the Use of Physical Restraint**

The proposed language requires a facility to conduct a debriefing no later than 24 hours following every incident involving the use of physical restraint. Included in the language is a list of attendees who should participate in the debriefings. Recognizing the importance of including key individuals in discussion that may lead to changes in client's functional assessment, individual behavior plan or Individualized Emergency intervention plan, ARCA recommends that the clients' rights advocate and regional center service coordinator or other representative be invited to attend the debriefing meeting. ARCA also recommends that a copy of the debriefing report be submitted to the regional center.

ACRA recommends modifying proposed Section 59010.4(b) to read as follows: The clients' rights advocate and a regional center representative shall be invited to but not required to attend the debriefing meeting. Attendees of the debriefing shall include...

ARCA also recommends modifying Section 59010.4(e) to read as follows: Documentation of the debriefing meeting must be sent to the regional center within three days of the debriefing and shall include...

### **Section 59010.5 Restraint Date Reporting**

The proposed language requires facilities to report to the Department incidents where behavioral restraints were used, and the duration of time spent per incident of restraint.” Since regional centers play an integral role in following-up on consumer related incidents, ARCA recommends that the proposed regulation requires facilities to report restraint data to the regional centers in addition to the Department.

ARCA recommends modifying proposed section 59010.5 to read as follows: On a monthly basis, a facility shall report to the Department and the regional center the number of incidents where behavioral restraints were used, and the duration of time spent per incident of restraint.

ARCA appreciates the opportunity to provide comments to strengthen the delivery of services in this new model of care for children. If you have any questions regarding our position, please do not hesitate to contact Darline Dupree in our office at [ddupree@arcanet.org](mailto:ddupree@arcanet.org) or (916) 446-7961.

Sincerely,  
/s/  
Amy Westling  
Executive Director