

**State of California
Office of Administrative Law**

In re:
Department of Developmental Services

Regulatory Action:

Title 17, California Code of Regulations

Adopt sections: 59009.5, 59010.1, 59010.2,
59010.3, 59010.4, 59010.5

Amend sections: 59000, 59002, 59006,
59007, 59008, 59009,
59010, 59012, 59022,
59050, 59072

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2021-0615-08

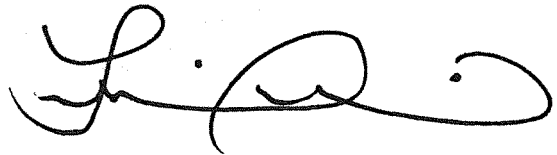
**OAL Matter Type: Emergency Resubmittal
(ER)**

This emergency rulemaking action by the Department of Developmental Services updates the facility program plan requirements, staff training and continuing education requirements, and individual behavior supports plan requirements for Community Crisis Homes licensed as adult residential facilities and group homes. This emergency action also updates Form DS 6023 and Form DS 6024, which pertain to rate development for Community Crisis Homes.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on June 25, 2021 and pursuant to Executive Orders N-40-20 and N-71-20 will expire on April 23, 2022. The Certificate of Compliance for this action is due no later than April 22, 2022.

Date: June 25, 2021



Lindsey S. McNeill
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Nancy Bargmann, Director
Copy: Amy Whiting

EMERGENCY

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on
reverse)

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2021-0615-08 ER	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California**JUN 25 2021**

2:45 p.m.

2021 JUN 15 P 4:39
OFFICE OF
ADMINISTRATIVE LAWAGENCY WITH RULEMAKING AUTHORITY
Department of Developmental Services

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Children's Community Crisis Homes		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2020-0904-01E	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 59009.5, 59010.1, 59010.2, 59010.3, 59010.4, and 59010.5	
TITLE(S) 17		AMEND 59000, 59002, 59006, 59007, 59008, 59009, 59010, 59012, 59022, 59050 and 59072	
REPEAL			
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))			
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____			
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) N/A			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input checked="" type="checkbox"/> Other (Specify) Per WIC 4684.86 and 4698.1 System Stakeholder Meetings held on 12/3/19 and 12/5/19			
7. CONTACT PERSON Amy Whiting		TELEPHONE NUMBER 916-799-2697	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) amy.whiting@dds.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

DocuSigned by:
SIGNATURE OF AGENCY HEAD OR DESIGNEE
Carla CastanedaDATE
June 7, 2021

TYPED NAME AND TITLE OF SIGNATORY

Carla Castaneda, Chief Deputy Director

LM
per agency
request
6/29/21

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED**JUN 25 2021**

Office of Administrative Law

PROPOSED EMERGENCY REGULATION ORDER

Title 17. Public Health Division 2. Health and Welfare Agency Chapter 3. Community Services Subchapter 23. Community Crisis Homes and Subchapter 24. Enhanced Behavioral Supports Homes

Amend sections 59000, 59002, 59006, 59007, 59008, 59009, 59010, 59012, 59022, 59050, and 59072, title 17, California Code of Regulations (CCR), and adopt new articles 5.5 and 6.5 and new sections 59009.5, 59010.1, 59010.2, 59010.3, 59010.4, and 59010.5, title 17, CCR, to read as follows:

[NOTE: Amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The symbol "# # #" means that intervening text not proposed for amendment is not shown.]

Subchapter 23. Community Crisis Homes Article 1. Definitions

§ 59000. Definitions.

(a) The following definitions shall apply to the regulations used in this subchapter:

(a1) "Administrator" means the person defined in Title 22, California Code of Regulations, Section 80001(a)(2) who also meets the additional requirements of Section 59010.

(b2) "Assistant Behavior Analyst" means a person recognized by the national Behavior Analyst Certification Board as a Board Certified Assistant Behavior Analyst.

(c3) "Authorized Consumer Representative" means the parent or guardian of a child, ~~or~~ conservator of an adult, or person who is legally entitled to act on behalf of the consumer.

(d4) "Behavior Analyst" means a person recognized by the national Behavior Analyst Certification Board as a Board Certified Behavior Analyst.

(5) "Behavioral Restraint" means the type of intervention defined in Health and Safety Code Section 1180.1 (a).

These services shall facilitate transition to a less restrictive community environment.

(15) "Culturally competent and linguistically appropriate" means the ability to reach underserved cultural populations and address specific barriers related to racial, ethnic, cultural, language, gender, age, economic, or other disparities in mental health services access, quality, and outcomes.

(k16) "Day" means calendar day unless otherwise stated.

(l17) "Department" means the Department of Developmental Services.

(m18) "Direct Care Staff" means facility staff that personally provide direct supervision and special services to consumers, as defined in Section 56002(a). The term includes the licensee, the administrator, management, supervisory, and lead staff during that time when they are providing direct supervision and special services to consumers.

(1A) Direct supervision and special services shall include "care and supervision" as defined in Title 22, California Code of Regulations, Section 80001(c)(3).

(19) "Dual Agency Client" means foster children in temporary custody of the child welfare agency under Section 319 of the Welfare and Institutions Code or under the jurisdiction of the juvenile court pursuant to Section 300, 450, 601, or 602 of the Welfare and Institutions Code who are also either a consumer of regional center services, or who are receiving services under the California Early Intervention Services Act (Title 14 (commencing with Section 95000) of the Government Code) but who are under three years of age and have not yet been determined to have a developmental disability.

(n20) "Emergency Intervention(s)" means the intervention(s) used with consumers during the time they present an imminent danger of serious injury to self or others, which cannot be prevented by the use of a less restrictive technique.

(o21) "Emergency Intervention Plan" means a written plan, which addresses the implementation of emergency interventions and the prevention of injury.

(22) "Extended Procedure" means restraint that lasts for more than 15 consecutive minutes.

(p23) "Facility Liaison" means the person, or his or her designee, assigned by the vendoring regional center as the principal coordinator between the regional center and the facility.

(24) "Functional Behavior Assessment" means a variety of systematic information-gathering activities whereby relevant and specific data are collected to determine factors influencing the occurrence of a behavior, such as but not limited to

~~(B)~~2. Representative(s) from the consumer's prior residence and/or identified alternative future community-based residential setting, as applicable;

~~(C)~~3. Health Care Professional;

4. Representative(s) from the responsible local education agency or agencies; and

~~(D)~~5. Any individual(s) deemed necessary by the consumer, or, where applicable, his or her authorized consumer representative, if any, for developing a comprehensive and effective Individual Behavior Supports Plan.

(29) "Individualized Emergency Intervention Plan" means a written plan addressing the prevention of injury and implementation of emergency intervention techniques by the licensee that will be used with a specific consumer, which are in addition to and are not prohibited by, the emergency intervention techniques set forth in the facility Emergency Intervention Plan. The Individualized Emergency Intervention Plan shall be developed in consultation with a Qualified Behavior Modification Professional with input from the consumer and if available, someone whom the consumer desires to provide input in accordance with Health and Safety Code Section 1180.4(a). The Individualized Emergency Intervention Plan shall include consumer-centered problem-solving strategies that diffuse and safely resolve emerging crisis situations and strategies to minimize time spent in seclusion or behavioral restraints.

~~(u)~~30) "Individual Program Plan" (IPP) means a written plan that is developed by a regional center planning team, in accordance with the provisions of Sections 4646 and 4646.5 of the Welfare and Institutions Code.

(31) "Intensive Transition Services" means services offered to individuals with intellectual and/or developmental disabilities and co-occurring psychiatric disabilities before, during and after transition from a highly restrictive setting to a less restrictive living situation in the community.

(32) "Licensee" means the adult, firm, partnership, association, corporation, county, city, public agency, or other governmental entity having the authority and responsibility for the operation of a licensed community care facility.

(33) "Physical restraint" means the use of a manual hold to restrict freedom of movement of all or part of a consumer's body, or to restrict normal access to the consumer's body, and that is used as a behavioral restraint. "Physical restraint" is staff-to-consumer physical contact in which the consumer unwillingly participates. "Physical restraint" does not include briefly holding a consumer without undue force in order to calm or comfort, or physical contact intended to gently assist a

(v34) "Planning Team" refers to the planning team defined in subsection (j) of Section 4512 of the Welfare and Institutions Code, which develops and reviews a consumer's IPP through the planning process described in Sections 4646 and 4646.5 of the Welfare and Institutions Code.

(35) "Prone restraint" means that the consumer is restrained in the facedown position.

(w36) "Qualified Behavior Modification Professional" means an individual person with a minimum two years of experience in designing, supervising, and implementing behavior modification services ~~who is as~~ one of the following:

(4A) An Assistant Behavior Analyst certified by the national Behavior Analyst Certification Board as a Certified Assistant Behavior Analyst;

(2B) A Behavior Analyst certified by the national Behavior Analyst Certification Board as a Certified Behavior Analyst;

(3C) A Licensed Clinical Social Worker, pursuant to Sections 4996-4998.5 of the Business and Professions Code;

(4D) A Licensed Marriage and Family Therapist, pursuant to Sections 4980-4984.7 of the Business and Professions Code;

(5E) A psychologist, licensed by the California Board of Psychology; or

(6F) A professional with California licensure, which permits the design of behavior modification intervention services.

(x37) "Registered Behavior Technician" means an individual person recognized by the national Behavior Analyst Certification Board as a Registered Behavior Technician.

(38) "Seclusion" means the involuntary confinement of a consumer alone in a room or an area from which the consumer is physically prevented from leaving. "Seclusion" does not include a "time-out".

(39) "Supine restraint" means the consumer is restrained in a face up position.

(y40) "Substantial Inadequacy" means conditions posing a threat to the health and safety of any consumer, that are not considered an immediate danger as specified in Section 56053, and as defined in Section 56054.

(41) "Time-Out" means a behavioral management technique involving the consumer, voluntarily and without force, being separated from the current environment to calm and allow the consumer to regain self-control.

- (A) A description of the consultant disciplines, qualifications, and hours to be utilized;
 - (B) A description of staff qualifications and a duty statement for each staff position;
 - (C) A sample staff schedule; and
 - (D) Staff training plan;
- (8) A description of the facility's emergency procedures, including, but not limited to:
- (A) The facility's emergency evacuation procedures, including procedures for evacuation when delayed egress and secured perimeters are in use pursuant to Sections 56068-56074, if permitted;
 - (B) The type, location, and approximate response time of emergency medical services;
 - (C) A description of how regularly scheduled fire and earthquake drills will be conducted on a schedule of no less than every three months, with the drills conducted on alternating work shifts so that drills are conducted during the day and evening hours; and
 - (D) An The Emergency Intervention Plan that shall contain;
 - 1. Procedures for documenting each use of physical restraint in the consumer's record;
 - 2. Procedures for reviewing each use of physical restraint with the consumer and authorized representative or parent;
 - 3. Procedures for accessing community emergency services, if the use of emergency interventions is not effective or appropriate;
 - a. The facility's procedures concerning when and how to involve law enforcement in response to an incident at the facility must be included in the plan;
 - 4. Requirements in Title 22, California Code of Regulations, Section 85122 for a Community Crisis Home licensed as an adult residential facility and Section 84322 for a Community Crisis Home licensed as a group home; and
 - 5. An outline of procedures to ensure the safety of the consumer and staff if an exception to the 15-minute restraint time limit is required.

(16) A description of how the facility licensed as a group home will ensure compliance with the placement duration limitations set forth in Section 1567.81(d) of the Health and Safety Code governing placements of dual agency clients; and

(17) A description of how the facility will meet all the diverse needs of the population to be served with a culturally competent and linguistically appropriate prevention and intervention program.

NOTE: Authority cited: Section 4698.1, Welfare and Institutions Code. Reference: Sections 4648, 4698 and 4698.1, Welfare and Institutions Code; and Sections 1180.4 and 1567.81, Health and Safety Code.

Article 4. Personnel

§ 59006. Staffing Requirements.

(a) At least one lead staff person and one direct care staff person must be on duty at all times when a consumer is in the facility and under the supervision of the facility staff. Staffing beyond this minimum shall be determined by each consumer's Individual Behavior sSupports Tteam and is reflected on the approved DS 6024 (Revised 10/20165/2020) form completed pursuant to Section 59022(b).

(b) Direct care staff who have not completed the on-site orientation and training as required by Section 59007 (a), (b), (c) and (de) must be under the direct supervision and observation of a direct care lead staff person who has completed all the requirements of Section 59007 (a), (b), (c) and (de), while caring for consumers.

(c) The administratorlicensee shall assign a Qualified Behavior Modification Professional to each consumer. A minimum of six hours per month of behavioral consultation, which includes review, implementation, and training of direct care staff on behavior assessments and behavior interventions, must be provided for each consumer by a Qualified Behavior Modification Professional. This time must be documented in the consumer file.

(d) In addition to the hours required in subsection (c), the facility administratorlicensee shall ensure provision of a minimum of six consultant hours per month per consumer, which must be appropriate to meet individual consumer service needs.

(e) Each Community Crisis Home must have an administrator present and on duty a minimum of 20 hours per week perat each facility to ensure the effective operation of the facility.

(56) Implementation of each consumer's Individual Behavior Supports Plan and ~~IPP~~Individual Program Plan;

(67) Health and emergency procedures, including fire safety;

(78) The disaster and mass casualty plan required in Title 22, California Code of Regulations, Section 80023, including emergency evacuation and exit procedures when secured perimeters/delayed egress are approved and in use;

(89) Identification and reporting of Special Incidents, as required by Section 54327(b);

(910) Identification and reporting of suspected consumer abuse and neglect; and

~~(1011)~~ Assistance to consumers with prescribed medications, including required documentation.

(b) The licensee of a group home shall comply with the training requirements of Title 22, California Code of Regulations, Section 84065(i).

~~(bc)~~ In addition to staff receiving the on-site orientation, within the first 80 hours of employment, the ~~administrator~~licensee shall ensure that direct care staff receive a minimum of 16 hours of emergency intervention training, including, for group home staff, training on the emergency intervention requirements of Title 22, California Code of Regulations, Sections 84300 through 84369. The training must include the techniques the licensee will use to prevent injury and maintain safety regarding consumers who are a danger to self or others and must emphasize positive behavioral supports and techniques that are alternatives to physical restraints, pursuant to Title 22, California Code of Regulations, Sections ~~85322 and 85365~~ 84365 for a Community Crisis Home licensed as a group home and Section 85165 for a Community Crisis Home licensed as an adult residential facility.

~~(ed)~~ A direct care staff person may not implement emergency interventions prior to successfully completing the training required in subsection ~~(bc)~~.

~~(de)~~ ~~In addition to the training required by subsections (a) and (b), t~~The administrator licensee shall ensure that, prior to providing direct consumer care, direct care staff receives hands-on training in first aid and cardiopulmonary resuscitation by a certified instructor.

(1) Direct care staff shall maintain current certifications in first aid and cardiopulmonary resuscitation. ~~The administrator~~ licensee shall maintain the certifications in facility personnel records.

(2) Cardiopulmonary resuscitation certification must be renewed annually.

(g) In addition to the training requirements in subsection (a), the administrator shall ensure a minimum of 20 minutes of monthly refresher staff training is provided. The refresher training must focus on one of the emergency intervention and de-escalation strategies including the techniques the staff will use to prevent injury and maintain safety of consumers who are a danger to self or others. The refresher training must emphasize positive behavioral supports and techniques that are alternatives to physical restraint.

(h) Requirements to maintain certification or licensure, as required in Sections 59004 and 59005, may be utilized to meet fifty percent of the continuing education hours required in Section 59008(a) when the subject matter is related to the population served for the year in which the training is satisfactorily completed.

NOTE: Authority cited: Sections 4698 and 4698.1, Welfare and Institutions Code.
Reference: Sections 4698 and 4698.1, Welfare and Institutions Code.

Article 5. Admission

§ 59009. Consumer Admission.

(a) Prior to a consumer's admission, the regional center shall assess the consumer's need for crisis intervention services and include the assessment information in the documents provided to the administrator or the person responsible for admissions.

(b) At admission, the facility administrator shall initiate compilation of supplied information and data collection.

(c) Within 24 hours of admission:

(1) The administrator or the person responsible for admissions shall obtain a copy of a medical assessment of the consumer that, at a minimum, meets the requirements of Title 22, California Code of Regulations, Section 80069 (c) and (d) and shall put the medical assessment into the consumer's file.

(2) The regional center shall release written information about the consumer to the administrator or the person responsible for admissions pursuant to Section 56017 (b)(1)-(9).

(3) The facility's health care professional, within their scope of practice, shall complete an assessment that includes, but is not limited to:

(iA) The applicable provisions of Section 1180.4 of the Health and Safety Code;

(g) The regional center shall notify the clients' rights advocate for the regional center when a consumer is admitted to a Community Crisis Home. The clients' rights advocate shall be entitled to participate in Individual Behavior Supports Team meetings unless the consumer objects on his or her own behalf.

NOTE: Authority cited: Section 4698.1, Welfare and Institutions Code. Reference: Section 4698.1, Welfare and Institutions Code.

Article 5.5. Transition/Discharge

§ 59009.5. Transition/Discharge from the Community Crisis Home.

(a) Transition planning shall begin at admission and include the requirements in Section 59010(d)(10).

(b) To obtain the Department's initial approval for additional day(s) beyond 18 months in a Community Crisis Home licensed as an adult residential facility and 12 months for a Community Crisis Home licensed as a group home, pursuant to Section 59022 (b)(3)(D), the regional center executive director or designee must submit a written request to the Department. The written request must include the following information:

(1) Consumer initials, Unique Client Identifier number, Community Crisis Home facility name, and the date of admission into the Community Crisis Home;

(2) The initial Functional Behavior Assessment and Individual Behavior Supports Plan including the transition plan;

(3) The current Individual Behavior Supports Plan including the transition plan;

(4) Historical and current graphed data of consumer's target behavior(s) since entering the Community Crisis Home; and

(5) Explanation of why residing in the Community Crisis Home for additional day(s) is necessary to protect the consumer's health or safety.

(c) Department approval for additional day(s) will be granted for periods of no more than 30 days at a time.

(d) Following the Department's initial approval, written requests for additional day(s) will be reviewed monthly thereafter. The written request must include the following information:

- (4) Desired outcomes and replacement behaviors;
- (5) Intervention strategies, including antecedent strategies, instructional strategies and consequence strategies;
- (6) Entity responsible;
- (7) Environmental changes;
- (8) Timelines/review dates;
- (9) Data collection/monitoring progress/evaluation methods;
- (10) A written plan of transition to return to the previous placement or another appropriate community placement. The Individual Behavior Supports Team must review the transition plan at least monthly. The transition plan must include:
 - (A) Measurable transition objectives and criteria, including baseline measures;
 - (B) Projected service and support needs;
 - (C) Projected timeline for stabilization; and
 - (D) A plan for cross-training needs;
- (11) Emergency interventions that may be necessary.

(e) The facility administrator shall submit the Individual Behavior Supports Plan and any updates to the vendoring and/or placing regional center service coordinator and, unless the consumer objects on his or her own behalf, to the clients' rights advocate.

NOTE: Authority cited: Sections 4698 and 4698.1, Welfare and Institutions Code.
Reference: Section 4698.1, Welfare and Institutions Code.

Article 6.5. Restraint and Containment

§ 59010.1. Prohibited Emergency Interventions.

Community Crisis Homes shall prohibit the use of prone restraint, supine restraint, and seclusion emergency interventions as described in Title 22, California Code of Regulations, Section 85102 for a Community Crisis Home licensed as an adult residential facility and Section 84300.1 for a Community Crisis Home licensed as a group home.

(1) This visual check must be documented in the consumer's record at the time of the visual check;

(2) The person conducting the visual check must not be the person who restrained the consumer;

(f) If a physical restraint lasts longer than 60 consecutive minutes, in addition to the requirements set forth in subsection (e), the following must occur:

(1) The administrator must evaluate whether the facility has adequate resources to meet the consumer's needs and reevaluate at 30-minute intervals thereafter;

(2) Physical restraint used in excess of 60 consecutive minutes must be approved, every 30 minutes, in writing by the administrator; and

(3) The consumer's authorized representative must be notified, and if the consumer is a child, the child's authorized representative must approve of the extended physical restraint. The authorized representative's approval must be documented in the consumer's record at the time of the approval.

(g) If a physical restraint exceeds two (2) consecutive hours, the consumer must be allowed to access liquids, meals and toileting and range of motion exercises at regular intervals not exceeding two (2) consecutive hours.

(h) Physical restraint must not exceed four (4) cumulative hours in a 24-hour period.

(1) If a physical restraint ^{exceeds four (4)} cumulative hours, the facility must inform the consumer's authorized representative and contact community emergency services to determine whether the consumer should be removed from the facility.

(i) Within 48 hours of a physical restraint of 60 cumulative minutes or longer in a 24-hour period, the consumer's Individual Behavior Supports Plan must be reviewed by the Individual Behavior Supports Team and modified as needed.

NOTE: Authority cited: Sections 4698 and 4698.1, Welfare and Institutions Code; Reference: Sections 4698 and 4698.1, Welfare and Institutions Code; and Section 1180.4, Health and Safety Code.

§ 59010.3. Assessment of Potential Physical Injury After Each Use of Physical Restraint.

(a) Within 30 minutes after termination of each use of physical restraint:

(2) The authorized consumer representative, if applicable;

(3) The staff involved in the incident;

(4) An administrator or administrator's designee; and

(5) The facility's Qualified Behavior Modification Professional.

(c) The debriefing shall also include individuals requested by the consumer.

(d) The debriefing may also include the clients' rights advocate and a regional center representative with approval from the consumer. Those individuals shall be invited to the debriefing but are not required to attend the debriefing.

(e) The debriefing shall include:

(1) Assisting the consumer with identifying the precipitant of the incident and suggesting methods of more safely and constructively responding to the incident;

(2) Assisting the staff in understanding the precipitants to the incident, and developing alternative methods of helping the consumer avoid or cope with those incidents;

(3) Identifying what led to the incident and what factors contributed to the incident leading to the use of physical restraint;

(4) Assessing alternative methods of responding to the incident that may have avoided the use of physical restraint;

(5) Evaluating whether staff used emergency interventions consistent with the facility Emergency Intervention Plan, the Individual Behavior Supports Plan, Individualized Emergency Intervention Plan, and staff training;

(6) Devising treatment interventions to address the root cause of the incident, its consequences, and modifying the Individual Behavior Supports Plan accordingly;

(7) Evaluating whether the consumer was in physical restraint for the least amount of time necessary;

(8) Evaluating the effectiveness of less restrictive de-escalation strategies that were attempted and if they were not effective or were counterproductive that they are discontinued;

(9) Determining whether the consumer's physical and psychological well-being and right to privacy were addressed appropriately;

NOTE: Authority cited: Sections 4698 and 4698.1, Welfare and Institutions Code; Section 1180.2, Health and Safety Code. Reference: Sections 4698 and 4698.1, Welfare and Institutions Code.

Article 7. Records Maintenance

§ 59012. Consumer Files.

Each facility shall maintain individual consumer files at the facility, available on site, which may include electronic records, that include at least the following:

- (a) Medical assessment required in Section 59009 (b)(1);
- (b) Individual Behavior Supports Plans;
- (c) Emergency contact information;
- (d) Current IPP Individual Program Plan;
- (e) Special incident reports, pursuant to Section 54327;
- (f) Data collection, including, but not limited to, progress notes, professional/consultant visits and interventions/outcomes; ~~and~~
- (g) Record of medications administered, including the initials of the staff providing assistance;
- (h) Functional Behavior Assessment(s) required by Section 59009(e)(2)(A);
- (i) Debrief documentation required by Section 59010.4(e); and
- (j) Any other records containing current emergency or health-related information for current consumers.

NOTE: Authority cited: Sections 4698 and 4698.1, Welfare and Institutions Code. Reference: Sections 4698 and 4698.1, Welfare and Institutions Code.

Article 11. Rates

§ 59022. Establishment of Rates.

- (a) Community Crisis Home Facility Component – Service Code 902.

#

(v) "Qualified Behavior Modification Professional" means ~~an individual~~ person with a minimum two years of experience in designing, supervising, and implementing behavior modification services ~~who is~~ as one of the following:

#

Note: Authority cited: Section 4684.86, Welfare and Institutions Code. Reference: Sections 4684.80 and 4684.86, Welfare and Institutions Code.

Article 11. Rates

§ 59072. Establishment of Rates.

(a) Enhanced Behavioral Supports Home Facility Component – Service Code 900.

(1) An Enhanced Behavioral Supports Home shall complete one Department form DS 6023 (Revised 10/20165/2020) entitled "Rate Development - Facility Costs" for the facility, incorporated herein.

#

(b) Enhanced Behavioral Supports Home Individualized Services and Supports Component - Service Code 901.

(1) An Enhanced Behavioral Supports Home shall complete one Department form DS 6024 (Revised 10/20165/2020) entitled "Rate Development - Individual Costs Associated with Residency", incorporated herein, for each consumer to establish the consumer's individual rate.

#

Note: Authority cited: Sections 4684.81 and 4684.86, Welfare and Institutions Code. Reference: Sections 4684.81 and 4684.86, Welfare and Institutions Code.

RATE DEVELOPMENT - FACILITY COSTS

DS 6023 (Rev 5/2020)

Reset Form

A. FACILITY TYPE

☐ Enhanced Behavioral Supports Home
 ☐ Community Crisis Home
 ☐ Other _____

B. CONTACT INFORMATION

Vendor Name: _____ Vendor #: _____

Address: _____

City: _____ State: _____ Zip: _____

C. CATEGORIES AND DESCRIPTIONS OF COSTS

	Total Monthly Cost	Notes
1. Payroll Costs		
a. Administrator Salary		
b. Administrator Payroll Taxes		
c. DSP Lead Salary (168 Hours/Week)		
d. DSP Lead Payroll Taxes		
e. Workers Compensation		
f. Benefit Allowance: Medical, Dental, etc.		
g. Other Costs: Describe in notes		
Total Administrator Payroll Costs	\$	
2. Facility Related		
a. Rental, Lease, or Mortgage, include Homeowner's Assoc. Dues		
b. Property Taxes		
c. Combined Utilities: Gas, Electric, Water, Garbage		
d. Janitorial Service, Gardening		
e. Transportation: Vehicle, Maintenance, Fuel (not DP/School)		
f. Telephone: Long Distance, Cell Phones, Pagers		
g. Office Supplies		
h. Insurance: Business Liability, Auto		
i. Fees for Licenses and Memberships		
j. Snacks/Food		
k. Other Costs: Repairs/Maintenance/Modifications		
l. Other Costs: Cable and Internet		
m. Other Costs: Describe in notes		
Total Facility Related Costs	\$	
TOTAL FACILITY COSTS	\$	

D. SIGNATURES

Vendor Signature: _____ Date: _____

Print Name: _____

Regional Center Representative Signature: _____ Date: _____

Print Name: _____

 UM
per agency
request
6/24/21

RATE DEVELOPMENT - FACILITY COSTS

DS 6023 (Rev 10/2016)

A. FACILITY TYPE
☐ Enhanced Behavioral Supports Home
 ☐ Community Crisis Home
 ☐ Other _____
B. CONTACT INFORMATION

Vendor Name:

Vendor #:

Address:

City:

State:

Zip:

C. CATEGORIES AND DESCRIPTIONS OF COSTSTotal Monthly
Cost

Notes

1. Payroll Costs

a. Administrator Salary

b. Administrator Payroll Taxes

c. DSP Lead Salary (168 Hours/Week)

d. DSP Lead Payroll Taxes

e. Workers Compensation

f. Benefit Allowance: Medical, Dental, etc.

g. Other Costs: Describe in notes

Total Administrator Payroll Costs \$ 0.00

2. Facility Related

a. Rental, Lease, or Mortgage, include Homeowner's Assoc. Dues

b. Property Taxes

c. Combined Utilities: Gas, Electric, Water, Garbage

d. Janitorial Service, Gardening

e. Transportation: Vehicle, Maintenance, Fuel (not DP/School)

f. Telephone: Long Distance, Cell Phones, Pagers

g. Office Supplies

h. Insurance: Business Liability, Auto

i. Fees for Licenses and Memberships

j. Other Costs: Repairs/Maintenance/Modifications

k. Other Costs: Cable and Internet

l. Other Costs: Describe in notes

Total Facility Related Costs \$ 0.00

TOTAL FACILITY COSTS \$ 0.00

D. SIGNATURES

Vendor Signature:

Date:

Print Name:

Regional Center Representative Signature:

Date:

Print Name:

RATE DEVELOPMENT - INDIVIDUAL COSTS ASSOCIATED WITH RESIDENCY
DS 6024 (REV 5/2020)

Reset Form

A. FACILITY TYPE☐ Enhanced Behavioral Supports Home☐ Community Crisis Home

Other _____

B. CONTACT INFORMATION

Consumer Name:

UCI #

Vendor Name:

Vendor #

Vendor Address:

City:

State:

Zip:

C. CATEGORIES AND DESCRIPTIONS OF COSTS

	Unit Cost	Total Monthly Cost	Notes
1. Salaries and Wages			
a. Total Wages – Hourly Direct Care Staff			
1) Direct Care Staff			
2) Behaviorist			
3) Relief Time/Staff			
4) Other Costs: Describe in Notes			
Total Salaries and Wages Costs		\$	
2. Payroll Taxes, Workers Compensation, and Fringe Benefits			
a. Payroll Taxes			
b. Workers Compensation			
c. Benefit Allowance: Medical, Dental, etc.			
d. Other Costs: Describe in Notes			
Total Taxes and Benefits Costs		\$	
Total Personnel Costs (Combine Totals from Section 1 and 2 above)		\$	
3. Program Costs – Per Consumer			
a. Consultant (Non-Behaviorist)			
b. Training			
c. Transportation: Vehicle, Maintenance, Fuel (not DP/School)			
d. Office Supplies - Additional			
e. Other Costs: Repairs and Maintenance – Individual			
f. Other Costs: Outside Activities Expenses			
g. Other Costs: Activity Supplies			
h. Other Costs: Describe in Notes (e.g. cell phone, individual utilities)			
Total Program Costs		\$	
TOTAL INDIVIDUAL COSTS		\$	

D. SIGNATURES

Vendor Signature:

Date:

Print Name:

Regional Center Representative Signature:

Date:

Print Name:

 44
 per agency
 request
 6/29/21

RATE DEVELOPMENT - INDIVIDUAL COSTS ASSOCIATED WITH RESIDENCY
DS 6024 (REV 10/2016)
A. FACILITY TYPE
☐ Enhanced Behavioral Supports Home

 ☐ Community Crisis Home

 ☐ Other _____
B. CONTACT INFORMATION

Consumer Name:	UCI #
Vendor Name:	Vendor #
Vendor Address:	
City:	State: Zip:

C. CATEGORIES AND DESCRIPTIONS OF COSTS

	Unit Cost	Total Monthly Cost	Notes
1. Salaries and Wages			
a. Total Wages – Hourly Direct Care Staff			
1) Direct Care Staff			
2) Behaviorist			
3) Relief Time/Staff			
4) Other Costs: Describe in Notes			
Total Salaries and Wages Costs		\$ 0.00	
2. Payroll Taxes, Workers Compensation, and Fringe Benefits			
a. Payroll Taxes			
b. Workers Compensation			
c. Benefit Allowance: Medical, Dental, etc.			
d. Other Costs: Describe in Notes			
Total Taxes and Benefits Costs		\$ 0.00	
Total Personnel Costs		\$ 0.00	
(Combine Totals from Section 1 and 2 above)			
		\$ 0.00	
3. Program Costs – Per Consumer			
a. Snacks/Food			
b. Combined Utilities - Additional			
c. Consultant (Non-Behaviorist)			
d. Training			
e. Transportation: Vehicle, Maintenance, Fuel (not DP/School)			
f. Other Costs: Repairs and Maintenance - Additional			
g. Office Supplies - Additional			
h. Other Costs: Outside Activities Expenses			
i. Other Costs: Activity Supplies			
j. Other Costs: Describe in Notes			
Total Program Costs		\$ 0.00	
TOTAL INDIVIDUAL COSTS		\$ 0.00	

D. SIGNATURES

Vendor Signature:	Date:
Print Name:	
Regional Center Representative Signature:	Date:
Print Name:	