

State of California  
Department of Developmental Services

**Addendum to the Initial Statement of Reasons for  
Community Crisis Homes and Enhanced Behavioral Supports Homes**

**Background**

On June 3, 2022, the Department of Developmental Services (Department or DDS) published a Notice of Proposed Rulemaking and Public Comment Period (45-Day Notice), Initial Statement of Reasons (ISOR), and proposed regulations related to Children's Community Crisis Homes (CCH) and Enhanced Behavioral Supports Homes (EBSH) for a 45-day public comment period. (See OAL File No. Z2022-0524-07). These and other rulemaking documents pertaining to this rulemaking are available for review on the Department's website at <https://www.dds.ca.gov/transparency/laws-regulations/emergency-and-proposed-regulations/childrens-community-crisis-homes-enhanced-behavioral-supports-homes/>. The 45-Day Notice for the proposed regulations opened on June 3, 2022 and closed on July 18, 2022.

The Department reviewed all comments received during the 45-Day public comment period. The Department modified its proposed regulations in response to the public comments received during the 45-day public comment period and to clarify the originally proposed regulations. The Department posted, emailed, and mailed a Notice of Public Availability of Modified Text and Availability of Additional Documents and Information Added to the Rulemaking File (15-Day Notice), attached the modified regulations (15-Day Text) displaying the changes made to the original proposed regulations, and identified and made available the additional documents and information added to the rulemaking file. The 15-Day comment period opened on August 15, 2022 and closed on August 30, 2022.

On October 17, 2022, the Department filed the final rulemaking documents with the Office of Administrative Law (OAL). After OAL's review, the Department withdrew the final rulemaking package to make further clarifications to the regulation text and to add this Addendum to the ISOR (Addendum) to the rulemaking record through a Second Notice of Public Availability of Modified Text and Availability of Additional Documents and Information Added to the Rulemaking File (Second 15-Day Notice). The Department posted, emailed, and mailed the Second 15-Day Notice and attached this Addendum and Second 15-day Modified Text (Second 15-Day Text), displaying the changes made to the original proposed text and the 15-Day text sed regulations, and made them available for a Second 15-Day comment period.

This Addendum corrects inconsistencies between the text of the initially proposed regulations and the description of those regulations in the Initial Statement of Reasons. Furthermore, this Addendum provides the purpose and rationale for modifications proposed in the First and Second 15-Day Notices of Modified Text released on August 15, 2022 and April 14, 2023, respectively.

## **ISOR CORRECTIONS**

**Pages 7 and 86** specified that the rationale for the use of the term “Child” in Section 59000(a)(6), was to align with the Department of Social Services’ definition as set forth in Title 22, CCR, Section 84001(c)(2). The Department is not aligning with the Title 22 definition. The Department defines child in Section 59000(a)(6) as a person under the age of 18 placed in a Community Crisis Home licensed as a group home. The rationale for defining child is necessary for the implementation of statutes. The Legislature enacted, and the Governor signed SB 81, (Committee on Budget and Fiscal Review, Chapter 28, Statutes of 2019) which amended Health and Safety Code (H&SC), Sections 1180.4 and 1567.81 and W&I Code, Section 4698, related to community crisis homes and requires the Department to develop Community Crisis Homes regulations for children. 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. More and more children are being presented with needs associated with being served in a crisis residential model. Regularly, there are requests to the Department for statewide resources that can serve children in a crisis. However, quite often, there are few or no residential resources available for children in a crisis. The definition of “Child” provides a clear understanding of the term as used in this regulation and aligns Community Crisis Homes and Enhanced Behavioral Supports Homes regulations set forth in Sections 59000(a)(6) and 59050(a)(6) to ensure that the defined terms in those regulations are consistent and do not conflict.

**After the 45-day comment period, the Department added additional documents and information to the rulemaking file, as well as made modifications to the initially proposed text of the regulations. The 15-Day Notice, modified text, and additional documents and information were mailed out and made available for a 15-day public comment period August 15, 2022 through August 30, 2022. The following changes were made to the initially proposed text of the regulations.**

## **GENERAL CHANGES**

General changes were made to the regulations to include grammatical edits, proper syntax, and renumbering and/or re-lettering to reflect deletions, additions, or proper hierarchy format.

**After the First 15-Day Comment Period, the following changes were made to the proposed text of the regulations and sent out for a Second 15-Day Comment Period April 14, 2023, through April 29, 2023.**

Several modifications in the Second 15-Day package do not materially alter the requirements of the proposed rulemaking action and therefore constitute non-substantial changes. The changes were made to accurately reflect the numbering of a section and to correct spelling and grammatical errors.

**Section 59000(a)(12) “Containment”**

This amendment is to correct the definition for containment by providing the correct terminology. The amendment replaces an undefined term “person” with “consumer,” as defined in Subsection (a)(9) and is necessary to clarify the circumstances under which the proposed definition applies throughout the regulations.

**Section 59000(a)(21) “Emergency Intervention Plan”**

This amendment adds “serious” to describe the type of injury prevention and corresponds to the definition of “emergency intervention(s)” as defined in Subsection (a)(20). This amendment is necessary to clarify the circumstances under which the proposed definition applies throughout the regulations.

**Section 59000(a)(27) “Individual Behavior Supports Plan”**

This amendment adds “behavior and” to the definition of the Individual Behavior Supports Plan to ensure that “behavior” is also identified and documented in the plan. This amendment is necessary to ensure a consumer’s behavior is evaluated in the Plan and used as a basis for development of the support and services needs of the consumer. This ensures the Plan is narrowly tailored to the consumer’s needs.

**Section 59000(a)(28)(A)3.–5. “Individual Behavior Supports Team”**

This amendment reorders the subsections to align with the text in the Enhanced Behavioral Supports Homes regulation; the Enhanced Behavioral Supports Homes regulation text reflects the proper seniority (hierarchy), so it is necessary for the Community Crisis Homes regulations to be revised to align with Enhanced Behavioral Supports Homes. This amendment is necessary to ensure consistency between both the Community Crisis Homes and Enhanced Behavioral Supports Homes regulations.

**Section 59000(a)(28)(B)4. “Individual Behavior Supports Team”**

This amendment corrects the statute by removing “Health and Safety” and adding the proper statute “Education” Code to Section 49005.1(c). This correction is necessary to ensure the cross-reference citation is accurate.

### **Section 59000(a)(29) "Individualized Emergency Intervention Plan"**

This amendment adds "serious" to describe the type of injury which corresponds to the definition of "emergency intervention(s)" as defined in Section 59050(a)(18). This amendment is necessary to ensure a consumer's behavior is the evaluated in the Plan and used as a basis for development of the support and services needs of the consumer. This ensures the Plan is narrowly tailored to the consumer's needs.

### **Section 59000(a)(33) "Physical Restraint"**

This amendment adds the missing text "without undue force" to the definition of physical restraint. This amendment is necessary to remain consistent with Health and Safety Code, Section 1180.1(d).

### **Section 59000(a)(35) "Prone Restraint"**

This amendment corrects the definition for prone restraint by providing the correct terminology. The amendment replaces an undefined term "person" with the term "consumer," as defined in Subsection (a)(9) and is necessary to clarify the circumstances under which the proposed definition applies throughout the regulations.

### **Section 59000(a)(36)(A) and (a)(36)(B) "Qualified Behavior Modification Professional"**

This amendment reverts the text back to the existing text by readding "certified by the national Behavior Analyst Certification Board as a Certified Assistant Behavior Analyst" to Subsection (A), and readding "certified by the national Behavior Analyst Certification Board as a Certified Behavior Analyst" to Subsection (B). This amendment is necessary to ensure consistency with the defined term as used throughout Title 22 of the CCR.

### **Section 59000(a)(39) "Supine Restraint"**

This amendment corrects the definition for supine restraint by providing the correct terminology. The amendment replaces an undefined term "person" with the term "consumer," as defined in Subsection (a)(9) and is necessary to clarify the circumstances under which the proposed definition applies throughout the regulations.

### **Section 59001(h)(1)**

This amendment removes Subsection (h)(1). This amendment is necessary because the Department has determined the requirement is duplicative of Section 59011 and therefore has decided to remove this Subsection (h)(1) to reduce redundancy with the regulations.

### **Section 59002(a)(8)(D)1.**

This amendment removes the term "techniques" and adds the term "physical"

before restraint to correspond to the definition of “physical restraint” as defined in Section 59000(a)(33). The amendment to remove the term “techniques” is necessary because techniques is not defined. The addition of the term “physical” is necessary to clarify the type of restraint that is being used as an emergency intervention.

**Section 59002(a)(8)(D)3.**

This amendment adds “if any” and is necessary to clarify that some consumers may not have an authorized consumer representative.

**Section 59002(a)(8)(D)7.**

This amendment removes “an outline of” before procedures and adds “direct care” before “staff”. The amendment to remove “an outline of” is necessary to clarify that the emergency intervention plan shall contain procedures, and not only an outline of procedures. The amendment to add “direct care” before staff is necessary to clarify the type of staff as defined in Section 59000(a)(18) and used throughout the regulation.

**Section 59002(a)(10)(E)**

This amendment adds “Any other methodologies selected to measure consumer progress” as Subsection (E). This amendment is necessary because consumer progress can be measured using a variety of different measures and the Department does not want to limit the regulated public to the four explicitly identified methodologies within the regulation text.

**Section 59002(b)**

This amendment removes the originally proposed text “date and” before “signature of the licensee” and adds “and date of submission to the regional center for review and approval” after “of the licensee”. This amendment is necessary to provide clarity of the specific details of the actions required by the licensee during the facility program plan’s submission process.

**Section 59004(c)**

This amendment adds “from one of the following:” and is necessary to allow for the regulations to provide a list of specific certification requirements to specifically identify the reputable entities for which the Department will accept training certifications.

**Section 59004(c)(1)**

This amendment moves the original text in this Subsection(c)(1) to Subsection (d) and adds “the American Red Cross” which is necessary to provide a nationally recognized and reputable entity for administrators to receive their training certification(s).

**Section 59004(c)(2)**

This amendment adds “the American Heart Association” and is necessary to provide a nationally recognized and reputable entity for administrators to receive their training certification(s).

**Section 59004(c)(3)**

This amendment adds “a training institution accredited by an accrediting body recognized by the United States Department of Education; or” and is necessary to outline a reputable entity for administrators to receive their training certification(s).

**Section 59004(c)(4)**

This amendment adds “a training facility or course certified by the Emergency Medical Service Authority (EMSA)” and is necessary to ensure administrators to receive their training certification(s) from a reputable training entity recognized by the state of California.

**Section 59004(d)**

This amendment is nonsubstantive and moves the regulation text that was previously in Subsection (c)(1) to this new Subsection (d) and is necessary for clarity and proper hierarchy format. Although nonsubstantive, Subsections 59004(c)(1)-(4) are impacted by this rearrangement of text.

**Section 59004(e)**

This amendment moves and amends the text in Subsection (c)(3) by adding “First aid and “to the provision to specify that both first aid and CPR certifications must be renewed annually.” This amendment is necessary to specify the requirements and frequency in which administrators are to maintain their accredited first aid and CPR training certifications for the health and safety of the consumers they are serving.

**Section 59005(a) and (b)**

This amendment reorders the direct care staff and direct care lead staff qualifications and is necessary to align these subsections with Section 59055(a) and (b), by listing the two different types of direct care staff by seniority for consistency between the Enhanced Behavioral Supports Homes and Community Crisis Homes regulations.

**Section 59005(c)**

This amendment adds the cross reference to Section 59004(c)(1)-(4) and is necessary to align with the training certification requirements listed in Section 59004.

**Section 59005(e)**

This amendment moves and amends the text formerly in Subsection (c)(3) by adding “First aid and” to the provision to specify that both first aid and CPR certifications must be renewed annually. This amendment is necessary to specify the requirements and frequency in which direct care staff are to maintain their accredited first aid and CPR training certifications.

**Section 59005(f)**

This amendment rearranges Subsection (c)(2) into Subsection (f) and adds “first aid and cardiopulmonary resuscitation” to specify that first aid and CPR certifications shall be maintained in the facility personnel records.

**Section 59006(a)**

This amendment adds “direct care” before “lead staff person” and is necessary to align with the Enhanced Behavioral Supports Homes regulations and clarify the term as defined in Section 59005(a).

**Section 59007(a)**

This amendment removes “but is not limited to,” and is necessary to specify the orientation topics that are required and clarify that the following items are an exclusive list.

**Section 59007(a)(2)**

This amendment replaces “core” with “the following” and is necessary because the word “core” is not specific nor is it defined as it relates to the staff training requirements.

**Section 59007(b)**

This amendment adds the emergency intervention training must be completed annually and is necessary to ensure the training is completed on an annual basis for skill retention for the health and safety of consumers, staff, and others. The amendment also adds the cross reference to Title 22, California Code of regulations, Section 85165(c) and is necessary to provide clarification and outline to the meaning of “a qualified instructor.” Further, this amendment adds “serious” to describe the type of injury prevention and corresponds to the definition of “emergency intervention(s)” as defined in Section 59000(a)(20). This amendment is necessary for consistency and when referring to the term “injury” describes it as “serious” throughout the regulations.

**Section 59007(g)**

This amendment adds the requirement for direct care staff to comply with Title 22, California Code of Regulations, Section 85365(i) and (j) and also receive training on the emergency intervention requirements specified in Sections 59010.1 – 59010.5. Furthermore, the direct care staff must receive this training

annually. This amendment is necessary to ensure direct staff who use, participate in, approve, or provide visual checks of physical restraint do not perform restraint on a consumer unless they have completed the training required in Title 22, California Code of Regulations, Section 85365(i) and (j) for the health and safety of consumers, staff and others. The requirement specifying that the training be completed on an annual basis is necessary to add the frequency to ensure skill retention for the health and safety of consumers, staff, and others. Further, this amendment adds "the training must be provided by an instructor who meets the requirements specified in Title 22, California Code of Regulations, Section 84365(c)" and is necessary to cross reference and identify instructor qualifications for these trainings to ensure the appropriate skills for emergency intervention training are taught to the direct care staff who use, participate in, approve, or provide visual checks of physical restraint for the health and safety of consumers, staff and others.

### **Section 59007(g)(2)**

This amendment removes "valid" and replaces it with "written" and adds "of completion of the training requirements specified in Subsection (g) issued by the emergency intervention program and specified in the emergency intervention plan." This amendment is necessary to ensure the direct care staff maintain documentation which demonstrates completion of training on emergency intervention techniques.

### **Section 59008(g)**

This amendment adds "California Code of Regulations" after "Title 22" and is necessary to specify the correct cross reference citation.

### **Section 59008(g)(1)**

This amendment removes "including the technique" and adds "direct care" before "staff" to describe the actions required to take place during the emergency intervention and/or de-escalation strategies. The amendment to remove the term "techniques" is necessary because techniques is not defined. The addition of the term "direct care" is necessary to clarify who will perform the strategy used as an emergency intervention. This amendment also includes adding "serious" to describe the type of injury prevention and corresponds to the definition of "emergency intervention(s)" as defined in Subsection 59000(a)(20). This amendment is necessary for consistency and when referring to the term "injury" describes it as "serious" throughout the regulations.

### **Section 59008(h)**

This amendment removes the cross reference to Subsection (g)(1) because the monthly emergency intervention refresher trainings includes both provisions in Subsection (g), i.e., (g)(1) and (g)(2). This amendment is necessary to provide clarity to what actions are required in the time frame specified in the text. The



amendment also removes “Include practicing” before “supine restraint holds” to specify that the training is specific to practice supine restraint holds. These changes are necessary to specify that it is required to practice supine restraint holds at least once per quarter if the use of supine restraint is approved as part of the facility Emergency Intervention Plan Furthermore, the supine restraint training required once per quarter in one of the monthly refresher trainings is necessary to ensure staff are regularly practicing the accurate use of the restrictive supine restraint hold. Regular and routine practice will ensure staff are adequately trained and can appropriately implement the emergency intervention hold during crisis situations which will maintain consumer and staff health and safety.

**Section 59009.5(a) Transition/Discharge from the Community Crisis Home.**

This amendment adds “time of the consumer’s”, “to the Community Crisis Home”, and “shall” and is necessary to clarify that transition planning begins at admission of the consumer to the Community Crisis Home and to specify the provisions outlined in Section 59019(d)(10) are required.

**Section 59009.5(b)**

This amendment adds “a consumer to stay in a Community Crisis Home for”, “consumer’s stay”, and “CCHExtensions@dds.ca.gov” and removes “pursuant to Section 59022(b)(3)(D)” and “current approval”. The amendment to add “a consumer to stay in a Community Crisis Home for” is necessary to provide clarification that this section is in reference to consumers that are currently staying in a Community Crisis Home. The amendment to remove “pursuant to Section 59022(b)(3)(D)” is necessary because it is duplicative information that is already stated in the beginning of this Subsection. The amendment to remove “current approval” and replace it with “consumer’s stay” is necessary because it needs to be clear that the requirement to provide a written request to extend a consumer’s stay at the Community Crisis Home is from the date of the consumer’s stay in the facility and not from the date that DDS approved the consumer’s admission into the facility. The amendment to add and “CCHExtensions@dds.ca.gov” is necessary to provide the information as to where the written requests in reference would need to be submitted.

**Section 59009.5(c)**

This amendment adds “based on an evaluation of the information specified in Subsection (b)(1) – (5)” and is necessary to provide clarification of what specific information will be used to determine approval for additional days a consumer may need at the Community Crisis Home.

**Section 59009.5(d)**

This amendment moves and updates the email address for where to submit written requests for additional days. This amendment is necessary for proper

syntax and to provide the new email address that was created for these specific requests.

**Section 59009.5(d)(1)**

This amendment adds “the consumer’s” and, “the submittal of the” before “last written request”. The amendment to add “the consumer’s” is necessary to provide clarification that this section is in reference to the consumer’s progress. The amendment to add “the submittal of the” is necessary to provide clarification that the information to be reviewed regarding the consumer is from when the written request was last submitted.

**Section 59009.5(e)**

The amendment rephrases “to the next placement” to “the following items to the consumer’s next placement” instead. The amendment is necessary to provide clarity that this section is in reference to the consumer’s next placement.

**Section 59010(d)(11) and (11)(A)**

This amendment moves “shall be included in an individualized Emergency Intervention Plan:” to the new Subsection (A) and is necessary to reduce confusion and provide clarification that if emergency interventions are necessary, a description of the emergency interventions are to be included in the Individual Emergency Intervention Plan within the Individualized Behavior Supports Plan.

**Section 59010(e)**

This amendment reorders the previously amended text for proper hierarchy format. This amendment also adds the email address to provide the licensee instructions on where to send the copy of the Individualized Emergency Intervention plan and removes “as specified in Subsection 3., below.” This amendment is necessary because Subsection 3 was removed and is now contained within this new Subsection (e).

**Section 59010(e)(1)(A)**

This amendment removes “in the Individualized Emergency Intervention Plan” and is necessary to prevent redundancy.

**Section 59010(e)(1)(B)**

This amendment adds Subsection (e)(1)(B), “identified de-escalation strategies and alternatives of supine restraint.” This amendment is necessary to ensure the Individualized Emergency Intervention Plans identify less restrictive interventions as alternatives to using supine restraint to ensure the health and safety of consumers.

### **Section 59010(f)**

This amendment adds “of completion of the revisions, the administrator shall” and is necessary to clarify which facility staff shall submit the revisions and when they are to be submitted. This amendment also deletes “as described in Subsection 3., below” which is necessary because that subsection was removed and the email address was added here to this Subsection (f).

### **Section 59010(f)(3) Individual Behavior Supports Plan.**

This amendment removes Subsection (f)(3). A copy of the Individual Behavior Supports Plan including the individualized Emergency Intervention Plan shall be submitted to [EBSHCCHMonitoring@dds.ca.gov](mailto:EBSHCCHMonitoring@dds.ca.gov).” and is necessary because that text was added into Subsection 59010(e) and (f).

### **Section 59010.1(b)**

This amendment is to provide the correct terminology. The amendment replaces an undefined term “person” with “consumer,” as defined in Subsection 59000(a)(9), and is necessary for clarity and consistency throughout the regulations.

### **Section 59010.2(b)**

This amendment replaces “physical harm” with “injury” which is necessary to correlate with the verbiage in the definition for “Emergency Intervention Plan” in Section 59000(a)(21). This amendment also adds “has approved the use of physical restraint as an extended procedure, as specified in Subsections (c), (f), and (g)” and is necessary to clarify the parameters for using restraint as an extended procedure.

### **Section 59010.2(c)(1)(A)**

This amendment adds “direct care” before “staff” and is necessary to clarify the type of staff as defined in Subsection 59000(a)(18) and used throughout the regulation.

### **Section 59010.2(c)(3)**

This amendment adds “who approves the continuation of physical restraint” and is necessary to clarify what this person is approving. This amendment also removes “the consumer is” as this verbiage is redundant as the consumer is already identified earlier in the provision of the regulation text.

### **Section 59010.2(c)(4)**

This amendment adds “of the use of physical restraint beyond 15 minutes” and “include” and is necessary to clarify what information the administrator or designee must include in the consumer file when physical restraint is used beyond 15 minutes.

**Section 59010.2(d)**

This amendment removes “when appropriate” and is necessary because it is always appropriate to respond promptly and appropriately to a consumer’s request to be repositioned for their health and safety.

**Section 59010.2(g)**

This amendment removes “the following must occur” which is necessary to reduce unnecessary text from the regulation.

**Section 59010.2(g)(1)**

This amendment removes “the consumer is being” which is necessary to reduce unnecessary text from the regulation.

**Section 59010.2(g)(4)**

This amendment removes “other than the person restraining the consumer,” and is necessary because the requirement falls upon the administrator or their designee to approve each reapplication of physical restraint.

**Section 59010.2(g)(5)**

This amendment removes “adequate” before “resources”, adds “maintain the consumer’s health and safety during crisis situations where there is risk of serious injury of self or others”, and removes “needs in the moment”. This amendment is necessary to clarify the vague regulation text and to specify that the administrator must evaluate the facility’s resources to ensure the health and safety of consumer’s is maintained during the risk of imminent serious injury of self or others.

**Section 59010.2(g)(6)**

This amendment adds “if any” and is necessary to clarify that some consumers do not have an authorized consumer representative.

**Section 59010.2(g)(6)(A)**

This amendment adds “direct care” before staff and is necessary to clarify the type of staff as defined in Section 59000 (a)(18) and used throughout the regulation. This section also removes “physical” and is necessary to be consistent with the definition of “emergency intervention(s)” as described in Section 59000(a)(20) and the assessment described in Section 59010.3.

**Section 59010.2(h)(1)**

This amendment adds “if any” and is necessary to clarify that some consumers do not have an authorized consumer representative.

### **Section 59010.3. Assessment of Potential Physical Injury After Each Use of Physical Restraint.**

This amendment replaces “Physical” with “Serious” to describe the type of injury prevention and corresponds to the definition of “emergency intervention(s)” as defined in Section 59000(a)(20). This amendment is necessary for consistency and when referring to the term “injury” describes it as “serious” throughout the regulations.

### **Section 59010.3(b)(2)**

The amendment to add “direct care” before staff is necessary to clarify the type of staff as defined in Section 59000 (a)(18) and used throughout the regulation.

### **Section 59010.3(c)**

The amendment to add “direct care” is necessary to clarify the type of staff as defined in Section 59000(a)(18) and used throughout the regulation. In addition, “containing the information required in Title 22, California Code of Regulations, Section 85161(c)” was added and is necessary to provide the appropriate cross reference for implementation of this provision and consistency between the regulations.

### **Section 59010.3(e)**

This amendment removes “Suspected” and is necessary to ensure staff are confirming if there has been serious injury to the consumer when reporting and scheduling an exam with a medical professional for the health and safety of the consumer.

### **Section 59010.3(f)**

This amendment adds “written” to describe the format for submitting incident reports. This amendment is necessary to provide clarity and direction on how to submit the required reports.

### **Section 59010.4(c)**

This amendment replaces “shall” with “may” to clarify that the requested individuals are not required to participate to move forward with debriefing. This amendment also replaces “these individuals” with “those individuals shall be invited to the debriefing” and is necessary to clarify that the individuals requested by the consumer must receive an invitation, regardless of their participation in the debriefing.

### **Section 59010.4(e)(1)**

This amendment adds “unless the consumer voluntarily declines” and is necessary to clarify that the consumer has a choice not to participate in the debriefing as specified in Subsection (b)(1).

**Section 59010.4(g)**

This amendment adds “the consumer a subsequent meeting” and is necessary to clarify that the consumer has another option to participate in a subsequent debriefing if that initial offer was declined by the consumer. This amendment was recommended by stakeholders who were concerned that the regulations should not require consumers to attend the initial debriefing meeting as specified in Subsection (e)(1) and should be offered a second opportunity to attend if they were still experiencing trauma from the event at the time of the initially scheduled debriefing.

**Section 59010.4(h)**

This amendment adds “of the subsequent meeting” and is necessary to clarify that this regulation is not speaking to the initial debriefing following the use of physical restraint.

**Section 59010.4(i)**

This amendment adds “as specified in Subsections (e) and (g)” and is necessary to clarify what revisions are required to be added to the Individual Behavior Supports Plan.

**Section 59010.5(a)(1)**

This amendment adds “following the use of the physical restraint” and is necessary to specify the timeframe for required reporting the use of physical restraint.

**Section 59010.5(a)(1)(A)**

This proposed amendment adds “no later than the next calendar day”. This amendment is necessary to provide a clear timeline for which physical restraint information must be documented.

**Section 59010.5(a)(2)**

This amendment adds “following the use of the physical restraint” and is necessary to specify the timeframe for required reporting the use of physical restraint. This amendment also removes “This time frame shall supersede the reporting time frame required by Title 22, California Code of Regulations, Section 80061(b) and 84361” because the cross reference is duplicative and already included in the subsection.

**Section 59010.5(a)(2)(B)**

This amendment adds “direct care” and is necessary to clarify the type of staff as defined in Section 59000 (a)(18) and used throughout the regulation.

**Section 59010.5(a)(3)**

This amendment adds “written incident” and “specified” and is necessary to

clarify the type of report being referenced as described in Subsection (a)(2).

**Section 59010.5(a)(3)(C)**

This amendment replaces “what less restrictive” with “the” which is necessary to reduce redundancy as any non-physical intervention would be less restrictive than a physical restraint.

**Section 59010.5(a)(3)(D)**

This amendment adds “or staff” and is necessary to clarify that injury sustained by staff also needs to be documented in the incident report. This amendment also removes “if known, facility personnel, at the termination of the physical restraint”. This amendment is necessary to clarify the information required for the licensee to provide regarding the injury.

**Section 59010.5(a)(3)(E)**

This amendment removes “injuries sustained by the consumer and/or staff” and is necessary to reduce redundancy as this information is included in Subsection (a)(3)(D). This amendment adds “and the location where medical treatment was obtained. If no medical treatment was obtained”. This amendment is necessary to include the information required in the incident reporting to provide ensure there is proper documentation and an accurate recording of the facts. Documentation is vital to provide a safe environment and helps provide accountability and historical information necessary for both planning and debriefing.

**Section 59010.5(a)(3)(H)**

This amendment replaces “facility personnel” with “staff” and is necessary to maintain consistency of terms used throughout the regulations while allowing this reference to apply to any staff person who used physical restraint. The amendment also removes “shall be documented”, and “or not taken”. These amendments are necessary to remove redundancy and ensure that the facility addresses a corrective action for anytime physical restraint is performed inadequately.

**Section 59010.5(a)(3)(J)**

This amendment replaces “in the past 24 hours” with “within 24 hours” which is necessary to clarify the intended timeframe for which to report the recent use of other physical restraints for proper documentation and an accurate recording of the facts. Documentation is vital to provide a safe environment and helps provide accountability and historical information necessary for both planning and debriefing.

**Section 59010.5(a)(7)(G)(3)**

This amendment adds the missing part of the cross reference “(a)(7)” and is

necessary to reference the correct citation within this Subsection.

### **Section 59011**

This amendment adds “at the facility,” “be stored as”, “and shall be made available for review, inspection, audit, or copy, upon request. The facility file shall contain:”, and removes “that includes”. This amendment is necessary to provide clarity that documentation listed in the following subsections must be maintained for each facility and to clarify the requirements for accessibility of the facility files.

### **Section 59011(e)**

This amendment adds “pursuant to Section 59003(c)” and is necessary to provide an appropriate cross reference which adds clarity to implement the regulations.

### **Section 59011(f)**

This amendment adds “such as quarterly case management summary reports” and is necessary to provide an example of the type of monitoring documentation that may be submitted. Regional centers prepare their own monitoring documentation that may take many forms, so it is necessary to accept submittal of any type of monitoring documentation.

### **Section 59012. Consumer Files**

This amendment adds the following language “for each consumer”, “Consumer files shall be.... At the facility,” “be stored as”, “and consumer files shall be available on site at the facility, which may be stored as electronic records for review, inspection, audit, or copy upon request. Each individual consumer file shall contain” to provide clarity that documentation listed in the following subsections must be maintained for each consumer in the facility for accessibility of the consumer files.

### **Section 59013(d)(1)**

This amendment removed the first 15-day text “unless otherwise specified” and replaced it with parameters that specify “within 30 days of receipt of the Department’s written findings and recommendations unless the Department determines submittal is required more immediately based on findings impacting the health and safety of consumers”. This amendment is necessary to ensure the protection of the health and safety of consumers by permitting the Department to request the Regional Center’s letter detailing the status of the Department’s findings and recommendations sooner than 30 days based on an immediate threat to the health and safety of consumers.

### **Section 59050(a)(11) “Containment”**

This amendment is to correct the definition for containment by providing the



correct terminology. The amendment replaces an undefined term “person” with the term “consumer”, as defined in Subsection (a)(9) and is necessary to clarify the circumstances under which the proposed definition applies throughout the regulations.

**Section 59050(a)(19) “Emergency Intervention Plan”** This amendment adds “serious” to describe the type of injury prevention and corresponds to the definition of “emergency intervention(s)” as defined in Subsection (a)(18). This amendment is necessary to clarify the circumstances under which the proposed definition applies throughout the regulations.

**Section 59050(a)(22) “Extended Procedure”**

This amendment includes “physical” to describe the type of restraint referenced in (a)(32). It is necessary to include this term to rectify inconsistencies within the text of this Subsection and align with Subsection 59000(a)(22) and Health and Safety Code, Section 1180.1.

**Section 59050(a)(27)(B)3.**

This amendment removes “California” and is necessary to accurately reflect the title of the Education Code.

**Section 59050(a)(28) “Individualized Emergency Intervention Plan”**

This amendment adds “serious” to describe the type of injury which corresponds to the definition of “emergency intervention(s)” as defined in Section 59050(a)(18). This amendment is necessary to ensure a consumer’s behavior is the evaluated in the Plan and used as a basis for development of the support and services needs of the consumer. This ensures the Plan is narrowly tailored to the consumer’s needs.

**Section 59050(a)(32) “Physical Restraint”**

This amendment adds the missing text “without undue force” to the definition of physical restraint. This amendment is necessary to remain consistent with Health and Safety Code, Section 1180.1(d).

**Section 59050(a)(34) “Prone Restraint”**

This amendment corrects the definition for prone restraint by providing the correct terminology. The amendment replaces an undefined term “person” with the term “consumer”, as defined in subsection (a)(9) and is necessary for clarity and consistency throughout the regulations.

**Section 59050(a)(35)(A) and (B) “Qualified Behavior Modification Professional”**

This amendment reverts to the existing text reading “certified by the national Behavior Analyst Certification Board as a Certified Assistant Behavior Analyst” to Subsection (A), and reading “certified by the national Behavior Analyst

Certification Board as a Certified Behavior Analyst” to Subsection (B). This amendment is necessary to ensure consistency with the defined terms as used throughout the regulations.

**Section 59050(a)(38) “Supine Restraint”**

This amendment corrects the definition for supine restraint by providing the correct terminology. The amendment replaces an undefined term “person” with the term “consumer,” as defined in subsection (a)(9) and is necessary for clarity and consistency throughout the regulations.

**Section 59050. NOTE: Reference Citation**

This amendment corrects the reference citation by removing Health and Safety Code Section “1567.81” and adding the correct reference citation Health and Safety Code Section “1567.62” which is necessary to ensure the reference citation is accurate for implementation of the statute. This citation is specific to Enhanced Behavioral Support Homes.

**Section 59051(g)(1)**

This amendment removes Subsection (g)(1). This amendment is necessary because the Department has determined the requirement is duplicative of Section 59061 and therefore has decided to remove this Subsection (g)(1) to reduce redundancy with the regulations.

**Section 59052(a)(7)(D)1.**

This amendment removes the term “techniques” and adds the term “physical” before restraint to correspond to the definition of “physical restraint” as defined in Subsection (a)(33). The amendment to remove the term “techniques” is necessary because techniques is not defined. The addition of the term “physical” is necessary to clarify the type of restraint that is being used as an emergency intervention.

**Section 59052(a)(7)(D)3.**

This amendment adds “if any” and is necessary to clarify that some consumers do not have an authorized consumer representative.

**Section 59052(a)(7)(D)7.**

This amendment removes “an outline of” before procedures and adds “direct care” before “staff”. The amendment to remove “an outline of” is necessary to clarify that the emergency intervention plan shall contain procedures, and not just an outline of procedures. The amendment to add “direct care” before staff is necessary to clarify the type of staff as defined in Subsection 59050(a)(16) and used throughout the regulation.

**Section 59052(a)(9)(E)**

This amendment adds “Any other methodologies selected to measure consumer progress” as Subsection (E). This amendment is necessary because consumer progress can be measured using a variety of different measures and the Department does not want to limit the regulated public to the four explicitly identified methodologies within the regulation text.

**Section 59052(a)(14)**

This amendment replaces Health and Safety Code Section “1567.81(d)” with Health and Safety Code Section “1567.62(d)” and is necessary to provide the correct citation within the Health and Safety Code related to governing placements of dual agency clients.

**Section 59052(b)**

This amendment replaces the words “date and” with “signature” before of the licensee, and adds “and date of submission, for review and approval, to the regional center” after of the licensee. This amendment is necessary to provide clarity of the specific details of the actions required by the licensee during the facility program plan's submission process.

**Section 59054(c)**

This amendment adds “from one of the following:” and is necessary to allow for the regulations to provide a list of specific certification requirements to specifically identify the reputable entities for which the Department will accept training certifications.

**Section 59054(c)(1)**

This amendment moves the original text in this subsection (c)(1) to Subsection (d) and adds “the American Red Cross” which is necessary to provide a nationally recognized and reputable entity for administrators to receive their training certification(s).

**Section 59054(c)(2)**

This amendment adds “the American Heart Association” and is necessary to provide as a nationally recognized and reputable entity for administrators to receive their training certification(s).

**Section 59054(c)(3)**

This amendment adds “a training institution accredited by an accrediting body recognized by the United States Department of Education; or” and is necessary to outline a reputable entity for administrators to receive their training certification(s).

**Section 59054(c)(4)**

This amendment adds “any training facility or course that’s certified by the Emergency Medical Service Authority (EMSA)” and is necessary to ensure administrators to receive their training certification(s) from a reputable training entity recognized by the State of California.

**Section 59054(d)**

This amendment is nonsubstantive and moves the regulation text that was previously in Subsection (c)(1) to this new Subsection (d) and is necessary for clarity and proper hierarchy format.

**Section 59054(e)**

This amendment moves and amends the text in Subsection (c)(3) by adding “First Aid and” to the provision to specify that both first aid and CPR certifications must be renewed annually.” This amendment is necessary to specify the requirements and frequency in which administrators are to maintain their accredited first aid and CPR training certifications.

**Section 59055(c)**

This amendment adds the cross reference to Section 59054(c)(1)-(4) to align with the training certification requirements already listed in Section 59054.

**Section 59055(e)**

This amendment moves and amends the text in Subsection (c)(3) by adding “First Aid and” to the provision to specify that both first aid and CPR certifications must be renewed annually. This amendment is necessary to specify the requirements and frequency in which administrators are to maintain their accredited first aid and CPR training certifications.

**Section 59055(f)**

This amendment rearranges Subsection (c)(32) into Subsection (f) and adds “first aid and cardiopulmonary resuscitation” to specify that first aid and CPR certifications shall be maintained in the facility personnel records.

**Section 59057(a)**

This amendment removes “but is not limited to,” and is necessary to specify the orientation topics that are required and clarify that the following items are an exclusive list.

**Section 59057(a)(1)**

This amendment replaces “80065(j)” with “85365(h)” and is necessary to identify the correct citation in reference.

**Section 59057(a)(2)**

This amendment replaces “core” with “the following” and is necessary because the word “core” is not specific nor is it defined as it relates to the staff training requirements.

**Section 59057(b)**

This amendment adds the emergency intervention training must be completed annually and is necessary to ensure the training is completed on an annual basis for skill retention for the health and safety of consumers, staff, and others. The amendment also adds the cross reference to Title 22, California Code of regulations, Section 85165(c) and is necessary to provide clarification and outline to the meaning of “a qualified instructor.” Further, this amendment adds “serious” to describe the type of injury prevention and corresponds to the definition of “emergency intervention(s)” as defined in Section 59000(a)(20). This amendment is necessary for consistency and when referring to the term “injury” describes it as “serious” throughout the regulations.

**Section 59057(g)**

This amendment adds the requirement for direct care staff to comply with Title 22, California Code of Regulations, Section 85365(i) and (j) and also receive training on the emergency intervention requirements specified in Sections 59060.1 – 59060.5. Furthermore, the direct care staff must receive this training annually. This amendment is necessary to ensure direct staff who use, participate in, approve, or provide visual checks of physical restraint do not perform restraint on a consumer unless they have completed the training required in Title 22, California Code of Regulations, Section 89965(i) and (j) for the health and safety of consumers, staff and others. The requirement specifying that the training be completed on an annual basis is necessary to add the frequency to ensure skill retention for the health and safety of consumers, staff, and others. Further, this amendment adds “the training must be provided by an instructor who meets the requirements specified in Title 22, California Code of Regulations, Section 84365(c)” and is necessary to cross reference and identify instructor qualifications for these trainings to ensure the appropriate skills for emergency intervention training are taught to the direct care staff who use, participate in, approve, or provide visual checks of physical restraint for the health and safety of consumers, staff and others.

**Section 59057(g)(2)**

This amendment removes “valid” and replaces it with “written” and adds “of completion of the training requirements specified in Subsection (g) issued by the emergency intervention program and specified in the emergency intervention plan.” This amendment is necessary to ensure the direct care staff maintain documentation which demonstrates completion of training on emergency intervention techniques.

**Section 59058(e)**

This amendment replaces the incorrect citation Section 59057 (f) with Section 59057 (e) and is necessary to provide the correct cross reference citation.

**Section 59058(g)**

This amendment adds "California Code of Regulations" after "Title 22" and is necessary to specify the correct citation referenced.

**Section 59058(g)(1)**

This amendment removes "including the techniques the" and adds "direct care" before "staff" to describe the actions required to take place during the emergency intervention and/or de-escalation strategies. The amendment to remove the term "techniques" is necessary because techniques is not defined. The addition of the term "direct care" is necessary to clarify who will perform the strategy used as an emergency intervention. This amendment also includes adding "serious" to describe the type of injury prevention and corresponds to the definition of "emergency intervention(s)" as defined in Section 59050(a)(19). This amendment is necessary for consistency and when referring to the term "injury" describes it as "serious" throughout the regulations.

**Section 59058(h)**

This amendment adds "the administrator shall require the practice of" and removes "Include practicing" before "supine restraint holds". These changes are necessary to specify that it is required to practice supine restraint holds at least once per quarter if the use of supine restraint is approved as part of the facility Emergency Intervention Plan.

**Section 59059.5(a), (a)(1) and (a)(2)**

This amendment breaks up the original provision in Subsection (a) into new Subsections (a)(1) and (a)(2).

**Section 59059.5(a)(3)**

This amendment moves the original proposed text "When residing in a group home and aging out" from Subsection (a) to this new Subsection (a)(3) with additional clarifying amendments "when a consumer is residing in a group home and is nearing adulthood." This rewording of the text is necessary because the term "aging out" is not defined, but was intentionally utilized to provide flexibility of the transitional period between childhood and adulthood.

**Section 59059.5(b)**

This amendment is a nonsubstantive change that was moved from the end of Subsection (a) to this new Subsection (b).

**Section 59059.5(c)**

This amendment replaces “licensee” with “administrator” and is necessary to clarify who is responsible for providing the referenced written summary as the licensee is not always the administrator for the home. This amendment also adds “provide the following items to the consumer’s next placement” and removes “must be provided to the next placement” and is necessary to clarify that the listed items must be provided to the consumer’s next placement.

**Section 59060(d)(10)**

This amendment adds “to return to the previous placement or another appropriate community placement” which is necessary to clarify what the written transition plan is addressing. This amendment also removes “applicable for consumers” which is necessary to reduce redundancies because the appropriate community placement would be for the consumer.

**Section 59060(d)(11) and (11)(A)**

This amendment moves “shall be included in an individualized Emergency Intervention Plan” and adds “within the Individualized Behavior Supports Plan” to new Subsection (A) and is necessary to reduce confusion and provide clarification that if emergency interventions are necessary, a description of the emergency interventions are to be included in the Individual Emergency Intervention Plan within the Individualized Behavior Supports Plan.

**Section 59060(e)**

This amendment reorders the previously amended text for proper hierarchy format. This amendment also removes “as specified in Subsection 3., below” and is necessary because that Subsection was removed and the information from that removed subsection is now contained within this new Subsection (e).

**Section 59060(e)(1)(A)**

This amendment removes “in the Individualized Emergency Intervention Plan” and is necessary to prevent redundancy.

**Section 59060(e)(1)(B)**

This amendment adds Subsection (e)(1)(B), “Identified de-escalation strategies and alternatives of supine restraint”. This amendment is necessary to ensure the Individualized Emergency Intervention Plan’s identify less restrictive interventions in place of supine restraints to ensure the health and safety of consumers.

**Section 59060(f)**

This amendment adds “of completion of the revisions, the administrator shall” and is necessary to clarify which facility staff shall submit the revisions and when they are to be submitted. This amendment also deletes “as described in Subsection 3., below” which is necessary because that subsection was removed

and the email address was added here to this Subsection (f).

### **Section 59060(f)(3)**

This amendment removes Subsection 3., “a copy of the Individual Behavior Supports Plan including the individualized Emergency Intervention Plan shall be submitted to [EBSHCCHMonitoring@dds.ca.gov](mailto:EBSHCCHMonitoring@dds.ca.gov)” and is necessary because that text was removed and adopted into Subsection (e).

### **Section 59060.1(b)**

This amendment is to provide the correct terminology. The amendment replaces an undefined term “person” with “consumer”, as defined in Section 59050(a)(9), and is necessary for clarity and consistency throughout the regulations

### **Section 59060.1(d)**

This amendment replaces “Community Crisis Home” with “Enhanced Behavioral Supports Home” and Section “85102” with “89990”. These changes are necessary in order provide the correct citation and reference to the Enhanced Behavioral Supports Homes referenced in this subchapter.

### **Section 59060.1. NOTE: Authority and Reference Citation**

This amendment corrects the authority citation by removing W&I Code, Sections “4698 and 4698.1” and citing the proper enabling statute of W&I Code Sections “4684.80, 4684.81 and 4684.86” which is necessary for implementation of the W&I Code. This amendment also corrects the reference citation by adding W&I Code Sections “4684.80, 4684.81 and 4684.86”, and deleting Sections “4698” and “4698.1” which is necessary to ensure the reference citations are accurate for implementation of the W&I Code. These citations are specific to Enhanced Behavioral Support Homes.

### **Section 59060.2(b)**

This amendment replaces “physical harm” with “injury” which is necessary to correlate with the verbiage in the definition for “Emergency Intervention Plan” in Section 59050(a)(19). This amendment also adds “has approved the use of physical restraint as an extended procedure, as specified in Subsections (c), (f), and (g)” and is necessary to clarify the parameters for using restraint as an extended procedure.

### **Section 59060.2(c)(1)(A)**

This amendment adds “direct care” before “staff” and is necessary to clarify the type of staff as defined in Subsection 59050 (a)(16) and used throughout the regulation.



**Section 59060.2(c)(3)**

This amendment adds “who approves the continuation of physical restraint” and is necessary to clarify what this person is approving. This amendment also removes “the consumer is” as this verbiage is redundant as the consumer is already identified earlier in the provision of the regulation text.

**Section 59060.2(c)(4)**

This amendment adds “of the use of physical restraint beyond 15 minutes” and “include” and is necessary to clarify what information the administrator or designee must include in the consumer file when physical restraint is used beyond 15 minutes.

**Section 59060.2(d)**

This amendment removes “when appropriate” and is necessary because it is always appropriate to respond promptly and appropriately to a consumer’s request to be repositioned for their health and safety.

**Section 59060.2(g)**

This amendment removes “the following must occur” which is necessary to reduce unnecessary text from the regulation.

**Section 59060.2(g)(1)**

This amendment removes “the consumer is being” which is necessary to reduce unnecessary text from the regulation.

**Section 59060.2(g)(4)**

This amendment removes “other than the person restraining the consumer” and is necessary because the requirement falls upon the administrator or their designee to approve each reapplication of physical restraint.

**Section 59060.2(g)(5)**

This amendment removes “adequate” before “resources”, adds “maintain the consumer’s health and safety during crisis situations where there is risk of serious injury of self or others”, and removes “needs in the moment”. This amendment is necessary to clarify the vague regulation text and to specify that the administrator must evaluate the facility’s resources to ensure the health and safety of consumer’s is maintained during the risk of imminent serious injury of self or others.

**Section 59060.2(g)(6)**

This amendment adds “if any” and is necessary to clarify that some consumers do not have an authorized consumer representative.

**Section 59060.2(g)(6)(A)**

This amendment adds “direct care” before staff and is necessary to clarify the type of staff as defined in Section 59050 (a)(16) and used throughout the regulation. This section also removes “physical” and is necessary to be consistent with the definition of “emergency intervention(s)” as described in Section 59050(a)(18) and the assessment described in Section 59060.3.

**Section 59062.2. NOTE: Authority and Reference Citation**

This amendment corrects the authority and reference citations by adding W&I Code, Section “4684.81” to cite the proper enabling statute and reference which is necessary for implementation of the W&I Code. These citations are specific to Enhanced Behavioral Support Homes.

**59060.3 Assessment of Potential Physical Injury After Each Use of Physical Restraint.**

This amendment replaces “Physical” with “Serious” to describe the type of injury prevention and corresponds to the definition of “emergency intervention(s)” as defined in Section 59050(a)(18). This amendment is necessary for consistency and when referring to the term “injury” describes it as “serious” throughout the regulations.

**Section 59060.3(b)(2)**

The amendment to add “direct care” before staff is necessary to clarify the type of staff as defined in Section 59050 (a)(16) and used throughout the regulation.

**Section 59060.3(c)**

The amendment to add “direct care” is necessary to clarify the type of staff as defined in Section 59050(a)(16) and used throughout the regulation. This amendment also adds “a written incident report must be submitted” and deletes “it must be reported” and is necessary to clarify that the written incident report must be submitted in accordance with the referenced Title 17, California Code of Regulations, and consistency with Section 59010.3(c). In addition, “as required by Title 22, California Code of Regulations, Section 85161(c)” was added and is necessary to provide the appropriate cross reference for implementation of this provision and consistency between the regulations.

**Section 59060.3(e)**

This amendment removes “Suspected” and is necessary to ensure staff are confirming if there has been serious injury to the consumer when reporting and scheduling an exam with a medical professional.

**Section 59060.3(f)**

This amendment adds “written” and is necessary to describe the format for submitting incident reports. This amendment is necessary to provide clarity and

direction on how to submit the required reports.

**Section 59060.3. NOTE: Authority Citation**

This amendment corrects the enabling statute by adding W&I Code Section “4684.81” to the authority citation which is necessary for implementation of the W&I Code. This citation is specific to Enhanced Behavioral Support Homes.

**Section 59060.4(c)**

This amendment replaces “shall” with “may” to clarify that the requested individuals are not required to participate to move forward with debriefing. This amendment also replaces “these individuals” with “those individuals shall be invited to the debriefing” and is necessary to clarify that the individuals requested by the consumer must receive an invitation, regardless of their participation in the debriefing.

**Section 59060.4(e)(1)**

This amendment adds “unless the consumer voluntarily declines” and is necessary to clarify that the consumer has a choice not to participate in the debriefing as specified in Subsection (b)(1).

**Section 59060.4(g)**

This amendment adds “the consumer a subsequent meeting” and is necessary to clarify that the consumer has another option to participate in a subsequent debriefing if that initial offer was declined by the consumer. This amendment was recommended by stakeholders who were concerned that the regulations should not require consumers to attend the initial debriefing meeting as specified in Subsection (e)(1) and should be offered a second opportunity to attend if they were still experiencing trauma from the event at the time of the initially scheduled debriefing.

**Section 59060.4(i)**

This amendment adds “based on the debriefing activities” and is necessary to clarify what revisions are required to be added to the Individual Behavior Supports plan.

**Section 59060.4 NOTE: Authority and Reference citation**

This amendment corrects the enabling authority citation by removing W&I Code, Sections “4698 and 4698.1” and citing the proper enabling statute of W&I Code Section “4684.81” which is necessary for implementation of the W&I Code. This amendment also corrects the reference citation by adding W&I Code Sections “4684.80 and 4684.81”. and deleting Sections “4698” and “4698.1” which is necessary to ensure the reference citations are accurate for implementation of the W&I Code. These citations are specific to Enhanced Behavioral Support Homes.

**Section 59060.5(a)(1)**

This amendment adds “following the use of the physical restraint” and is necessary to specify the timeframe for required reporting the use of physical restraint.

**Section 59060.5(a)(1)(A)**

This proposed amendment adds “no later than the next calendar day”. This amendment is necessary to provide a clear timeline for which physical restraint information must be documented.

**Section 59060.5(a)(2)**

This amendment adds “following the use of the physical restraint” and is necessary to specify the timeframe for required reporting the use of physical restraint. This amendment also removes “This time frame shall supersede the reporting time frame required by Title 22, California Code of Regulations, Section 80061(b) and 84361” because the cross reference is duplicative and already included in the subsection.

**Section 59060.5(a)(2)(B)**

This amendment adds “direct care” and is necessary to clarify the type of staff as defined in Section 59050 (a)(16) and used throughout the regulation. This amendment also replaces “he or she” with “the licensee” and is necessary to clarify who is responsible for ensuring no future violations and to align with Section 59010.5(a)(2)(B).

**Section 59060.5(a)(3)**

This proposed amendment adds “written incident”, “specified”, and “(a)” and is necessary to clarify the type of report being referenced and the correct cross reference citation.

**Section 59060.5(a)(3)(C)**

This amendment replaces “what less restrictive” with “the” which is necessary to reduce redundancy as any non-physical intervention would be less restrictive than a physical restraint.

**Section 59060.5(a)(3)(D)**

This amendment adds “or staff” and is necessary to clarify that injury sustained by staff also needs to be documented in the incident report. This amendment also removes “if known, facility personnel, at the termination of the physical restraint”. This amendment is necessary to clarify the information required for the licensee to provide regarding the injury.

**Section 59060.5(a)(3)(E)**

This amendment removes “injuries sustained by the consumer and/or staff” and

is necessary to reduce redundancy as this information is included in Subsection (a)(3)(D). This amendment adds “and the location where medical treatment was obtained. If no medical treatment was obtained”. This amendment is necessary to include the information required in the incident reporting to provide ensure there is proper documentation and an accurate recording of the facts. Documentation is vital to provide a safe environment and helps provide accountability and historical information necessary for both planning and debriefing.

#### **Section 59060.5(a)(3)(H)**

This amendment replaces “facility personnel” with “staff” and is necessary to maintain consistency of terms used throughout the regulations while allowing this reference to apply to any staff person who used physical restraint. The amendment also removes “shall be documented”, and “or not taken”. These amendments are necessary to remove redundancy and ensure that the facility addresses a corrective action for anytime physical restraint is performed inadequately.

#### **Section 59060.5(a)(3)(J)**

This amendment replaces “in the past 24 hours” with “within 24 hours” which is necessary to clarify the intended timeframe for which to report the recent use of other physical restraints for proper documentation and an accurate recording of the facts. Documentation is vital to provide a safe environment and helps provide accountability and historical information necessary for both planning and debriefing.

#### **Section 59060.5. NOTE: Authority and Reference Citation**

This amendment corrects the authority citation by removing W&I Code, Sections “4698 and 4698.1” and citing the proper enabling statute of W&I Code Section “4684.81” which is necessary for implementation of the W&I Code. This amendment also corrects the reference citation by adding W&I Code Sections “4684.80, 4684.81”, and deleting Sections “4698” and “4698.1” which is necessary to ensure the reference citations are accurate for implementation of the W&I Code. These citations are specific to Enhanced Behavioral Support Homes.

#### **Section 59061. Facility Files**

This amendment removes the existing regulation text and replaces the text with clarifying language that mirrors the Community Crisis Homes provision for consistency and clarity in Section 59011. This amendment is necessary to provide clarity that documentation listed in the following subsections must be maintained for each facility and to clarify the requirements for accessibility of the facility files.

**Section 59061(e)**

This amendment adds “pursuant to Section 59053(c)” and is necessary to provide an appropriate cross reference which adds clarity and consistency to implement the regulations.

**Section 59061(f)**

This amendment adds “such as quarterly case management summary reports” and is necessary to provide an example of the type of acceptable monitoring documentation that may be submitted. Regional centers prepare their own monitoring documentation that may take many forms, so it is necessary to accept any type of monitoring documentation.

**Section 59062. Consumer Files**

This amendment removes the existing regulation text and replaces the text with clarifying language that mirrors the Community Crisis Homes provision for consistency and clarity in Section 59012. This amendment provides clarity that documentation listed in the following subsections must be maintained for each consumer in the facility for accessibility of the consumer files.

**Section 59062(i)**

This amendment replaces Subsection “(e)(2)(A)” with “(c)(1)” and is necessary to provide the correct citation.

**Section 59063(d)(1)**

This amendment removed the first 15-day text “unless otherwise specified” and replaced it with parameters that specify “within 30 days of receipt of the Department’s written findings and recommendations unless the Department determines submittal is required more immediately based on findings impacting the health and safety of consumers”. This amendment is necessary to ensure the protection of the health and safety of consumers by permitting the Department to request the Regional Center’s letter detailing the status of the Department’s findings and recommendations sooner than 30 days based on an immediate threat to the health and safety of consumers.