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Code:  Section:

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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 2. LICENSING PROVISIONS [1200 - 1796.70]** ( *Division 2 enacted by Stats. 1939, Ch. 60.* )

**CHAPTER 3. California Community Care Facilities Act [1500 - 1567.94]** ( *Chapter 3 repealed and added by Stats. 1973, Ch. 1203.* )

**ARTICLE 9. Residential Facilities for Persons with Special Health Care Needs: Licensing [1567.50 - 1567.51]** ( *Heading of Article 9 amended by Stats. 2021, Ch. 76, Sec. 12.* )

**1567.50.** (a) Notwithstanding that a community care facility means a place that provides nonmedical care under subdivision (a) of Section 1502, pursuant to Article 3.5 (commencing with Section 4684.50) of Chapter 6 of Division 4.5 of the Welfare and Institutions Code, the department shall jointly implement with the State Department of Developmental Services a licensing program to provide special health care and intensive support services to adults in homelike community settings.

(b) The State Department of Social Services may license, subject to the following conditions, an Adult Residential Facility for Persons with Special Health Care Needs to provide 24-hour services to up to five adults with developmental disabilities who have special health care and intensive support needs, as defined in subdivisions (f) and (g) of Section 4684.50 of the Welfare and Institutions Code.

(1) The State Department of Developmental Services shall be responsible for granting the certificate of program approval for an Adult Residential Facility for Persons with Special Health Care Needs (ARFPSHN). The State Department of Social Services shall not issue a license unless the applicant has obtained a certification of program approval from the State Department of Developmental Services.

(2) The State Department of Social Services shall ensure that the ARFPSHN meets the administration requirements under Article 2 (commencing with Section 1520) including, but not limited to, requirements relating to fingerprinting and criminal records under Section 1522 and administrator certification requirements of an adult residential facility pursuant Section 1562.3, including, but not limited to, the following:

(A) Successfully complete a department-approved administrator certification training program requiring a minimum of 35 hours of instruction conducive to learning in which participants are able to simultaneously interact with each other as well as with the instructor, and that provides training on a uniform core of knowledge under Section 1562.3.

(B) Unless an extension is granted to the applicant by the department, an applicant for an administrator's certificate shall, within 60 days of the applicant's completion of instruction, pass the examination provided for in Section 1562.3.

(C) Submit an application for administrator certification to the department to include:

(i) An administrator certification application.

(ii) A certificate of completion of the administrator certification training program required pursuant to this section.

(iii) The fee for processing an administrator certification application, including the issuance of the administrator certificate, as specified in 1562.3.

(iv) Documentation that the applicant has passed the examination.

(3) The State Department of Social Services shall administer employee actions under Article 5.5 (commencing with Section 1558).

(4) The regional center shall monitor and enforce compliance of the program and health and safety requirements, including monitoring and evaluating the quality of care and intensive support services. The State Department of Developmental Services shall ensure that the regional center performs these functions.

(5) The State Department of Developmental Services may decertify any ARFPSHN that does not comply with program requirements. When the State Department of Developmental Services determines that urgent action is necessary to protect clients of the ARFPSHN from physical or mental abuse, abandonment, or any other substantial threat to their health and safety, the State Department of Developmental Services may request the regional center or centers to remove the clients from the ARFPSHN or direct the regional center or centers to obtain alternative services for the consumers within 24 hours.

(6) The State Department of Social Services may initiate proceedings for temporary suspension of the license pursuant to Section 1550.5.

(7) The State Department of Developmental Services, upon its decertification, shall inform the State Department of Social Services of the licensee's decertification, with its recommendation concerning revocation of the license, for which the State Department of Social Services may initiate proceedings pursuant to Section 1550.

(8) The State Department of Developmental Services and the regional centers shall provide the State Department of Social Services all available documentation and evidentiary support necessary for any enforcement proceedings to suspend the license pursuant to Section 1550.5, to revoke or deny a license pursuant to Section 1551, or to exclude an individual pursuant to Section 1558.

(9) The State Department of Social Services Community Care Licensing Division shall enter into a memorandum of understanding with the State Department of Developmental Services to outline a formal protocol to address shared responsibilities, including monitoring responsibilities, complaint investigations, administrative actions, and closures.

(10) The licensee shall provide documentation that, in addition to the administrator requirements set forth under paragraph (4) of subdivision (a) of Section 4684.63 of the Welfare and Institutions Code, the administrator, prior to employment, has completed a minimum of 35 hours of initial training in the general laws, regulations and policies and procedural standards applicable to facilities licensed by the State Department of Social Services under Article 2 (commencing with Section 1520).

(11) An administrator certificate issued under this section shall expire every two years, on the anniversary date of the initial issuance of the certificate.

(12) An administrator certificate issued under this section shall be renewed every two years and renewal shall be conditional upon the certificate holder submitting documentation of completion of 40 hours of continuing education related to the uniform core of knowledge specified in Section 1562.3. No more than one-half of the required 40 hours of continuing education necessary to renew the certificate may be satisfied through self-paced courses. All other continuing education hours shall be completed in an instructional setting conducive to learning in which participants must be able to simultaneously interact with each other as well as with the instructor. For purposes of this section, an individual who is an adult residential facility administrator and who is required to complete the continuing education hours required by the regulations of the State Department of Developmental Services, and approved by the regional center, shall be permitted to have up to 24 hours of the required continuing education course hours credited toward the 40-hour continuing education requirement of this section. Community college course hours approved by the regional centers shall be accepted by the department for certification.

(c) The training specified in this section shall be provided by a vendor approved by the State Department of Social Services and the cost of the training shall be borne by the administrator or licensee.

(d) This article shall only be implemented to the extent that funds are made available through an appropriation in the annual Budget Act.

*(Amended by Stats. 2023, Ch. 43, Sec. 22. (AB 120) Effective July 10, 2023.)*

**1567.51.** (a) Notwithstanding that a community care facility means a place that provides nonmedical care under subdivision (a) of Section 1502, pursuant to Article 3.5 (commencing with Section 4684.50) of Chapter 6 of Division 4.5 of the Welfare and Institutions Code, the department shall jointly implement with the State Department of Developmental Services a licensing program to provide special health care and intensive support services to children in homelike community settings.

(b) The State Department of Social Services may license, subject to the following conditions, a Group Home for Children with Special Health Care Needs (GHCSHN) to provide 24-hour services to up to five children with developmental disabilities who have special health care and intensive support needs, as defined in subdivisions (f) and (h) of Section 4684.50 of the Welfare and Institutions Code.

(1) The State Department of Developmental Services shall be responsible for granting the certificate of program approval for a GHCSHN. The State Department of Social Services shall not issue a license unless the applicant has obtained a certification of

program approval from the State Department of Developmental Services.

(2) The State Department of Social Services shall ensure that the GHCSHN meets the administration requirements under Article 2 (commencing with Section 1520) including, but not limited to, requirements relating to fingerprinting and criminal records under Section 1522.

(3) The State Department of Social Services shall administer employee actions under Article 5.5 (commencing with Section 1558).

(4) The regional center shall monitor and enforce compliance of the program and health and safety requirements, including monitoring and evaluating the quality of care and intensive support services. The State Department of Developmental Services shall ensure that the regional center performs these functions.

(5) The State Department of Developmental Services may decertify any GHCSHN that does not comply with program requirements. If the State Department of Developmental Services determines that urgent action is necessary to protect clients of the GHCSHN from physical or mental abuse, abandonment, or any other substantial threat to their health and safety, the State Department of Developmental Services may request the regional center or centers to remove the clients from the GHCSHN or direct the regional center or centers to obtain alternative services for the consumers within 24 hours.

(6) The State Department of Social Services may initiate proceedings for temporary suspension of the license pursuant to Section 1550.5.

(7) The State Department of Developmental Services, upon its decertification, shall inform the State Department of Social Services of the licensee's decertification, with its recommendation concerning revocation of the license, for which the State Department of Social Services may initiate proceedings pursuant to Section 1550.

(8) The State Department of Developmental Services and the regional centers shall provide the State Department of Social Services all available documentation and evidentiary support necessary for any enforcement proceedings to suspend the license pursuant to Section 1550.5, to revoke or deny a license pursuant to Section 1551, or to exclude an individual pursuant to Section 1558.

(9) The State Department of Social Services Community Care Licensing Division may enter into a memorandum of understanding with the State Department of Developmental Services to outline a formal protocol to address shared responsibilities, including monitoring responsibilities, complaint investigations, administrative actions, and closures.

(10) The licensee of a GHCSHN shall provide documentation that, in addition to the administrator requirements set forth under paragraph (5) of subdivision (a) of Section 4684.63 of the Welfare and Institutions Code, the administrator of a GHCSHN, prior to employment, has completed a minimum of 40 hours of initial training in the general laws, regulations and policies and procedural standards applicable to facilities licensed by the State Department of Social Services under Article 2 (commencing with Section 1520). Thereafter, the licensee shall provide documentation every two years that the administrator has completed 40 hours of continuing education in the general laws, regulations and policies and procedural standards applicable to group homes. The training specified in this section shall be provided by a vendor approved by the State Department of Social Services and the cost of the training shall be borne by the administrator or licensee.

(11) Section 1507.35 shall apply to a GHCSHN that allows a client who has been diagnosed as terminally ill by their physician or surgeon to remain in the facility, or allows a client who has been diagnosed as terminally ill by their physician or surgeon to be placed in the facility.

(c) (1) Notwithstanding paragraph (2) of subdivision (c) of Section 4684.53 of the Welfare and Institutions Code, the State Department of Social Services and the State Department of Developmental Services may adopt regulations to implement this section.

(2) (A) The State Department of Social Services and the State Department of Developmental Services may adopt emergency regulations to implement this section. The departments may readopt any emergency regulation authorized by this section that is the same as, or substantially equivalent to, emergency regulations previously adopted under this section.

(B) The initial adoption of regulations pursuant to this section and one readoption of emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State, and each shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

