

California Code Of Regulations
|->
Title 22@ Social Security
|->
Division 6@ Licensing of Community Care Facilities
|->
Chapter 1@ General Licensing Requirements
|->
Article 2@ License
|->
Section 80007@ Exemption from Licensure

80007 Exemption from Licensure

(a)

The community care facility regulations contained in this division shall not apply to any of the following: (1) Any health facility, as defined by section 1250 of the Health and Safety Code. (2) Any clinic, as defined by section 1202 of the Health and Safety Code. (3) Any family day care home providing care for the children of only one family, in addition to the operator's own children. (4) Any juvenile placement facility approved by the California Youth Authority or any juvenile hall operated by a county. (5) Any facility conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination. (6) Any school dormitory or similar facility where all of the following conditions exist: (A) The school is certificated/registered by the State Department of Education. (B) The school and the school dormitory are on the same grounds. (C) All children accepted by the school are six years of age or older. (D) The program operates only during normal school terms unless the academic program runs year-round. (E) The school's function is educational only. (F) The school program is not designated as providing rehabilitative or treatment services. (G) The school's function does not promote intent to provide community care services, and the facility does not accept children who are in need of such services, including but

not limited to children with developmental disabilities, mental disorders or physical handicaps; juveniles declared dependents of the court under Welfare and Institutions Code section 300, and juveniles declared wards of the court under Welfare and Institutions Code sections 601 and 602. (H) The facility does not receive any public funds designated for care including but not limited to AFDC-FC and SSI/SSP. The facility shall be permitted to receive public funds intended for educational programs. (I) No public or private agency, including but not limited to county welfare department and probation offices, provides social services to children in the facility. (7) Any house, institution, hotel, homeless shelter, or other similar place that supplies board and room only, or room only, or board only, which provides no element of care and supervision, as defined in section 80001(c)(2). (8) Any cooperative arrangement between parents for the day care of their children by one or more of the parents where no payment for the day care is involved, including but not limited to the exchange of child day care services between two or more families. (9) Any care and supervision of persons by a relative, guardian or conservator. (10) Any care and supervision of persons from only one family by a close friend of the parent, guardian or conservator, provided that such arrangement is not for financial profit and does not exceed 10 hours per week.(A) Provision of longer hours of care shall not be precluded when provided for a brief period of time for reasons, including but not limited to family emergencies, vacation, and military leave. (11) Any arrangement for the care and supervision of an adult or adults from only one family by a close friend, who is not a licensee or current employee of a Residential Care Facility for the Elderly or of an Adult Residential Facility, and whose friendship pre-existed a provider/recipient relationship, and all of the following are met:(A) The care and supervision is provided in a home or residence chosen by the recipient, regardless of who owns

the home or residence. (B) The arrangement is not of a business nature, in that the provider does not represent himself or herself as being in the business of provision of care, and any compensation that may be paid to the provider is only for the value of the services rendered. (C) The arrangement occurs and continues only as long as the needs for care and supervision of the recipient are being adequately met. (12) Any facility exclusively used by a licensed homefinding agency and issued a certificate of approval by that agency. (A) Such facilities shall not be required to obtain a license, but shall be in compliance with all other requirements set forth in this division. The facility's compliance with requirements shall be monitored through and assured by the homefinding finding agency. For the purposes of this section, an exclusive-use facility shall mean a nonlicensed residential facility that has been certified by a licensed homefinding agency as conforming to the regulations pertaining to the small family home category. A facility in the exclusive use of a licensed homefinding agency shall accept only those children placed by that agency which certified the home. (13) A home which meets all of the following criteria: (A) approved by a licensed adoption agency, or the Department, for the adoptive placement of a child, and (B) the child is legally free for adoption, and (C) the agency or the Department is providing supervision of the placement pending finalization of the adoption. (14) A home which meets all of the following criteria: (A) placement for adoption by a birth parent, and (B) a petition for adoption has been filed by the prospective adoptive parents, and is pending, and (C) a final decision on the petition has not been rendered by the court. (15) Any placement agency as defined in Health and Safety Code section 1536.1 or an individual who places individuals for care in a facility licensed to receive and care for such persons. (16) A county probation or welfare department which places children in certified license pending homes as set forth in section

87007.1. (17) Any housing project for elderly or disabled individuals that meets federal requirements specified in Health and Safety Code Section 1505(p). (18) The Department. (19) Any similar facility as determined by the Director.

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Any health facility, as defined by section 1250 of the Health and Safety Code.

(2)

Any clinic, as defined by section 1202 of the Health and Safety Code.

(3)

Any family day care home providing care for the children of only one family, in addition to the operator's own children.

(4)

Any juvenile placement facility approved by the California Youth Authority or any juvenile hall operated by a county.

(5)

Any facility conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(6)

Any school dormitory or similar facility where all of the following conditions exist: (A) The school is certificated/registered by the State Department of Education. (B) The school and the school dormitory are on the same grounds. (C) All children accepted by the school are six years of age or older. (D) The program operates only during normal school terms unless the academic program runs year-round. (E) The school's function is educational only. (F) The school program is not designated as providing rehabilitative or treatment services. (G) The school's function does not promote intent to provide

community care services, and the facility does not accept children who are in need of such services, including but not limited to children with developmental disabilities, mental disorders or physical handicaps; juveniles declared dependents of the court under Welfare and Institutions Code section 300, and juveniles declared wards of the court under Welfare and Institutions Code sections 601 and 602. (H) The facility does not receive any public funds designated for care including but not limited to AFDC-FC and SSI/SSP. The facility shall be permitted to receive public funds intended for educational programs. (I) No public or private agency, including but not limited to county welfare department and probation offices, provides social services to children in the facility.

(A)

The school is certificated/registered by the State Department of Education.

(B)

The school and the school dormitory are on the same grounds.

(C)

All children accepted by the school are six years of age or older.

(D)

The program operates only during normal school terms unless the academic program runs year-round.

(E)

The school's function is educational only.

(F)

The school program is not designated as providing rehabilitative or treatment services.

(G)

The school's function does not promote intent to provide community care services, and the facility does not accept children who are in need of such services, including but not limited to

children with developmental disabilities, mental disorders or physical handicaps; juveniles declared dependents of the court under Welfare and Institutions Code section 300, and juveniles declared wards of the court under Welfare and Institutions Code sections 601 and 602.

(H)

The facility does not receive any public funds designated for care including but not limited to AFDC-FC and SSI/SSP. The facility shall be permitted to receive public funds intended for educational programs.

(I)

No public or private agency, including but not limited to county welfare department and probation offices, provides social services to children in the facility.

(7)

Any house, institution, hotel, homeless shelter, or other similar place that supplies board and room only, or room only, or board only, which provides no element of care and supervision, as defined in section 80001(c)(2).

(8)

Any cooperative arrangement between parents for the day care of their children by one or more of the parents where no payment for the day care is involved, including but not limited to the exchange of child day care services between two or more families.

(9)

Any care and supervision of persons by a relative, guardian or conservator.

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Any care and supervision of persons from only one family by a close friend of the parent, guardian or conservator, provided that such arrangement is not for financial profit and does not exceed 10 hours per week.(A) Provision of longer hours of care shall not be precluded when provided for a brief period of time for reasons, including but not

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Any arrangement for the care and supervision of an adult or adults from only one family by a close friend, who is not a licensee or current employee of a Residential Care Facility for the Elderly or of an Adult Residential Facility, and whose friendship pre-existed a provider/recipient relationship, and all of the following are met:(A) The care and supervision is provided in a home or residence chosen by the recipient, regardless of who owns the home or residence. (B) The arrangement is not of a business nature, in that the provider does not represent himself or herself as being in the business of provision of care, and any compensation that may be paid to the provider is only for the value of the services rendered. (C) The arrangement occurs and continues only as long as the needs for care and supervision of the recipient are being adequately met.

(A)

The care and supervision is provided in a home or residence chosen by the recipient, regardless of who owns the home or residence.

(B)

The arrangement is not of a business nature, in that the provider does not represent himself or herself as being in the business of provision of care, and any compensation that may be paid to the provider is only for the value of the services rendered.

(C)

The arrangement occurs and continues only as long as the needs for care and supervision of

the recipient are being adequately met.

(12)

Any facility exclusively used by a licensed homefinding agency and issued a certificate of approval by that agency.(A) Such facilities shall not be required to obtain a license, but shall be in compliance with all other requirements set forth in this division. The facility's compliance with requirements shall be monitored through and assured by the homefinding finding agency. For the purposes of this section, an exclusive-use facility shall mean a nonlicensed residential facility that has been certified by a licensed homefinding agency as conforming to the regulations pertaining to the small family home category. A facility in the exclusive use of a licensed homefinding agency shall accept only those children placed by that agency which certified the home.

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(13)

A home which meets all of the following criteria:(A) approved by a licensed adoption agency, or the Department, for the adoptive placement of a child, and (B) the child is legally free for adoption, and (C) the agency or the Department is providing supervision of the placement pending finalization of the adoption.

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A home which meets all of the following criteria: (A) placement for adoption by a birth parent, and (B) a petition for adoption has been filed by the prospective adoptive parents, and is pending, and (C) a final decision on the petition has not been rendered by the court.

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(15)

Any placement agency as defined in Health and Safety Code section 1536.1 or an individual who places individuals for care in a facility licensed to receive and care for such persons.

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A county probation or welfare department which places children in certified license pending homes as set forth in section 87007.1.

(17)

Any housing project for elderly or disabled individuals that meets federal requirements specified in Health and Safety Code Section 1505(p).

(18)

The Department.

(19)

Any similar facility as determined by the Director.