

# § 76872. Developmental Program Services -Staffing.

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(a) The facility shall provide through direct employment or contractual arrangement a qualified mental retardation professional who shall have the responsibility for supervising the implementation of each client's individual service plan, integrating the various aspects of the facility's program plan, assuring continuity of facility services with those provided by outside agencies, recording each client's progress and initiating periodic review of each individual service plan for necessary modifications or adjustments.

(b) The facility shall provide through direct employment or contractual arrangement a qualified mental retardation professional who shall provide a minimum of 1.75 hours of service per week per client.

(c) In addition to the qualified mental retardation professional, the facility shall provide either through direct employment or by contractual arrangement an interdisciplinary professional staff/team to assist in the development and implementation of individual service plans and provide training to the facility staff.

(d) The interdisciplinary professional staff/team shall be composed of at least three (3) persons from any of the following disciplines and the composition of the staff/team shall be of the numbers and disciplines appropriate to meet the clients' needs.

(1) Clinical psychologist.

(2) Recreation therapist.

(3) Occupational therapist.

(4) Physical therapist.

(5) Social worker with a master's degree.

(6) Speech therapist.

(7) Audiologist.

(8) Physician.

(9) Pharmacist.

(10) Educator.

(e) The aggregate time provided by members of the interdisciplinary professional staff/team shall be equal to at least one half hour per week per client.

(f) The primary responsibility of direct care staff shall be the care and training of the clients as follows:

(1) Staff shall train clients in activities as specified in the individual service plan.

(2) Direct care staff shall not be diverted from their primary responsibilities by excessive housekeeping, clerical duties or activities not related to client care when clients are physically present in the facility.

(g) Each facility shall employ direct care staff to provide program and nursing services to clients 24 hours a day as indicated in the chart below. Direct care staffing hours shall not include the time staff spend in in-service programs as specified in subsection 76873(c).

Number

Average

Minimum

Total Hours

of

Hours

Hours

Per Calendar

Clients

Per Day

Per Day

Week

4-6

36

30

252

7

37

30

259

8

41

35

287

9

46

38

322

10

51

43

357

11

57

47

399

12

62

51

434

13

67

55

469

14

73

60

511

15

78

65

546

(h) Each facility shall designate supervisory direct care staff persons in accordance with the provisions of Section 1267.11 of the Health and Safety Code. For purposes of this subsection, the definition of supervision contained in Section 76836 shall apply.

(i) Supervisory direct care staff persons shall report to and be accountable to the qualified mental retardation professional.

(j) Facilities serving 12 to 15 clients shall staff the night shift with a minimum of two (2) direct care staff. This is inclusive of the staffing requirements of Section 76872(g).

(k) Each facility shall employ sufficient direct care staff to carry out the active treatment programs and meet individual client needs.

(l) Direct care staff shall be in the facility whenever clients are present.

(m) When clients are not present in the facility, prior arrangements shall be made for the notification of facility staff in case of emergency.

Note: Authority cited: Sections 208, 208.4, 1267.7, 1267.11 and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

## HISTORY

1. Certificate of Compliance including amendment of subsection (d) filed by the Department of Health Services with the Secretary of State on 11-28-84. Submitted to OAL for printing only pursuant to Government Code Section 11343.8 (Register 85, No. 25).

2. Amendment filed 3-12-90; operative 4-11-90 (Register 90, No. 13).

3. Amendment of subsections (b), (g) and Note filed 8-31-95 as an emergency; operative 8-31-95 (Register 95, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-29-95 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as 8-31-95 order transmitted to OAL 12-28-95 and filed 2-6-96 (Register 96, No. 6).

22 CCR § 76872, 22 CA ADC § 76872