

86065 Personnel Requirements

(a)

Facility personnel shall be competent to provide the services necessary to meet individual participant needs and shall, at all times, be employed in numbers necessary to meet such needs.

(b)

The licensing agency shall have the authority to require any licensee to provide additional staff whenever the licensing agency determines and documents that additional staff are required for the provision of services necessary to meet participant needs. The licensee shall be informed in writing of the reasons for the licensing agency's determination. The following factors shall be taken into consideration in determining the need for additional staff. (1) Needs of the particular participants. (2) Extent of the services provided by the facility. (3) Physical arrangements of the particular facility. (4) Existence of a state of emergency or disaster.

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(4)

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(c)

The licensee shall be permitted to utilize volunteers provided that such volunteers are supervised, and are not included in the facility staffing plan.

(d)

The following facility personnel shall be at least 18 years of age: (1) Persons who supervise employees and/or volunteers. (2) Persons, including volunteers, who provide any element of care and supervision to participants.

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(e)

All personnel shall be given on-the-job training or shall have related experience which provides knowledge of and skill in the following areas, as appropriate to the job assigned and as evidenced by safe and effective job performance. (1) Principles of nutrition, food preparation and storage and menu planning. (2) Housekeeping and sanitation principles. (3) Provision of participant care and supervision, including communication. (4) Assistance with prescribed medications which are self-administered. (5) Recognition of early signs of illness and the need for professional assistance. (6) Availability of community services and resources. (A) Training in Universal Precautions may be provided in the facility or staff may attend training provided by a local health facility, county health department, or other local training resources.

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(f)

All THPP personnel shall, at a minimum, receive training that provides knowledge of and skill in the following areas, as evidenced by safe and effective job performance: (1) All THPP personnel shall complete a minimum of one-hour training in the area of child abuse identification and reporting. (2) Training for all personnel shall address cultural competency and sensitivity relating to sexual orientation, gender identity and gender expression, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender youth in

out-of-home care. (3) All THPP personnel shall receive training on the THPP's policies and procedures concerning when and how to involve law enforcement in response to an incident involving a participant residing in a THPP living unit. (A) The training shall include the right of children in foster care to have law enforcement intervention requested only when there is an imminent threat to the life or safety of a child or another person, or as a last resort after other diversion and de-escalation techniques have been utilized; and to not have law enforcement intervention used as a threat or in retaliation against the child. (4) Training related to the sexual and reproductive rights of children in foster care that includes the following topics: (A) A child's right to receive sexual and reproductive health care and information as specified in Section 86172(b)(21), (23) and (24). (B) A child's right to have their sensitive health information kept confidential pursuant to Section 86170(d) and 86172(b)(25). (C) The duties and responsibilities of the assigned case management worker and the licensee to ensure that children can obtain sexual and reproductive health services and information. (D) Guidance about how to engage and talk with children about healthy sexual development and reproductive and sexual health in a manner that is medically accurate, age or developmentally appropriate, trauma-informed, and strengths-based. (E) Information about current contraception methods and how to select and provide appropriate referral resources and materials for information and service delivery.

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engage and talk with children about healthy sexual development and reproductive and sexual health in a manner that is medically accurate, age or developmentally appropriate, trauma-informed, and strengths-based. (E) Information about current contraception methods and how to select and provide appropriate referral resources and materials for information and service delivery.

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The duties and responsibilities of the assigned case management worker and the licensee to ensure that children can obtain sexual and reproductive health services and information.

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Guidance about how to engage and talk with children about healthy sexual development and reproductive and sexual health in a manner that is medically accurate, age or developmentally appropriate, trauma-informed, and strengths-based.

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Information about current contraception methods and how to select and provide appropriate referral resources and materials for information and service delivery.

(g)

All THPP personnel shall, at a minimum, receive training about the characteristics of persons 16-21 years of age, placed in long-term foster care pursuant to Welfare and Institutions Code Section 16522.1(c).

(h)

Training for all personnel shall address the child's right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity and gender expression, mental or physical disability, or HIV status.

(i)

The THPP shall employ personnel necessary to perform the duties as follows: (A) An administrator as specified in Section 86064. (B) A social work supervisor as specified in Section 86065.2. (C) Social work personnel as specified in Section 86065.3.

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(C)

Social work personnel as specified in Section 86065.3.

(j)

The THPP shall have qualified social work personnel available on a 24-hour basis to respond to any emergency.

(k)

The THPP shall employ or retain qualified consultants necessary to implement the plan of operation.

(l)

THPP personnel, who provide care and supervision of foster youth, shall be trained on existing laws and procedures regarding the safety of foster youth at school as

specified in the California Student Safety and Violence Prevention Act of 2000.

(m)

All personnel, including the licensee, administrator and volunteers, shall be in good health, and shall be physically, mentally, and occupationally capable of performing assigned tasks. (1) Except as specified in (3) below, good physical health shall be verified by a health screening, including a test for tuberculosis, performed by or under the supervision of a physician not more than one year prior to or seven days after employment or licensure. (2) A health screening report signed by the person performing such screening shall be made on each person specified above, and shall indicate the following: (A) The person's physical qualifications to perform the duties to be assigned. (B) The presence of any health condition that would create a hazard to the person, participants or other staff members. (3) The good physical health of each volunteer who works in the facility shall be verified by: (A) A statement signed by each volunteer affirming that they are in good health. (B) A test for tuberculosis performed not more than one year prior to or seven days after initial presence in the facility.

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(n)

Personnel with evidence of physical illness that poses a threat to the health and safety of participants shall be relieved of their duties.

(o)

Prior to employment or initial presence in the facility, all employees and volunteers subject to a criminal record review shall: (1) Obtain a California clearance or a criminal record exemption as required by law or Department regulations or (2) Request a transfer of a criminal record clearance as specified in Section 86019(f) or (3) Request and be approved for a transfer of a criminal record exemption, as specified in Section 86019.1(r), unless, upon request for the transfer, the Department permits the individual to be employed, reside or be

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(p)

Participants shall not be used as substitutes for required staff but shall be permitted, as a voluntary part of their program of activities, to participate in household duties and other tasks suited to the participant's needs and abilities.

(1) Such duties and tasks shall be specified in the participant's needs and services plan as specified in chapters 4, 5 and 6.

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(q)

When regular staff members are absent, there shall be coverage by personnel capable of performing assigned tasks as evidenced by on-the-job performance.

(r)

Personnel shall provide for the care and safety of persons without physical or verbal abuse, exploitation or prejudice.

(s)

All personnel shall be instructed to report observations or evidence of violations of any of the personal rights specified in section 86172.

(t)

The licensee shall designate at least one staff member to be onsite at all times to apply the reasonable and prudent parent standard to decisions involving the participation of a participant in age or developmentally appropriate activities pursuant to Section 86067. (1) The licensee shall ensure that the designated staff member receives training related to the reasonable and prudent parent standard as specified in Health and Safety Code section 1522.44(c).

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