

86501 Definitions

(a)

(1) "Accredited schools, colleges or universities, including correspondence courses offered by the same," means those educational institutions or programs granted public recognition as meeting established standards and requirements of an accrediting agency authorized by the U.S. Secretary of Education. (A) Authorized accrediting agencies include the Accrediting Commission, National Home Study, the Accrediting Bureau of Health Education Schools, the Association of Independent Colleges and Schools, the National Association of Trade and Technical Schools, and the Western Association of Schools and Colleges. (2) "Administrator" means the adult designated by the licensee who meets the requirements of Section 86564 to act in the licensee's behalf in the overall management of the crisis nursery. (A) "Administrator Designee means a lead caregiver as specified in Section 86565(p) designated by the administrator to act on his or her behalf in the overall management of the crisis nursery. (3) "Adult" means a person who is 18 years of age or older. (4) "Applicant" means any corporation specified in Health and Safety Code Section 1516(b), that has made an application for licensure of a crisis nursery. (5) "Approved schools, colleges or universities, including correspondence courses offered by the same," means those approved/authorized by the U.S. Department of Education, Office of Postsecondary Education or by the California Department of Consumer Affairs,

Bureau for Private Postsecondary and Vocational Education. (6) "Authorized Representative" means a child's parent or legal guardian as specified in Health and Safety Code section 1502(a)(17).

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"Administrator" means the adult designated by the licensee who meets the requirements of Section 86564 to act in the licensee's behalf in the overall management of the crisis nursery. (A) "Administrator Designee means a lead caregiver as specified in Section 86565(p) designated by the administrator to act on his or her behalf in the overall management of the crisis nursery.

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"Applicant" means any corporation specified in Health and Safety Code Section 1516(b), that has made an application for licensure of a crisis nursery.

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"Approved schools, colleges or universities, including correspondence courses offered by the same," means those approved/authorized by the U.S. Department of Education, Office of Postsecondary Education or by the California Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education.

(6)

"Authorized Representative" means a child's parent or legal guardian as specified in Health and Safety Code section 1502(a)(17).

(b)

(1) "Basic Services" means those services required by applicable law and regulation to be provided by the licensee in order to obtain and maintain a crisis nursery license.

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(c)

(1) "California Clearance" means an individual has no felony or misdemeanor convictions reported by the California Department of Justice. However, the individual may have been arrested with no criminal conviction, convicted of a minor traffic offense or adjudicated as a juvenile. (2) "Capacity" means the

maximum number of children authorized to be provided care and supervision at any one time in a crisis nursery. (3) "Care and Supervision" means one or more of the following activities provided by a person or the crisis nursery to meet the needs of the children: (A) Assistance in feeding, dressing, grooming, bathing and other personal hygiene. (B) Assistance with taking medication, as specified in Section 86575(b). (C) Central storing and/or distribution of medications, as specified in Section 86575(b). (D) Arrangement of and assistance with medical, dental, and vision care including transportation, as specified in Section 86575(a). (E) Maintenance of house rules for the protection of children. (F) Supervision of children's schedules and activities. (G) Maintenance or supervision of children's cash resources or property. (H) Monitoring food intake or special diets. (I) Providing basic services as defined in Section 86501(b). (4) "Caregiver" means a crisis nursery staff person who performs the duties and responsibilities as specified in section 86565.2, Personnel Duties. (5) "Child" means a person who is under 6 years of age who is being provided care and supervision in a crisis nursery, except where specified otherwise in Chapter 7.3. (6) "Child Abuse Central Index" (CACI) means the California Department of Justice maintained statewide, multi-jurisdictional, centralized index of child abuse investigation reports. These reports pertain to alleged incidents of physical abuse, sexual abuse, mental/emotional abuse and/or severe neglect. Each child protection agency (police, sheriff, county welfare and probation departments) is required by law to forward to the California Department of Justice a report of every child abuse incident it investigates, unless an incident is determined to be unfounded. (7) "Child Abuse Central Index Clearance" means that the California Department of Justice has conducted a name search of the index and the search did not result in a match or the search resulted in a match but the California Department of Social

Services determined after an investigation that the allegation of child abuse or neglect was not substantiated. (8) "Child with Special Health Care Needs" means a child who meets the requirements of Welfare and Institutions Code Section 17710(a). (9) "Community Care Facility" means any facility, place or building where non-medical care and supervision, as defined in Section 86501(c) are provided. (10) "Complaint" means any notice of an alleged violation of any applicable regulation in Chapter 7.3 or state statute, including, but not limited to, the Penal Code. (11) "Completed Application" means: (A) The applicant has submitted and the Department has received all required materials, including: an approved fire clearance from the appropriate fire authority having jurisdiction, a Child Abuse Central Index clearance, and a criminal record clearance or a criminal record exemption on the individuals specified in Section 86519(c). (B) The Department has completed a site visit to the crisis nursery. (12) "Control of Property" means the right to enter, occupy, and maintain the operation of the crisis nursery property within regulatory requirements. Evidence of control of property may include, but is not limited to the following: (A) A Grant Deed showing ownership; or (B) A lease agreement or rental agreement; or (C) A court order or similar document which shows the authority to control the property pending outcome of a probate proceeding or an estate settlement. (13) "Conviction" means: (A) A criminal conviction in California; or (B) Any criminal conviction of another state, federal, military or other jurisdiction, which if committed or attempted in California, would have been punishable as a crime in California. (14) "Criminal Record Clearance" means an individual has a California clearance and an FBI clearance. (15) "Crisis Nursery" means a facility licensed by the Department to operate a crisis residential overnight program pursuant to Health and Safety Code Section 1516 to provide short-term care and supervision

for children under six years of age, who are voluntarily placed, as defined in Section 86501(v)(1), for temporary care, by a parent or legal guardian due to a family crisis or a stressful situation. A crisis nursery may also provide crisis day services as defined in Section 86501(c)(16). (16) "Crisis Day Services" means temporary, nonmedical care and supervision for children under six years of age who are voluntarily placed by a parent or legal guardian due to a family crisis or stressful situation for less than 24 hours per day. Crisis day services shall be provided during a time period defined by the crisis nursery in its plan of operation, but not to exceed a period of 14 hours per day. A child may not receive crisis day services at a crisis nursery for more than 30 calendar days, or a total of 360 hours, in a six-month period unless the department issues an exception. (17) "Crisis Residential Overnight Program" means short-term, 24-hour nonmedical residential care and supervision, including overnight, for children under six years of age who are voluntarily placed by a parent or legal guardian due to a family crisis or stressful situation for no more than 30 days.

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"Capacity" means the maximum number of children authorized to be provided care and supervision at any one time in a crisis nursery.

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"Care and Supervision" means one or more of the following activities provided by a person or the crisis nursery to meet the needs of the children: (A) Assistance in

feeding, dressing, grooming, bathing and other personal hygiene. (B) Assistance with taking medication, as specified in Section 86575(b). (C) Central storing and/or distribution of medications, as specified in Section 86575(b). (D) Arrangement of and assistance with medical, dental, and vision care including transportation, as specified in Section 86575(a). (E) Maintenance of house rules for the protection of children. (F) Supervision of children's schedules and activities. (G) Maintenance or supervision of children's cash resources or property. (H) Monitoring food intake or special diets. (I) Providing basic services as defined in Section 86501(b).

(A)

Assistance in feeding, dressing, grooming, bathing and other personal hygiene.

(B)

Assistance with taking medication, as specified in Section 86575(b).

(C)

Central storing and/or distribution of medications, as specified in Section 86575(b).

(D)

Arrangement of and assistance with medical, dental, and vision care including transportation, as specified in Section 86575(a).

(E)

Maintenance of house rules for the protection of children.

(F)

Supervision of children's schedules and activities.

(G)

Maintenance or supervision of children's cash resources or property.

(H)

Monitoring food intake or special diets.

(I)

Providing basic services as defined in Section 86501(b).

(4)

"Caregiver" means a crisis nursery staff person who performs the duties and responsibilities as specified in section 86565.2, Personnel Duties.

(5)

"Child" means a person who is under 6 years of age who is being provided care and supervision in a crisis nursery, except where specified otherwise in Chapter 7.3.

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"Child Abuse Central Index" (CACI) means the California Department of Justice maintained statewide, multi-jurisdictional, centralized index of child abuse investigation reports. These reports pertain to alleged incidents of physical abuse, sexual abuse, mental/emotional abuse and/or severe neglect. Each child protection agency (police, sheriff, county welfare and probation departments) is required by law to forward to the California Department of Justice a report of every child abuse incident it investigates, unless an incident is determined to be unfounded.

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"Child Abuse Central Index Clearance" means that the California Department of Justice has conducted a name search of the index and the search did not result in a match or the search resulted in a match but the California Department of Social Services determined after an investigation that the allegation of child abuse or neglect was not substantiated.

(8)

"Child with Special Health Care Needs" means a child who meets the requirements of Welfare and Institutions Code Section 17710(a).

(9)

"Community Care Facility" means any facility, place or building where non-medical care

and supervision, as defined in Section 86501(c) are provided.

(10)

"Complaint" means any notice of an alleged violation of any applicable regulation in Chapter 7.3 or state statute, including, but not limited to, the Penal Code.

(11)

"Completed Application" means: (A) The applicant has submitted and the Department has received all required materials, including: an approved fire clearance from the appropriate fire authority having jurisdiction, a Child Abuse Central Index clearance, and a criminal record clearance or a criminal record exemption on the individuals specified in Section 86519(c). (B) The Department has completed a site visit to the crisis nursery.

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The Department has completed a site visit to the crisis nursery.

(12)

"Control of Property" means the right to enter, occupy, and maintain the operation of the crisis nursery property within regulatory requirements. Evidence of control of property may include, but is not limited to the following: (A) A Grant Deed showing ownership; or (B) A lease agreement or rental agreement; or (C) A court order or similar document which shows the authority to control the property pending outcome of a probate proceeding or an estate settlement.

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"Conviction" means: (A) A criminal conviction in California; or (B) Any criminal conviction of another state, federal, military or other jurisdiction, which if committed or attempted in California, would have been punishable as a crime in California.

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Any criminal conviction of another state, federal, military or other jurisdiction, which if committed or attempted in California, would have been punishable as a crime in California.

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"Criminal Record Clearance" means an individual has a California clearance and an FBI clearance.

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"Crisis Nursery" means a facility licensed by the Department to operate a crisis residential overnight program pursuant to Health and Safety Code Section 1516 to provide short-term care and supervision for children under six years of age, who are voluntarily placed, as defined in Section 86501(v)(1), for temporary care, by a parent or legal guardian due to a family crisis or a stressful situation. A crisis nursery may also provide crisis day services as defined in Section 86501(c)(16).

(16)

"Crisis Day Services" means temporary, nonmedical care and supervision for children under six years of age who are voluntarily placed by a parent or legal guardian due to a family crisis or stressful situation for less than 24 hours per day. Crisis day services shall be provided during a time period defined by the crisis nursery in its plan of operation, but not to exceed a period of 14 hours per day. A child may not receive crisis day services at a crisis nursery for more than 30 calendar days, or a total of 360 hours, in a six-month period unless the department issues an exception.

(17)

"Crisis Residential Overnight Program" means short-term, 24-hour nonmedical residential care and supervision, including overnight, for children under six years of age who are voluntarily placed by a parent or legal guardian due to a family crisis or stressful situation for no more than 30 days.

(d)

(1) "Deficiency" means any failure to comply with any provision of the Community Care Facilities Act (Health and Safety Code, Section 1500 et seq.) or regulations in Chapter 7.3. (2) "Department" means the California Department of Social Services. (3) "Developmental Disability" means a disability as defined in Welfare and Institutions Code Section 4512(a). (4) "Director" means the director of the California Department of Social Services. (5) "Disability" means a condition that makes a child developmentally disabled, mentally disordered or physically handicapped, and for whom special care and supervision is required as a result of his/her condition.

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"Disability" means a condition that makes a child developmentally disabled, mentally disordered or physically handicapped, and for whom special care and supervision is required as a result of his/her condition.

(e)

(1) "Exception" means a written authorization issued by the Department to use alternative means that meet the intent of a specific regulation(s) and which are based on the unique needs or circumstances of a specific child(ren) or staff person(s). Exceptions are granted for particular children or staff person(s) and are not transferable or applicable to other children, staff person(s), facilities or licensees. (2) "Exemption" means an exception to the requirements of Health and Safety Code Section 1522 and applicable regulations.

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(2)

"Exemption" means an exception to the requirements of Health and Safety Code Section 1522 and applicable regulations.

(f)

(1) "Federal Bureau of Investigation (FBI) Clearance" means an individual has no felony or misdemeanor convictions reported by the FBI. However, the individual may have been arrested with no criminal conviction, convicted of a minor traffic offense, or adjudicated as a juvenile. (2) "Family Crisis or Stressful Situation" means a crucial time or an unstable situation that has reached a critical phase where the parent or legal guardian has made a determination that temporary out-of-home care is in the child's best interest and is necessary for the parent or legal guardian to fulfill other responsibilities to improve or maintain the parenting function.

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(g)

(1) "Guardian" means a person appointed pursuant to Probate Court Section 1514 or Welfare and Institutions Code Section 360 to care for the person, or estate, or

the person and estate of another.

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(h)

(Reserved)

(i)

(1) "Incident Report" means a report required by the Department as specified in Section 86561, Reporting Requirements. (2) "Infant" means a child under two years of age. (3) "Initial Assessment Plan" means a time-limited, goal-oriented written plan implemented by the licensee that identifies the specific needs of an individual child and the child's family, including those items specified in Section 86568.2, Initial Assessment Plan, and delineates those services necessary to meet those needs.

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(j)

(Reserved)

(k)

(Reserved)

(l)

(1) "Lead Caregiver" means a person who meets the education, experience and training requirements specified in Section 86565(q) and (r) and is on the premises at all times when children are present and has the authority and responsibility necessary to manage and control the day-to-day operation of a crisis nursery. (2) "License" means written authorization to operate a crisis nursery to provide care and supervision. The license is not transferable. (3) "Licensee" means the corporation, having the authority and responsibility for the operation of a crisis nursery. (4) "Licensing Agency" means the California Department of Social Services. (5) "Licensing Program Analyst" (LPA) means any person who is a duly authorized officer, employee or agent of the Department.

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"License" means written authorization to operate a crisis nursery to provide care and supervision. The license is not transferable.

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"Licensee" means the corporation, having the authority and responsibility for the operation of a crisis nursery.

(4)

"Licensing Agency" means the California Department of Social Services.

(5)

"Licensing Program Analyst" (LPA) means any person who is a duly authorized officer, employee or agent of the Department.

(m)

(1) "Medical Professional" means an individual who is licensed or certified in California to perform the necessary medical procedures within his/her scope of practice. This includes, but is not limited to, Medical Doctor (MD), Registered Nurse (RN) and Licensed Vocational Nurse (LVN).

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"Medical Professional" means an individual who is licensed or certified in California to perform the necessary medical procedures within his/her scope of practice. This includes, but is not limited to, Medical Doctor (MD), Registered Nurse (RN) and Licensed Vocational Nurse (LVN).

(n)

(1) "Nonambulatory Person" means a person as defined in Health and Safety Code Section 13131. (A) A person who uses postural supports as specified in Section 86572(a)(17) is deemed nonambulatory. (B) A person is not deemed nonambulatory solely because he/she is deaf, blind, or prefers to use a mechanical aid.

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(o)

(Reserved)

(p)

(1) "Physician" means a person licensed as a physician and surgeon by the Medical Board of California or by the Osteopathic Medical Board of California. (2) "PRN Medication" (pro re nata) means any nonprescription or prescription medication that is to be taken as needed.

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"Physician" means a person licensed as a physician and surgeon by the Medical Board of California or by the Osteopathic Medical Board of California.

(2)

"PRN Medication" (pro re nata) means any nonprescription or prescription medication that is to be taken as needed.

(q)

(Reserved)

(r)

(1) "Rehabilitation" means the efforts to reestablish good character since the date of the last conviction, including but not limited to education, counseling or therapy, training, stable employment, restitution, remorse, changes in lifestyle, or community service. (2) "Relative" means spouse, domestic partner as defined in Family Code Section 297, parent, stepparent, son, daughter, brother, sister,

stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or such person denoted by the prefix "grand" or "great" or the spouse or domestic partner of any of these persons, even after the marriage has been terminated by death or dissolution.

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(s)

(1) "Serious Deficiency" means any deficiency that presents an immediate or substantial threat to the physical health, mental health or safety of any child in a crisis nursery. (2) "Simplified Exemption" means an exemption granted on the Department's own motion, as authorized in Health and Safety Code Section 1522(c)(4), if the individual's criminal history meets specific criteria established by Department regulation. (3) "Social Worker" means a person who has a graduate degree from an accredited school of social work or social welfare. (4) "Substantial Compliance" means the absence of any serious deficiencies. (5) "Substantiated Complaint" means a complaint that has been investigated by the Department, and, as a result, a violation of regulations or statute has been found.

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"Substantiated Complaint" means a complaint that has been investigated by the Department, and, as a result, a violation of regulations or statute has been found.

(t)

(Reserved)

(u)

(1) "Unlicensed Community Care Facility" means a facility as defined in Health and Safety Code Section 1503.5.

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(v)

(1) "Voluntarily placed," means a child who meets the requirements of Health and Safety Code Section 1516(h)(3). (2) "Volunteer" is a non-paid crisis nursery staff person who meets the training requirements as specified in Section 86565(w).

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(2)

"Volunteer" is a non-paid crisis nursery staff person who meets the training requirements as specified in Section 86565(w).

(w)

(1) "Waiver" means a nontransferable written authorization issued by the Department to use alternative means that meet the intent of a specific regulation and are based on a facility-wide need or circumstance.

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(x)

(Reserved)

(y)

(Reserved)

(z)

(Reserved)