

86528 Capacity Determination

(a)

A crisis nursery license shall be issued for a specific capacity. (1) The maximum licensed capacity for a crisis residential overnight program shall be 14 children. (2) Any facility licensed on or before January 1, 2004, as a group home for children under the age of six years with a licensed capacity of greater than 14, but less than 21, that provides crisis nursery services, shall be allowed to retain its capacity if issued a crisis nursery license until the time there is a change in the licensee's program, location, or client population. (3) The maximum licensed capacity for crisis day services shall be based on 35 square feet of indoor activity space per child. Bedrooms, bathrooms, halls, offices, isolation areas, food-preparation areas, and storage places shall not be included in the calculation of indoor activity space. The floor area under tables, desks, chairs, and other equipment intended for use as part of children's activities shall be included in the calculation of indoor space. (4) There shall be at least 75 square feet per child of outdoor activity space based on the total licensed capacity. Swimming pools, adjacent pool decking, and natural or man-made hazards shall not be included in the calculation of outdoor activity space. (5) A child who has been voluntarily placed in a crisis residential overnight program shall be included in the licensed capacity for crisis day services.

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The maximum licensed capacity for a crisis residential overnight program shall be 14 children.

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Any facility licensed on or before January 1, 2004, as a group home for children under the age of six years with a licensed capacity of greater than 14, but less than 21, that provides crisis nursery services, shall be allowed to retain its capacity if issued a crisis nursery license until the time there is a change in the licensee's program, location, or client population.

(3)

The maximum licensed capacity for crisis day services shall be based on 35 square feet of indoor activity space per child. Bedrooms, bathrooms, halls, offices, isolation areas, food-preparation areas, and storage places shall not be included in the calculation of indoor activity space. The floor area under tables, desks, chairs, and other equipment intended for use as part of children's activities shall be included in the calculation of indoor space.

(4)

There shall be at least 75 square feet per child of outdoor activity space based on the total licensed capacity. Swimming pools, adjacent pool decking, and natural or man-made hazards shall not be included in the calculation of outdoor activity space.

(5)

A child who has been voluntarily placed in a crisis residential overnight program shall be included in the licensed capacity for crisis day services.

(b)

The number of children for whom the crisis nursery is licensed to provide care and supervision shall be determined on the basis of the application review by the Department, which shall take into consideration the following: (1) The fire

clearance specified in Section 86520, Fire Clearance. (2) The licensee's/administrator's ability to comply with applicable law and regulation. (3) Physical features of the crisis nursery, including available living space, which are necessary in order to comply with regulations. (4) Number of available staff to meet the care and supervision needs of the children. (5) Any restrictions pertaining to the crisis nursery.

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(2)

The licensee's/administrator's ability to comply with applicable law and regulation.

(3)

Physical features of the crisis nursery, including available living space, which are necessary in order to comply with regulations.

(4)

Number of available staff to meet the care and supervision needs of the children.

(5)

Any restrictions pertaining to the crisis nursery.

(c)

The Department shall be authorized to issue a license for fewer children than requested based upon determinations made pursuant to Section 86528(b).

(d)

When the license is issued for fewer clients than requested, the licensee shall be notified in writing of the reasons for the limitation and of the licensee's rights to appeal the decision as specified in Section 86540, Denial of a License.

(e)

The Department shall have the authority to decrease existing licensed capacity

with the licensee's agreement, when there is a change in any of the factors specified in Section 86528(b). (1) If the licensee does not agree to the decrease in capacity, the Department shall have the authority to initiate revocation action as specified in Section 86542, Revocation or Suspension of a License.

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