

87107 Exemption from Licensure

(a)

The following shall be allowed to operate without being licensed as a residential facility for the elderly. (1) Any health facility, as defined by Health and Safety Code Section 1250. (2) Any clinic, as defined by Health and Safety Code Section 1200. (3) 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 on prayer or spiritual means for healing in the practice of the religion of such church or denomination. Such facilities shall be limited to those facilities or portions thereof which substitute prayer for medical/nursing services which would otherwise be provided for or required by residents in a health facility, as defined by Sections 1200 or 1250 of the Health and Safety Code. (4) Any house, institution, hotel, or other similar place that supplies board and room only, or room only, or board only, if no element of care and/or supervision, as defined by this chapter, is provided, made available, or contractually promised, such as in a life care agreement or program agreement with a facility. However, this shall not preclude care and/or supervision provided for brief and irregular periods of time for reasons such as temporary illnesses or emergencies provided that such is determined to be minor and temporary and does not require twenty-four (24) hour supervision of the resident(s). (5) Recovery houses or other similar facilities providing group living arrangements for persons

recovering from alcoholism or drug addiction where the facility provides no care and supervision. (6) Any alcoholism recovery facility as defined by Health and Safety Code section 11834.02(a) relating to alcohol programs. (7) Any care and supervision of persons by a family member. For purposes of this section "family member" means any spouse, by marriage or otherwise, child or stepchild, by natural birth or by adoption, parent, brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or any person denoted by the prefix "grand" or "great", or the spouse of any of these persons, even if the marriage has been terminated by death or dissolution. (8) Any arrangement for the care and supervision of a person or persons 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 conditions 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. (9) Any housing project for elderly or disabled individuals that meets federal requirements as specified in Health and Safety Code Section 1569.145(g). (10) Any similar facility as determined by the Director.

(1)

Any health facility, as defined by Health and Safety Code Section 1250.

(2)

Any clinic, as defined by Health and Safety Code Section 1200.

(3)

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 on prayer or spiritual means for healing in the practice of the religion of such church or denomination. Such facilities shall be limited to those facilities or portions thereof which substitute prayer for medical/nursing services which would otherwise be provided for or required by residents in a health facility, as defined by Sections 1200 or 1250 of the Health and Safety Code.

(4)

Any house, institution, hotel, or other similar place that supplies board and room only, or room only, or board only, if no element of care and/or supervision, as defined by this chapter, is provided, made available, or contractually promised, such as in a life care agreement or program agreement with a facility. However, this shall not preclude care and/or supervision provided for brief and irregular periods of time for reasons such as temporary illnesses or emergencies provided that such is determined to be minor and temporary and does not require twenty-four (24) hour supervision of the resident(s).

(5)

Recovery houses or other similar facilities providing group living arrangements for persons recovering from alcoholism or drug addiction where the facility provides no care and supervision.

(6)

Any alcoholism recovery facility as defined by Health and Safety Code section 11834.02(a) relating to alcohol programs.

(7)

Any care and supervision of persons by a family member. For purposes of this section

"family member" means any spouse, by marriage or otherwise, child or stepchild, by natural birth or by adoption, parent, brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or any person denoted by the prefix "grand" or "great", or the spouse of any of these persons, even if the marriage has been terminated by death or dissolution.

(8)

Any arrangement for the care and supervision of a person or persons 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 conditions 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.

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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.

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

the recipient are being adequately met.

(9)

Any housing project for elderly or disabled individuals that meets federal requirements as specified in Health and Safety Code Section 1569.145(g).

(10)

Any similar facility as determined by the Director.