

## **89410 Limitations on Capacity and Ambulatory Status**

### **(a)**

The caregiver shall not operate a home beyond the conditions and limitations specified in the license, including the capacity determination, as specified in Section 89228, Capacity Determination.

### **(b)**

The caregiver shall not accept more than two infants, including infants in the caregiver's family, without additional help.

### **(c)**

Unless the licensing agency approves an increase before placement, a social worker or placing agency does not have the authority to place more children in a home than the capacity stated on the home's license or waiver.

### **(d)**

The caregiver shall not allow a "child" who is nonambulatory to be placed in or remain in any room approved to accommodate only children who are ambulatory.

(1) The licensing agency may require a "child" who is accommodated in an ambulatory room to demonstrate that they are ambulatory.

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### **(e)**

The licensing agency may limit care to specific children. (1) If care is limited to specific children, the licensing agency shall specify the names of the children in a letter to the caregiver. (2) Except where the limitation is requested by the caregiver, the caregiver shall be notified in writing of the reasons for such limitation and of the caregiver's right to appeal the decision as specified in Section 89240, subsections (c) and (d).

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**(2)**

Except where the limitation is requested by the caregiver, the caregiver shall be notified in writing of the reasons for such limitation and of the caregiver's right to appeal the decision as specified in Section 89240, subsections (c) and (d).