

ASSEMBLY BILL

No. 2228

Introduced by Assembly Member Cooley

February 20, 2014

An act to amend Sections 1516 and 1526.8 of the Health and Safety Code, relating to crisis nurseries.

LEGISLATIVE COUNSEL'S DIGEST

AB 2228, as introduced, Cooley. Crisis nurseries.

Existing law provides for the licensure and regulation by the State Department of Social Services of crisis nurseries, as defined. Violation of these provisions is a misdemeanor. Existing law authorizes crisis nurseries to provide care and supervision for children under 6 years of age who are voluntarily placed by a parent or legal guardian due to a family crisis for no more than 30 days.

Existing law provides that a maximum licensed capacity for a crisis nursery program is 14 children. Existing law authorizes a crisis nursery to provide child day care services for children under 6 years of age at the same site as a crisis nursery, but provides that a child is prohibited from receiving more than 30 calendar days of child day care services at the crisis nursery in a 6-month period unless the department issues an exception. Existing law requires the department to allow the use of fully trained and qualified volunteers as caregivers in a crisis nursery subject to specified conditions.

This bill would provide that the maximum licensed capacity of 14 children applies to overnight crisis nursery programs. The bill would instead provide that a crisis nursery may provide crisis day respite services and that the maximum licensed capacity for crisis day respite

shall be based on 35 square feet of indoor activity space per child, as prescribed.

This bill would require that the licensee designate at least one lead caregiver, as described, to be present at the crisis nursery at all times when children are present, would require the licensee to develop, maintain, and implement a written staff training plan, as specified, and would require a crisis nursery to have at least one caregiver at all times who has completed training pediatric first aid and cardiopulmonary resuscitation. The bill would modify the requirements relating to the use of volunteers to be counted in the staff-to-child ratios in a crisis nursery, as specified, and would prescribe requirements relating to when a child has a health condition that requires medication.

By expanding the scope of crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1516 of the Health and Safety Code is
2 amended to read:

3 1516. (a) For purposes of this chapter, “crisis nursery” means
4 a facility licensed by the department to provide short-term, 24-hour
5 nonmedical residential care and supervision for children under six
6 years of age, who are voluntarily placed for temporary care by a
7 parent or legal guardian due to a family crisis or stressful situation
8 for no more than 30 days.

9 (b) A crisis nursery shall be organized and operated on a
10 nonprofit basis by either a private nonprofit corporation or a
11 nonprofit public benefit corporation.

12 (c) “Voluntary placement,” for purposes of this section, means
13 a child, who is not receiving Aid to Families with Dependent
14 Children-Foster Care, placed by a parent or legal guardian who
15 retains physical custody of, and remains responsible for, the care
16 of his or her children who are placed for temporary emergency

1 care, as described in subdivision (a). Voluntary placement does
2 not include placement of a child who has been removed from the
3 care and custody of his or her parent or legal guardian and placed
4 in foster care by a child welfare services agency.

5 (d) (1) Except as provided in paragraph (2), the maximum
6 licensed capacity for ~~a~~ *an overnight* crisis nursery program shall
7 be 14 children.

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

14 (e) Each crisis nursery shall collect and maintain information,
15 in a format specified by the department, indicating the total number
16 of children placed in the program, the length of stay for each child,
17 the reasons given for the use of the crisis nursery, and the age of
18 each child. This information shall be made available to the
19 department upon request.

20 (f) (1) Notwithstanding Section 1596.80, a crisis nursery may
21 provide ~~child day care~~ *crisis day respite* services for children under
22 ~~the age of six years of age~~ at the same site as the crisis nursery. ~~A~~
23 ~~child may not receive child day care services at a crisis nursery~~
24 ~~for more than 30 calendar days in a six-month period unless the~~
25 ~~department issues an exception. A child who is receiving child~~
26 ~~day care services shall be counted in the licensed capacity.~~

27 (2) *The maximum licensed capacity for crisis day respite shall*
28 *be based on 35 square feet of indoor activity space per child.*
29 *Bedrooms, bathrooms, halls, offices, isolation areas,*
30 *food-preparation areas, and storage places shall not be included*
31 *in the calculation of indoor activity space. Floor area under tables,*
32 *desks, chairs, and other equipment intended for use as part of*
33 *children's activities shall be included in the calculation of indoor*
34 *space.*

35 (g) Exceptions to group home licensing regulations pursuant to
36 subdivision (c) of Section 84200 of Title 22 of the California Code
37 of Regulations, in effect on August 1, 2004, for county-operated
38 or county-contracted emergency shelter care facilities that care for
39 children ~~under the age of six years of age~~ for no more than 30 days,
40 shall be contained in regulations for crisis nurseries.

1 ~~(h) This section shall become operative on July 1, 2012.~~

2 SEC. 2. Section 1526.8 of the Health and Safety Code is
3 amended to read:

4 1526.8. (a) It is the intent of the Legislature that the department
5 develop modified staffing levels and requirements for crisis
6 nurseries, provided that the health, safety, and well-being of the
7 children in care are protected and maintained.

8 *(1) At all times, at least one caregiver shall have completed*
9 *training in pediatric cardiopulmonary resuscitation (CPR) and*
10 *pediatric first aid. Completion of training shall be demonstrated*
11 *by current and valid pediatric CPR and pediatric first aid cards*
12 *issued by the American Red Cross, the American Heart*
13 *Association, or by a training program that has been approved by*
14 *the Emergency Medical Services Authority pursuant to Section*
15 *1797.191.*

16 *(2) The licensee shall develop, maintain, and implement a*
17 *written staff training plan for the orientation, continuing education,*
18 *on-the-job training and development, supervision, and evaluation*
19 *of all lead caregivers, caregivers, and volunteers. The licensee*
20 *shall incorporate the training plan in the crisis nursery plan of*
21 *operation.*

22 *(3) The licensee shall designate at least one lead caregiver to*
23 *be present at the crisis nursery at all times when children are*
24 *present. The lead caregiver shall have one of the following*
25 *education and experience qualifications:*

26 *(A) Completion of 12 postsecondary semester units or equivalent*
27 *quarter units, with a passing grade, as determined by the*
28 *institution, in classes with a focus on early childhood education,*
29 *child development, or child health at an accredited college or*
30 *university, as determined by the department, and six months of*
31 *work experience in a licensed group home, licensed infant care*
32 *center, or comparable group child care program or family day*
33 *care. At least three semester units, or equivalent quarter units, or*
34 *equivalent experience shall include coursework or experience in*
35 *the care of infants.*

36 *(B) A current and valid Child Development Associate (CDA)*
37 *credential, with the appropriate age level endorsement issued by*
38 *the CDA National Credentialing Program, and at least six months*
39 *of on-the-job training or work experience in a licensed child care*
40 *center or comparable group child care program.*

1 (C) A current and valid Child Development Associate Teacher
2 Permit issued by the California Commission on Teacher
3 Credentialing pursuant to Sections 80105 to 80116, inclusive, of
4 Title 5 of the California Code of Regulations.

5 (4) Lead caregivers shall have a minimum of 24 hours of
6 training and orientation before working with children. One year
7 experience in a supervisory position in a child care or group care
8 facility may substitute for 16 hours of training and orientation.
9 The written staff training plan shall require the lead caregiver to
10 receive and document a minimum of 20 hours of annual training
11 directly related to the functions of his or her position.

12 (5) Caregiver staff shall complete a minimum of 24 hours of
13 initial training within the first 90 days of employment, which may
14 include first aid and CPR and shall be included in the written staff
15 training plan. Eight hours of training shall be completed before
16 the caregiver staff are responsible for children, left alone with
17 children, and counted in the staff-to-child ratios described in
18 subdivision (c). A maximum of four hours of training may be
19 satisfied by job shadowing.

20 (b) The department shall allow the use of fully trained and
21 qualified volunteers as caregivers in a crisis nursery, subject to the
22 following conditions:

23 (1) Volunteers shall be fingerprinted for the purpose of
24 conducting a criminal record review as specified in subdivision
25 (b) of Section 1522.

26 (2) Volunteers shall complete a child abuse central index check
27 as specified in Section 1522.1.

28 (3) Volunteers shall be in good physical health and be tested
29 for tuberculosis not more than one year prior to, or seven days
30 after, initial presence in the facility.

31 (4) Prior to assuming the duties and responsibilities of a crisis
32 caregiver or being counted in the staff-to-child ratio, volunteers
33 shall complete at least ~~eight~~ five hours of initial training divided
34 as follows:

35 (A) ~~Four~~ Two hours of crisis nursery job shadowing.

36 (B) ~~Two hours~~ One hour of review of community care licensing
37 regulations.

38 (C) Two hours of review of the crisis nursery program, including
39 the facility mission statement, goals and objectives, *child guidance*
40 *techniques*, and special needs of the client population they serve.

~~(5) Within 90 days, volunteers who are included in the staff-to-child ratios shall complete at least 20 hours of training divided as follows:~~

~~(A) Twelve hours of pediatric first aid and pediatric cardiopulmonary resuscitation.~~

~~(B) Eight hours of child care health and safety issues.~~

(5) Within 90 days, volunteers who are included in the staff-to-child ratios shall complete at least eight hours of training covering child care health and safety issues, trauma informed care, the importance of family and sibling relationships, temperaments of children, self-regulation skills and techniques, and program child guidance techniques.

(6) Volunteers who meet the requirements of paragraphs (1), (2), and (3), but who have not completed the training specified in paragraph (4) or (5) may assist a fully trained and qualified staff person in performing child care duties. However, these volunteers shall not be left alone with children, shall always be under the direct supervision and observation of a fully trained and qualified staff person, and shall not be counted in meeting the minimum staff-to-child ratio requirements, *except that volunteers may supervise napping children without being under the direct supervision of staff.*

(c) The department shall allow the use of fully trained and qualified volunteers to be counted in the staff-to-child ratio in a crisis nursery subject to the following conditions:

(1) The volunteers have fulfilled the requirements in paragraphs (1) to (4), inclusive, of subdivision (b).

(2) There shall be at least one fully qualified and employed staff person on site at all times.

(3) (A) There shall be at least one employed staff or volunteer caregiver for each group of ~~three children, or fraction thereof, six~~ *preschool age children, or fraction thereof, and one employed staff or volunteer caregiver for each group of four infants, or fraction thereof*, from 7 a.m. to 7 p.m.

(B) There shall be at least one paid caregiver or volunteer caregiver for each group of ~~four~~ *six* children, or fraction thereof, from 7 p.m. to 7 a.m.

(C) There shall be at least one employed staff person present for every volunteer caregiver used by the crisis nursery for the purpose of meeting the minimum caregiver staffing requirements.

(d) There shall be at least one staff person or volunteer caregiver awake at all times from 7 p.m. to 7 a.m.

(e) (1) When a child has a health condition that requires prescription medication, the licensee shall ensure that the caregiver does all of the following:

(A) Assists children with the taking of the medication as needed.

(B) Ensures that instructions are followed as outlined by the appropriate medical professional.

(C) Stores the medication as instructed in the original container with the original unaltered label in a locked and safe area that is not accessible to children.

(D) Administers the medication as directed on the label or as advised by the physician in writing.

(2) Nonprescription medications may be administered without approval or instructions from the child's physician if all of the following conditions are met:

(A) Nonprescription medications are administered in accordance with the product label directions on the nonprescription medication containers.

(B) For each nonprescription medication, the licensee obtains, in writing, approval and instructions from the child's authorized representative for the administration of the medication to the child. This documentation shall be kept in the child's record. The instructions from the child's authorized representative shall not conflict with the product label directions on the nonprescription medication container.

(3) The licensee shall develop and implement a written plan to record the administration of the prescription and nonprescription medications and to inform the child's authorized representative daily, for day care, and upon discharge for overnight care, when the medications have been given.

(4) When no longer needed by the child, or when the child withdraws from the center, all medications shall be returned to the child's authorized representative or disposed of after an attempt to reach the authorized representative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty

- 1 for a crime or infraction, within the meaning of Section 17556 of
- 2 the Government Code, or changes the definition of a crime within
- 3 the meaning of Section 6 of Article XIII B of the California
- 4 Constitution.

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