



# DEPARTMENT OF DEVELOPMENTAL SERVICES

## COMMUNITY SERVICES & SUPPORTS DIVISION PROGRAM ADVISORY

CDB 05- 3

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### Licensing Requirements

#### PURPOSE

The purpose of this Program Advisory is to provide clarification regarding licensing requirements of community care facilities.

#### INTRODUCTION

Facility-based day programs are governed by Health and Safety Code, Section 1500 through 1567.8 (Community Care Facilities Act), and regulated by the California Code of Regulations, Title 22, Division 6 (licensing of community care facilities). These regulations provide the basis for the Department of Social Services' (DSS) licensing of community care facilities.

Title 22 defines a community care facility as "any facility, place, or building where non-medical care and supervision, as defined in Section 80001(c)(2), are provided." Additionally, license is defined as "...authorization to operate a community care facility and to provide care and supervision. The license is not transferable."

For purposes of this advisory, facilities where the delineated services are fully or partially provided **MUST** be licensed by DSS.

#### LIABILITY ISSUE

Vendors providing non-facility based services are not allowed to permit consumers to spend any part of their day at the vendor's unlicensed "administrative" office for any reason (*i.e., waiting for a ride, meeting friends, etc.*)

Allowing consumers to spend time at a program's non-licensed administrative office(s) is not permitted by regulations. DSS' licensing typically views this activity as providing "care and supervision," and in this instance, supervision is not present.

#### RECOMMENDATIONS

For clarification, the following are services that can be provided in a licensed community care facility *or can be completely operated as non-licensed non-facility based programs, also known as "programs without walls."*

- (028) Socialization Training Program;
- (048) Client/Parent Support Behavior Intervention;
- (055) Community Integration Training Program;
- (056) Interdisciplinary Assessment Service;
- (083) Public School Early Intervention Program;
- (091) In-Home Day Program;
- (094) Creative Art Program;
- (505) Activity Center;
- (510) Adult Development Center;
- (515) Behavior Management Program;
- (520) Independent Living Program;
- (525) Social Recreation Program;
- (605) Adaptive Skills Trainer;
- (855) Adult Day Care; and
- (850) Camping Services.

Regional centers should ensure that consumers participating in non-facility based programs are not spending time at the vendor's administrative location for any reason.

For additional information, please contact Charlene Locke of DDS' Services and Supports Section, at (916) 654-2975 or by email at [clocke@dds.ca.gov](mailto:clocke@dds.ca.gov).