

Introduced by Senator Valladares

February 19, 2025

An act to amend Section 1562.01 of the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 476, as introduced, Valladares. Short-term residential therapeutic programs.

Existing law, the California Community Care Facilities Act, provides for the licensing and regulation of community care facilities, including short-term residential therapeutic programs, by the State Department of Social Services, and defines a short-term residential therapeutic program as a residential facility licensed by the department and operated by any public agency or private organization that provides an integrated program of specialized and intensive care and supervision, services and supports, treatment, and short-term, 24-hour care and supervision to children that is trauma-informed.

Existing law requires a short-term residential therapeutic program to prepare and maintain a current, written plan of operation that includes a program statement containing, among other things, a description of how the short-term residential therapeutic program will meet specified standards established by the department in collaboration with the State Department of Health Care Services. Existing law requires a short-term residential therapeutic plan to ensure the availability of licensed nursing staff, as specified.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 1562.01 of the Health and Safety Code
2 is amended to read:

3 1562.01. (a) The department shall license short-term residential
4 therapeutic programs, as defined in paragraph (18) of subdivision
5 (a) of Section 1502, pursuant to this chapter. A short-term
6 residential therapeutic program shall comply with all requirements
7 of this chapter that are applicable to group homes and to the
8 requirements of this section.

9 (b) (1) A short-term residential therapeutic program shall have
10 national accreditation from an entity identified by the department
11 pursuant to the process described in paragraph (6) of subdivision
12 (b) of Section 11462 of the Welfare and Institutions Code.

13 (2) A short-term residential therapeutic program applicant shall
14 submit documentation of accreditation or application for
15 accreditation with its application for licensure.

16 (3) A short-term residential therapeutic program shall have up
17 to 24 months from the date of licensure to obtain accreditation.

18 (4) A short-term residential therapeutic program shall provide
19 documentation to the department reporting its accreditation status
20 at 12 months and at 18 months after the date of licensure.

21 (5) This subdivision does not preclude the department from
22 requesting additional information from the short-term residential
23 therapeutic program regarding its accreditation status.

24 (6) The department may revoke a short-term residential
25 therapeutic program's license pursuant to Article 5 (commencing
26 with Section 1550) for failure to obtain accreditation within the
27 timeframes specified in this subdivision.

28 (c) (1) A short-term residential therapeutic program shall have
29 up to 12 months from the date of licensure to obtain in good
30 standing a mental health program approval and Medi-Cal mental
31 health certification, as set forth in Sections 4096.5 and 11462.01
32 of the Welfare and Institutions Code.

33 (2) A short-term residential therapeutic program shall maintain
34 the program approval described in paragraph (1) in good standing
35 during its licensure.

36 (3) The department shall track the number of licensed short-term
37 residential therapeutic programs that were unable to obtain a mental

1 health program approval and provide that information to the
2 Legislature annually as part of the state budget process.

3 (d) (1) A short-term residential therapeutic program shall
4 prepare and maintain a current, written plan of operation as required
5 by the department.

6 (2) The plan of operation shall include, but not be limited to,
7 all of the following:

8 (A) A statement of purposes and goals.

9 (B) A plan for the supervision, evaluation, and training of staff,
10 designed to ensure the provision of trauma-informed services. The
11 plan shall be appropriate to meet the needs of staff and children.

12 (C) A program statement that includes all of the following:

13 (i) ~~On and after October 1, 2021, a~~ A description of how the
14 short-term residential therapeutic program will meet standards, ~~to~~
15 be established by the department in collaboration with the State
16 Department of Health Care Services, for both of the following:

17 (I) A comprehensive trauma-informed treatment model designed
18 to address the individualized needs of children.

19 (II) A plan for how the short-term residential therapeutic
20 program will make licensed nursing staff available, as set forth in
21 subdivision (n).

22 (ii) Description of the short-term residential therapeutic
23 program's ability to support the individual needs of children and
24 their families with short-term, specialized, trauma-informed, and
25 intensive treatment, including, but not limited to, treatment that
26 implements child-specific short- and long-term needs and goals
27 identified by the qualified individual's assessment of the child
28 pursuant to subdivision (g) of Section 4096 of the Welfare and
29 Institutions Code.

30 (iii) Description of the core services, as set forth in paragraph
31 (1) of subdivision (b) of Section 11462 of the Welfare and
32 Institutions Code, to be offered to children and their families, as
33 appropriate or necessary.

34 (iv) Procedures for the development, implementation, and
35 periodic updating of the needs and services plan for children served
36 by the short-term residential therapeutic program and procedures
37 for collaborating with the child and family team described in
38 paragraph (4) of subdivision (a) of Section 16501 of the Welfare
39 and Institutions Code, that include, but are not limited to, a
40 description of the services to be provided or arranged to meet the

1 short- and long-term needs and goals of the child as assessed by
2 the qualified individual, pursuant to Sections 4096 and 11462.01
3 of the Welfare and Institutions Code, processes to ensure treatment
4 is consistent with the short- and long-term needs and goals for the
5 child, including, as specified in the child's permanency plan, the
6 anticipated duration of the treatment, and processes to ensure that
7 consistent progress is made toward the timeframe and plan for
8 transitioning the child to a less restrictive family environment.

9 (v) A description of the population or populations to be served.

10 (vi) A description of compliance with the requirements in
11 subdivision (c). A short-term residential therapeutic program that
12 has not satisfied the requirements in subdivision (c) shall
13 demonstrate the ability to meet the mental health service needs of
14 children.

15 (vii) (I) A description of how the short-term residential
16 therapeutic program, in accordance with the child's case plan and
17 the child and family team recommendations, will provide for,
18 arrange for the provision of, or assist in, all of the following:

19 (ia) Identification of home-based family care settings for a child
20 who does not have a home-based caregiver identified for transition
21 and pursuant to clause (viii).

22 (ib) Development of an individualized family-based aftercare
23 support plan that identifies necessary supports, services, and
24 treatment to be provided for at least six months postdischarge as
25 a child moves from their short-term residential therapeutic program
26 placement to home-based family care setting or to a permanent
27 living situation through reunification, adoption, or guardianship,
28 or to a transitional housing program. This plan shall be developed,
29 pursuant to Section 4096.6 of the Welfare and Institutions Code,
30 in collaboration with the county placing agency, the child and
31 family team, and other necessary agencies or individuals for at
32 least six months postdischarge. Federal financial participation
33 under the Medi-Cal program shall only be available if all state and
34 federal requirements are met and the treatment is medically
35 necessary, regardless of the six months postdischarge requirement.

36 (ic) Documentation of the process by which the short- and
37 long-term, child-specific mental health goals identified by a
38 qualified individual, as defined in Section 16501 of the Welfare
39 and Institutions Code, pursuant to subdivision (g) of Section 4096

1 of the Welfare and Institutions Code, will be implemented by the
2 short-term residential therapeutic program.

3 (II) This clause shall not be interpreted to supersede the
4 placement and care responsibility vested in the county child welfare
5 agency or probation department.

6 (viii) (I) On and after October 1, 2021, a description of how
7 the short-term residential therapeutic program will, to the extent
8 clinically appropriate, consistent with any applicable court orders,
9 and in accordance with the child's best interest, do all of the
10 following:

11 (ia) Facilitate participation of family members in the child's
12 treatment program.

13 (ib) Facilitate outreach to the family members of the child,
14 including siblings, document how the outreach is made, including
15 contact information, and maintain contact information for any
16 known biological family and nonrelative extended family members
17 of the child.

18 (ic) Document how family members will be integrated into the
19 treatment process for the child, including postdischarge, and how
20 sibling connections are maintained.

21 (II) This clause shall not be interpreted to supersede the
22 placement and care responsibility vested in the county child welfare
23 agency or probation department.

24 (ix) Any other information that may be prescribed by the
25 department for the proper administration of this section.

26 (e) In addition to the rules and regulations adopted pursuant to
27 this chapter, a county licensed to operate a short-term residential
28 therapeutic program shall describe, in the plan of operation, its
29 conflict of interest mitigation plan, as set forth in subdivision (g)
30 of Section 11462.02 of the Welfare and Institutions Code.

31 (f) (1) (A) (i) A short-term residential therapeutic program
32 applicant shall submit an application to the department that includes
33 a letter of recommendation in support of its program from a county
34 placing agency.

35 (ii) The letter of recommendation shall include a statement that
36 the county placing agency reviewed a copy of the applicant's
37 program statement.

38 (iii) If the letter of recommendation is not from the county in
39 which the facility is located, the short-term residential therapeutic
40 program applicant shall include, with its application, a statement

1 that it provided the county in which the facility is located an
2 opportunity for that county to review the program statement and
3 notified that county that the facility has received a letter of
4 recommendation from another county.

5 (B) If the application does not contain a letter of
6 recommendation as described in subparagraph (A), then the
7 department shall cease review of the application. Nothing in this
8 paragraph shall constitute a denial of the application for purposes
9 of Section 1526 or any other law.

10 (C) A new letter of recommendation is not required when a
11 short-term residential therapeutic program moves locations.

12 (2) A short-term residential therapeutic program shall submit a
13 copy of its program statement to all county placing agencies from
14 which the short-term residential therapeutic program accepts
15 placements, including the county in which the facility is located,
16 for optional review when the short-term residential therapeutic
17 program updates its program statement.

18 (g) (1) The department shall adopt regulations to establish
19 requirements for the education, qualification, and training of facility
20 managers and staff who provide care and supervision to children
21 or who have regular, direct contact with children in the course of
22 their responsibilities in short-term residential therapeutic programs
23 consistent with the intended role of these facilities to provide
24 short-term, specialized, and intensive treatment.

25 (2) Requirements shall include, but not be limited to, all of the
26 following:

27 (A) Staff classifications.

28 (B) Specification of the date by which employees shall be
29 required to meet the education and qualification requirements.

30 (C) Any other requirements that may be prescribed by the
31 department for the proper administration of this section.

32 (h) The department shall adopt regulations to specify training
33 requirements for staff who provide care and supervision to children
34 or who have regular, direct contact with children in the course of
35 their responsibilities. These requirements shall include both of the
36 following:

37 (1) Timeframes for completion of training, including the
38 following:

39 (A) Training that shall be completed prior to unsupervised care
40 of children.

1 (B) Training to be completed within the first 180 days of
2 employment.

3 (C) Training to be completed annually.

4 (2) Topics to be covered in the training shall include, but are
5 not limited to, the following:

6 (A) Child and adolescent development, including sexual
7 orientation, gender identity, and gender expression.

8 (B) The effects of trauma, including grief and loss, and child
9 abuse and neglect on child development and behavior and methods
10 to behaviorally support children impacted by that trauma or child
11 abuse and neglect.

12 (C) The rights of a child in foster care, including the right to
13 have fair and equal access to all available services, placement,
14 care, treatment, and benefits, and to not be subjected to
15 discrimination or harassment on the basis of actual or perceived
16 race, ethnic group identification, ancestry, national origin, color,
17 religion, sex, sexual orientation, gender identity, mental or physical
18 disability, or HIV status.

19 (D) Positive discipline and the importance of self-esteem.

20 (E) Core practice model.

21 (F) An overview of the child welfare and probation systems.

22 (G) Reasonable and prudent parent standard.

23 (H) Instruction on cultural competency and sensitivity and
24 related best practices for providing adequate care for children
25 across diverse ethnic and racial backgrounds, as well as children
26 identifying as lesbian, gay, bisexual, or transgender.

27 (I) Awareness and identification of commercial sexual
28 exploitation and best practices for providing care and supervision
29 to commercially sexually exploited children.

30 (J) The federal Indian Child Welfare Act of 1978 (25 U.S.C.
31 Sec. 1901 et seq.), its historical significance, the rights of children
32 covered by the act, and the best interests of Indian children,
33 including the role of the caregiver in supporting culturally
34 appropriate, child-centered practices that respect Native American
35 history, culture, retention of tribal membership, and connection to
36 the tribal community and traditions.

37 (K) Permanence, well-being, and educational needs of children.

38 (L) Basic instruction on existing laws and procedures regarding
39 the safety of foster youth at school; and ensuring a harassment and
40 violence free school environment.

1 (M) Best practices for providing care and supervision to
2 nonminor dependents.

3 (N) Health issues in foster care.

4 (O) Physical and psychosocial needs of children, including
5 behavior management, deescalation techniques, and
6 trauma-informed crisis management planning.

7 (i) (1) Each person employed as a facility manager or staff
8 member of a short-term residential therapeutic program, who
9 provides direct care and supervision to children and youth residing
10 in the short-term residential therapeutic program shall be at least
11 21 years of age.

12 (2) This subdivision shall not apply to a facility manager or staff
13 member employed, before October 1, 2014, at a short-term
14 residential therapeutic program that was operating under a group
15 home license prior to January 1, 2017.

16 (j) Notwithstanding any other section of this chapter, the
17 department may establish requirements for licensed group homes
18 that are transitioning to short-term residential therapeutic programs,
19 which may include, but not be limited to, requirements related to
20 application and plan of operation.

21 (k) A short-term residential therapeutic program shall have a
22 qualified and certified administrator, as set forth in Section
23 1522.41.

24 (l) A short-term residential therapeutic program shall provide
25 trauma-informed support and transition services to foster youth as
26 part of a planned or unplanned discharge. This shall include
27 participation in any county-level or state-level meetings pursuant
28 to Section 16521.6 of the Welfare and Institutions Code with the
29 goal of placement preservation whenever possible or, if necessary,
30 identifying and working with alternative short-term residential
31 therapeutic programs or other providers to directly transition the
32 youth.

33 (m) The department shall have the authority to inspect a
34 short-term residential therapeutic program pursuant to the system
35 of governmental monitoring and oversight developed by the
36 department pursuant to subdivision (c) of Section 11462 of the
37 Welfare and Institutions Code.

38 (n) (1) ~~On and after October 1, 2021, a~~ A short-term residential
39 therapeutic program shall ensure the availability of licensed nursing

1 staff, which may include the nursing resources established pursuant
2 to Section 4096.55 of the Welfare and Institutions Code.

3 (2) Nursing staff shall be onsite according to the treatment model
4 of the short-term residential therapeutic program and as otherwise
5 required by the needs of any child residing in the facility.

6 (3) Nursing staff shall be available 24 hours a day, 7 days a
7 week, and shall provide care within the scope of their practice.

8 (4) If a child who is placed in a short-term residential therapeutic
9 program by a county placing agency requires regular onsite nursing
10 care and does not require inpatient care in a licensed health facility,
11 the short-term residential therapeutic program shall provide the
12 nursing care consistent with their treatment model, or shall partner
13 with the county placing agency to arrange for the nursing care to
14 be provided.

15 (5) The department, in consultation with the State Department
16 of Health Care Services, county agencies, providers, and other
17 stakeholders, shall develop guidance to implement this subdivision.

18 (o) The short-term residential therapeutic program shall maintain
19 the interagency placement committee's written determination and
20 the qualified individual's assessment of the child, required to be
21 completed and provided to the short-term residential therapeutic
22 program pursuant to subdivisions (f) and (g) of Section 4096 of
23 the Welfare and Institutions Code, in the child's record.

24 (p) The short-term residential therapeutic program shall engage
25 with the county placing agency in placement preservation strategies
26 pursuant to Section 16010.7 of the Welfare and Institutions Code,
27 as applicable. Nothing in this subdivision shall be interpreted to
28 supersede the placement and care responsibility vested in the
29 county placing agency or their responsibilities under Section
30 16010.7 of the Welfare and Institution Code.

31 (q) (1) The department shall adopt regulations to implement
32 this section, collaborating with the State Department of Health
33 Care Services, as necessary, to ensure alignment with mental health
34 program approval requirements, as described in Section 4096.5 of
35 the Welfare and Institutions Code.

36 (2) Notwithstanding the rulemaking provisions of the
37 Administrative Procedure Act (Chapter 3.5 (commencing with
38 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
39 Code), the department may implement, interpret, or make specific
40 this section by means of interim licensing standards until

- 1 regulations are adopted. These interim licensing standards shall
- 2 have the same force and effect as regulations until the adoption of
- 3 regulations.

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