



Monterey County Behavioral Health Policy and Procedure

Policy Number	720
Policy Title	Alcohol and Other Drug (AOD) Programs – Residential Alcoholism or Drug Abuse Recovery or Treatment Facilities
References	See each specific subsection for applicable references
Effective	May 22, 2014

1 **PURPOSE**

2 The purpose of Monterey County Behavioral Health (MCBH) Policy 720 – Alcohol and Other Drug
3 (AOD) Programs – Residential Alcoholism or Drug Abuse Recovery or Treatment Facilities is to
4 ensure compliance with all pertinent Federal, State, and local laws and regulations pertaining to the
5 operation of residential treatment facilities in Monterey County. This policy primarily references
6 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 1-4 but is not meant to
7 exclude any and all other laws, statutes, and regulations pertinent to the operation of DUI treatment
8 programs.

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10 Policy 720 comprises of the following subsections:

- 11 I. [Definitions of Licensure](#)
- 12 II. [Authority for Licensure and Requirements for Licensure](#)
- 13 III. [Licensure of Integral Facilities](#)
- 14 IV. [Prohibition Against False Claims Regarding Licensure](#)
- 15 V. [Requirements to Post License](#)
- 16 VI. [Alteration of License](#)
- 17 VII. [Adherence to Express Conditions of Licensure](#)
- 18 VIII. [Who May Apply for Licensure](#)
- 19 IX. [Requirements to Submit New Application for Licensure](#)
- 20 X. [Types of Deficiencies](#)
- 21 XI. [Investigation of Complaints Regarding Unlicensed Facilities](#)
- 22 XII. [Investigation of Complaints Regarding Licensed Facilities](#)
- 23 XIII. [Licensing Compliance Reviews](#)
- 24 XIV. [Reporting Requirements](#)
- 25 XV. [Regarding Finances](#)
- 26 XVI. [Accountability](#)
- 27 XVII. [Personnel Requirements](#)
- 28 XVIII. [Personnel Record Requirements](#)
- 29 XIX. [Admissions Requirements](#)
- 30 XX. [Resident Health Screening](#)
- 31 XXI. [Resident Records](#)
- 32 XXII. [Personal Rights](#)
- 33 XXIII. [Telephone Service in Facilities](#)
- 34 XXIV. [Transportation](#)

- 35 XXV. [Health-Related Services](#)
- 36 XXVI. [Food Services](#)
- 37 XXVII. [Activities at Facilities](#)
- 38 XXVIII. [Alteration to Existing or New Facilities](#)
- 39 XXIX. [Buildings and Grounds of Facilities](#)
- 40 XXX. [Outdoor and Indoor Activity Space of Facilities](#)
- 41 XXXI. [Storage Space at Facilities](#)
- 42 XXXII. [Fixtures, Furniture, Equipment, and Supplies at Facilities](#)
- 43 XXXIII. [Requirements for Waivers in Order to Treat Adolescents in Adult Facilities](#)
- 44 XXXIV. [Limitations on Capacity of Facilities in Relation to Waivers to Treat Adolescents in Adult
45 Facilities](#)
- 46 XXXV. [Who May Apply for a Waiver to Treat Adolescents, Content of Request for Waiver, and
47 Documentation to be Submitted with Waiver](#)
- 48 XXXVI. [Voluntary Surrender of Waivers to Treat Adolescents](#)
- 49 XXXVII. [Termination of Waivers to Treat Adolescents](#)
- 50 XXXVIII. [Admission of Adolescents to Adult Facilities](#)
- 51 XXXIX. [Consent of Authorized Representatives for Admission of Adolescents to Adult Facilities](#)
- 52 XL. [Staffing Requirements for Facilities with Waivers to Serve Adolescents](#)
- 53 XLI. [Development of Needs and Services Plans for Adolescents](#)
- 54 XLII. [Buildings and Grounds of Adult Facilities with Waivers to Serve Adolescents](#)
- 55 XLIII. [Discipline Policies and Procedures of Adult Facilities with Waivers to Serve Adolescents](#)
- 56 XLIV. [Removal/Discharge of Adolescents from Facilities](#)
- 57 XLV. [Personnel Records of Staff Providing Services to Adolescent Facilities with Waivers to
58 Serve Adolescents](#)
- 59 XLVI. [Regarding Records of Adolescent Residents in Facilities with Waivers to Serve
60 Adolescents](#)
- 61 XLVII. [Records of Mandatory Reports Required for Facilities with Waivers to Serve Adolescents](#)
- 62 XLVIII. [Reviewing Criminal Records of Staff Employed by Facilities with Waivers to Serve
63 Adolescents](#)
- 64 XLIX. [Fingerprinting Staff Employed by Facilities with Waivers to Serve Adolescents](#)
- 65 L. [Review of Criminal History Summaries of Staff Employed by Adult Facilities with Waivers
66 to Serve Adolescents](#)
- 67 LI. [Monitoring of Subsequent Conviction Data for Staff Employed by Adult Facilities with
68 Waivers to Serve Adolescents](#)
- 69 LII. [Storage of Criminal History Summaries of Staff Employed by Adult Facilities with Waivers
70 to Serve Adolescents](#)

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73 **I. DEFINITIONS OF LICENSURE**

74 **REFERENCES**

75 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 1, Article 2, Section
76 10501

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78 **POLICY AND PROCEDURES**

79 It is the policy MCBH AOD Programs to recognize and utilize definitions set forth in California Code
80 of Regulations, Title 9, Division 4, Chapter 5, Subchapter 1, Article 2, Section 10501 regarding
81 licensure of drug or alcohol residential treatment facilities.

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II. AUTHORITY FOR LICENSURE AND REQUIREMENTS FOR LICENSURE

REFERENCES

California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Section 10502 and 10505

POLICY AND PROCEDURES

It is the policy MCBH AOD Programs that all of its contracted drug or alcohol residential treatment facilities or any such facilities it shall operate directly in the future be licensed by CA ADP pursuant to the provisions of Chapter 7.5 (commencing with Section 11834.01), Part 2, Division 10.5 of the Health and Safety Code and the requirements California Code of Regulations, Title 9, Division 4, Chapter 5. MCBH AOD, its contracted drug or alcohol residential treatment facilities or any such facilities it shall operate directly in the future shall also comply with the following:

1. Except for facilities operated by a State agency, no person, firm, partnership, association, corporation, county, city, public agency or other governmental entity within the County of Monterey shall operate, establish, manage, conduct, or maintain a facility which provides 24-hour nonmedical, residential, alcoholism or drug abuse recovery or treatment services to adults without first obtaining a current, valid license from CA ADP.
2. Except for facilities operated by a State agency, no person, firm, partnership, association, corporation, county, city, public agency or other governmental entity within the County of Monterey shall hold out, advertise, or represent by any means that it is operating, establishing, managing, conducting, or maintaining a facility which provides 24-hour nonmedical, residential, alcoholism or drug abuse recovery or treatment services to adults without first obtaining a current, valid license from CA ADP.
3. As used in with California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 1, Article 2, Section 10505, "operated by a State agency" shall not include agencies which provide services through a contractual arrangement with a State agency.

III. LICENSURE OF INTEGRAL FACILITIES

REFERENCES

California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Article 2, 10508

POLICY AND PROCEDURES

It is the policy MCBH AOD Programs that all of its contracted drug or alcohol residential treatment facilities or any such facilities it shall operate directly in the future comply with the following:

1. The licensee may provide housing and alcoholism or drug abuse recovery or treatment services in the same building or the licensee may house residents in one building and provide services in another building, provided that all of the buildings are:
 - a. Integral components of the same facility,
 - b. Under the control and management of the same licensee, and
 - c. Licensed as a single facility.
2. Multiple facility programs which do not meet the criteria of California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 1, Article 2, 10508 shall secure independent licenses for each separate facility.

130 **IV. PROHIBITION AGAINST FALSE CLAIMS REGARDING LICENSURE**

131 **REFERENCES**

132 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Article 2, Section
133 10510

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135 **POLICY AND PROCEDURES**

136 It is the policy MCBH AOD Programs that No licensee, officer, or employee of a licensee shall
137 make or disseminate any false or misleading statement regarding licensure of the residential
138 alcoholism or drug abuse recovery or treatment facility or any of the services provided by the
139 facility.

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142 **V. REQUIREMENTS TO POST LICENSE**

143 **REFERENCES**

144 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Article 2, Section
145 10511

146 **POLICY AND PROCEDURES**

147 It is the policy MCBH AOD Programs that the residential alcoholism or drug abuse recovery or
148 treatment facility licensee shall:

- 149 1. Post the license in a conspicuous place in the facility, where it can be seen by anyone entering
150 the facility, and
- 151 2. Make the license available for inspection upon request.

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154 **VI. ALTERATION OF LICENSE**

155 **REFERENCES**

156 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Article 2, 10512

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158 **POLICY AND PROCEDURES**

159 It is the policy MCBH AOD Programs that no licensee, officer, or employee of a residential
160 alcoholism or drug abuse recovery or treatment facility shall alter a license or disseminate an
161 altered license.

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164 **VII. ADHERENCE TO EXPRESS CONDITIONS OF LICENSURE**

165 **REFERENCES**

166 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Article 2, Section
167 10513

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169 **POLICY AND PROCEDURES**

170 It is the policy MCBH AOD Programs that the licensee of a residential alcoholism or drug abuse
171 recovery or treatment facility shall not operate a facility beyond the conditions and limitations
172 specified on the license.

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175 **VIII.WHO MAY APPLY FOR LICENSURE**

176 **REFERENCES**

177 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Article 3, Section
178 10514

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180 **POLICY AND PROCEDURES**

181 It is the policy MCBH AOD Programs that any adult or firm, partnership, association, corporation,
182 county, city, public agency, or other governmental entity may apply for a license regardless of age,
183 sex, race, religion, color, political affiliation, national origin, disability, marital status, or sexual
184 orientation.

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187 **IX. REQUIREMENTS TO SUBMIT NEW APPLICATION FOR LICENSURE**

188 **REFERENCES**

189 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Article 4, Section
190 10527

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192 **POLICY AND PROCEDURES**

193 It is the policy MCBH AOD Programs to comply with the following:

- 194 1. A license shall automatically terminate by operation of law whenever the licensee:
- 195 a. Sells or transfers ownership of the facility, unless the transfer of ownership applies to the
196 transfer of stock when the facility is owned by and licensed as a corporation, and when the
197 transfer of stock does not constitute a majority change in ownership;
- 198 b. Voluntarily surrenders the license to the California Department of Alcohol and Drug
199 Programs (CA ADP);
- 200 c. Moves operation of the facility to a new location [except as specified in California Code of
201 Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Article 4, Section 10527];
- 202 d. Dies (only if the licensee is a sole proprietor);
- 203 e. Actually or constructively abandons the facility.
- 204 2. To prevent a lapse in licensure in the event that operation of the facility is moved to a new
205 location, at least 45 days prior to the move, the licensee shall submit to the CA ADP a new
206 application and documentation, as specified in Section California Code of Regulations, Title 9,
207 Division 4, Chapter 5, Subchapter 2, Article 4, Section 10517. If the licensee fails to comply
208 with this requirement, the license shall terminate as of the date that operation of the facility is
209 moved [except as specified in California Code of Regulations, Title 9, Division 4, Chapter 5,
210 Subchapter 2, Article 4, Section 10527(c).
- 211 3. To prevent a lapse in licensure in the event that the licensee moves operation of the facility to
212 a new location due to emergency (e.g. fire, flood, vandalism, etc.), within 60 days after the date
213 of the move, the licensee shall submit to the Department an amended application and
214 documentation as specified in California Code of Regulations, Title 9, Division 4, Chapter 5,
215 Subchapter 2, Article 4, Section 10517. If the licensee fails to comply with this requirement,
216 the license shall terminate as of the date on the 61st day after the date of the move.

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219 **X. TYPES OF DEFICIENCIES**

220 **REFERENCES**

221 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Article 6, Section
222 10541

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224 **POLICY AND PROCEDURES**

225 It is the policy MCBH AOD Programs to utilize the following types of deficiencies as set forth in
226 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Article 6, Section
227 10541:

- 228 1. As used in this policy subsection, “deficiency” means failure to comply with any provision of
229 Chapter 7.5 (commencing with Section 11834.01), Part 2, Division 10.5 of the Health and
230 Safety Code, or the regulations contained in California Code of Regulations, Title 9, Division 4,
231 Chapter 5. Deficiencies shall be classed as Class A, B, or C deficiencies as defined in this
232 section.
- 233 2. A Class A deficiency is any deficiency which presents an imminent danger to any resident of
234 the facility. As used in this Chapter, “imminent danger” means that the more likely
235 consequence of the deficiency is death or physical injury which would:
 - 236 a. Render a part of the body functionally useless or temporarily or permanently reduced in
237 capacity, or
 - 238 b. Inhibit any function of the body to such a degree as to shorten life or to reduce physical or
239 mental capacity.
- 240 3. A Class B deficiency is any deficiency relating to the operation or maintenance of the facility
241 which has a direct or immediate relationship to the physical health, mental health, or safety of
242 facility residents.
- 243 4. A Class C deficiency is a deficiency relating to the operation or maintenance of the facility
244 which the Department determines has only a minimal relationship to the health or safety of
245 facility residents.

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248 **XI. INVESTIGATION OF COMPLAINTS REGARDING UNLICENSED FACILITIES**

249 **REFERENCES**

250 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Article 6, Section
251 10542 and Chapter 7.5 (commencing with Section 11834.30) of Part 2 of Division 10.5 of the
252 Health and Safety Code

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254 **POLICY AND PROCEDURES**

255 It is the policy MCBH AOD Programs to inform the California Department of Alcohol and Drug
256 Programs (CA ADP) of any unlicensed facility providing residential alcoholism or drug abuse
257 recover or treatment services. It is also the policy of MCBH AOD to assist CA ADP in its efforts to
258 investigate these unlicensed facilities.

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261 **XII. INVESTIGATION OF COMPLAINTS REGARDING LICENSED FACILITIES**

262 **REFERENCES**

263 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Article 6, Section
264 10543

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266 **POLICY AND PROCEDURES**

267 It is the policy MCBH AOD Programs to comply with the following:

- 268 1. Any person may request an inspection of an alcoholism or drug abuse recovery or treatment
269 facility by contacting the California Department of Alcohol and Drug Programs (CA ADP) or
270 MCBH AOD in person, by telephone or in writing, or by any other automated or electronic

- 271 means. If the complaint is made to MCBH AOD, it will contact CA ADP with the complaint
272 immediately after receiving the report.
- 273 2. MCBH AOD shall not disclose the identity of the complainant unless authorized in writing by
274 the complainant.
- 275 3. Within ten (10) working days of receipt of the complaint, CA ADP shall initiate an investigation
276 by assigning the complaint to a CA ADP complaint investigator.
- 277 4. The complaint investigator may conduct a site investigation of the facility, with or without
278 advance notice, at any reasonable time, upon presentation of proper identification, in order to
279 determine compliance with the provisions of Chapter 7.5 (commencing with Section 11834.01),
280 Part 2, Division 10.5 of the Health and Safety Code, and the requirements of this chapter.
- 281 5. At the completion of the site investigation the complaint investigator may conduct a face-to-
282 face exit interview with the licensee or his/her designee to discuss the progress of the
283 investigation. If the complaint investigator does not conduct a face-to-face exit interview, the
284 complaint investigator shall conduct a telephone interview with the licensee or his/her designee
285 as soon as possible upon conclusion of a site investigation and document in the investigation
286 report or notice of deficiency why he/she did not conduct a face-to-face exit interview.
- 287 6. The complaint investigator may interview residents and/or facility staff in private, and inspect
288 relevant licensee records without the prior consent of the licensee.
- 289 7. The complaint investigator shall notify the licensee orally or in writing when the complaint
290 investigation is complete. If notified orally, such notification shall be documented on the
291 reverse of the complaint form.
- 292 8. If the complaint investigation discloses deficiencies, the complaint investigator shall prepare a
293 written notice of deficiency, listing all deficiencies. The complaint investigator shall provide a
294 written notice of deficiency to the licensee or his/her designee, in person before leaving the
295 facility, or by certified mail. If mailed, the notice of deficiency shall be postmarked within ten
296 (10) working days of completion of the complaint investigation, pursuant to subsection
297 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Article 6, 10543(g)
298 of this regulation. Completion of the complaint investigation is when all evidence has been
299 inspected and witnesses who are relevant to the allegations have been interviewed. If any
300 Class A deficiencies have been cited, before leaving the facility the complaint investigator shall
301 provide the written notice of deficiency to the licensee or his/her designee.
- 302 9. The notice of deficiency shall specify:
- 303 a. The section number, title, and code of each statute or regulation which has been violated;
- 304 b. The manner in which the licensee failed to comply with a specified statute or regulation,
305 and the particular place or area of the facility in which it occurred;
- 306 c. The date by which each deficiency shall be corrected; and
- 307 d. The amount of civil penalty to be assessed in accordance with California Code of
308 Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Article 6, Section 10547 and the
309 date the CA ADP shall begin to assess the penalty, if the licensee fails to correct the
310 noticed deficiencies or comply by the date in the approved corrective action plan.
- 311 10. The notice of deficiency shall require the licensee to correct deficiencies as specified below:
- 312 a. Class A deficiencies shall be abated or eliminated immediately upon receipt of the notice
313 of deficiency by the licensee or his/her designee;
- 314 b. Class B deficiencies shall be corrected within thirty (30) days of receipt of the notice of
315 deficiency unless the complaint investigator determines, based on review, that the
316 deficiency is sufficiently serious to require correction within a shorter period of time. In that
317 event, the complaint investigator shall explain how the deficiency jeopardizes the health or
318 safety of the residents;

- 319 c. Class C deficiencies shall be corrected within thirty (30) days of receipt of the notice of
320 deficiency, unless the complaint investigator determines that the deficiency cannot be
321 completely corrected within thirty (30) days. In that event, the complaint investigator shall
322 specify in the notice of deficiency the time in which the deficiency shall be corrected and
323 the reason why it cannot be corrected within thirty (30) days.
- 324 11. If the licensee or his/her designee refuses to accept receipt of a written notice of deficiency, the
325 date of the notice shall constitute the date of receipt.
- 326 12. If so requested by the complainant, the CA ADP shall notify the complainant, in writing, of the
327 results of its investigation.

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330 **XIII. LICENSING COMPLIANCE REVIEWS**

331 **REFERENCES**

332 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 2, Article 6, Section
333 10544

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335 **POLICY AND PROCEDURES**

- 336 1. It is the policy MCBH AOD Programs to comply with the following:
- 337 2. The California Department of Alcohol and Drug Programs and MCBH AOD shall review each
338 alcoholism or drug abuse recovery or treatment facility to determine compliance at least once
339 during every period of licensure.
- 340 3. Any authorized employee or agent of CA ADP and MCBH AOD may enter and inspect any
341 alcoholism or drug abuse recovery or treatment facility at any reasonable time, upon
342 presentation of proper identification, with or without advance notice, to determine compliance
343 with the provisions of Chapter 7.5 (commencing with Section 11834.01), Part 2, Division 10.5
344 of the Health and Safety Code and the requirements of this chapter.
- 345 4. CA ADP and MCBH AOD may interview residents and/or facility staff in private, and inspect
346 relevant licensee records without the prior consent of the licensee.
- 347 5. At the completion of the compliance review, the reviewer may conduct a face-to-face exit
348 interview with the licensee or his/her designee to discuss any deficiencies noted. If the
349 reviewer does not conduct a face-to-face exit interview, the reviewer shall conduct a telephone
350 interview with the licensee or his/her designee as soon as possible upon conclusion of a site
351 visit and document in the licensing report or notice of deficiency why he/she did not conduct a
352 face-to-face exit interview. A licensing report is issued when there are no deficiencies; a notice
353 of deficiency is issued when there are deficiencies.
- 354 6. The reviewer shall prepare a written notice of deficiency listing all deficiencies.
- 355 7. The notice of deficiency shall specify:
- 356 a. The section number, title, and code of each statute or regulation which has been violated;
- 357 b. The manner in which the licensee failed to comply with a specified statute or regulation,
358 and the particular place or area of the facility in which it occurred;
- 359 c. The date by which each deficiency shall be corrected; and
- 360 d. If it is a notice of deficiency from CA ADP, the amount of civil penalty to be assessed in
361 accordance with California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter
362 2, Article 6, Section 10547 and the date CA ADP shall begin to assess the penalty, if the
363 licensee fails to correct the noticed deficiencies in accordance with the corrective action
364 plan.
- 365 8. The reviewer shall provide the written notice of deficiency to the licensee or his/her designee:
- 366 a. In person before leaving the facility; or

- 367 b. By certified mail, postmarked within ten (10) working days of the completion of the
368 licensing compliance review. If the reviewer mails the notice of deficiency to the licensee, a
369 return receipt shall be requested.
- 370 9. If any Class A deficiencies have been cited, before leaving the facility the reviewer shall
371 provide the written notice of deficiency to the licensee or his/her designee.
- 372 10. The notice of deficiency shall require the licensee to correct deficiencies as specified below:
- 373 a. Class A deficiencies shall be abated or eliminated immediately upon receipt of the notice
374 of deficiency by the licensee or his/her designee of the facility;
- 375 b. Class B deficiencies shall be corrected within thirty (30) days of receipt of the notice of
376 deficiency unless the reviewer determines, based on review, that the deficiency is
377 sufficiently serious to require correction within a shorter period of time. In that event, the
378 reviewer shall explain how the deficiency jeopardizes the health or safety of the residents;
- 379 c. Class C deficiencies shall be corrected within thirty (30) days of receipt of the notice of
380 deficiency, unless the reviewer determines that the deficiency cannot be completely
381 corrected within thirty (30) days. In that event, the reviewer shall specify in the notice of
382 deficiency the time in which the deficiency shall be corrected and the reason why it cannot
383 be corrected within thirty (30) days.
- 384 11. If the licensee or his/her designee refuses to accept receipt of a written notice of deficiency, the
385 date of the notice shall constitute the date of receipt.
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388 **XIV. REPORTING REQUIREMENTS**

389 **REFERENCES**

390 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 1, Section
391 10561

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393 **POLICY AND PROCEDURES**

394 It is the policy MCBH AOD Programs to comply with the following:

- 395 1. Upon the occurrence of any of the events identified in California Code of Regulations, Title 9,
396 Division 4, Chapter 5, Subchapter 3, Article 1, Section 10561(b)(1), which are listed below, the
397 licensee shall make a telephonic report to the California Department of Alcohol and Drug
398 Programs (CA ADP) licensing staff and to the MCBH AOD administrator within one (1) working
399 day. The telephonic report is to be followed by a written report in accordance with California
400 Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 1, Section
401 10561(b)(2) to the CA ADP and MCBH AOD within seven (7) days of the event. If a report to
402 local authorities exists which meets the requirements cited, a copy of such a report will suffice
403 for the written report required by CA ADP and MCBH AOD.
- 404 a. Events reported shall include:
- 405 i. Death of any resident from any cause.
- 406 ii. Any facility related injury of any resident which requires medical treatment.
- 407 iii. All cases of communicable disease reportable under Section 2502 of Title 17,
408 California Code of Regulations shall be reported to the local health officer in addition to
409 the department.
- 410 iv. Poisonings.
- 411 v. Catastrophes such as flooding, tornado, earthquake or any other natural disaster.
- 412 vi. Fires or explosions which occur in or on the premises.
- 413 b. Information provided in the report shall include the following:
- 414 i. Residents' name, age, sex, and date of admission.

- 415 ii. Date, time, and nature of event.
- 416 iii. Attending physician's name, findings and treatment, if any.
- 417 2. Within ten (10) working days of the following occurrence, the licensee shall report to the CA
- 418 ADP and to MCBH AOD any:
- 419 a. Organizational changes specified in the application.
- 420 b. Change in the licensee's or applicant's mailing address.
- 421 c. Change of the administrator of the facility. Such notification shall include the new
- 422 administrator's name, address and qualifications.

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424 **XV. REGARDING FINANCES**

425 **REFERENCES**

426 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 1, Section

427 10562

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429 **POLICY AND PROCEDURES**

430 It is the policy MCBH AOD Programs to comply with the following:

- 431 1. The licensee shall maintain the following financial documents:
- 432 a. An annual line item budget which includes all revenues and operation costs necessary to
- 433 achieve its stated goals and objectives.
- 434 b. Monthly financial operating statements which reflect the revenue and expenditure line
- 435 items identified in the budget as specified in California Code of Regulations, Title 9,
- 436 Division 4, Chapter 5, Subchapter 3, Article 1, Section 10562(a)(1).
- 437 2. Documents required by California Code of Regulations, Title 9, Division 4, Chapter 5,
- 438 Subchapter 3, Article 1, Section 10562(a)(1)(2) chapter shall be available for the California
- 439 Department of Alcohol and Drug Program's (CA ADP) and MCBH AOD's review.
- 440 3. The licensee shall submit additional financial information to demonstrate its ability to achieve
- 441 its goals and objectives upon request of CA ADP and MCBH AOD.

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444 **XVI. ACCOUNTABILITY**

445 **REFERENCES**

446 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 1, Section

447 10563

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449 **POLICY AND PROCEDURES**

450 It is the policy MCBH AOD Programs that the licensee, whether an individual or other entity, is

451 accountable for the general supervision of the licensed facility, and for the establishment of policies

452 concerning its operation.

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455 **XVII. PERSONNEL REQUIREMENTS**

456 **REFERENCES**

457 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 2, Section

458 10563

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460 **POLICY AND PROCEDURES**

461 It is the policy MCBH AOD Programs to comply with the following regarding personnel

462 requirements for drug or alcohol residential treatment facilities:

- 463 1. Facility administrator qualifications
- 464 a. The facility administrator shall demonstrate abilities and competency in the following areas:
- 465 i. Knowledge of the requirements for providing the type of alcoholism or drug abuse
- 466 recovery or treatment services needed by residents.
- 467 ii. Knowledge of and ability to comply with applicable law and regulations.
- 468 iii. Ability to direct the work of others, when applicable.
- 469 iv. Ability to develop and manage the facility's alcohol or drug abuse recovery or
- 470 treatment services and budget.
- 471 v. Ability to recruit, employ, train, and evaluate qualified staff, and to terminate
- 472 employment of staff, if applicable to the facility.
- 473 b. Each licensee shall make provision for continuing operation and administration during any
- 474 absence of the regular administrative personnel.
- 475 c. The licensee, if an individual, or any member of the governing board of the licensed
- 476 corporation or association, shall be permitted to be the facility administrator provided that
- 477 he/she meets the qualifications specified in this section, and in applicable regulations.
- 478 2. Staff Qualifications
- 479 a. Facility personnel including volunteers shall be competent to provide the services
- 480 necessary to meet resident needs and shall be adequate in numbers necessary to meet
- 481 such needs. Competence shall be demonstrated by accrued work, personal, and/or
- 482 educational experience and/or on-the-job performance.
- 483 b. The California Department of Alcohol and Drug Programs (CA ADP) shall have the
- 484 authority to require any licensee to provide additional staff whenever CA ADP determines
- 485 and documents that existing staff is unable to provide services as described in the plan of
- 486 operation submitted to the department. The licensee shall be informed in writing of the
- 487 reasons for the department's determination. The following factors shall be taken into
- 488 consideration in determining the need for additional staff:
- 489 i. Needs of the particular residents;
- 490 ii. Extent of the services provided by the facility; and
- 491 iii. Physical arrangements of the particular facility.
- 492 c. All personnel shall be trained or shall have experience which provides knowledge of the
- 493 skills required in the following areas, as appropriate to the job assigned, and as evidenced
- 494 by safe and effective job performance:
- 495 i. General knowledge of alcohol and/or drug abuse and alcoholism and the principles of
- 496 recovery.
- 497 ii. Housekeeping and sanitation principles.
- 498 iii. Principles of communicable disease prevention and control.
- 499 iv. Recognition of early signs of illness and the need for professional assistance.
- 500 v. Availability of community services and resources.
- 501 vi. Recognition of individuals under the influence of alcohol and/or drugs.
- 502 vii. Principles and nutrition, food preparation and storage, and menu planning.
- 503 3. In addition to the requirements of California Code of Regulations, Title 9, Division 4, Chapter 5,
- 504 Subchapter 3, Article 2, Section 10563(b), outlined in (2) of this sub-policy, program staff who
- 505 provide counseling services California Code of Regulations, Title 9, Division 4, Chapter 5,
- 506 Subchapter 3, Article 5, Chapter 8, Subchapter 1, Section 13005) shall be licensed, certified, or
- 507 registered to obtain certification pursuant to California Code of Regulations, Title 9, Division 4,
- 508 Chapter 5, Chapter 8, (commencing with Section 13000).
- 509 4. Program staff who provide counseling services (as defined in California Code of Regulations,
- 510 Title 9, Division 4, Chapter 8, Subchapter 3, 13005) shall comply with the code of conduct,

- 511 pursuant to California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3,
512 Section 13060, developed by the organization by which they were certified or registered
- 513 5. All personnel shall be in good health.
- 514 a. Except as specified in (c) below, good physical health shall be verified by a health
515 screening, including a test for tuberculosis, performed under licensed medical supervision
516 not more than sixty (60) days prior to or seven (7) days after employment with tuberculosis
517 testing renewable every year.
- 518
- 519 Personnel with a known record of tuberculosis or record of positive testing shall not be
520 required to be retested if a physician verifies the individual has been under regular care
521 and monitoring for tuberculosis. Such verification will be renewed annually.
- 522 b. A health screening report signed by the person performing such screening shall be made
523 for each person specified above, and shall indicate the following:
- 524 i. The person's physical qualifications to perform assigned duties.
525 ii. The presence of any health condition that would create a hazard to the person,
526 residents or other staff members.
- 527 c. The good physical health of each volunteer who works in the facility shall be verified by a
528 statement signed by each volunteer affirming that he/she is in good health, and a test for
529 tuberculosis performed not more than sixty (60) days prior to or seven (7) days after initial
530 presence in the facility and annually thereafter. At the discretion of the licensee,
531 tuberculosis testing need not be required for volunteers whose functions do not
532 necessitate frequent or prolonged contact with residents.
- 533
- 534 Volunteers with a known record of tuberculosis or record of positive testing shall not be
535 required to be retested if a physician verifies the individual has been under regular care
536 and monitoring for tuberculosis. Such verification will be renewed annually.
- 537 6. Personnel with evidence of physical illness that poses a threat to the health and safety of
538 residents shall be temporarily relieved of their duties.
- 539 7. Residents shall not be used as substitutes for required staff but shall be permitted to
540 participate in duties and tasks as a voluntary part of their program of activities.
- 541 8. When regular staff members are absent, there shall be coverage by personnel capable of
542 performing assigned tasks as evidenced by on-the-job performance, experience or training.
543 Residents shall not be utilized to fulfill this requirement.
- 544 9. Personnel shall provide services without physical or verbal abuse, exploitation or prejudice.
- 545 10. All personnel shall be instructed to report observation or evidence of violations of personal
546 rights as specified in California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter
547 3, Article 3, Section 10569.
- 548 11. The licensee shall develop, maintain, and implement an ongoing training program for all staff in
549 the areas identified in section California Code of Regulations, Title 9, Division 4, Chapter 5,
550 Subchapter 3, Article 2, Section 10564 (b)(3) in addition to specific training related to their
551 duties. Staff participation in the training program shall be documented and maintained on file
552 for three (3) years.
- 553 12. The licensee shall maintain personnel records for all staff, including program administrators,
554 containing:
- 555 a. Name, address, telephone number, position, duties, and date of employment; and
556 b. Resumes, applications, and/or transcripts documenting work experience and/or education
557 used to meet the requirements of this regulation.

- 558 c. Personnel records for staff who provide counseling services (as defined in Section 13005)
- 559 shall also contain:
- 560 i. Written documentation of licensure, certification, or registration to obtain certification
- 561 pursuant to California Code of Regulations, Title 9, Division 4, Chapter 5, Chapter 8,
- 562 (commencing with Section 13000); and
- 563 ii. A copy of the code of conduct of the registrant's or certified AOD counselor's certifying
- 564 organization pursuant to California Code of Regulations, Title 9, Division 4, Chapter 5,
- 565 Subchapter 3, Section 13060.

566

567 **XVIII. PERSONNEL RECORD REQUIREMENTS**

568 **REFERENCES**

569 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 2, Section

570 10565

571

572 **POLICY AND PROCEDURES**

573 It is the policy MCBH AOD Programs to comply with the following regarding personnel

574 requirements for drug or alcohol residential treatment facilities:

- 575 1. Personnel records shall be completed and maintained for each employee, shall be available to
- 576 the California Department of Alcohol and Drug Programs (CA ADP) and MCBH AOD for
- 577 review, and shall contain the following information:
 - 578 a. Employee's full name.
 - 579 b. Driver's license number, class, and expiration date if the employee is to transport
 - 580 residents.
 - 581 c. Date of employment.
 - 582 d. Home address and phone number.
 - 583 e. Past experience, including types of employment and former employers.
 - 584 f. Duty statement.
 - 585 g. Termination date if no longer employed by the facility.
- 586 2. All personnel shall have on file the record of the health screening as specified in California
- 587 Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 2, Section
- 588 10564(c)(1), (2).
- 589 3. All records shall be maintained at the facility site. The licensee shall be permitted to retain such
- 590 records in a central administrative location provided that they are readily available to the
- 591 department at the facility site upon request.
- 592 4. Personnel records shall be retained for three years after the termination date of employment.

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594

595 **XIX. ADMISSIONS REQUIREMENTS**

596 **REFERENCES**

597 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 3, Section

598 10566

599

600 **POLICY AND PROCEDURES**

601 It is the policy MCBH AOD Programs to comply with the following regarding admissions

602 requirements for drug or alcohol residential treatment facilities:

- 603 1. Fees assessed in consideration for resident recovery or treatment services shall be addressed
- 604 in individual written agreements at time of admission.
- 605 2. Admission agreements shall specify the following:

- 606 a. Services to be provided.
607 b. Payment provisions.
608 i. Amount assessed.
609 ii. Payment schedule.
610 iii. Refund policy.
611 c. Those action, circumstances or conditions which may result in resident eviction from the
612 facility.
613 d. The consequences when a resident relapses and consumes alcohol and/or non-health
614 sustaining drugs.
615 e. Conditions under which the agreement may be terminated.
616 3. Such agreements shall be dated and signed by the resident and the licensee no later than
617 seven (7) days following admission. When a facility admits an individual solely for detoxification
618 services, as defined in California Code of Regulations, Title 9, Division 4, Chapter 5,
619 Subchapter 1, Article 1, Section 10501(a) of this subchapter, the facility shall be exempt from
620 this requirement.
621 4. Modifications to the original agreement shall be made whenever circumstances covered in the
622 agreement change, and shall be dated and signed by the resident and the licensee.
623 5. The licensee shall retain the original copy of the agreement and shall provide a copy to the
624 resident.
625 6. The licensee shall comply with all terms and conditions set forth in the admission agreement.
626 7. The admission agreement shall be automatically terminated by the death of the resident. No
627 liability or debt shall accrue after the date of death.

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629

630 **XX. RESIDENT HEALTH SCREENING**

631 **REFERENCES**

632 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 3, Section
633 10567

634

635 **POLICY AND PROCEDURES**

636 It is the policy MCBH AOD Programs to comply with the following regarding resident health
637 screening requirements for drug or alcohol residential treatment facilities:

- 638 1. Every resident shall complete a health questionnaire which shall identify any health problems
639 or conditions which require medical attention, or which are of such a serious nature as to
640 preclude the person from participating in the program.
641 2. Every resident shall be tested for tuberculosis under licensed medical supervision within six (6)
642 months prior to or thirty (30) days after admission and annually thereafter if continuous
643 participation is maintained.
644 3. Residents with a known record of tuberculosis or record of positive testing shall not be required
645 to be retested if a physician verifies the individual has been under regular care and monitoring
646 for tuberculosis.
647 4. Licensee's staff shall carefully review each resident's health questionnaire, interview each
648 resident regarding information given, and ensure that:
649 a. A resident seeks and obtains medical or dental assistance for any significant health
650 problems while remaining in residency; or
651 b. Be referred to an appropriate facility which can provide required service.

- 652 5. A licensee that primarily provides detoxification services will be exempt from the requirement of
653 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 3, Section
654 10567(b).
655 6. The licensee is responsible for ensuring that each resident is provided with a safe, clean, and
656 healthful environment.

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658

659 **XXI. RESIDENT RECORDS**

660 **REFERENCES**

661 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 3, Section
662 10568

663

664 **POLICY AND PROCEDURES**

665 It is the policy MCBH AOD Programs to comply with the following regarding resident health records
666 requirements for drug or alcohol residential treatment facilities:

- 667 1. A separate, complete, and current record shall be maintained in the facility for each resident.
668 2. Each record shall contain information including but not limited to the following:
669 a. Name of resident.
670 b. Birthdate.
671 c. Sex.
672 d. Date of Admission.
673 e. A signed copy of the admission agreement specified in California Code of Regulations,
674 Title 9, Division 4, Chapter 5, Subchapter 3, Article 3, Section 10566 of this subchapter.
675 f. Health screening record, as specified in California Code of Regulations, Title 9, Division 4,
676 Chapter 5, Subchapter 3, Article 3, Section 10567.
677 g. Record of any illness or injury requiring treatment by a physician or dentist and for which
678 the facility provided assistance or referral for the resident in meeting necessary medical
679 and dental needs.
680 h. Record of any permitted current medication including the name of the person who
681 prescribed the medication and instructions for its use.
682 i. Date and reason for termination of services.
683 3. All information and records obtained from or regarding residents shall be confidential and
684 maintained in conformity with Title 42, Subchapter A, Part 2 Sections 2.1 through 2.67-1, Code
685 of Federal Regulations, hereby incorporated by reference into these regulations.
686 4. Resident records shall be updated as necessary to ensure current accuracy.
687 5. Original or photographic reproduction of all resident records shall be retained for at least three
688 (3) years following termination of service to the resident.
689 6. A licensee that primarily provides detoxification services may be exempt from the requirements
690 of Section California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article
691 3, Section 10568(b)(5)(9).

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693

694 **XXII. PERSONAL RIGHTS**

695 **REFERENCES**

696 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 3, Section
697 10569

698

699 **POLICY AND PROCEDURES**

- 700 It is the policy MCBH AOD Programs to comply with the following regarding resident personal
701 rights for drug or alcohol residential treatment facilities:
- 702 1. Each resident shall have personal rights which include, but are not limited to, the following:
 - 703 a. The right to confidentiality as provided for in Title 42, Subchapter A, Part 2 Sections 2.1
704 through 2.67-1, Code of Federal Regulations.
 - 705 b. To be accorded dignity in personal relationships with staff and other persons.
 - 706 c. To be accorded safe, healthful and comfortable accommodations to meet his or her needs.
 - 707 d. To be free from intellectual, emotional and/or physical abuse.
 - 708 e. To be informed by the licensee of the provisions of law regarding complaints including but
709 not limited to the address and telephone number of the department.
 - 710 f. To be free to attend religious services or activities of his or her choice and to have visits
711 from a spiritual advisor provided that these services or activities do not conflict with facility
712 program requirements. Participation in religious services will be voluntary only.
 - 713 2. All residents shall be personally advised of, and given at admission, a copy of the rights
714 specified in California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article
715 3, Section 10569 (a)(1) through (6), which is also outlined in (1)(a-f) of this sub-policy.
716
717

718 **XXIII. TELEPHONE SERVICE IN FACILITIES**

719 **REFERENCES**

720 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 3, Section
721 10570
722

723 **POLICY AND PROCEDURES**

724 It is the policy MCBH AOD Programs that all drug or alcohol residential treatment facilities shall
725 have adequate telephone service on the premises for use in emergencies.
726
727

728 **XXIV. TRANSPORTATION**

729 **REFERENCES**

730 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 3, Section
731 10571
732

733 **POLICY AND PROCEDURES**

734 It is the policy MCBH AOD Programs to comply with the following regarding transportation of
735 residents at drug or alcohol residential treatment facilities:

- 736 1. Only drivers licensed for the type of vehicle operated shall be permitted to transport residents.
- 737 2. Manufacturer's rated seating capacity of vehicles shall not be exceeded.
- 738 3. Motor vehicles used to transport residents shall be maintained in a safe operating condition.
739
740

741 **XXV. HEALTH-RELATED SERVICES**

742 **REFERENCES**

743 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 3, Section
744 10572
745

746 **POLICY AND PROCEDURES**

747 It is the policy MCBH AOD Programs to comply with the following regarding health-related services

- 748 for residents of drug or alcohol residential treatment facilities:
- 749 1. The licensee shall ensure that residents receive necessary first aid and information about
750 and/or referral to needed medical or dental services.
 - 751 2. During the provision of alcoholism or drug abuse recovery or treatment services as defined in
752 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 1, Article 2, Section
753 10501(a) of there shall be at least one person in the facility who is capable of providing
754 cardiopulmonary resuscitation and first aid, notwithstanding section California Code of
755 Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 3, Section 10572(b)(1).
756 Individuals providing cardiopulmonary resuscitation and first aid shall be qualified by the
757 American Red Cross or other recognized agencies.
 - 758 a. Facilities providing detoxification services shall ensure that at least one person is always
759 on the premises who is capable of providing cardio-pulmonary resuscitation and first aid.
 - 760 3. First aid supplies shall be maintained and be readily available in the facility.
 - 761 a. At minimum, the following supplies shall be maintained and be readily available in the
762 facility:
 - 763 i. A current edition of a first aid manual approved by the American Red Cross, the
764 American Medical Association or a state or federal health agency.
 - 765 ii. Sterile first aid dressings.
 - 766 iii. Bandages or roller bandages.
 - 767 iv. Adhesive tape.
 - 768 v. Scissors.
 - 769 vi. Tweezers.
 - 770 vii. Thermometers.
 - 771 viii. Antiseptic solution.
 - 772 4. The following information shall be readily available:
 - 773 a. The name, address and telephone number of emergency agencies, including but not
774 limited to the fire department, crisis center or paramedical unit.
 - 775 b. The name and telephone number of an ambulance service.
 - 776 c. It is recommended that residents sign consent forms in advance to permit the authorization
777 of emergency medical care.
 - 778 5. No person, who, within the previous 24 hours, has consumed, used, or is still otherwise under
779 the influence of alcohol or drugs as specified in California Code of Regulations, Title 9, Division
780 4, Chapter 5, Subchapter 1, Article 2, Section 10501(a), shall be permitted on the premises
781 except for individuals admitted for detoxification or withdrawal. The licensee shall have specific
782 written rules and policies and procedures to enforce this provision.
 - 783 6. Licit medications which are permitted by the licensee shall be controlled as specified by the
784 licensee's written goals, objectives and procedures. Licit medications which have any
785 depressive, stimulative, or any other psychoactive characteristic shall not be used by any
786 resident, staff, volunteer, or other person, and shall not be kept on the premises, except when
787 the medication is prescribed by an individual authorized to do so pursuant to Section 4036,
788 Chapter 9, Division 2 of the Business and Professions Code, and who has full knowledge that
789 the medication is to be used by a person affiliated with an alcoholism or drug abuse recovery
790 or treatment facility.
 - 791 7. Prescription medications which are not removed by the resident upon termination of services
792 shall be destroyed by the facility administrator, or a designated substitute, and one other adult
793 who is not a resident. Both shall sign a record, to be retained for at least one (1) year, which
794 lists the following:
 - 795 a. Name of the resident.

- 796 b. The prescription number and the name of the pharmacy.
- 797 c. The drug name, strength and quantity destroyed.
- 798 d. The date of destruction.

799
800

801 **XXVI. FOOD SERVICES**

802 **REFERENCES**

803 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 3, Section
804 10573

805

806 **POLICY AND PROCEDURES**

807 It is the policy MCBH AOD Programs to comply with the following regarding food services for
808 residents of drug or alcohol residential treatment facilities:

- 809 1. In facilities providing meals to residents, the following shall apply:
 - 810 a. The total daily diet for residents shall be of the quality and in the quantity necessary to
811 meet the needs of the residents and shall meet the standards set forth in the
812 "Recommended Dietary Allowances", ninth edition, 1980 adopted by the Food and
813 Nutrition Board of the National Research Council of the National Academy of Science,
814 hereby incorporated by reference, adjusted to the age, activity, and environment of the
815 group involved. All food shall be selected, stored, prepared and served in a safe and
816 healthful manner.
 - 817 b. Where all food is provided by the facility, arrangements shall be made so that each
818 resident has available at least three meals per day. Not more than fifteen (15) hours shall
819 elapse between the third meal on one day and first meal of the following day.
 - 820 c. Where meal service within a facility is elective, arrangements shall be made to ensure
821 availability of a daily food intake meeting the requirement of California Code of
822 Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 3, Section 10573 (a)(1),
823 outlined in (1)(a) above.
 - 824 d. Between meal nourishment shall be available for all residents unless limited by dietary
825 restrictions prescribed by a physician.
 - 826 e. Menus shall be written at least one (1) week in advance and copies of the menus as
827 served shall be dated and kept on file for at least 30 days. Menus shall be made available
828 for review by the residents, the California Department of Alcohol and Drug Programs (CA
829 ADP), and MCBH AOD upon request.
 - 830 f. Modified diets shall be provided, if prescribed by a resident's physician as a medical
831 necessity.
 - 832 g. All foods shall be selected, transported, stored, prepared and served so as to be free from
833 contamination and spoilage and shall be fit for human consumption. Food in damaged
834 containers shall not be accepted, used or retained.
 - 835 h. Liquid milk shall be pasteurized. Powdered milk shall be mixed only in proportions
836 specified in instructions on the package.
 - 837 i. Except upon written approval by the department, meat, poultry and meat food products
838 shall be inspected consistent with applicable state or federal laws. Written evidence of
839 inspection as required by law shall be available for all products not obtained from
840 commercial markets. \
 - 841 j. Home canned foods from outside sources shall not be used. The following shall apply for
842 all foods canned at the facility:

- 843 i. All fruits and vegetables shall be canned in accordance with the standards identified in
844 "Home Canning of Fruits and Vegetables", University of California, Division of
845 Agricultural and Natural Resources, Leaflet Number 21392, dated July 1984, hereby
846 incorporated by reference.
- 847 ii. All fish shall be canned or otherwise preserved in accordance with "Canned and
848 Freezing Fish at Home", University of California, Division of Agricultural Sciences,
849 Leaflet number 2425, dated June 1981, hereby incorporated by reference.
- 850 k. If food is prepared off the facility premises, the following shall apply:
- 851 i. The preparation source shall meet all applicable requirements for commercial food
852 services.
- 853 ii. The facility shall have the capability to receive and serve food and to cleanup.
- 854 l. All persons engaged in food preparation and service shall observe personal hygiene and
855 food services sanitation practices which protect the food from contamination.
- 856 m. Residents involved in detoxification services may engage in food preparation provided
857 their involvement does not pose a risk to their personal safety or the health and safety of
858 other residents.
- 859 n. All foods or beverages capable of supporting rapid and progressive growth of
860 microorganisms which can infect or intoxicate food shall be stored in covered containers at
861 45 degrees Fahrenheit (7.2 degrees Celsius) or less.
- 862 o. Pesticides and other similar toxic substances shall not be stored in food storerooms,
863 kitchen areas, food preparation areas, or areas where kitchen equipment or utensils are
864 stored.
- 865 p. Soaps, detergents, cleaning compounds or similar substances shall be stored in areas
866 separate from food supplies.
- 867 q. All kitchen, food preparation, and storage areas shall be kept clean, free from litter and
868 rubbish. Measures shall be taken to keep all such areas free from rodents and other
869 vermin.
- 870 r. All food shall be protected against contamination. Contaminated food shall be discarded
871 immediately.
- 872 s. All equipment, fixed or mobile, dishes, and utensils shall be kept clean, and maintained in
873 good repair.
- 874 t. All dishes and utensils used for eating, drinking and preparing food shall be cleaned and
875 sanitized after each usage.
- 876 i. Dishwashing machines shall reach a temperature of 165 degrees Fahrenheit (74
877 degrees Celsius) during the washing and/or drying cycle to ensure that dishes and
878 utensils are cleaned and sanitized.
- 879 ii. Facilities not using dishwashing machines shall clean and sanitize dishes and utensils
880 by an alternative comparable method.
- 881 u. Equipment necessary for the storage, preparation and service of food shall be provided,
882 and shall be properly maintained.
- 883 v. Tableware and tables, dishes, and utensils shall be provided in the quantity necessary to
884 serve the residents.
- 885 2. The department may require the licensee to provide written information, including menus,
886 regarding the food used over a given period when it is necessary to determine if the licensee is
887 in compliance with the food service requirements in the regulations in this subchapter. The
888 department shall specify in writing the written information required from the licensee.

- 889 a. Menu will not be required for a period more than thirty (30) days preceding the request
890 made by the department.

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893 **XXVII. ACTIVITIES AT FACILITIES**

894 **REFERENCES**

895 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 3, Section
896 10574

897

898 **POLICY AND PROCEDURES**

899 It is the policy MCBH AOD Programs that licensees of drug or alcohol residential treatment
900 facilities shall demonstrate that it provides adequate opportunities for residents to participate in
901 activities consistent with stated goals and objectives.

902

903

904 **XXVIII. ALTERATION TO EXISTING OR NEW FACILITIES**

905 **REFERENCES**

906 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 4, Section
907 10580

908

909 **POLICY AND PROCEDURES**

910 It is the policy MCBH AOD Programs to comply with the following regarding alteration to existing or
911 new drug or alcohol residential treatment facilities:

- 912 1. Prior to major construction or alterations, licensee shall notify the California Department of
913 Alcohol and Drug Programs (CA ADP) and MCBH AOD of the proposed change.
914 2. CA ADP and/or MCBH AOD may require that the licensee have a building inspection by a local
915 inspector if CA ADP and/or MCBH AOD suspects that a hazard to the residents' health and
916 safety exists.

917

918

919 **XXIX. BUILDINGS AND GROUNDS OF FACILITIES**

920 **REFERENCES**

921 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 4, Section
922 10581

923

924 **POLICY AND PROCEDURES**

925 It is the policy MCBH AOD Programs to comply with the following regarding buildings and grounds
926 of drug or alcohol residential treatment facilities:

- 927 1. Facilities shall be clean, safe, sanitary, and in good repair at all times for the safety and well-
928 being of residents, employees and visitors.
929 a. The licensee shall take measures to keep the facility free of flies and other insects.
930 b. The licensee shall provide for the safe disposal of contaminated water and chemicals used
931 for cleaning purposes.
932 c. The facility must be separate and secure. Facility living, sleeping, bathing and toiletry
933 areas shall be enclosed by permanent walls, floors, ceilings and doors.
934 i. This is not to preclude the use of more than one building in meeting the requirements
935 for licensure.

- 936 ii. This is not to preclude the use of a wing(s) of a building or floor(s) of a building in
937 meeting the requirements for licensure.
- 938 d. Facility access by individuals who are neither residents, facility staff, volunteers, nor
939 authorized visitors shall be limited and monitored by the facility.
- 940 2. All residents shall be protected against hazards within the facility through provision of
941 protective devices including but not limited to nonslip material on rugs.
- 942 3. All outdoor and indoor passageways, stairways, inclines, ramps, open porches and other areas
943 of potential hazard shall be kept free of obstruction.
- 944 4. General permanent or portable storage space shall be available for the storage of facility
945 equipment and supplies. Facility equipment and supplies shall be stored in appropriate space
946 and shall not be stored in space designated for other activities.
- 947 5. All in-ground pools and above-ground pools which cannot be emptied after each use shall
948 have an operative pump and filtering system.
- 949 6. Where female and male residents are housed in the same facility, the licensee shall ensure
950 minimal personal security and privacy which will include but not be limited to the following:
- 951 a. Separate and adequate toilet, hand washing, and bathing facilities for females and males.
952 Such facilities shall be in proximity of designated sleeping quarters.
- 953 b. Separate and adequate sleeping areas for females and males. Such areas shall be
954 enclosed by permanent walls which extend from the floor to the ceiling and a permanent
955 door.
- 956 c. Twenty-four (24) hour staff coverage.

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958

959 **XXX. OUTDOOR AND INDOOR ACTIVITY SPACE OF FACILITIES**

960 **REFERENCES**

961 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 4, Section
962 10582

963

964 **POLICY AND PROCEDURES**

965 It is the policy MCBH AOD Programs the licensees of drug or alcohol residential treatment facilities
966 shall provide indoor and outdoor activity space for residents according to the program goals and
967 objectives.

968

969

970 **XXXI. STORAGE SPACE AT FACILITIES**

971 **REFERENCES**

972 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 4, Section
973 10583

974

975 **POLICY AND PROCEDURES**

976 It is the policy MCBH AOD Programs to comply with the following regarding storage space at drug
977 or alcohol residential treatment facilities:

- 978 1. There shall be space available for storage of residents' personal belongings.
- 979 2. There shall be space available for storage of equipment and supplies necessary to implement
980 the planned activity program.
- 981 3. There shall be space available for storage of staff members' immediate personal belongings.
- 982 4. There shall be space available for storage of the facility records specified in this chapter.
- 983 5. Storage space may be either permanent or portable.

984

985

986 **XXXII. FIXTURES, FURNITURES, EQUIPMENT, AND SUPPLIES AT FACILITIES**

987 **REFERENCES**

988 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 4, Section
989 10584

990

991 **POLICY AND PROCEDURES**

992 It is the policy MCBH AOD Programs to comply with the following regarding fixtures, furniture,
993 equipment, and supplies at drug or alcohol residential treatment facilities:

- 994 1. A comfortable temperature for residents shall be maintained at all times.
- 995 2. All window screens shall be in good repair and be free of insects, dirt and other debris.
- 996 3. The licensee shall provide lamps or lights as necessary in all rooms and other areas to ensure
997 the safety of all persons in the facility.
- 998 4. Hot water faucets used by residents for personal care shall meet the following requirements:
999 a. Hot water delivered to plumbing fixtures used by residents shall not be less than 105
1000 degrees Fahrenheit (40.5 degrees Celsius) and not more than 130 degrees Fahrenheit
1001 (54.4 degrees Celsius).
- 1002 b. Taps delivering water at 131 degrees Fahrenheit (54.9 degrees Celsius) or above shall be
1003 prominently identified by warning signs.
- 1004 5. All toilets, hand washing and bathing facilities shall be maintained in safe and sanitary
1005 operating conditions.
- 1006 6. Solid waste shall be stored, located and disposed in such a manner that will not transmit
1007 communicable diseases, emit odors, create a nuisance, or provide a breeding place or food
1008 source for insects or rodents.
1009 a. All containers, including moveable bins, used for storage of solid waste shall have tight-
1010 fitting covers that are kept in place. The containers and covers shall be in good repair, leak
1011 proof and rodent-proof.
- 1012 b. Solid waste containers, including moveable bins, receiving putrescible waste shall be
1013 emptied at least once per week or more often if necessary to comply with (f) above.
- 1014 7. The licensee shall provide clean linen in good repair, including lightweight, warm blankets, top
1015 and bottom bed sheets, pillow cases, mattress pads, bath towels, and wash cloths. The
1016 quantity of linen provided shall permit changing, at a minimum, once a week or with greater
1017 frequency if needed.
- 1018 8. Adequate bathing, hand washing and toilet facilities shall be provided with the maximum ratio
1019 of one facility per eight (8) residents. Space for each resident's toilet articles shall be provided.
- 1020 9. The facility shall provide each resident with an individual bed maintained in good repair,
1021 equipped with good springs and a clean mattress and supplied with pillow(s), linen and
1022 lightweight warm blankets which are clean and in good repair. Bunk beds are not excluded
1023 provided they otherwise meet these requirements.

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1025

1026 **XXXIII. REQUIREMENTS FOR WAIVERS IN ORDER TO TREAT ADOLESCENTS IN ADULT**
1027 **FACILITIES**

1028 **REFERENCES**

1029 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 2, Section
1030 10599, Section 10600, and Section 10601

1031

1032 **POLICY AND PROCEDURES**

1033 It is the policy MCBH AOD Programs that licensees of adult drug or alcohol residential treatment
1034 facilities shall obtain a waiver from the California Department of Alcohol and Drug Programs (CA
1035 ADP) in accordance with California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter
1036 4 before admitting or providing services to an adolescent. The licensee shall not admit or provide
1037 services to an adolescent prior to obtaining a waiver from CA ADP. The letter, issued by CA ADP
1038 to approve the waiver, shall stipulate that the licensee may provide recovery, treatment, or
1039 detoxification services to a specified maximum number of adolescents, for a specific period of time.
1040 The waiver approval letter shall be displayed in conjunction with the license.

1041

1042 CA ADP may grant a waiver, which will allow a licensed alcoholism or drug abuse recovery or
1043 treatment facility to serve adolescents fourteen (14) years of age and older, when the licensee
1044 documents in writing that:

- 1045 1. A need for such services exists, and
- 1046 2. Adolescent-specific services are otherwise unavailable in the county. Lack of available
1047 services shall be supported by a written statement from the MCBH AOD program
1048 administrator.

1049

1050

1051 **XXXIV. LIMITATIONS ON CAPACITY OF FACILITIES IN RELATION TO WAIVERS TO TREAT**
1052 **ADOLESCENTS IN ADULT FACILITIES**

1053 **REFERENCES**

1054 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 2, Section
1055 10602

1056

1057 **POLICY AND PROCEDURES**

1058 It is the policy MCBH AOD Programs to comply with the following regarding limitations on capacity
1059 of drug or alcohol residential treatment facilities in relation to waivers to treat adolescents in adult
1060 facilities:

- 1061 1. Facilities with a total capacity of one (1) to ten (10) residents may be granted a waiver to serve
1062 one (1) adolescent. Facilities with a total capacity of eleven (11) to twenty (20) residents may
1063 be granted a waiver to serve two (2) adolescents. Facilities with a total capacity of twenty-one
1064 or more residents may be granted a waiver to serve three (3) adolescents.
- 1065 2. The California Department of Alcohol and Drug Programs (CA ADP) shall not approve a waiver
1066 to serve more than three (3) adolescents in any facility.
- 1067 3. Adolescent participation in an alcoholism or drug abuse recovery or treatment facility shall be
1068 limited to minors fourteen (14) years of age or older.
- 1069 4. Upon approval of a waiver, a male adolescent fourteen (14) years of age or older may be
1070 admitted to a facility which provides services to male adults only.
- 1071 5. Upon approval of a waiver, a female adolescent fourteen (14) years of age or older may be
1072 admitted to facility which provides services to female adults only.
- 1073 6. Male and female adolescents may be admitted to a facility which provides services to both
1074 male and female adults only when:
 - 1075 a. The licensee has developed and enforces a policy which addresses the following issues:
 - 1076 i. Staff/client, staff/staff, and client/client relationships;
 - 1077 ii. Sexual harassment; and
 - 1078 iii. Violent assaults;
 - 1079 b. A trained, paid, staff member shall be on duty and awake at all times;

- 1080 c. The licensee has developed and implemented staff training which identifies areas unique
1081 to adolescent growth and development and teaches appropriate responses to the unique
1082 needs of the adolescent population to be served;
- 1083 d. The licensee has made provisions for groups which are limited to the gender of the
1084 adolescent to be served; and
- 1085 e. The licensee has identified appropriate community resources.
- 1086 7. The licensee shall comply with the criminal records clearance requirements of California Code
1087 of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 4 (commencing with
1088 Section 10624) to admitting or providing services to an adolescent.

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1090

1091 **XXXV. WHO MAY APPLY FOR A WAIVER TO TREAT ADOLESCENTS, CONENT OF**
1092 **REQUEST FOR WAIVER, AND DOCUMENTATION TO BE SUBMITTED WITH**
1093 **WAIVER**

1094 **REFERENCES**

1095 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 2, Section
1096 10603, Section 10604, Section 10605, and Section 10606

1097

1098 **POLICY AND PROCEDURES**

1099 It is the policy MCBH AOD Programs that any applicant for licensure or any licensed alcoholism or
1100 drug abuse recovery or treatment facility may request a waiver to provide services to adolescents.

1101 The written request for waiver shall include:

- 1102 1. A plan for:
- 1103 a. Continuing the education for adolescent residents in accordance with state law, and
1104 b. Provision of supervised study time;
- 1105 2. Intake policies and procedures;
- 1106 3. A copy of the admission agreement used for adolescent residents;
- 1107 4. Policies and procedures for removal and/or discharge of adolescent residents from the facility;
- 1108 5. Policies and procedures for disciplining adolescent residents;
- 1109 6. The documentation required in California Code of Regulations, Title 9, Division 4, Chapter 5,
1110 Subchapter 4, Article 2, Section 10605; and
- 1111 7. Fingerprint forms for individuals identified in California Code of Regulations, Title 9, Division 4,
1112 Chapter 5, Subchapter 4, Article 4, Section 10624, per procedure in California Code of
1113 Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 4, Section 10625.

1114

1115 The licensee shall attach to the written request for waiver a written statement from the MCBH AOD
1116 program administrator. The written statement shall document that:

- 1117 1. A need for such services exists; and
1118 2. Adolescent-specific services are otherwise unavailable in the county.

1119

1120 The licensee shall submit the written request for waiver and documentation required in accordance
1121 with Section 10605 to the Licensing and Certification Division, California Department of Alcohol
1122 and Drug Programs (CA ADP), 1700 K Street, Sacramento, CA 95811-4037. The licensee shall
1123 also provide a copy of the application to the MCBH AOD program administrator at the time of the
1124 application's submission to CA ADP. Subsequent to CA ADP's approval of the waiver, the licensee
1125 shall maintain on file a copy of the request for waiver.

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1128 **XXXVI. VOLUNTARY SURRENDER OF WAIVERS TO TREAT ADOLESCENTS**

1129 **REFERENCES**

1130 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 2, Section
1131 10610

1132

1133 **POLICY AND PROCEDURES**

1134 It is the policy MCBH AOD Programs that at any time, after submission of the request for waiver,
1135 the licensee may voluntarily surrender the waiver to treat adolescents in an adult alcoholism or
1136 drug abuse recovery or treatment facility by so notifying the California Department of Alcohol and
1137 Drug Programs (CA ADP) in writing and returning to CA ADP the waiver approval letter.

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1140 **XXXVII. TERMINATION OF WAIVERS TO TREAT ADOLESCENTS**

1141 **REFERENCES**

1142 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 2, Section
1143 10612

1144

1145 **POLICY AND PROCEDURES**

1146 It is the policy MCBH AOD Programs to comply with following regarding the termination of waivers
1147 to serve adolescents at adult drug or alcohol residential treatment facilities:

- 1148 1. The Department shall terminate a waiver when a California Department of Alcohol and Drug
1149 Preventions (CA ADP) review indicates that the licensee is not in compliance with the
1150 requirements of California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4,
1151 including the criminal records clearance provisions of Sections 10624 through 10631.
- 1152 2. The waiver shall terminate immediately upon oral or written notification by CA ADP. CA ADP
1153 shall follow-up oral notification by letter within ten days.
- 1154 3. Immediately upon termination of a waiver by CA ADP, the licensee shall make a verbal report
1155 to the MCBH AOD program administrator followed by a written report within 2 business days.

1156

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1158 **XXXVIII. ADMISSION OF ADOLESCENTS TO FACILITIES**

1159 **REFERENCES**

1160 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 3, Section
1161 10613

1162

1163 **POLICY AND PROCEDURES**

1164 It is the policy MCBH AOD Programs to comply with following regarding admission of adolescents
1165 to adult drug or alcohol residential treatment facilities with waivers to serve adolescents:

- 1166 1. In addition to the requirements of California Code of Regulations, Title 9, Division 4, Chapter 5,
1167 Subchapter 3, Article 3, Section 10566, the licensee shall develop and implement intake
1168 procedures.
- 1169 2. At the time of admission, the licensee shall provide the adolescent resident and the
1170 adolescent's authorized representative with a written admission agreement which meets the
1171 requirements of California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3,
1172 Article 3, Section 10566.
 - 1173 a. Within seven (7) days of the resident's admission, the admission agreement shall be dated
1174 and signed by:
 - 1175 i. The adolescent resident,

- 1176 ii. The adolescent's authorized representative, and
1177 iii. The licensee.
1178 b. Modifications to the original agreement shall be dated and signed by:
1179 i. The adolescent resident,
1180 ii. The adolescent's authorized representative, and
1181 iii. The licensee.
1182 c. The licensee shall:
1183 i. Retain in the adolescent resident's record the original copy of the signed admission
1184 agreement and any modifications, and
1185 ii. Provide a copy of the signed admission agreement and any modifications to the
1186 adolescent resident and to the adolescent's authorized representative.
1187 3. The licensee shall comply with all terms and conditions set forth in the admission agreement.
1188
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1190 **XXXIX. CONSENT OF AUTHORIZED REPRESENTATIVES FOR ADMISSION OF**
1191 **ADOLESCENTS TO FACILITIES**

1192 **REFERENCES**

1193 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 3, Section
1194 10614
1195

1196 **POLICY AND PROCEDURES**

1197 It is the policy MCBH AOD Programs to comply with following regarding consent of authorized
1198 representatives for admission of adolescents to adult drug or alcohol residential treatment facilities
1199 with waivers to serve adolescents:

- 1200 1. The licensee shall permit any adolescent resident to act on his/her own behalf and shall not
1201 require such adolescent resident to have an authorized representative, provided that the
1202 adolescent has:
1203 a. Applied for services pursuant to Family Code Section 6929(b), or
1204 b. Been emancipated pursuant to Part 6 (commencing with Section 7000) Division 11 of the
1205 Family Code.
1206 2. The licensee shall require all adolescents, other than those covered in (1)(b) or (c) of this
1207 regulation, to have an authorized representative.
1208 3. The licensee shall not detain an adolescent resident against the will of the adolescent's parent,
1209 legal guardian, or conservator. In those cases where law permits the adolescent to contract for
1210 or consent to treatment without the consent of an authorized representative, the adolescent
1211 shall not be detained in the facility against his/her will. This provision shall not be construed to
1212 preclude nor to prohibit attempts to persuade an adolescent resident to remain at the facility.
1213
1214

1215 **XL. STAFFING REQUIREMENTS FOR FACILITIES WITH WAIVERS TO SERVE**
1216 **ADOLESCENTS**

1217 **REFERENCES**

1218 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 3, Section
1219 10615
1220

1221 **POLICY AND PROCEDURES**

1222 It is the policy MCBH AOD Programs to comply with following regarding staffing requirements for
1223 adult drug or alcohol residential treatment facilities with waivers to serve adolescents:

- 1224 1. An alcoholism or drug abuse recovery or treatment facility granted a waiver to serve
1225 adolescents shall provide supervision of adolescent residents by program staff twenty-four (24)
1226 hours per day, seven (7) days per week. Residents shall not be used to fulfill this requirement.
1227 2. The licensee shall comply with criminal record clearance requirements of California Code of
1228 Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 4 (commencing with Section
1229 10624):
1230 a. Prior to approval of a waiver, and
1231 b. Continuously after approval of the waiver.
1232 3. In addition to the requirements of California Code of Regulations, Title 9, Division 4, Chapter 5,
1233 Subchapter 3, Article 2, Section 10564, the following shall apply to facilities granted a waiver to
1234 provide services to adolescents:
1235 a. The licensee shall ensure that adequate numbers of trained staff are consistently available
1236 to provide the services and supervision required and to meet the requirements otherwise
1237 identified in this sub-policy.
1238 b. All individuals who have supervisory responsibility or frequent or routine contact with
1239 adolescent residents shall meet the criminal record clearance requirements of California
1240 Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 4 (commencing
1241 with Section 10624).
1242 4. From 7:00 a.m. to 10:00 p.m. there shall be two staff members on site and awake when
1243 adolescents are present.
1244 5. From 10:00 p.m. to 7:00 a.m. there shall be at least one (1) staff member on site and awake.
1245

1246 **XLII. DEVELOPMENT OF NEEDS AND SERVICES PLAN FOR ADOLESCENTS**

1247 **REFERENCES**

1248 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 3, Section
1249 10616

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1251 **POLICY AND PROCEDURES**

1252 It is the policy MCBH AOD Programs to comply with following regarding development of needs and
1253 services plan for adolescents admitted to adult drug or alcohol residential treatment facilities with
1254 waivers to serve adolescents:

- 1255 1. In addition to the requirements of California Code of Regulations, Title 9, Division 4, Chapter 5,
1256 Subchapter 3, Article 2, Section 10566, the licensee shall develop a needs and services plan
1257 for each adolescent resident.
1258 2. The needs and services plan shall identify:
1259 a. The adolescent's educational needs and the services which will meet those needs, if the
1260 adolescent's residency is to exceed fourteen (14) days;
1261 b. Restrictions and limitations on visitation with family members and others;
1262 c. Anticipated length of program participation.
1263 3. The licensee shall maintain the adolescent resident's needs and services plan in the
1264 adolescent resident's record.
1265
1266

1267 **XLIII. BUILDINGS AND GROUNDS OF ADULT FACILITIES WITH WAIVERS TO SERVE**
1268 **ADOLESCENTS**

1269 **REFERENCES**

1270 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 3, Section
1271 10618

1272

1273 **POLICY AND PROCEDURES**

1274 It is the policy MCBH AOD Programs that in addition to the requirements specified in California
1275 Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 4, Section 10581(a)
1276 through (f), the following requirements shall apply to facilities which provide services to
1277 adolescents:

- 1278 1. Only adolescent residents of the same sex shall share a bedroom.
- 1279 2. No adolescent resident shall be required to sleep in a room used for other activities.
- 1280 3. A recreation room shall be available for planned activities, relaxation, and recreation of
1281 adolescent residents exclusively.

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1284 **XLIII. DISCIPLINE POLICIES AND PROCEDURES OF ADULT FACILITIES WITH WAIVERS**
1285 **TO SERVE ADOLESCENTS**

1286 **REFERENCES**

1287 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 3, Section
1288 10619

1289

1290 **POLICY AND PROCEDURES**

1291 It is the policy MCBH AOD Programs to comply with following regarding discipline policies and
1292 procedures of adult drug or alcohol residential treatment facilities with waivers to serve
1293 adolescents:

- 1294 1. The licensee shall develop and utilize written policies and procedures regarding the discipline
1295 of adolescent residents.
 - 1296 a. The licensee's policies and procedures shall comply with the requirements of this
1297 regulation.
 - 1298 b. Facility staff, adolescent residents, and the adolescent resident's authorized
1299 representatives shall receive copies of the licensee's policies and procedures regarding
1300 the discipline of adolescent residents.
- 1301 2. Acceptable forms of discipline may include:
 - 1302 a. Restriction in an unlocked living or sleeping area;
 - 1303 b. Prohibition against attendance at or participation in planned activities; and/or
 - 1304 c. Prohibition against the use of entertainment devices, such as television, radios, cassette
1305 recorders, or compact disc players.
- 1306 3. At no time shall discipline violate the personal rights of the adolescent resident, as identified in
1307 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 3, Section
1308 10569.
- 1309 4. Nothing in this part is intended to interfere with any system which assigns privileges in
1310 accordance with program advancement.

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1313 **XLIV. REMOVAL/DISCHARGE OF ADOLESCENTS FROM FACILITIES**

1314 **REFERENCES**

1315 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 3, Section
1316 10620

1317

1318 **POLICY AND PROCEDURES**

1319 It is the policy MCBH AOD Programs to comply with following regarding removal/discharge of

- 1320 adolescents from adult drug or alcohol residential treatment facilities with waivers to serve
1321 adolescents:
- 1322 1. The licensee shall develop and utilize written procedures regarding removal/discharge of
1323 adolescent residents from the facility.
 - 1324 2. The licensee shall not remove or discharge an adolescent resident from the facility unless the
1325 licensee has obtained prior written approval from the adolescent's authorized representative for
1326 the removal/discharge.
 - 1327 3. Nothing in this regulation shall be construed to prohibit an adolescent resident from being
1328 removed from the facility under emergency circumstances by an authorized person or agency.
1329 Examples of such circumstances include:
 - 1330 a. Removal by law enforcement officers when an adolescent resident is arrested;
 - 1331 b. Removal for the health and safety of the adolescent resident;
 - 1332 c. Removal because the continued presence of the adolescent resident represents a threat to
1333 the health and safety of others within the facility.
 - 1334 4. The licensee shall document in the adolescent resident's record any removal/discharge.
1335 Documentation shall include:
 - 1336 a. The reasons for removal and/or discharge, and
 - 1337 b. The name and address of the individual to whom the adolescent resident was released
1338 and the individual's relationship to the adolescent resident.
- 1339
1340

1341 **XLV. PERSONNEL RECORDS OF STAFF PROVIDING SERVICES TO ADOLESCENT**
1342 **FACILITIES WITH WAIVERS TO SERVE ADOLESCENTS**

1343 **REFERENCES**

1344 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 3, Section
1345 10621

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1347 **POLICY AND PROCEDURES**

1348 It is the policy MCBH AOD Programs that in addition to the requirements of California Code of
1349 Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 2, Section 10565, the licensee
1350 shall develop and utilize a dated, monthly time schedule for facility staff and volunteers providing
1351 services to adolescents in adult drug or alcohol residential treatment facilities with waivers to serve
1352 adolescents:

- 1353 1. The schedule shall clearly identify the individuals providing services and/or coverage and the
1354 days and hours to be worked.
- 1355 2. The schedule shall be posted in the facility where it is convenient for staff reference.
- 1356 3. The licensee shall keep the monthly time schedules on file for one year.

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1358

1359 **XLVI. REGARDING RECORDS OF ADOLESCENT RESIDENTS IN FACILITIES WITH**
1360 **WAIVERS TO SERVE ADOLESCENTS**

1361 **REFERENCES**

1362 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 3, Section
1363 10622

1364

1365 **POLICY AND PROCEDURES**

1366 It is the policy MCBH AOD Programs that in addition to the requirements of California Code of
1367 Regulations, Title 9, Division 4, Chapter 5, Subchapter 3, Article 3, Section 10568, the licensee

- 1368 shall obtain and record the following in each adolescent resident's record:
- 1369 1. The name, address, and telephone number of the adolescent's authorized representative;
 - 1370 2. A consent form, completed by the adolescent's authorized representative, permitting the facility
1371 to authorize medical care;
 - 1372 3. An assessment of the adolescent's educational needs, if the term of residency exceeds
1373 fourteen (14) days; and
 - 1374 4. A copy of the adolescent's needs and service plan.

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1376

1377 **XLVII. RECORDS OF MANDATORY REPORTS REQUIRED FOR FACILITIES WITH WAIVERS**
1378 **TO SERVE ADOLESCENTS**

1379 **REFERENCES**

1380 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 3, Section
1381 10623

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1383 **POLICY AND PROCEDURES**

1384 It is the policy MCBH AOD Programs that the licensees of adult drug or alcohol residential
1385 treatment facilities with waivers to serve adolescents shall notify the adolescent resident's
1386 authorized representative if the adolescent resident:

- 1387 1. Is removed from or leaves the facility, or
- 1388 2. Is not enrolled in or regularly attending school.

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1391 **XLVIII. REVIEWING CRIMINAL RECORDS OF STAFF EMPLOYED BY FACILITIES WITH**
1392 **WAIVERS TO SERVE ADOLESCENTS**

1393 **REFERENCES**

1394 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 4, Section
1395 10624

1396

1397 **POLICY AND PROCEDURES**

1398 It is the policy MCBH AOD Programs to comply with following regarding reviewing criminal records
1399 of staff employed by adult drug or alcohol residential treatment facilities with waivers to serve
1400 adolescents:

- 1401 1. All individuals who have supervisory responsibility for adolescent residents or frequent or
1402 routine contact with adolescent residents of an alcoholism or drug abuse recovery or treatment
1403 facility shall be subject to a criminal record review prior to their involvement in the provision of
1404 services to adolescents. Residents shall not be required to meet the requirements of this
1405 article.
- 1406 2. The California Department of Alcohol and Drug Programs (CA ADP) and MCBH AOD shall
1407 conduct a criminal record review of all persons specified in Subsection (1) of this sub-policy
1408 and shall have the authority to approve or deny an individual's involvement in the provision of
1409 adolescent services based upon the results of such review.

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1411

1412 **XLIX. FINGERPRINTING STAFF EMPLOYED BY FACILITIES WITH WAIVERS TO SERVE**
1413 **ADOLESCENTS**

1414 **REFERENCES**

1415 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 4, Section
1416 10625

1417

1418 **POLICY AND PROCEDURES**

1419 It is the policy MCBH AOD Programs to comply with following regarding fingerprinting staff
1420 employed by adult drug or alcohol residential treatment facilities with waivers to serve adolescents:

- 1421 1. All individuals subject to criminal review shall be fingerprinted. Fingerprints shall be recorded
1422 on current Application for Employment forms [BID 7 (5/90)] designated by the California
1423 Department of Justice. The fingerprinting service utilized shall be secured by the
1424 applicant/licensee.
- 1425 2. All current processing fees required by the Department of Justice shall be submitted with
1426 completed fingerprint forms by the applicant/licensee to the California Department of Alcohol
1427 and Drug Programs (CA ADP).
- 1428 3. The quality of prints shall be reviewed by CA ADP prior to forwarding to the California
1429 Department of Justice for processing. CA ADP's quality review process shall be completed
1430 within five (5) working days from receipt of the completed fingerprint forms.
- 1431 4. CA ADP shall return fingerprint forms to the applicant/licensee under any one of the following
1432 conditions:
 - 1433 a. The applicant/licensee fails to submit the required processing fee for each completed
1434 fingerprint form.
 - 1435 b. The fingerprints fail to meet the quality standards required for processing as determined by
1436 the California Department of Justice.
 - 1437 c. Fingerprint forms are incomplete.

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1440 **L. REVIEW OF CRIMINAL HISTORY SUMMARIES OF STAFF EMPLOYED BY ADULT**
1441 **FACILITIES WITH WAIVERS TO SERVE ADOLESCENTS**

1442 **REFERENCES**

1443 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 4, Section
1444 10626

1445

1446 **POLICY AND PROCEDURES**

1447 It is the policy MCBH AOD Programs to comply with following regarding review of criminal history
1448 summaries of staff employed by adult drug or alcohol residential treatment facilities with waivers to
1449 serve adolescents:

- 1450 1. Criminal history summaries shall be reviewed by the California Department of Alcohol and
1451 Drug Programs (CA ADP) to determine if an individual has been convicted of any crimes
1452 specified in Subsections (3) or (4) of this sub-policy. CA ADP shall complete this review
1453 process within ten (10) working days of receipt of the criminal history summary from the
1454 Department of Justice.
- 1455 2. If the review discloses the individual has no record of being convicted for any crimes specified
1456 in Subsections (3) or (4) of this sub-policy, CA ADP shall approve a criminal record clearance
1457 and notify the applicant/licensee within seven (7) working days from completion of the review
1458 process.
- 1459 3. If the review discloses the individual has been convicted of or is the subject of any criminal
1460 investigation relating to any felony or a misdemeanor perpetrated against a child, CA ADP
1461 shall deny a criminal record clearance and so notify the applicant/licensee within seven (7)

1462 working days from completion of the review process. Conviction for any felony or misdemeanor
1463 perpetrated against a child, committed outside the State of California, shall be considered a
1464 felony or misdemeanor perpetrated against a child, for the purpose of these regulations, if such
1465 offense would have been a crime if it had been committed in California. Any individual so
1466 convicted shall be permanently prohibited from participating in the provision of adolescent
1467 services.

1468 4. If the review discloses the individual has been convicted of any alcohol or drug-related crime, a
1469 violation of Division 10 of the Health and Safety Code which is also known as the Uniform
1470 Controlled Substances Act, the Department shall take the following action:

1471 a. For any felony or misdemeanor conviction, within the last three (3) years, not perpetrated
1472 against a child, the Department shall notify the individual and the applicant/licensee, within
1473 seven (7) days of completion of the review process, that the individual is prohibited from
1474 being involved in the provision of services at a facility serving adolescents.

1475 b. Notwithstanding Section (4)(a) of this sub-policy, a two year limitation shall apply to a
1476 conviction for violation of those statutes enumerated in Labor Code Section 432.8.

1477 c. Conviction for a violation or attempted violation of an offense committed outside the State
1478 of California shall be administered pursuant to this section if such offense would have been
1479 a crime under one of the above sections if committed in California.

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1482 **LI. MONITORING OF SUBSEQUENT CONVICTION DATA FOR STAFF EMPLOYED BY**
1483 **ADULT FACILITIES WITH WAIVERS TO SERVE ADOLESCENTS**

1484 **REFERENCES**

1485 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 4, Section
1486 10630

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1488 **POLICY AND PROCEDURES**

1489 It is the policy MCBH AOD Programs to comply with following regarding monitoring of subsequent
1490 conviction data for staff employed by adult drug or alcohol residential treatment facilities with
1491 waivers to serve adolescents:

1492 1. The Department shall monitor all subsequent conviction data received from the California
1493 Department of Justice for individuals with an approved or conditional criminal record clearance.

1494 2. Upon receipt of information that an individual participating in the provision of adolescent
1495 services has been convicted of a crime specified in California Code of Regulations, Title 9,
1496 Division 4, Chapter 5, Subchapter 4, Article 4, Section 10626(c) or Section 10626(d), or any
1497 crime which the California Department of Alcohol and Drug Programs (CA ADP) determines
1498 has direct bearing upon the individual's ability to perform her/his responsibilities in the provision
1499 of adolescent services, the CA ADP shall notify the licensee. For crimes specified in California
1500 Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 4, Section 10626(c),
1501 the time limitations specified in California Code of Regulations, Title 9, Division 4, Chapter 5,
1502 Subchapter 4, Article 4, Section 10626(d)(1) and (d)(2) shall apply.

1503 3. Upon notification that an individual has been convicted as specified in Subsection (2) of this
1504 sub-policy, the licensee shall terminate the individual's involvement in the provision of services
1505 to adolescents effective the date CA ADP's notice is received.

1506 a. If an individual is convicted of a crime as specified in California Code of Regulations, Title
1507 9, Division 4, Chapter 5, Subchapter 4, Article 4, Section 10626(c), the individual shall be
1508 permanently prohibited from participating in the provision of adolescent services in

1509 accordance with California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter
1510 4, Article 4, Section 10626(c) of this article.

1511 4. The licensee shall notify CA ADP and MCBH AOD in writing of any individual with an approved
1512 criminal record clearance who ceases involvement in the provision of adolescent services
1513 during the previous month by the fifteenth (15) day of the current month.

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1516 **LII. STORAGE OF CRIMINAL HISTORY SUMMARIES OF STAFF EMPLOYED BY ADULT**
1517 **FACILITIES WITH WAIVERS TO SERVE ADOLESCENTS**

1518 **REFERENCES**

1519 California Code of Regulations, Title 9, Division 4, Chapter 5, Subchapter 4, Article 4, Section
1520 10631

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1522 **POLICY AND PROCEDURES**

1523 It is the policy MCBH AOD Programs that all criminal history summaries of staff employed by adult
1524 drug or alcohol residential treatment facilities with waivers to serve adolescents are confidential
1525 and shall be stored in compliance with Article 1 (commencing with Section 700), Chapter 7,
1526 Division 1, Title 11, California Code of Regulations.