ate of California - Health and Welfare Agency | Department of Social Service

[X] DAY CARE EVALUATOR MANUAL

[ ] RESIDENTIAL CARE EVALUATOR MANUAL

TRANSMITTAL SHEET

	Number April 1996
Distribution X All Day Care Evaluator Manual Holders All Residential Care Evaluator Manual Holders	Date Issued 96 APX-10

Subject

Communication agreement between Child Development Division, California Department of Education and Community Care Licensing Division, California Department of Social Services.

Approved

DENNIS WALKER, Chief

Type of Change

[ ] Temporary [X] Permanent

REASON FOR CHANGE

Child Development Division, California Department of Education and Community Care Licensing Division, California Department of Social Services have developed the attached agreement to share information on child development facilities licensed by Community Care Licensing that are receiving funds from the Department of Education.

FILING INSTRUCTIONS

[X] Remove nothing.

[X] INSERT the attached pages behind Tab E in the appendix section of the EM.

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LIC9025 (8/87)

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April 2, 1996

California Department of Education
Child Development Division
California Department of Social Services
Community Care Licensing Division

Subject: Communication Agreement between Child Development Division, California Department of Education (CDD/CDE) and Community Care Licensing Division, California Department of Social Services (CCLD/CDSS)

This is to confirm our agreement on sharing information, as listed below, between the CDD/CDE and CCLD/CDSS on child development facilities licensed by CDSS and receiving funds from CDE.

A. CCLD Responsibilities:

1. CCLD District Office staff will provide on a monthly basis the following notifications to CDD for facilities known to be receiving funding from CDE:

   A. A copy of each licensing report documenting a substantiated Type A deficiency.
   B. A copy of any new or amended license issued to a facility.

2. CCLD District Office staff will provide immediately, by fax, a copy of any Accusation/Revocation or Temporary Suspension Order served against a facility.

3. CCLD District Office staff will provide on a monthly basis a copy of any stipulation including condition of probation resulting from an administrative action.

4. By July 31 annually, CDSS will provide the CDD with a listing of district office addresses, telephone numbers and contact staff.

5. CCLD District Office staff may request the attendance of CDD consultants at compliance conferences. If CDD attendance is not requested, CCLD will provide a copy to CDD of any letter requesting a contractor's attendance at a compliance conference and a copy of the conference report.

B. CDD Responsibilities

1. CDD staff will refer, by telephone, violations of Title 22 licensing regulations identified in their contract and program monitoring duties or received from other sources to the appropriate CCLD district office as complaints.

2. By July 31 annually, CDD will provide CDSS, with a current listing of child care sites funded by CDE.

3. CDD will notify CDSS of newly funded sites requiring a child care license.

4. CDD will provide CDSS with a listing of contracted agencies, upon final notification, that have been placed on conditional (probationary) contract status, terminated or non-renewed, including identity of interim contractors selected to provide services.

5. CDD will provide CDSS with information on anticipated program expansions as well as the listing of new contractors.

C. Joint Responsibilities:

1. CDD and CCLD will provide mutual opportunity for review and comment regarding any proposed documents for public distribution which they have developed or commissioned which describe the responsibilities of or services provided by the other agency.

2. CDD and CCLD Central Operation and Regional Management will meet twice annually to discuss issues of mutual concern and to assess the effectiveness of statewide communications. CCLD District offices and CDD consultants will meet regularly for similar purposes.

These items are not all inclusive but are intended to be the basis of communication and information sharing. This agreement will be reviewed every two years. We are committed to working together and sharing information to the mutual benefit of our agencies and California's children served by subsidized programs.

If you have any questions, please contact Mario A. Muñiz, Administrator, Child Development Division, at (916) 323-1300 or David Dodds, Chief of the Advocacy Branch, at (916) 657-2346.

Martha Lopez

Martha Lopez, Deputy Director
Community Care Licensing Division
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Jane Irvine Henderson

Jane Irvine Henderson, Ph.D.
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This Memorandum of Understanding (MOU) between the California Department of Social Services (CDSS) and the Department of Developmental Services (DDS) reflects the collaboration and cooperation between Community Care Licensing Division (CCLD), DDS and regional centers. To meet the needs and to protect the health and safety of individuals with developmental disabilities, both departments must collaborate on cross-cutting policy issues, coordinate resources and share information. It is the intent of this MOU to commit to broad, state-level cooperative efforts to establish a framework for the local licensing offices and regional centers to establish the MOUs that respond to the issues identified in the Health Care Financing Administration report dated December 4, 1997.

DESCRIPTION/PURPOSE

Regional Center

Regional centers are community based agencies that provide a focal point for services to persons with developmental disabilities consistent with the Lanterman Developmental Disabilities Services Act. The centers are private, nonprofit corporations under contract with the State Department of Developmental Services (DDS) for provision of services.

In fullfilling their responsibilities to consumers living in community care facilities, regional centers follow the Lanterman Act and California Administrative Code, Title 17, subchapter 4, Residential Facilities Care and Services Regulations, and other requirements specified in their contract with DDS.

Community Care Licensing Division

CCLD is a regulatory enforcement program. In carrying out its regulatory function, CCLD establishes, assures compliance with, and enforces regulations relating to the health, safety, care, supervision, legal and human rights of children and adults in community care facilities. The population that is served in community residences licensed by CCLD require care and supervision because of age, physical disability, developmental disability, mental disability or a combination of the foregoing.

CCLD regulatory authority is derived from the California Health and Safety Code and the California Code of Regulations, Title 22.

CLIENT POPULATION TO BE SERVED

Regional Center

A. Children and adults with developmental disabilities who reside, desire to reside, or receive services in community care facilities are the consumer group addressed by this M.O.U.

Community Care Licensing Division

A. Individuals with developmental disabilities who reside or receive services in facilities licensed by CCLD.

I. DEPARTMENT OF DEVELOPMENTAL SERVICES AND CDSS CCLD CENTRAL OPERATIONS BRANCH

DDS will:

1. Maintain ongoing communication by attending quarterly meetings with CCLD.
2. Assign staff from DDS to serve as a liaison to respond to requests for policy or program interpretations, program operations information, training information and requests for data regarding state or local programs.
3. Provide to CCLD liaison, on a regular basis, copies of all changes or proposed changes in laws, regulations and procedures that impact facilities that serve persons with developmental disabilities.

CCLD Central Operations will:

1. Maintain communication by attending quarterly meetings with DDS.
2. Assign staff from CCLD to serve as a liaison to respond to requests for policy or program interpretations, program operations information, training information and requests for data regarding state or local programs.
3. Provide to DDS liaison, on a regular basis, copies of all changes or proposed changes in laws, regulations and procedures that impact facilities that serve persons with developmental disabilities. Provide a copy of CCLD's evaluator manual and updates as available.

4. Encourage the resolution of conflicts at the level closest to the client and the facility. Jointly, with CCLD, establish a procedure for resolving local consumer care and licensing situations that require state-level intervention.

Participate on a state-level interdisciplinary team to review and make a determination on the placement/relocation of a regional center client raised by CCLD field staff.

5. Coordinate and/or provide information on training opportunities relevant to CCLD staff. When appropriate, involve CCLD staff as trainers on topics related to community care licensing.

6. Provide up-to-date contact lists.

7. Provide data on the number of consumers in licensed community care facilities and the level of services being provided in facilities. Information will be provided yearly, or more frequently, upon request.

4. Encourage the resolution of conflicts at the level closest to the client and the facility. In the event resolution cannot be obtained, establish procedures for dealing with situations elevated from the local level which require additional intervention for resolution. This may include policy interpretations which require consultation from DDS.

Establish an interdisciplinary team consisting of a Registered Nurse, a Licensed Clinical Social Worker and a Regional Center staff person to review and make a determination on the placement/relocation of a regional center client raised by CCLD field staff.

5. Coordinate and/or provide information on training opportunities relevant to DDS staff. When appropriate, involve DDS or Regional Center staff as trainers on topics related to developmental disabilities.

6. Provide up-to-date contact lists.

7. Provide data on the number of licensed facilities, number of beds available and other relevant statistical data that may be useful to DDS. Information will be provided yearly or, or more frequently, upon request.

8. Upon service, forward a copy of a Temporary Suspension Order of a regional center vendored facility to DDS.

II. REGIONAL CENTERS AND CCLD DISTRICT OFFICES

Regional Centers, as required by existing law and contract, and Community Care Licensing District Offices will enter into local MOUs that will address specific local needs. The local MOU, at a minimum, should include the following components:

A. PRE-LICENSING/VENDORIZATION COORDINATION

The Regional Center will:

1. Provide information on needed services to potential licensees and refer them to CCLD.
2. Be available to provide joint orientation sessions with CCLD to potential providers of residential services for individuals with developmental disabilities.
3. When feasible, conduct joint CCLD pre-licensing visit and regional center vendorization visit.

Community Care Licensing Division will:

1. Refer to the regional center any applicants who are interested in providing care to persons with developmental disabilities, and notify the regional center when an application is received indicating that the clients to be served are clients with developmental disabilities.
2. Invite regional center staff to participate in CCLD licensing orientations, or distribute DDS prepared brochures at the orientations.
3. When feasible conduct joint CCLD pre-licensing visit and regional center vendorization visit.

B. VISIT COORDINATION AND SHARING OF MONITORING REPORTS/INFORMATION

The Regional Center will:

1. Share with CCLD copies of the regional center's facility review reports and corrective action plan as appropriate.
2. Coordinate the scheduling of annual facility monitoring visits, when feasible, with CCLD to maximize monitoring effectiveness, e.g., 6-month spacing between CCLD and regional center visits
3. Cooperate and participate with CCLD on facility complaint investigations.
4. Cooperate and participate with CCLD on facility incident report follow-ups or investigations.
5. Notify CCLD when violations of Title 22 are observed.

Community Care Licensing Division will:

1. Provide copies of all field reports, including complaint and incident report investigations, to the vendoring regional center.
2. Inform the regional center of the date each annual facility visit was completed so that the regional center could schedule their annual visit to maximize monitoring effectiveness.
3. Notify the regional center of a complaint involving a regional center client, and where possible coordinate the investigation and/or the interview of the client with regional center staff.
4. Coordinate any incident report follow-up or investigation with the regional center when a vendorized facility is involved.
5. Notify the regional center if a violation of Title 17 is observed.

6. Consult with CCLD if a situation exists that has the potential of either involuntarily terminating a client's placement or significantly modifying the nature of services being provided. The purpose of the consultation would be to ensure that the client's needs are met and to emphasize maintaining the placement unless it can be demonstrated that moving the client is the only way to meet those needs and comply with Title 22.

7. Participate in CCLD's facility non-compliance conference and the establishment of the compliance agreement when it involves a regional center vendored facility.

8. In preparation for a Temporary Suspension Order of a vendored facility, participate in CCLD's advance coordination meetings. Coordination meetings will address the transfer of regional center consumers.

9. Hold regular meetings with the CCLD district offices to exchange information.

10. Establish, with CCLD, a process for conflict resolution that allows either agency to raise an issue to the next appropriate level.

6. Consult with the regional center if a situation exists that has the potential of either involuntarily terminating a client's placement or significantly modifying the nature of services being provided. The purpose of the consultation would be to ensure that the client's needs are met and that facility continues to remain in compliance with Title 22.

7. Invite regional center staff to participate in non-compliance conferences and the establishment of the compliance agreement involving regional center vendored facilities.

8. In preparation for a Temporary Suspension Order of a vendored facility, CCLD will assure that established guidelines for the transfer of clients are followed. This includes an advance coordination meeting that would include regional center staff.

9. Hold regular meetings with regional centers to exchange information.

10. Establish, with the regional centers, a process for conflict resolution that allows either agency to raise an issue to the next appropriate level.