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FINDING ANSWERS

A Resource Guide on the Licensing and Certification of Health and Community Care Facilities in California

More than one million Californians live or receive care in nursing homes, hospitals, clinics, child care facilities, foster care homes, residential facilities for adults with disabilities and seniors, substance-abuse treatment centers, mental health facilities, and rehabilitation centers. This brief provides the information needed to answer some of the most commonly asked questions about such facilities, including: Which state department licenses which facilities? Where can one get a license to operate a facility? What does the law say about locating facilities—for foster children, people with disabilities, adults in treatment for substance abuse, and other groups—within a community? Who will answer questions or concerns about a particular facility?

COMMUNITY CARE FACILITIES

- > **Child Day Care Homes and Centers and Crisis Nurseries**
- > **Foster Care Family Homes and Agencies, Children's Group Homes, and Adoption Agencies**
- > **Residential and Day Facilities for Adults With Physical, Mental, or Developmental Disabilities**
- > **Residential and Continuing Care Facilities for the Elderly**
- > **Community Mental Health Facilities for Children**

Who Licenses Community Care Facilities?

The California Department of Social Services (CDSS) Community Care Licensing Division licenses non-medical community-based facilities for adults and children who require assistance with the activities of daily living, or supervision and care, or both. CDSS issues licenses; conducts inspections to enforce health, safety, and program requirements; and conducts required criminal background checks of facility operators and staff. CDSS also investigates complaints regarding community care licensed facilities and staff.

Who to Contact With Questions or Concerns?

CDSS has more than 50 local offices and each licenses different types of facilities (such as child care, foster care group homes, facilities for adults and seniors). To obtain a license to operate a facility, locate a licensed facility, or submit complaints about facilities, contact the relevant local office.

Local office locations are posted on the CDSS Web site.¹ For specific CDSS licensing groups, see endnote no. 8 on the next page.

HEALTH FACILITIES

- > **Clinics**
- > **Facilities Providing High-Level Health Care to Persons With Disabilities**
- > **Home Health Agencies**
- > **Hospices**
- > **Hospitals**
- > **Nursing Homes**

Who Licenses Health Facilities?

The California Department of Public Health's Licensing and Certification (L&C) Program is responsible for the oversight of the quality of care provided in health facilities. L&C issues licenses, enforces state licensing and federal certification requirements through initial and recertification surveys (inspections), investigates complaints about the standards of care in health facilities, and promotes quality.

Who to Contact With Questions or Concerns?

If you have questions about a particular health facility, contact one of the state's 15 licensing and certification district offices.² For general questions about the L&C program, call (800) 236-9747.

MENTAL HEALTH FACILITIES

- > **Inpatient Mental Health Facilities**
- > **Residential Mental Health Treatment Programs**

Who Licenses Mental Health Facilities?

The California Department of Mental Health (DMH) licenses two types of facilities: Mental Health Rehabilitation Centers,

which provide 24-hour intensive support and rehabilitation services for adults as an alternative to state hospital placement, and Psychiatric Health Facilities, which provide inpatient services to individuals with acute mental disorders and were designed as an alternative to acute psychiatric hospitals.

DMH also certifies mental health treatment programs in facilities licensed by the California Department of Social Services (CDSS) and the California Department of Public Health (CDPH), including Social Rehabilitation Facilities and Community Treatment Facilities, and Special Treatment Programs in Skilled Nursing Facilities (sometimes called Institutions of Mental Disease).

Who to Contact With Questions or Concerns?

For general questions, call (916) 445-0459 or (916) 445-0289. DMH also operates a 24-hour complaint line: (916) 445-0288. The department's Web site³ features a list of county contacts and crisis numbers as well as licensing and certification information.⁴

SUBSTANCE-ABUSE TREATMENT FACILITIES

> Residential and Outpatient Treatment Facilities

Who Licenses Substance-Abuse Treatment Facilities?

The California Department of Alcohol and Drug Programs (ADP) licenses residential non-medical alcohol and other drug-treatment facilities. Licensure covers health and safety checks related primarily to the facility itself; site visits are required for initial licensure and biennial renewals.

ADP also licenses Narcotic Treatment Programs, which are outpatient methadone maintenance and detoxification facilities; site visits are required for the initial application and annual renewals.

Outpatient Drug Free facilities are not licensed, but they can apply to ADP for voluntary certification, which is generally sought to increase a program's credibility. Sober Living homes shelter a small number of adults who agree to abstain from drug and alcohol use, however they provide no treatment and are not regulated by any agency.

Who to Contact With Questions or Concerns?

For questions about ADP's licensed and certified programs, call (916) 322-2911; general information is available on the department's Web site.⁵ Questions about Sober Living homes should be referred to the facility; complaints may be directed to local code-enforcement authorities.

SITING ISSUES

Who Governs the Siting of Facilities?

Determining the location (siting) of community care and health facilities is governed by local land-use policies, with exceptions, and state and federal housing laws prohibiting housing discrimination against persons with disabilities. The California Fair Employment and Housing Act prohibits discrimination against persons with physical, mental, or developmental disabilities, as well as those recovering from substance abuse.⁶ Generally, local land-use agencies cannot implement policies or deny permits for facilities if those actions preclude housing for persons with disabilities. State and federal law requires such agencies to approve reasonable requests for waivers of local policies to provide persons with disabilities an equal opportunity to live in a community.

It is state policy that counties and cities shall permit and encourage residential care facility development commensurate with local need. Also, California law requires local land-use agencies to treat facilities with six or fewer beds (such as group homes) the same as other single-family homes. To avoid overconcentration of certain types of residential facilities, CDSS must deny a new license if the facility would be within 300 feet of another facility. CDSS may grant a waiver (an exception) based on special local needs and conditions and city and county approval.⁷

Who to Contact With Questions or Concerns?

Concerns should be handled first through the facility's procedures for addressing complaints. For further assistance, contact the relevant licensing agency.⁸ For non-licensed facilities, contact local land-use governing agencies. And for concerns about housing discrimination, contact the California Department of Fair Employment and Housing at (800) 233-3212.

Endnotes

1. California Department of Social Services, local licensing offices, www.cclid.ca.gov.
2. California Department of Public Health, Licensing and Certification District Offices, www.cdph.ca.gov/certlic/facilities/Pages/LCDistrictOffices.aspx.
3. California Department of Mental Health, www.dmh.ca.gov.
4. California Department of Mental Health, Licensing and Certification Unit, www.dmh.ca.gov/Services_and_Programs/Quality_Oversight/Licensing_and_Certification/default.asp.
5. California Department of Alcohol and Drug Programs, www.adp.ca.gov/Licensing/index.shtml.
6. California Department of Fair Employment and Housing, "Fair Housing: You Are Protected Under California Law!," April 2004, www.dfeh.ca.gov; U.S. Department of Justice (DOJ) and U.S. Department of Housing and Urban Development (HUD), "Joint Statement of U.S. DOJ and U.S. HUD: Group Homes, Local Land Use, and the Fair Housing Act," August 18, 1999, www.usdoj.gov/crt/housing/final8_1.php. See also California Government Code Sections 12926 and 12955.

7. As an example, see California Health and Safety Code Sections 1566, 1566.2, 1566.3, and 1520.5, www.sen.ca.gov.
8. For questions or complaints about facilities licensed or certified by state departments, contact the relevant local or state offices. For California Department of Social Services, contact the closest licensing office located through www.cclid.ca.gov or by calling, as appropriate, child care (916) 229-4500; children's residential (including group homes) (916) 445-4351; adult programs (760) 929-2121, and senior care (916) 657-2592.

Written by Michelle Baass, Mareva Brown, and Sara McCarthy. The California Senate Office of Research is a nonpartisan office charged with serving the research needs of the California State Senate and assisting Senate members and committees with the development of public policy. It was established by the Senate Rules Committee in 1969. For more information and copies of this report, please visit www.sen.ca.gov/sor or call (916) 651-1500.