

California Code, Welfare and Institutions Code

- WIC § 4094.5

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Regulations for community treatment facilities adopted pursuant to [Section 4094](#) shall include, but not be limited to, the following:

(a) Only a child with serious emotional disturbance, as defined in [Section 5699.2](#), either (1) for whom other less restrictive mental health interventions have been tried, as documented in the case plan, or (2) who is currently placed in an acute psychiatric hospital or state hospital or in a facility outside the state for mental health treatment, and who may require periods of containment to participate in, and benefit from, mental health treatment, shall be placed in a community treatment facility. For purposes of this subdivision, lesser restrictive interventions shall include, but are not limited to, outpatient therapy, family counseling, case management, family preservation efforts, special education classes, or nonpublic schooling.

(b) A facility shall have the capacity to provide secure containment. For purposes of this section, a facility or an area of a facility shall be defined as secure if residents are not permitted to leave the premises of their own volition. All or part of a facility, including its perimeter, but not a room alone, may be locked or secure. If a facility uses perimeter fencing, all beds within the perimeter shall be considered secure beds. All beds outside of a locked or secure wing or facility shall be considered nonsecure beds.

(c) A locked or secure program in a facility shall not be used for disciplinary purposes, but shall be used for the protection of the child. It may be used as a treatment modality for a child needing that level of care. The use of the secure facility program shall be for as short a period as possible, consistent with the child's case plan and safety. The department shall develop regulations governing the oversight, review, and duration of the use of secure beds.

(d) Fire clearance approval shall be obtained pursuant to [Section 1531.2 of the Health and Safety Code](#).

(e)(1) Prior to admission, a child admitted to a community treatment facility shall have been certified as having serious emotional disturbance, as defined in [Section 5699.2](#), by a licensed mental health professional.

(A) Except in the case of placement on an emergency basis, as described in [subdivision \(i\) of Section 4096](#), any child who is a dependent or ward of the juvenile court, is the subject of a petition filed pursuant to [Section 300](#), has been detained pursuant to [Section 636](#), or is voluntarily placed and the placement is funded by the Aid to Families with Dependent Children-Foster Care program, shall, prior to admission, have been determined by a county interagency placement committee to require placement in the community treatment facility, as prescribed by [subdivision \(e\) of Section 4096](#). A copy of the interagency placement committee determination shall be provided to the facility.

(B) Any child who is a dependent or ward of the juvenile court, is the subject of a petition filed pursuant to [Section 300](#), has been detained pursuant to [Section 636](#), or is voluntarily placed and the placement is funded by the Aid to Families with Dependent Children-Foster Care program, shall be assessed by a qualified individual, as defined in [subdivision \(l\) of Section 16501](#), pursuant to [subdivision \(g\) of Section 4096](#), as needing the level of care provided by a community treatment facility. The assessment by the qualified individual shall occur prior to the child's admission to the facility, or, if delaying placement for the qualified individual's assessment would be contrary to the child's well-being, within 30 days after the child began physically residing in the facility. A copy of the completed assessment shall be provided to the facility.

(C) Federal financial participation under the Medi-Cal program shall only be available if all state and federal requirements are met and the treatment is medically necessary. Federal financial participation under the Medi-Cal program shall not be claimed for medical assistance expenditures relating to minors or nonminors detained in a juvenile justice facility, unless expressly permitted under the federal law, or approved under the CalAIM Terms and Conditions as defined in [subdivision \(c\) of Section 14184.101](#) or the approved terms and conditions of a successor waiver or demonstration project.

(2) Any county cost associated with the certification and the determination provided for in paragraph (1) may be billed as a utilization review expense.

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