



California State Fire Marshal **CODE INTERPRETATION**

Date Issued	January 28, 2014	Interpretation	14-001
Topic	Group 1-4, day care facilities		
Code Section(s)	1308.5		
Requested by	Keith Richter, Fire Chief, Orange County Fire Authority		
Date Received	December 9 2013		

Questions:

1. *What is the definition of "custodial care" as it is used in the 2010 California Building Code Chapter 3, Section 308.5?*
2. *What is the definition of "supervision" and "personal care services" as it is used in the 2010 California Building Code Chapter 3, Section 308.5.1?*

OSFM response: The OSFM does not have specific regulations for defining custodial care as used in the 2010 California Building Code based on the 2009 International Building Codes model code provisions for Group I-4 adult day-care facilities. However, to provide guidance in defining such the OSFM reviewed regulations contained in California Code of Regulations (CCR) Title 22, Division 6, Chapter 3, commonly defined terms as contained in Webster's Third New International Dictionary of the English Language, Unabridged (as referenced in California Building Code, Section 201.4) and newly defined terms used in the 2012 International Building code (IBC).

The OSFM offers the following definitions for these terms as used in the 2010 California Building Code for Group I-4 occupancies:

Custodial care:

Webster's – Medical Definition of Custodial relating to care, providing, or being protective care or services for basic needs <nursing and custodial care>.

2012 IBC – Assistance with day-to-day living tasks; such as assistance with cooking, taking medication, bathing, using toilet facilities and other tasks of daily living. Custodial care include occupants who evacuate at a slower rate and/or who have mental and psychiatric complications.

Supervision:

Webster's – The action or process of watching and directing what someone does or how something is done: the action or process of supervising someone or something.

Personal care services:

2012 IBC – The care of persons who do not require medical care. Personal care involves responsibility for the safety of the persons while inside the building.

CCR, Title 22 – Additionally not specifically referenced in the code for Group I-4 day-care facilities, CCR, Title 22, Section 82001(c)(3) and the 2010 CBC provide the following definition of Care and Supervision:

"Care and Supervision" means any one or more of the following activities provided by a person or day program to meet the needs of the clients:

- (A) Assistance in dressing, grooming, bathing and other personal hygiene.*
- (B) Assistance with taking medication, as specified in Section 82075.*
- (C) Central storing or distribution of medications, as specified in Section 82075.*
- (D) Arrangement of and assistance with medical and dental care.*
- (E) Maintenance of day program rules for the protection of clients.*
- (F) Supervision of client schedules and activities.*
- (G) Maintenance or supervision of client cash resources or property.*
- (H) Monitoring food intake or special diets.*
- (I) Providing basic services as defined in Section 82001(b).*

The above definition for "care and supervision" is a more detailed definition than that of "personal care services" and "supervision"; it does not change the intent of the base model code when applied to adult day-care.

As a result of this review, the OSFM will be readdressing these terms in a future rulemaking to provide clarification and consistency. The OSFM in the adoption of the IBC model code, which form the base for the California Building Code, does not change the intent of the base model code except where in conflict with other state statute or regulations. It does not appear that these terms as defined above are in direct conflict and should be adopted. Personal care services may however, be amended to correlate or reference the CCR, Title 22 definition of "care and supervision.