

Notice of Intent

Department of Children and Family Services

Licensing Section

**Suspension of License Renewal Fees - Child Residential Care
Class B, Residential Homes (Type IV), Child Placing Agencies-
General Provisions, and Juvenile Detention
(LAC 67:V.6953, 7103, 7303, and 7503)**

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953 (A) and R.S. 46:1407 (D), the Department of Children and Family Services (DCFS) proposes amend LAC 67, Part V, Subpart 8, Chapter 69, Child Residential Care, Class B, Section 6953; Chapter 71, Residential Homes-Type IV, Section 7103; Chapter 73, Child Placing Agencies, Section 7303; and Chapter 75, Juvenile Detention Facilities, Section 7503.

In accordance with HCR 71 of the 2020 Legislative Session, it is necessary to promulgate a Rule to implement a temporary suspension of license renewal fees for a limited period of time. During their 2020 Regular Session, the Louisiana Legislature adopted House Concurrent Resolution 71 which directs state agencies to adopt a rule to suspend the collection of license renewal fees for existing businesses based in Louisiana for renewals due from July 1, 2020 through June 30, 2021 as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19. This rule is necessary to comply with the legislative mandate in House Concurrent Resolution 71 of the 2020 Regular Session of the Louisiana Legislature.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 69. Child Residential Care, Class B

§6953. Authority

A. ...

1. In accordance with HCR 71 of the 2020 Legislative Session, license renewal fees due from July 1, 2020 through June 30, 2021 are hereby suspended for existing residential homes located in Louisiana as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1565 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2740 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1617 (August 2009), amended LR 36:331 (February 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:66 (January 2013), amended by the Department of Children and Family Services, Licensing Section, LR 46:

Chapter 71. Residential Homes - Type IV

§7103. Authority

A. Legislative Provisions

1. 1.a. ...

2. In accordance with HCR 71 of the 2020 Legislative Session, license renewal fees due from July 1, 2020 through June 30, 2021 are hereby suspended for existing residential homes located in Louisiana as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social

Services, Office of Community Service, LR 36:805 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:67 (January 2013), amended by the Department of Children and Family Services, Licensing Section, LR 43:246 (February 2017), LR 46:

Chapter 73. Child Placing Agencies—General Provisions

§7303. Authority - Foster Care, Adoption, Transitional Placing

A. - A.6. ...

7. In accordance with HCR 71 of the 2020 Legislative Session, license renewal fees due from July 1, 2020 through June 30, 2021 are hereby suspended for existing child placing agencies located in Louisiana as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19.

B. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:352 (March 2019), effective April 1, 2019, amended LR 46:

Chapter 75. Juvenile Detention Facilities

§7503. Authority

A. Legislative Provisions

1. ...

2. In accordance with HCR 71 of the 2020 Legislative Session, license renewal fees due from July 1, 2020 through June 30, 2021 are hereby suspended for existing juvenile detention facilities located in Louisiana as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19.

B. - C.1.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1559 (July 2012), amended LR 39:1006 (April 2013), effective July 1, 2013, repromulgated LR 39:1264 (May 2013), amended by the Department of Children and Family Services, Licensing Section, LR 46:

Family Impact Statement

The proposed rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

The proposed rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through December 29, 2020, to Angie Badeaux, Licensing Program Director, Department of Children and Family Services, P. O. Box 3078, Baton Rouge, LA, 70821.

Public Hearing

A virtual public hearing on the proposed rule will be held at 9:00 a.m. on December 29, 2020, by the Department of Children and Family Services. All interested persons will be afforded an

opportunity to submit data, views, or arguments via PC, Mac,
Linux, iOS or Android at
<https://stateofladcfs.zoom.us/j/91858170481>; or via telephone by
dialing (713)353-0212 and entering conference code 430033. To
find local AT&T numbers visit
<https://www.teleconference.att.com/servlet/glbAccess?process=1&accessNumber=7133530212&accessCode=848054>. Individuals with
disabilities who require special services should contact the
DCFS Appeals Unit at least seven working days in advance of the
hearing. For assistance, call (225) 342-4120 (Voice and TDD).



Marketa Garner Walters
Secretary

NOV 4, 2020

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Person Preparing Statement: Angie Badeaux Department: Children and Family Services
 Phone: 225-620-6702 Office: Office of the Secretary
 Return Address: 627 N. 4th Street, P.O. Box 3078 Rule Title: Suspension of License Renewal Fees –
 Child Residential Care Class B,
 Residential Homes (Type IV), Child
 Placing Agencies—General Provisions,
 and Juvenile Detention
 Date Rule Takes Effect: March 1, 2021

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENT'S SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

In FY 21, this rule change is anticipated to increase the expenses of the Department of Children and Family Services (DCFS) by \$2,130 (\$980 State General Funds and \$1150 Federal Funds) for publication costs.

This rule amends LAC 67, Part V, Subpart 8, Chapter 69, Child Residential Care, Class B, Section 6953; Chapter 71, Residential Homes-Type IV, Section 7103; Chapter 73, Child Placing Agencies, Section 7303; and Chapter 75, Juvenile Detention Facilities, Section 7503. In accordance with HCR 71 of the 2020 Legislative Session, the proposed rule suspends license renewals for the period July 1, 2020 through June 31, 2021 that are imposed on existing businesses located in Louisiana as a part of a response to and way to help businesses reopen and recover from COVID-19.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule will reduce the revenue collections of DCFS by approximately \$27,650 in licensing fees for FY21. This estimate was calculated as follows:
 37 child placing agencies x \$50 licensing fee = \$1,850
 12 juvenile detention facilities x \$600 licensing fee = \$7,200
 1 juvenile detention facility x \$500 licensing fee = \$500
 10 residential homes x \$400 licensing fee = \$4,000
 9 residential homes x \$500 licensing fee = \$4,500
 16 residential home x \$600 licensing fee = \$9,600
 This totals \$27,650.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

This proposed rule will have an impact on businesses that pay licensing fees to DCFS. These businesses will not have to pay licensing fees in FY21 in an effort to help them recover from COVID-19.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment.

Terri Porche Ricks 11-4-20

Signature of Agency Head or Designee

Date

Terri Ricks, Deputy Secretary
 Typed Name and Title of Agency Head or Designee

Eric Horent
 DCFS Undersecretary



LEGISLATIVE FISCAL OFFICER
 OR DESIGNEE

11/10/20
 DATE OF SIGNATURE

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated)

The rule proposes to suspend the collection of license renewal fees for existing businesses based in Louisiana for renewals due from July 1, 2020 through June 30, 2021 as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19.

- B. Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

In accordance with HCR 71 of the 2020 Legislative Session, it is necessary to promulgate a Rule to implement a temporary suspension of license renewal fees for a limited period of time.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

There will be no increase in expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) Yes. If yes, attach documentation.

(b) No. If no, provide justification as to why this rule change should be published at this time.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 20-21	FY 21-22	FY 22-23
Personal Services	\$2,130 Rulemaking	\$0	\$0
Operating Expenses	\$0	\$0	\$0
Professional Services	\$0	\$0	\$0
Other Charges	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
Major Repair & Constr.	\$0	\$0	\$0
Total	\$2,130 Rulemaking	\$0	\$0
Positions (#)			

2. Provide a narrative explanation of the costs or savings shown in "A.1.," including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The only cost of this proposed rule is the cost of publishing rulemaking which is estimated to be approximately \$2,130 (\$980.00 Federal and \$1150.00 State).

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 20-21	FY 21-22	FY 22-23
State General Fund	\$980	\$0	\$0
Agency Self-Generated	\$0	\$0	\$0
Federal Funds	\$1150	\$0	\$0
Dedicated	\$0	\$0	\$0
Other (Specify)	\$0	\$0	\$0
Total	\$2,130	\$0	\$0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The department currently has sufficient funds to implement the proposed action.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There are no proposed impact to governmental units resulting from this rule.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these cost or savings.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

Revenue Increase/Decrease	FY 20-21	FY 21-22	FY 22-23
State General Fund	\$0	\$0	\$0
Agency Self-Generated	-\$27,650	\$0	\$0
Dedicated Funds *	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0
Total	-\$27,650	\$0	\$0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A."
Describe all data, assumptions, and methods used in calculating these increases or decreases.

The Department collects approximately \$27,650 per fiscal year in licensing fees, which are suspended by the implementation of this rule.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

This proposed rule will have an impact on businesses that pay licensing fees to DCFS. These businesses will not have to pay licensing fees in FY21 in an effort to help them recover from COVID-19.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

It is estimated that these businesses will pay \$27,650 less in fees to DCFS in FY21.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

There is no anticipated impact on competition and employment in the public or private sectors.