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## State of Louisiana

Department of Social Services  
Office of Community Services  
Residential Licensing and Regulatory Services

November 12, 2009

Dear Residential Care Provider,

As you are aware, The Department of Social Services has implemented steps to reform Residential Care Licensing. As this process moves forward, Residential Licensing believes that uniformity for our providers and better defined procedures for our licensing staff will enhance our continued efforts to promote the health and safety of the children that we all serve. Our goal is to communicate with you and provide support to you regarding how decisions are made within OCS Residential Licensing.

In order to achieve more effective and consistent enforcement decisions and actions, we are implementing a new system for evaluating non-compliance in a more quantitative and qualitative manner. As part of this process, we will be reviewing and charting the history of non-compliance for each licensed facility based on new criteria. *Serious, Numerous, or Repeated* non-compliance will be assessed and identified in the new framework as defined below. The framework is a guide to assessing centers, as there is no substitute for expertise in the regulatory process, through licensing administrative review process. The process allows for flexibility in decision making and is a tool as DSS reserves the right to revoke a license based on a one time serious incident.

### **SERIOUS Non-Compliance Deficiencies**

"Serious" non-compliance is evidenced by a Class A or B facility's non-compliance with a licensing requirement that exposes residents to conditions that present, or have the potential of presenting, an imminent risk of harm or actual harm to residents, depending on severity. Serious areas of non compliance include, but are not limited to deficiencies in the following areas:

- Child/staff ratio
- Failure to report a Suspected incident of resident Abuse or Neglect
- Fire and Health Approval
- Supervision of Residents
- Violation of Children or Resident's Rights
- Prohibited disciplinary actions
- Failure to use passenger restraints when transportation is provided

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- Hazards (physical plant, electrical, etc)
- Failure to obtain Criminal background clearance regarding facility staff
- Administering medication to Children or Residents without authorization or training
- CPR/First Aid Certification of facility staff
- Liability Insurance
- Falsifying licensing or provider documents
- Any validated instance of corporal punishment, physical punishment, cruel, severe, or unusual punishment, physical or sexual abuse and/or neglect if the owner is responsible or if the employee who is responsible remains in the employment of the provider;
- Any other activity that places the health, safety, or morals of residents at risk, whether are not on facility premises, property, or vehicle.

### **NUMEROUS Non-Compliance Deficiencies**

“Numerous” non-compliance is evidenced by a facility’s documented non-compliance with licensing requirements in any one licensure visit for a Class A or Class B facility.

### **REPEATED Non-Compliance**

“Repeated” non-compliance is the documentation of non-compliance with the same licensing requirement

All licensed centers will be reviewed on an ongoing basis based on the above described framework. Enforcement Actions taken by the agency will be decided based on these new criteria. Non compliance threatening the health and safety of provider residents may result in immediate license revocation.

Please remember that in early September 2009, The Department of Social Services issued an emergency rule that disqualifies any child care or residential care facility from reapplying for a new license for a period of two (2) years if a facility’s licensure application is denied or if the facility’s license is revoked, not renewed, or voluntarily surrendered to avoid adverse action due to the provider’s failure to comply with state statutes and licensing rules.

The health and safety of the children placed in out-of-home care is of paramount concern to the Department of Social Services Residential Licensing and Regulatory Section. Licensing specialists are available to assist you in identifying strategies to improve compliance with all of the licensing requirements. To schedule,

Page 3

please contact our licensing section at 225-342-9734 or by email at [OCS Licensing & Regulatory Section](#).

For information on DSS' reform efforts in the advancement of Child Residential licensing and quality Child Care for children, visit [www.dss.louisiana.gov](http://www.dss.louisiana.gov).

Sincerely,

Guy Sylvester  
Program Manager  
OCS Residential Licensing