

NOTICE OF INTENT

Department of Children and Family Services

**Division of Programs
Licensing Section**

Health Status

(LAC 67:V.7313 and 7315)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953 (A), the Department of Children and Family Services (DCFS) proposes to amend LAC 67:V, Subpart 8, Chapter 73 Child Placing Agencies - General Provisions, Sections 7313 and 7315.

The proposed rule provides for the expansion of the number of potential applicants which enables the department to certify additional foster and adoptive parents who will provide a safe and nurturing environment for our most vulnerable children. The proposed rule allows potential applicants that were previously excluded because of their health status to become certified foster or adoptive parents. The potential applicant must have a signed statement by a licensed physician or health care professional verifying that their health status is under medical care and does not present a health or safety risk to a child placed in their home. The previous policy was more restrictive than necessary to ensure the health and safety of children placed in foster homes, therefore a change was needed.

This action was made effective by an Emergency Rule dated and effective February 26, 2016.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 73. Child Placing Agencies - General Provisions

§7313. Foster Care Services

A. - B.2.d.iv.(a). ...

v. health;

(a). a statement for each member of the applicant's household ~~that shall be~~ signed by a licensed physician

or licensed health care professional verifying that the individual:

(i). ~~is free of a communicable or infectious disease; and~~ has no past nor present physical or mental illness or condition that would present a health or safety risk to a child placed in the applicant's home;

(ii). ~~has no illness or condition that would present a health, to include past and present mental health, or safety risk to a child placed in the applicant's home;~~ is physically able to provide necessary care for a child; and

(iii). ~~is physically able to provide necessary care for a child;~~ is free of a communicable or infectious disease or if not free of a communicable or infectious disease, there shall be a signed statement by the licensed treating physician or licensed treating health care professional verifying the following:

[a]. the individual is under the care of a licensed physician or licensed health care professional; and

[b]. the present condition does not present a health or safety risk to a child placed in the applicant's home.

B.2.e. - C.5.b.vii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and ACT 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:833 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:985 (April 2012), LR 42:

§7315. Adoption Services

A. - F.2.d.iv.(a). ...

v. health:

(a). a statement for each member of the

applicant's household ~~that shall be~~ signed by a licensed physician or licensed health care professional verifying that the individual:

(i). ~~is free of a communicable or infectious disease;~~ has no past nor present physical or mental illness or condition that would present a health or safety risk to a child placed in the applicant's home;

(ii). ~~has no illness or condition that would present a health, to include past and present mental health, or safety risk to a child placed in the applicant's home;~~ and is physically able to provide necessary care for a child; and

(iii). ~~is physically able to provide necessary care for a child;~~ is free of a communicable or infectious disease or if not free of a communicable or infectious disease, there shall be a signed statement by the licensed treating physician or licensed treating health care professional verifying the following:

[a]. the individual is under the care of a licensed physician or licensed health care professional; and

[b]. the present condition does not present a health or safety risk to a child placed in the applicant's home.

F.2.e. - J.4.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and ACT 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section LR 37:842 (March 2011), LR 42:

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 Impact Statement

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 July 26, 2016, to Rhenda Hodnett, Deputy Secretary of Child Welfare, Department of Children and Family Services, P.O. Box 3776, Baton Rouge, LA 70821.

Public Hearing

A public hearing on the proposed rule will be held on July 26, 2016 at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit or Division of Administrative Law at least seven working days in advance of the hearing. For assistance, call (225)342-4120 (Voice and TDD).

Marketa Garner Walters
Secretary

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

Person Preparing Statement:	<u>Angie Badeaux</u>	Department:	<u>Children and Family Services</u>
Phone:	<u>225-342-4350</u>	Office:	<u>Division of Programs</u>
Return Address:	<u>627 N. 4th St., P.O. Box 3078 Baton Rouge, LA 70802</u>	Rule Title:	<u>Health Status</u>
		Date Rule Takes Effect:	<u>October 1, 2016</u>

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 STATEMENTS 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)

The proposed rule amends LAC 67:V, Subpart 8, Chapter 73 Child Placing Agencies – General Provisions, Sections 7313 and 7315 to expand the number of potential foster and adoptive parent applicants. The proposed rule allows potential applicants that were previously excluded because of their health status to become certified foster or adoptive parents. The potential applicant must have a signed statement by a licensed physician or health care professional verifying that their health status is under medical care and does not present a health or safety risk to a child placed in their home. The previous policy was more restrictive than necessary to ensure the health and safety of children placed in foster homes, therefore a change was needed.

Although the proposed rule may increase the number of certified foster or adoptive parents, the rule does not increase cost, as all children entering the foster system are placed. The proposed rule expands the foster and adoptive parent pool; thereby allowing DCFS additional placement options for children entering the foster care system.

The cost of publishing rulemaking is approximately \$1,491 (Federal) in FY 15-16. This is a one-time cost that is routinely included in the department's operating budget.

II. Estimated Effect on Revenue Collections of State or Local Governmental Units (Summary)

Implementation of this rule will have no effect on state or local revenue collections.

III. Estimated Costs and/or Economic Benefits to Directly Affected Persons or Non-Governmental Groups (Summary)

The proposed rule may increase the number of potential applicants, which enables the department to certify additional foster and adoptive parents that will provide a safe and nurturing environment to children placed in foster care.

IV. Estimated Impact on Competition and Employment (Summary)

There is no estimated impact on competition and employment.

Signature of Agency Head
or Designee

Date

LEGISLATIVE FISCAL OFFICER
OR DESIGNEE

Rhenda Hodnett, Deputy Secretary
Typed Name and Title of Agency Head

DATE OF SIGNATURE

DCFS Undersecretary