

NOTICE OF INTENT

Department of Children and Family Services

Licensing

**Sanctions, Child Placing Supervisory Visits, and Specialized
Provider Provisions
(LAC 67:V.6712, 6962, 7109, 7111, 7112, 7117, 7309, 7311, 7313,
7314, 7315, 7319, 7321 and 7508)**

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, Sections 6712, 6962, 7109, 7111, 7112, 7117, 7309, 7311, 7313, 7314, 7315, 7319, 7321 and 7508.

The implementation of this rule to Sections 7109, 7111, and 7311 places in the rule, the authority of the Department to institute intermediate sanctions and levy fines against licensed providers that fail to comply with the requirement of a state central registry clearance for individuals owning, working in, and having access to children/youth in DCFS licensed facilities and agencies. In accordance with R.S. 46:1430, as amended by Act 31 of the 2021 Regular Legislative Session, it is necessary to promulgate this rule to make permanent the implementation of R.S. 46:1430 which was effective August 1, 2021.

Pursuant to Children's Code Article 1213, as amended by Act 6 of the 2021 Regular Legislative Session, the department is adopting rules to Sections 7313 and 7321 to make permanent the emergency rule in accordance with the required law which was effective August 1, 2021. The department considers action necessary to meet the requirements of Act 6 of the 2021 Regular Legislative Session.

In addition, the department proposes to amend Sections 6712, 6962, 7112, 7117, 7309, 7314, 7315, 7319, and 7508. The proposed rule requires individuals to request a state central registry clearance every 5 years if the individual resides in a

state other than Louisiana. The current rule only requires submission if the individual is a resident of Louisiana. Section 7117 allows a nurse practitioner to complete a medical examination, in addition to a physician. Section 7314 removes the term children of residents from the rule as this is not a term associated with child placing agency regulations. In addition, Section 7319 clarifies the requirements of a legally married couple when applying to become a foster/adoptive parent.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 67. Maternity Home

§6712. State Central Registry

A. - A.2. ...

3. In accordance with R.S. 46:1414.1, an inquiry of the State Central Registry for all owners and operators shall be conducted prior to a license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. The Louisiana State Central Registry clearance form shall be dated no earlier than 45 days prior to the application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner. For states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to application being received by the licensing section or the addition of a new board member who meets the definition of an owner; however, individuals who continue to reside outside of the state of Louisiana but own/operate a maternity home in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial application being received by the Licensing Section. A

request for a state central registry clearance from the state in which the owner/operator resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the maternity home.

a. - 4.a. ...

~~b. The out of state clearance forms shall be dated no earlier than 120 days prior to the application being received by the Licensing Section; however, individuals who continue to reside outside of the state of Louisiana but own/operate a maternity home in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial application being received by the Licensing Section.~~

5. - B.1.b. ...

c. In accordance with R.S. 46:1414.1, an inquiry of the State Central Registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire. Staff (paid, non-paid, and volunteers) persons who have resided in another state within the ~~preceeding~~ preceding five years, provider shall request a check and obtain State Central Registry clearance from that state's child abuse and neglect registry. Louisiana State Central Registry clearance forms shall be dated no earlier than 45 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to residents and/or infants of residents. Other states' State Central Registry clearance forms shall be dated no earlier than 120 days prior to the staff (paid, non-paid, and volunteers) being present on the

premises or having access to residents and/or infants of residents ; however, individuals who continue to reside outside of the state of Louisiana but volunteer with or work for the maternity home or with residents and/or infants of residents in the state of Louisiana, their clearances shall be dated prior to hire and/or providing services to residents and/or infants of residents, but no earlier than 45 days of hire or providing services. A request for a state central registry clearance from the state in which the staff/volunteer resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed maternity home.

i. - C.l.c.i. ...

d. Louisiana State Central Registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to residents and/or infants of residents. Other states' State Central Registry clearance information shall be dated no earlier than 120 days prior to the individual providing services or having access to residents and/or infants of residents however, individuals who continue to reside outside of the state of Louisiana but contract with or provide services for the maternity home or with residents and/or infants of residents in the state of Louisiana, their clearances shall be dated prior to hire and/or providing services to residents and/or infants of residents, but no earlier than 45 days of hire or providing services. A request for a state central registry clearance from the state in which the contractor resides shall be submitted by provider every five years prior to the date noted on the most

current clearance and at any time upon the request of DCFS. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed maternity home.

e. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:516 (April 2019), effective May 1, 2019, LR 46:672 (May 2020), effective June 1, 2020, LR 47:

Chapter 69. Child Residential Care, Class B

§6962. State Central Registry

A. - A.2. ...

3. In accordance with R.S. 46:1414.1, an inquiry of the State Central Registry for all owners and operators shall be conducted prior to a license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. The Louisiana State Central Registry clearance form shall be dated no earlier than 45 days prior to the application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner. For states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to the application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner; however, individuals who continue to reside outside of the state of Louisiana, but own/operate a residential home in Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial application being received by the Licensing Section. A

request for a state central registry clearance from the state in which the owner/operator resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the residential home.

a. - B.1.b. ...

c. In accordance with R.S. 46:1414.1, an inquiry of the State Central Registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire. Staff (paid, non-paid, and volunteers) persons who have resided in another state within the ~~proceeding~~ preceding five years, provider shall request a check and obtain State Central Registry clearance from that state's child abuse and neglect registry. Louisiana State Central Registry clearance forms shall be dated no earlier than 45 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to children/youth. Other states State Central Registry clearance forms shall be dated no earlier than 120 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to children/youth; however, individuals who continue to reside outside of the state of Louisiana, but volunteer with and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth. A request for a state central registry clearance from the state in which the staff/volunteer resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS. No person who is

recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

i. - C.1.c.i. ...

d. Louisiana State Central Registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth. Other state's State Central Registry clearance information shall be dated no earlier than 120 days prior to the individual providing services or having access to children/youth; however, individuals who continue to reside outside of the state of Louisiana, but contract with and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth. A request for a state central registry clearance from the state in which the contractor resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

e. - D.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:510 (April 2019), effective May 1, 2019, LR 46:688 (May 2020), effective June 1, 2020, LR 47:

Chapter 71. Residential Homes - Type IV

§7109. Critical Violations/Fines

A. - A.5. ...

6. §7107.A.8, §7107.A.9, §7107.D.4.f.iv., §7107.E.2.g, §7111.A.2.c.iii, §7111.A.5.c, §7111.B.2.a.x, §7112.A-D, and/or §7117.A.14.k state central registry clearance effective August 1, 2021.

B. - E.1.k. ...

1. When the cited critical violation was for a state central registry clearance not being completed prior to hire as required, but obtained before the individual was on the premises and/or had access to a resident or child of a resident, the fine shall be decreased by \$25.

m. When the cited critical violation was for state central registry clearance not being completed prior to the individual being on the premises and/or having access to a resident or child of a resident, the fine shall be increased by \$25.

F. - H.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:258 (February 2017), amended LR 43:1725 (September 2017), LR 44:1991 (November 2018), effective December 1, 2018, amended by the Department of Children and Family Services, Licensing Section, LR 45:521 (April 2019), effective May 1, 2019, LR 46:674 (May 2020), effective June 1, 2020, LR 47:

§7111. Provider Requirements

A. - A.2.c.ii. ...

iii. have a state central registry ~~notification~~ clearance form from Child Welfare as required in §7112;

iv. - J.1. ...

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 36:811 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:979, 984 Title 67, Part V 247 Louisiana Administrative Code April 2021 (April 2012), LR 42:221 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:261 (February 2017), LR 43:1725 (September 2017), LR 44:1992 (November 2018), effective December 1, 2018, amended by the Department of Children and Family Services, Licensing Section, LR 45:521 (April 2019), effective May 1, 2019, LR 46:674 (May 2020), effective June 1, 2020, LR 47:

§7112. State Central Registry

A. - A.2. ...

3. In accordance with R.S. 46:1414.1, an inquiry of the State Central Registry for all owners and operators shall be conducted prior to a license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. The Louisiana State Central Registry clearance form shall be dated no earlier than 45 days prior to the initial application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner. For states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to the initial application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner; however, individuals who continue to reside outside of the state of Louisiana but own/operate a residential home in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial application being received by the Licensing

Section. A request for a state central registry clearance from the state in which the owner/operator resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the residential home.

a. - B.1.b. ...

c. In accordance with R.S. 46:1414.1, an inquiry of the State Central Registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire. Staff (paid, non-paid, and volunteers) persons who have resided in another state within the preceding ~~proceeding~~ five years, provider shall request a check and obtain State Central Registry clearance from that state's child abuse and neglect registry. Louisiana State Central Registry clearance forms shall be dated no earlier than 45 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to residents and/or children of residents. Other states' State Central Registry clearance forms shall be dated no earlier than 120 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to residents and/or children of residents; however, individuals who continue to reside outside of the state of Louisiana and volunteer with and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to residents and/or children of residents. A request for a state central registry clearance from the state in which the staff/volunteer resides shall be submitted by provider every five years prior to the date noted on the most current

clearance and at any time upon the request of DCFS. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

i. - C.1.c.i. ...

d. Louisiana State Central Registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to residents and/or children of residents. Other states' State Central Registry clearance information shall be dated no earlier than 120 days prior to the individual providing services or having access to children/youth; however, individuals who continue to reside outside of the state of Louisiana and provide services for and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to residents and/or children of residents. A request for a state central registry clearance from the state in which the contractor resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

e. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:521 (April 2019), effective May 1, 2019, LR 46:674 (May 2020), effective June 1, 2020, LR 47:

§7117.Provider Services

A. - D.1.a.viii. ...

2. Medical Care

a. The provider shall ~~arrange~~ ensure that a medical examination by a physician or nurse practitioner for the resident or child of a resident is conducted within a week of admission unless the resident or child of a resident has received such an examination within 30 days before admission and the results of this examination are available to the provider. If the resident or child of a resident is being transferred from another residential home and has had a ~~physical~~ medical examination within the last 12 months, a copy of this examination may be obtained to meet the requirement of the admission medical examination~~physical~~. The ~~physical~~ medical examination shall include:

i. - F.19. ...

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 36:823 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:985 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 43:278 (February 2017), LR 43:1725 (September 2017), LR 46:675 (May 2020), effective June 1, 2020, LR 47:

Chapter 73. Child Placing Agencies—General Provisions

§7309. Background Checks

A. - B.2. ...

3. In accordance with R.S. 46:1414.1, an inquiry of the State Central Registry for all owners and operators shall be conducted prior to a license being issued or if currently licensed, prior to the addition of a new board member who meets

the definition of an owner. The Louisiana State Central Registry clearance form shall be dated no earlier than 45 days prior to the application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner. For states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to the application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner; however, individuals who continue to reside outside of the state of Louisiana but own/operate a child placing agency in Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial application being received by the Licensing Section. A request for a state central registry clearance from the state in which the owner/operator resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the child-placing agency.

a. - 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 45:357 (March 2019), effective April 1, 2019, LR 46:679 (May 2020), effective June 1, 2020, LR 47:

§7311. Licensing Requirements—Foster Care, Adoption, Transitional Placing

A. - B.5.g.v. ...

vi. if an individual resided in a state

other than Louisiana in the previous five years, State Central Registry clearance from those states dated no earlier than 120 days prior to hire; however, individuals who continue to reside outside of the state of Louisiana and work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth or if a currently hired staff person assuming the position of program director, then a copy of the SCR clearance which is on file for individual's previous position with the agency. A request for a state central registry clearance from the state in which the director resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS.

h. - D.2.r. ...

s. documentation of out of State Central Registry clearance forms for owners dated no earlier than 120 days prior to the CHOL application being received by the Licensing Section as noted in §7309.B ; however, individuals who continue to reside outside of the state of Louisiana but own/operate a child placing agency in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial CHOL license, but no earlier than 45 days prior to the initial application being received by the Licensing Section. A request for a state central registry clearance from the state in which the owner resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS.

t. - u. ...

v. documentation of out of State Central Registry clearance forms for foster/adoptive parents and household members age 18 years and older, excluding youth in

DCFS custody, dated no earlier than 120 days prior to the CHOL application being received by the Licensing Section as noted in §7315.C; however, for household members over the age of 18 years who continue to reside outside of the state of Louisiana, but their official domicile is a certified foster/adoptive home in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial CHOL application being received by the Licensing Section; A request for a state central registry clearance from the state in which the household member resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS.

w. - x. ...

y. documentation of out of State Central Registry clearance forms for staff (paid, non-paid, and volunteers) and contractors dated no earlier than 120 days prior to the application being received by the Licensing Section as noted in §7313.I.9.and/or §7313.M.1., as applicable; however, individuals who continue to reside outside of the state of Louisiana, but volunteer with, provide services for, and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth. A request for a state central registry clearance from the state in which the staff/contractor resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS.

z. - E.2.q. ...

r. documentation of out of State Central Registry clearance forms for owners dated no earlier than 120 days prior to the CHOW application being received by the

licensing section as noted in §7309.B-; however, individuals who continue to reside outside of the state of Louisiana but own/operate a child placing agency in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial CHOW application being received by the Licensing Section. A request for a state central registry clearance from the state in which the owner resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS.

s. - t. ...

u. documentation of out of State Central Registry clearance forms for staff (-paid, non-paid, and volunteers) and contractors dated no earlier than 120 days prior to the CHOW application being received by the Licensing Section as noted in §7313.I.10.and/or §7313.M.2., as applicable,÷ however, individuals who continue to reside outside of the state of Louisiana but volunteer with, provide services for, and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth. A request for a state central registry clearance from the state in which the staff/contractor resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS.

v. - w. ...

x. documentation of out of State Central Registry clearance forms for foster/adoptive parents and household members age 18 years and older, excluding youth in DCFS custody, dated no earlier than 120 days prior to the application being received by the Licensing Section as noted in §7315.C-; however; for household members over the age of 18

years who continue to reside outside of the state of Louisiana, but their official domicile is a certified foster/adoptive home in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial CHOW application being received by the Licensing Section. A request for a state central registry clearance from the state in which the household member resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS.

y. - M.1. ...

a. §7309.A, §7309.C.1-9, §7309.D.1-4, §7311.B.5.d.vi-vii., §7311.B.5.g.iv., §7311.B.5.h.v., §7311.C.2.g, §7313.I.9, §7313.L.5, §7313.M.1, §7314.A-G, ~~and/or~~ §7315.B, and/or §7321.J.1-2 - criminal background check;

b. - c. ...

d. §7309.B., §7311.B.5.d.viii, §7311.B.5.g.v. - vi, §7311.B.5.h.iv, §7311.C.2.h, §7313.I.10, §7313.L.6, §7313.M.2, §7315.C., and/or §7321.J. 1-2 - state central registry clearance effective August 1, 2021.

2. - M.7.i. ...

j. When the cited critical violation was for a state central registry clearance not being completed prior to hire as required, but obtained before the individual was on the premises and/or had access to a child/youth, the fine shall be decreased by \$25.

k. When the cited critical violation was for state central registry clearance not being completed prior to the individual being on the premises and/or having access to a child/youth, the fine shall be increased by \$25.

8. - N.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477

and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:359 (March 2019), effective April 1, 2019, LR 46:681 (May 2020), effective June 1, 2020, amended LR 47:350 (March 2021), effective April 1, 2021, repromulgated LR 47:441 (April 2021), LR 47:

§7313. Administration and Operation

A. - H.6.d. ...

7. Effective April 1, 2019, staff conducting supervisory visits with foster/~~adoptive~~ parents, ~~and/or~~ children/youth in certified foster home placements, and/or youth in transitional placing placements shall possess, at a minimum, a bachelor's degree in social work or a human service related bachelor's degree.

8. Effective August 1, 2021 in accordance with Act 6 of the 2021 Regular Legislative Session, all supervisory visits noted in Section 7321. H. shall be conducted by a social worker in the employ of the licensed adoption agency, licensed social worker, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and family therapist.

I. - I.10.b. ...

c. In accordance with R.S. 46:1414.1, an inquiry of the State Central Registry for all staff (paid, non-paid and volunteer staff) shall be conducted prior to employment being offered to a potential hire. Staff persons who have resided in another state within the ~~preceeding~~ preceding five years, provider shall request a check and obtain State Central Registry clearance from that state's child abuse and neglect registry. Louisiana State Central Registry clearance forms shall be dated no earlier than 45 days prior to the staff being present on the premises or having access to children/youth.

Other states' State Central Registry clearance forms shall be dated no earlier than 120 days prior to the staff being present on the premises or having access to children/youth; however, individuals who continue to reside outside of the state of Louisiana, but volunteer with and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth. A request for a state central registry clearance from the state in which the staff resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed child-placing agency.

i. - J.7. ...

8. All staff hired effective January 1, 2022 whose job duties will include working with foster/adoptive parents, birth parents, children and youth and their adoptive or kinship families or conducting/approving home studies shall complete the NTI Training for Child Welfare Professionals (20 hours) offered by the National Adoption Competency Mental Health Training Initiative available at <https://adoptionssupport.org/nti/> prior to working unsupervised with foster/adoptive parents, birth parents, children and youth and their adoptive or kinship families or conducting/approving home studies. Documentation of training shall be the certificate obtained upon successful completion of the training.

K. - K.6. ...

7. All staff hired prior to January 1, 2022 who currently work with foster/adoptive parents, birth parents, children and youth and their adoptive or kinship families or

conduct/approve home studies shall complete the NTI Training for Child Welfare Professionals (20 hours) offered by the National Adoption Competency Mental Health Training Initiative available at <https://adoptionssupport.org/nti/> by March 31, 2022.

Documentation of training shall be the certificate obtained upon successful completion of the training. If an adoption competency training other than the NTI training was previously completed by staff prior to January 1, 2022, provider shall submit the certificate obtained upon successful completion of the training as well as a description of the topics/areas addressed in the training to DCFS for approval by January 31, 2022.

L. - M.2.c.i. . . .

d. Louisiana State Central Registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth. Other states' State Central Registry clearance information shall be dated no earlier than 120 days prior to the individual providing services or having access to children/youth; however, individuals who continue to reside outside of the state of Louisiana, but contract with and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth. A request for a state central registry clearance from the state in which the contractor resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed child-placing agency.

e. - U.5. . . .

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 45:368 (March 2019), effective April 1, 2019, LR 46:683 (May 2020), effective June 1, 2020, LR 47:351 (March 2021), effective April 1, 2021, repromulgated LR 47:441 (April 2021).

§7314. Criminal Background Checks

A. - E.4. ...

5. Upon notification that the contractor has been convicted of a crime listed in 15:587.1(C), the individual shall no longer be eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after notification has been made indicating that the contract has been terminated and the individual is no longer allowed access to the children/youth ~~or children of residents~~. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. - F. ...

1. Contractors hired to perform work which does not involve any contact with children/youth ~~residents or children of residents~~, shall not be required to have a criminal background check if accompanied at all times by a staff person when ~~residents or children of residents~~ children/youth are present in the agency facility.

2. A person shall not be deemed a contractor if he/she is a staff person of the ~~facility~~ agency.

3. Contractors hired to perform work which involves contact with children/youth ~~residents or children of residents~~, shall be required to have documentation of a satisfactory fingerprint-based criminal background check through the Federal Bureau of Investigation (FBI) as required by R.S. 15:587.1 and

R.S. 46:51.2. This check shall be obtained prior to the individual being present in the agency facility or having access to the children/youth residents or children of residents.

4. - G.3. ...

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 46:683 (May 2020), effective June 1, 2020, LR 47:

§7315. Foster and Adoptive Certification

A. - C.5. ...

6. The DCFS State Central Registry clearance form shall be dated no earlier than 45 days of the foster/adoptive parents being certified or household members over the age of 18 years being present in the home. Out-of-state clearance forms shall be dated no earlier than 120 days of foster/adoptive parents being certified. However, for household members over the age of 18 years who continue to reside outside of the state of Louisiana but their official domicile is a certified foster/adoptive home in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to certifying the foster/adoptive parents. A request for a state central registry clearance from the state in which the household member resides shall be submitted by provider every five years prior to the date noted on the most current clearance and at any time upon the request of DCFS.

7. - V.1. ...

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 45:377 (March 2019), effective April 1, 2019, LR 46:686 (May 2020), effective June 1,

2020, LR 47:351 (March 2021), effective April 1, 2021,
repromulgated LR 47:442 (April 2021), LR 47:

§7319. Foster Care Services

A. - C. ...

1. The provider shall place a child/youth only with certified foster parents in an approved home. If a couple is legally married and is seeking to foster a child/youth, both individuals shall meet certification requirements. If an individual is seeking to foster a child/youth, he/she has not yet been judicially separated or divorced and his/her spouse continues to reside in the home, both individuals shall meet certification requirements.

2. - G.2.g. ...

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 45:385 (March 2019), effective April 1, 2019, LR 47:

§7321. Adoption Services

A. - B.2. ...

3. A child shall not be placed in an adoptive placement until the adoptive parents are certified and the home has been approved. If a couple is legally married and is seeking to adopt a child/youth, both individuals shall meet certification requirements. If an individual is seeking to adopt a child/youth, he/she has not yet been judicially separated or divorced and his/her spouse continues to reside in the home, both individuals shall meet certification requirements.

C. - H.1. ...

2. Provider shall conduct an initial in home ~~face-~~
~~to-face~~ in person supervisory visit with the child and one adoptive parent within seven calendar days of the child's

placement. Effective August 1, 2021, in accordance with Act 6 of the 2021 Regular Legislative Session, the next in home in-person face to face supervisory visit shall occur within 30 days of the initial in home in-person supervisory visit the following month.

3. ...

4. Provider shall conduct a private supervisory visit without the presence of the adoptive parents with each child age one year and above; every other month with at least a segment of the visit occurring in the adoptive home.

5. - 10. ...

11. Effective August 1, 2021 and in accordance with Act 6 of the 2021 legislative session, provider shall submit a confidential report to DCFS, Child Welfare concerning requirements noted in Section 7321.H.2-10 upon completion and to the court prior to the hearing on the final decree of the adoption. If DCFS requests additional information, the provider shall submit the requested information to the department by the date specified in the notification correspondence.

I. - L. ...

1. In domestic adoptions, DCFS may request information and/or documents from the provider ~~necessary to complete~~ required to be submitted to the court. ~~the confidential report after the petition has been filed with the court.~~ The provider shall submit the requested information and/or documents to the department by the date specified in the notification correspondence.

2. - M.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 45:388 (March 2019), effective April 1, 2019, LR 47:353 (March 2021), effective April

Chapter 75. Juvenile Detention Facilities

§7508. State Central Registry

A. - E. ...

1. Effective November 1, 2018, and in accordance with R.S. 15:1110.2, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire or volunteer services provided. For staff persons who have resided in another state within the ~~proceeding~~ preceding five years, provider shall request a state central from that state's child abuse and neglect registry prior to hire. While awaiting the results of the out of state central registry results, the individual shall be directly supervised by a paid staff (employee) of the juvenile detention facility at any and all times when he/she is on the premises and/or in the presence of a child/youth. The employee responsible for supervising the individual shall not also be awaiting the results of an out of state central registry clearance. Under no circumstances shall the individual awaiting out of state central registry results be left alone and unsupervised with a child/youth pending the official determination from that state that the individual is or is not listed on the state central registry. Louisiana state central registry clearances shall be dated no earlier than 45 days prior to the staff being present on the premises or having access to children/youth. Out-of-state state central registry clearances shall be dated no earlier than 120 days prior to staff ~~license being issued~~ being present on the premises or having access to children/youth in the facility.

a. - G. ...

1. Effective November 1, 2018, and in accordance with R.S. 15:1110.2, an inquiry of the state central registry

for all contractors and LDE staff shall be conducted prior to providing contracted services or having access to children/youth. For contractors and LDE staff who have resided in another state within the preceding ~~proceeding~~ five years, provider shall request a state central registry check from that state's child abuse and neglect registry prior to the individual providing services or having access to children/youth. While awaiting the results of the out of state central registry results, the individual shall be directly supervised by a paid staff (employee) of the juvenile detention facility at any and all times when he/she is on the premises and/or in the presence of a child/youth. The employee responsible for supervising the individual shall not also be awaiting the results of an out of state central registry clearance. Under no circumstances shall the individual awaiting out of state central registry results be left alone and unsupervised with a child/youth pending the official determination from that state that the individual is or is not listed on the state central registry. Louisiana state central registry clearances shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth. Out-of-state state central registry clearances shall be dated no earlier than 120 days prior to license being issued contractors and LDE staff being present on the premises or having access to children/youth in the facility.

a. - H.1 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.2.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:653 (May 2019), effective June 1, 2019, LR 47:

Family Impact Statement

The proposed rule is not anticipated to have an adverse impact on family formation, stability, and autonomy as described in R.S. 49:972. This rule is anticipated to help alleviate poverty for those participating in the program.

Poverty Impact Statement

The proposed rule is not anticipated to have a significant negative impact on poverty as described in 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.

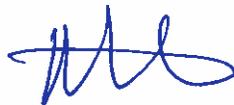
Public Comments

All interested persons may submit written comments through, October 26, 2021, 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 October 26, 2021, 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/86394477781>; 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=USA7133530212&accessCode=430033>. 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).

 8/18/21

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) 620-6702</u>	Office:	<u>Office of the Secretary</u>
Return Address:	<u>627 N. 4th Street, P.O. Box 3078 Baton Rouge, LA 70821</u>	Rule Title:	<u>Sanctions, Child Placing Supervisory Visits and Specialized Provider Provisions</u>
		Date Rule Takes Effect:	<u>January 1, 2022</u>

SUMMARY

(Use complete sentences)

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 Department of Children and Family Services (DCFS) will incur \$7,029 (\$3,304 State General Fund and \$3,725 Federal Funds) in expenses associated with the publication of this proposed rule change.

This proposed rule amends several chapters within LAC 67, Part V. Child Welfare, Subpart 8. Residential Licensing. Specifically, the rule provides that certain individuals, such as contractors, volunteers and owner/operators, who reside outside of the state of Louisiana must request a state central registry clearance from the state in which they reside every five years or anytime at the request of DCFS. The rule also clarifies that when a married couple applies to become a foster or adoptive parent, that both individuals must meet the certification requirements to become a foster or adoptive parent. Additionally, the rule provides that certain staff must complete a 20-hour training that is offered at no cost by the National Adoption Competency Mental Health Training Initiative. Finally, the rule provides that foster care and adoption supervisory visits can only be conducted by specifically licensed medical providers.

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

The proposed rule change may result in an indeterminable change in self generated revenue for DCFS related to facilities being fined for failure to comply with state central registry clearance. In current rule, the base amount of a fine can range from \$200 to \$250 per day. If a facility is cited for a state central registry clearance not being completed prior to hire as required, but obtained before the individual was on the premises and/or had access to a resident or child of a resident, proposed rule decreases the base fee by \$25. If a facility is cited for state central registry clearance not being completed prior to the individual being on the premises and/or having access to a resident or child of a resident, proposed rule increases the base fee by \$25.

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

Certain individuals, such as contractors, volunteers and owner/operators, who reside outside of the state of Louisiana may be required to pay a fee for a state central registry clearance every five years to another state if an individual resides in a state other than Louisiana. This fee, if assessed by another state varies, by state and is expected to be minimal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The implementation of this rule may reduce the number of available contractors, volunteers and owner/operators given that some individual's adverse incidents contained in their home state's central registry will likely be unemployable in DCFS licensed facilities and agencies.

<u><i>Terri Ricks</i></u> Signature of Agency Head or Designee	<u>9/8/2021 9:59 AM CDT</u> Date	<u><i>Alan M. Barber</i></u> LEGISLATIVE FISCAL OFFICER OR DESIGNEE
<u>Terri Ricks, Deputy Secretary</u> Typed Name & Title of Agency Head or Designee		<u>9/9/21</u> DATE OF SIGNATURE
<u><i>Eric Horent</i></u> DCFS Undersecretary		

**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 deliberation 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 implementation of this rule codifies the authority of the Department to institute intermediate sanctions and levy fines against licensed providers that fail to comply with the requirement of a state central registry check for individuals owning, working in, and having access to children/youth in DCFS licensed facilities and agencies. Furthermore, the rule codifies Children’s Code Article 1213 of the 2021 Regular Legislative Session regarding child placing agency supervisory visits. In addition, proposed rule requires individuals to request a state central registry clearance every 5 years if the individual resides in a state other than Louisiana. Section 7117 allows a nurse practitioner to complete a medical examination, in addition to a physician. Section 7314 removes the term children of residents from the rule as this is not a term associated with child placing agency regulations. Lastly, Section 7319 clarifies the requirements of a legally married couple when applying to become a foster/adoptive parent.

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

In accordance with Act 6 and Act 31 of the 2021 Legislative Session, it is necessary to promulgate a Rule to make permanent the law which was effective August 1, 2021 by emergency rule. In addition, clarifications were made to additional sections of the rule.

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

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) X 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 22	FY 23	FY 24
Personal Services	\$0	\$0	\$0
Operating Expenses	\$7,029 (rulemaking)	\$0	\$0
Professional Services	\$0	\$0	\$0
Other Charges	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
Major Repair & Constr.	\$0	\$0	\$0
Total	\$7,029	\$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 \$7,029 (47% Federal and 53% State).

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

SOURCE	FY 22	FY 23	FY 24
State General Fund	\$3,304	\$0	\$0
Agency Self-Generated	\$0	\$0	\$0
Dedicated	\$0	\$0	\$0
Federal Funds	\$3,725	\$0	\$0
Other (Specify)	\$0	\$0	\$0
Total	\$7,029	\$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 estimated costs or savings to local governmental units resulting from this rule.

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

There will be no impact on local governmental units.

**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 22	FY 23	FY 24
State General Fund	\$0	\$0	\$0
Agency Self-Generated	See below	See below	See below
Dedicated Funds *	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0
Total	See below	See below	See below

*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 proposed rule change may result in an indeterminable change in self generated revenue for DCFS related to facilities being fined for failure to comply with state central registry clearance. In current rule, the base amount of a fine can range from \$200 to \$250 per day. If a facility is cited for a state central registry clearance not being completed prior to hire as required, but obtained before the individual was on the premises and/or had access to a resident or child of a resident, proposed rule decreases the base fee by \$25. If a facility is cited for state central registry clearance not being completed prior to the individual being on the premises and/or having access to a resident or child of a resident, proposed rule increases the base fee by \$25.

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

A. What persons, small businesses, 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.

Certain individuals, such as contractors, volunteers and owner/operators, who reside outside of the state of Louisiana may be required to pay a fee for a state central registry clearance every five years to another state if an individual resides in a state other than Louisiana. This fee, if assessed by another state, varies by state and is expected to be minimal.

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.

Certain individuals may be required to pay a fee for a state central registry clearance every five years to another state if an individual resides in a state other than Louisiana. This fee, if assessed by another state, varies by state and is minimal.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The implementation of this rule may reduce the number of available childcare contractors, volunteers and owner/operators given that some individual's adverse incidents contained in their home state's central registry will likely be unemployable in DCFS licensed facilities and agencies.