

DECLARATION OF EMERGENCY

**Department of Children and Family Services
Licensing Section**

**12 Month License - Child Residential Care Class B, Residential
Homes (Type IV), Child Placing Agencies—General Provisions, and
Juvenile Detention
(LAC 67:V. 6955, 7107, 7311, and 7507)**

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:V, Subpart 8, Chapter 69, Child Residential Care, Class B, Section 6955; Chapter 71, Residential Homes—Type IV, Section 7107; Chapter 73, Child Placing Agencies—General Provisions, Section 7311; and Chapter 75, Juvenile Detention Facilities, Section 7507. This emergency rule shall be effective October 1, 2022 and shall remain in effect for a period of 180 days.

The department considers emergency action necessary as the current process causes providers to submit unnecessary documentation and fees to the department. This presents an unnecessary economic burden to small businesses in dealing with a government entity. The proposed rule removes any ambiguity in the current rule when the provider's license expires outside of their renewal timeframe. In addition, the issuing of actual paper licenses every 60-90 days poses an undue burden on the workforce for the department. The proposed change does not give the department any additional authority or remove any authority currently held by the department.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 69. Child Residential Care, Class B

§6955. Procedures

A. - C. ...

1. A license shall be renewed on an annual basis prior to the last day of the anniversary month of the license. ~~The month of issue of the initial license becomes the anniversary month for all renewals. A license shall expire on the last day of the anniversary month unless prior to that time the provider has made timely application for renewal as provided in Subparagraph C.2 below.~~

2. The provider shall submit, ~~at least 60 days prior to its license expiration date, a completed renewal application form, and applicable fee. ,and required documents. Failure to submit a completed renewal form, applicable fee, and any of the documentation listed below within the time frame set forth herein shall cause the license to expire on its anniversary date. Once a license has expired, a provider may submit an application for an initial license in the manner prescribed in these regulations.~~ The following documentation shall be submitted with the renewal application form:

- a. Office of Fire Marshal approval for occupancy;
- b. Office of Public Health, Sanitarian Services approval;
- c. city fire department approval, if applicable;
- d. copy of proof of current general liability and property insurance for facility;
- e. copy of proof of current insurance for vehicle(s) used to transport residents; ~~and~~
- f. copy of a satisfactory fingerprint-based criminal record check through the FBI as noted in §6966.A and/or 6966.B, as applicable and required by R.S. 46:51.2 and 15:587.1 for any all owner/owners and §6966.C and/or 6966.D, as applicable

for program directors as required by R.S.46:51.2 and 15:587.1;
and

g. copy of current state central registry
clearance forms for all owners and program
directors/administrators.

3. Prior to renewing the CRF residential home
license, an on-site inspection survey shall be conducted to
assure ensure compliance with all licensing laws, ~~and~~ standards,
and any other required statutes, ordinances, or regulations. A
license may be issued for a period of up to one year as
determined by the department. If the provider is not found to be
in compliance during the timeframe for which the license is
issued, the department may proceed with adverse action. If the
~~CRF is found to be in compliance with the licensing laws and~~
~~standards, and any other required statutes, laws, ordinances, or~~
~~regulations, the license shall be renewed for a 12-month period.~~

4. ~~In the event the annual licensing survey finds~~
~~the CRF is non-compliant with any licensing laws or standards,~~
~~or any other required statutes, ordinances or regulations but~~
~~the department, in its sole discretion, determines that the~~
~~noncompliance does not present a threat to the health, safety,~~
~~or welfare of the participants, the provider shall be required~~
~~to submit a corrective action plan to the department for~~
~~approval. The department shall specify the timeline for~~
~~submitting the corrective action plan based on such non-~~
~~compliance or deficiencies cited but no later than 10 days from~~
~~the date of notification. The corrective action plan shall~~
~~include a description of how the deficiency shall be corrected~~
~~and the date by which correction(s) shall be completed. Failure~~
~~to submit an approved corrective action plan timely, or~~
~~submission of a corrective action plan deemed by the department~~
~~to be insufficient to adequately address the deficiencies in a~~

~~timely and effective manner, shall be grounds for non-renewal.~~

Upon rule promulgation, providers with licenses that expire prior to the last day of their anniversary month may be issued a license with an expiration date which coincides with the last day of their anniversary month unless the license is pending adverse action.

~~5. If it is determined that such noncompliance or deficiencies have not been corrected prior to the expiration of the license, the department at its sole discretion, may issue an extension of the license for a period not to exceed 60 days.~~

~~6. When it is determined by the department that such noncompliance or deficiencies have been corrected, a license may be issued for a period not to exceed 12 months.~~

~~7. If it is determined that all areas of noncompliance or deficiencies have not been corrected prior to the expiration date of the extension, the department may revoke the license.~~

D. - G.2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477, R.S. 46:1410 et seq., R.S.46:1401-1424 and R.S. 46:1414.1.

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), LR 36:836, 842 (April 2010), repromulgated LR 36:1032 (May 2010), repromulgated LR 36:1277 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:1463 (July 2010), amended by the Department of Children and

Family Services, Child Welfare Section and Economic Stability and Self-Sufficiency Section, LR 36:2522 (November 2010), repromulgated LR 36:2838 (December 2010), amended by the Department of Children and family Services, Division of Programs, Licensing Section, LR 38:971 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 45:508 (April 2019), effective May 1, 2019, LR 46:687 (May 2020), effective June 1, 2020, LR 48:

Chapter 71. Residential Homes - Type IV

§7107. Licensing Requirements

A. - E.2.g. ...

3. Prior to renewing the facility license, an on-site inspection shall be conducted to ensure compliance with all licensing laws, ~~and standards, and any other required statutes, ordinances, or regulations.~~ A license may be issued for a period of up to one year as determined by the department. If the provider is not found to be in compliance during the timeframe for which the license is issued, the department may proceed with adverse action. ~~If the facility is found to be in compliance with the licensing laws and standards, and any other required statutes, laws, ordinances, or regulations, the license shall be renewed for a 12-month period.~~

4. ~~In the event the annual licensing inspection finds the facility is non-compliant with any licensing laws or standards, or any other required statutes, ordinances or regulations but the department, in its sole discretion, determines that the noncompliance does not present a threat to the health, safety, or welfare of the participants, the provider shall be required to submit a corrective action plan to the department for approval. The department shall specify the timeline for submitting the corrective action plan based on such non-compliance or deficiencies cited but no later than 10 days~~

~~from the date of the inspection or receipt of the deficiencies if mailed or emailed. The corrective action plan shall include a description of how the deficiency shall be corrected, the date by which correction(s) shall be completed, an outline of the steps the provider plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. Failure to submit an approved corrective action plan timely shall be grounds for revocation or non-renewal.~~ Upon rule promulgation, providers with licenses that expire prior to the last day of their anniversary month may be issued a license with an expiration date which coincides with the last day of their anniversary month unless the license is pending adverse action.

~~5. If it is determined that such noncompliance or deficiencies have not been corrected prior to the expiration of the license, the department may issue an extension of the license not to exceed 60 days.~~

~~6. When it is determined by the department that such noncompliance or deficiencies have been corrected, a license may be issued for a period not to exceed 12 months.~~

~~7. If it is determined that all areas of noncompliance or deficiencies have not been corrected prior to the expiration date of the extension, the department may revoke the license.~~

F. - L.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477, R.S.46:1401 et seq., and R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 36:807 (April 2010), amended LR 36:843 (April 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:1463 (July 2010), amended by the Department of Children and Family

Services, Division of Programs, Licensing Section, LR 38:977, 984 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 43:249 (February 2017), LR 43:1725 (September 2017), amended by the Department of Children and Family Services, Licensing Section, LR 45:519 (April 2019), effective May 1, 2019, LR 46:673 (May 2020), effective June 1, 2020, LR 48:

Chapter 73. Child Placing Agencies—General Provisions

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

A. - C.2.i. ...

3. Prior to renewing the child placing agency's license, an on-site inspection shall be conducted to ensure compliance with all licensing laws, ~~and standards, and any other required statutes, ordinances, or regulations.~~ A license may be issued for a period of up to one year as determined by the department. If the provider is not found to be in compliance during the timeframe for which the license is issued, the department may proceed with adverse action. ~~If the child placing agency is found to be in compliance with the licensing laws and standards, and any other required statutes, laws, ordinances, or regulations, the license shall be renewed for a 12-month period.~~

4. ~~If areas of noncompliance or deficiencies are cited and have not been corrected or new deficiencies or areas of non-compliance are cited prior to the expiration of the license, the department may issue an extension of the license not to exceed 60 days.~~ Upon rule promulgation, providers with licenses that expire prior to the last day of their anniversary month may be issued a license with an expiration date which coincides with the last day of their anniversary month unless the license is pending adverse action.

~~5. When it is determined by the department that such non-compliances or deficiencies have been corrected and no new areas of noncompliance or deficiencies have been cited, a license shall be issued through the last day of the anniversary month.~~

~~6. If it is determined that all areas of noncompliance or deficiencies have not been corrected or new areas of noncompliance or deficiencies have been cited prior to the expiration date of the extension, the department may revoke the license.~~

D. - 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), amended LR 47:1847 (December 2021), LR 48:

Chapter 75. Juvenile Detention Facilities

§7507. Licensing Requirements

A. - E.2.e. ...

3. Prior to renewing the JDF license, an on-site inspection shall be conducted to ensure compliance with all licensing laws, ~~and standards, and any other required statutes, ordinances, or regulations.~~ A license may be issued for a period of up to one year as determined by the department. If the provider is not found to be in compliance during the timeframe for which the license is issued, the department may proceed with adverse action. ~~If the JDF is found to be in compliance with the licensing laws and standards, and any other required statutes,~~

~~laws, ordinances, or regulations, the license shall be renewed for a 12-month period.~~

4. ~~In the event the annual licensing inspection finds the JDF is non-compliant with any licensing laws or standards, or any other required statutes, ordinances or regulations but the department, in its sole discretion, determines that the noncompliance does not present a threat to the health, safety, or welfare of the youth, the JDF shall be required to submit a corrective action plan to the department for approval. The department shall specify the timeline for submitting the corrective action plan based on such non-compliance or deficiencies cited but no later than 14 calendar days from the date of notification. The corrective action plan shall include a description of how the deficiency shall be corrected and the date by which correction(s) shall be completed. Failure to submit an approved corrective action plan timely shall be grounds for non-renewal of the license. Upon rule promulgation, providers with licenses that expire prior to the last day of their anniversary month may be issued a license with an expiration date which coincides with the last day of their anniversary month unless the license is pending adverse action. A provider's anniversary is determined by the month in which the initial license was issued to the juvenile detention facility and in which the license is eligible for renewal each year.~~

5. ~~If it is determined that such noncompliance or deficiencies have not been corrected prior to the expiration of the license, the department may issue an extension of the license not to exceed two months.~~

6. ~~When it is determined by the department that such noncompliance or deficiencies have been corrected, a license will be issued for a period not to exceed 12 months.~~

~~7. If it is determined that all areas of noncompliance or deficiencies have not been corrected prior to the expiration date of the extension, DCFS may revoke the license.~~

F. - I.7. ...

J. Corrective Action Plan (CAP)

1. A corrective action plan (CAP) shall be submitted for all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from receipt of the deficiencies. Receipt of the deficiencies by any staff person constitutes notice to the juvenile detention facility. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) will be completed, and outline the steps the juvenile detention facility provider plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within five calendar days.

2. Provider may challenge a specific deficiency or any information within a cited deficiency which the provider contends is factually inaccurate. The provider shall have one opportunity to request a review of a licensing deficiency within the timeframe specified for the submission of the CAP. A statement of why the deficiency is being disputed and supporting documents (if applicable) shall be submitted with the corrective

action plan within the timeframe specified for the submission of the CAP.

3. The statement of deficiencies for which a review has been requested will not be placed on the internet for viewing by the public until a decision has been reached. As a result of the licensing deficiency review request, a deficiency may be upheld with no changes, the deficiency may be removed, or the deficiency may be upheld and revised to include pertinent information that was inadvertently omitted. Once a decision has been reached, provider will be informed in writing of the decision and the reason for the decision. If information within the deficiency was cited in error or the cited deficiency is revised by the DCFS Licensing Section staff, provider will receive a revised "statement of deficiencies" with the decision letter. If any enforcement action was imposed solely because of a deficiency or finding that has been deleted through the licensing deficiency review process, the action will be rescinded.

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 38:1561 (July 2012), amended LR 38:3104 (December 2012), LR 39:1006 (April 2013), effective July 1, 2013, amended LR 42:395 (March 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:652 (May 2019), effective June 1, 2019, LR 48:



Marketa Garner Walters
Secretary

10/1/22