

**DECLARATION OF EMERGENCY**

**Department of Children and Family Services**

**Licensing Section**

**Residential Home  
(LAC 67:V.7107, 7109, 7111, 7117)**

The Department of Children and Family Services (DCFS) has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:V, Subpart 8, Residential Licensing, Chapter 71, Sections 7107, 7109, 7111, and 7117. This emergency rule shall be effective March 31, 2017, and shall remain in effect for a period of 120 days.

The Department considers emergency action necessary in order to revise the residential licensing standards to correctly identify referenced regulations and section numbers.

**Title 67**

**SOCIAL SERVICES**

**Part V. Child Welfare**

**Subpart 8. Residential Licensing**

**Chapter 71. Residential Homes, Type IV ~~Child Residential Care, Class A~~**

**§7107. Licensing Requirements**

A. - F.3.c. ...

d. All staff/children of residents'/resident's information shall be updated under the new ownership as required in LAC 67:V.7111.A.2.c, A.5, A.7, B.2, and B.4.~~b~~eb-g prior to or on the last day services are provided by the existing owner.

e. If all information in Paragraph F.3 of this Section is not received prior to or on the last day services are provided by the existing owner, the new owner shall not operate until a license is issued. The new owner is not authorized to provide services until the licensure process is completed in accordance with Paragraphs ~~B.2-6~~F.3 of this Section.

F.3.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:

**§7109. Critical Violations/Fines**

A. In accordance with R.S. 46:1430, when a provider is cited for violations in the following areas, the department may at its' discretion elect to impose sanctions, revoke a license, or both:

~~1. Paragraph A.5 of Section 7107, Subparagraph E.2.f of §7107, Clause F.1.b.xvi of §7107, Clause A.2.c.ii of §7111, Subparagraph A.5.b of §7111, or Clause B.2.a.ii of §7111 criminal background check;~~

~~2. Subparagraph E.2.g of §7107, Clause F.1.b.xvii of §7107, Paragraph A.6 of §7107, Paragraph L.2 of §7107, Clause A.2.d.iii of Section 7111, Subparagraph A.6.e of §7111, or Subparagraph B.2.x of §7111 state central registry disclosure;~~

~~3. Paragraph A.9 of §7111 staffing ratios;~~

~~4. Paragraph F.19 of §7117 motor vehicle checks;~~

~~5. Clause A.4.a.xiii of §7111, Clause A.4.c.xv of §7111, or Subparagraph D.1.a of §7111 critical incidents; and/or~~

~~6. Paragraph A.9 of §7111, Subparagraph A.4.c of §7111, or Paragraph B.5 or B.6 of §7123 supervision.~~

1. Section 7107.A.5, Section 7111.A.2.c.ii, Section 7111.A.5.b, or Section 7111.B.2.a.ii—criminal background check;
2. Section 7107.A.6, Section 7111.A.2.c.iii, Section 7111.A.5.c, or Section 7111.B.2.a.x—state central registry disclosure;
3. Section 7111.A.9.a.i.-v,vii,ix, or x—staffing ratios;
4. Section 7117.F.19—motor vehicle checks;
5. Section 7111.D.1.a or b—critical incident reporting; and/or
6. Section 7111.A.9.a.vi, Section 7111.A.9.a.xi, Section 7111.A.9.a.xiii-xv, Section 7111.A.4.c, Section 7123.B.5, or Section 7123.B.6.—supervision.

B. - 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), LR 43:

#### **§7111. Provider Requirements**

A. - A.5.b. ...

c. Contractors hired to perform work which involves contact with residents or children of residents, shall be required to have documentation of a state central registry disclosure form (SCR 1) as required by R.S. 46:1414.1. This information shall be reported prior to the individual being on the premises of the facility and shall be updated annually, at any time upon the request of DCFS, and within three business days of the individual receiving notice of a justified (valid) determination of child abuse or neglect. All requirements in §7111.B.2.a.x.(a)-(c) shall be followed.

A.6. - A.7.b.xxiv. ...

xxv. use of specialized services identified in ~~§7117 of this Subpart~~ §7117.D.6.

A.7.c.- A.8.a.xx. ...

xxi. use of specialized services identified in ~~§7117.D.6 of this Subpart~~; and

A.8.a.xxii. - A.8.c. ...

d. All direct care staff shall have documentation of current certification in adult CPR and first aid. Effective August 1, 2016, if residents or children of residents under the age of 10 are accepted into the program, then staff shall also obtain a certificate in infant/child CPR. No staff member shall be left unsupervised with residents or children of residents until he/she has completed all required training. Online only training is not acceptable.

A.8.e. - 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 (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:

**§7117. Provider Services**

A. - F.18

19. A visual inspection of the vehicle is required to ensure that no child of a resident ~~or resident was~~ is left ~~on~~ in the vehicle. A staff person shall physically walk through the vehicle and inspect all seat surfaces, under all seats, and in all enclosed spaces and recesses in the vehicle's interior. For

field trips, staff shall ~~check~~inspect the vehicle and conduct a face-to-name count conducted prior to leaving the facility for the destination, when destination is reached, before departing destination for return to facility, and upon return to facility. For all other transportation, the staff shall inspect the vehicle at the completion of each trip prior to the staff person exiting the vehicle. The staff conducting the visual check when a child of a resident is transported~~for all transportation,~~ shall document the time of the visual check inspection and sign his or her full name, indicating that no child of a resident ~~or resident~~ was left ~~on~~in the vehicle.

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:

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Secretary