

NOTICE OF INTENT

Children and Family Services

Division of Child Welfare

State Central Registry (LAC 67:V.1103)

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 3, Child Protective Services, Chapter 11, Section 1103.

Pursuant to R.S. 40:2008.10, information on individuals listed on the State Central Registry will be released for therapeutic group homes licensed or applying for licensure by the Louisiana Department of Health (LDH). The information will be released in accordance with the rule and upon receipt of a written request containing the individual's consent, and payment of the SCR clearance fee.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 3. Child Protective Services

Chapter 11.[tab]Administration and Authority

§1103. [tab]State Central Registry

A. - G.11. [tab]...

12. [tab]DCFS will disclose to a therapeutic group home licensed by the Louisiana Department of Health (LDH), or applicant for a license from LDH, information on perpetrators of child abuse and/or neglect who are listed on the state central registry upon receipt of the \$25 fee for the clearance; and, the individual's written and signed consent for the following:

- a. [tab]any person who owns, operates or manages a licensed therapeutic group home;
- b. [tab]any person who has applied for a license to operate a therapeutic group home;
- c. [tab]any person who is employed by, is contracted by, volunteers at, or interns with a therapeutic group home;
- d. [tab]any person who has applied to be employed or contracted by a therapeutic group home;

e. [tab]any person who has applied to volunteer or intern with a therapeutic group home.

13. [tab]The information on the SCR for the above persons may be released to the LDH as required for LDH licensure of the therapeutic group home. This release shall not apply to contractors and other individuals providing a service at the therapeutic group home who are not employees, volunteers, interns, or contracted members of the staff of the therapeutic group home, including but not limited to plumbers, landscapers, or visiting resources.

AUTHORITY NOTE: [tab]Promulgated in accordance with the Children’s Code, title VI, articles 615 and 616 and title XII, article 1173, R.S. 14:403(H), R.S. 46:51.2(A), R.S 46:56, R.S. 46:1414.1, 42 USC 15601 et seq., 28 CFR 115.6., 42 USC 9858f and R.S. 40:2008.10.

HISTORICAL NOTE: [tab]Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), amended LR 20:198 (February 1994), LR 21:583 (June 1995), LR 23:590 (May 1997), LR 26:790 (April 2000), LR 31:1609 (July 2005), LR 36:838 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Child Welfare Section, LR 42:862 (June 2016), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:998 (June 2018), effective July 1, 2018, amended LR 45:217 (February 2019), LR 45:

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 Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

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 November 25, 2019, to Rhenda Hodnett, Assistant Secretary of Child Welfare, Department of Children and Family Services, P. O. Box 3318, Baton Rouge, LA 70821.

Public Hearing

A public hearing on the proposed Rule will be held on November 25, 2019, at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-129, 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 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

RULE TITLE: State Central Registry

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule will permit the release of information in the State Central Registry (SCR) to therapeutic group homes licensed by the Louisiana Department of Health (LDH) and applicants for a license from LDH, as required by Act 243 of the 2019 RLS.

The proposed rule change is anticipated to increase expenditures for the Department of Children and Family Services (DCFS) by approximately \$6,278 SGF in FY 20 associated with the publication of the proposed rule (\$1,278) and to make technical changes to the SCR to allow for release of this information (\$5,000). It is not anticipated that any other state or local governmental units will incur costs or savings as a result of this rule change.

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

DCFS is anticipated to generate approximately \$1,550 (62 requests x \$25 fee) in revenue in FY 20 for DCFS and \$3,750 (150 requests x \$25 fee) in future fiscal years as a result of this rule change.

DCFS charges a fee of up to \$25 to conduct SCR background checks. DCFS anticipates receiving 62 requests for background check from therapeutic group homes licensed by LDH in FY 20 and 150 annual requests in future fiscal years.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There may be an economic cost to individuals included in the SCR given that it will limit their opportunity to own, operate, or work in therapeutic group homes licensed by LDH. However, individuals have the right to appeal any investigative findings before it would impact their own, operate, or work in one of these facilities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The implementation of this Rule may reduce the number of available owners, operators, managers, employees, contractors, volunteers and interns in therapeutic group homes licensed by LDH given that individuals included in the SCR will likely be unemployable in these facilities.