

DECLARATION OF EMERGENCY

Children and Family Services Licensing Section

State Central Registry—Child Residential Care, Class B
(LAC 67:V.Chapter 69)

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. This Emergency Rule shall be effective October 1, 2018, and shall remain in effect for a period of 120 days.

The proposed rule amends Chapter 69, Child Residential Care, Class B, §§6955, 6957, 6959, and 6961, and promulgates §6962. In accordance with R.S. 46:1414.1 of the 2017 Regular Legislative Session, any owner, current or prospective employee, or volunteer requesting licensure or licensed by the DCFS is prohibited from ownership or employment if that person's name is recorded on the state central registry as a perpetrator with a justified finding of child abuse and/or neglect. Each provider licensed by the DCFS shall submit a request for a state central registry check for all owners, staff, contractors, and volunteers prior to October 15, 2018. The implementation of this rule will ensure that no individual with a justified finding of child abuse and/or neglect listed on the state central registry owns or is employed in a facility licensed by DCFS.

Pursuant to R.S. 46:1414.1 of the 2017 Regular Legislative Session, the department shall adopt rules in accordance with the required law effective October 1, 2018. The department considers emergency action necessary in order to meet the requirements of R.S. 46:1414.1.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 69. Child Residential Care, Class B

§6955. Procedures [Formerly LAC 67:I.1955]

A. - D.2.g. ...

h. any validated instance of abuse and/or neglect as noted by inclusion on the state central registry if the owner's name appears on the registry, or if the staff member's name appears on the registry and remains in the employment of the licensee;

i. knowingly permit an individual with a justified (valid) finding of child abuse and/or neglect to be on the premises without being directly supervised by another paid employee of the facility, who has not disclosed that their name appears with a justified (valid) finding prior to receipt of the official notification from Child Welfare that the individual is listed on the state central registry;

j. - k. ...

l. have knowledge that a convicted sex offender is on the premises of the child care facility and fail to notify law enforcement and licensing management staff immediately upon receipt of such knowledge;

m. have knowledge that a convicted sex offender is physically present within 1,000 feet of the child care facility and fail to notify law enforcement immediately upon receipt of such knowledge; or

n. permit an individual to be on the premises or to have access to children/youth when listed on the state central registry.

E. - 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 44:

§6957. Definitions [Formerly LAC 67:I.1957]

Individual Owner—Repealed.

Owner or *Operator*—individual or juridical entity exercising direct or indirect control over a licensed entity.

1. For licensing purposes the following are considered owners:

a. *Individual ownership*—individual and spouse who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or are present at any time on the premises of the facility;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or are present at any time on the premises of the facility;

c. *Church-Owned, University-Owned* or *Governmental Entity*—any clergy and/or board of directors members who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or are present at any time on the premises of the facility;

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer with the Louisiana Secretary of State and/or listed on the licensing application submitted and has access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the premises of the facility;

Ownership—Repealed.

Reasonable Suspicion—suspicion based on specific and articulable facts which indicate that an owner, or current or potential employee or volunteer has been investigated and determined to be the perpetrator of abuse and/or neglect of a minor resulting in a justified and/or valid finding prior to official notification from child welfare whether the person is or is not listed on the state central registry.

* * *

State Central Registry—a subsystem of the state repository that maintains information on perpetrators of child abuse and neglect with valid findings on tiers I, II, and III of the child welfare tiered validity system.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1567 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2742 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1619 (August 2009), amended by the Department of Children and Family Services, Division of Program, Licensing Sections, LR 38:972 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§6959. Administration and Organization [Formerly LAC 67:I.1959]

A. - B.2. ...

3. Any owner/owners of a child residential facility shall provide documentation of a satisfactory criminal record check, as required by R.S. 46:51.2 and 15:587.1. A copy of the criminal background check shall be submitted for each owner of a facility with an initial application, a change of ownership (CHOW) application, a change of location (CHOL) application, and/or an application for renewal for a child residential license. No person with a criminal conviction for, or a plea of guilty or nolo contendere to, any offense included in R.S. 15:587.1, or any offense involving a juvenile victim, shall directly or indirectly own, operate, or participate in the governance of a child residential facility. In addition, an owner, or director shall not have a conviction of, or plea of guilty or nolo contendere to any crime in which an act of fraud or intent to defraud is an element of the offense.

4. - 5. ...

6. All owners shall have documentation of a state central registry clearance as required in §6962.

7. In accordance with R.S. 46:1428 providers shall make available to each child's parent or legal guardian information relative to the risks associated with influenza and the availability, effectiveness, known contraindications and possible side effects of the influenza immunization. This information shall include the causes and symptoms of influenza, the means by which influenza is spread, the places a parent or legal guardian may obtain additional information and where a child may be immunized against influenza. The information shall be updated annually if new information on the disease is available. The information shall be provided annually to each licensed facility by the Department of Children and Family Services and shall be made available to parents or legal guardians prior to November 1 of each year.

C. - O.1.h. ...

i. documentation of a state central registry clearance as required in §6962.

O.2. - R.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 the Secretary, Bureau of Licensing, LR 27:1567 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2743 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1620 (August 2009), amended LR 36:331 (February 2010),

amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:973 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§6961. Human Resources [Formerly LAC 67:I.1961]

A. - E.5. ...

6. free of a valid finding of child abuse and/or neglect as noted on the state central registry in accordance with §6962.

F. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1570 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2745 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1622 (August 2009), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:975 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§6962. State Central Registry

A. On October 1, 2018, and no later than October 3, 2018, provider shall submit a list of all owners including board members, contractors, and all staff (paid, non-paid, and volunteers) employed/providing services as of October 1, 2018, to licensing management staff and shall attest that the information submitted is true and correct. The list shall be signed and dated by the director on file with the Licensing Section or by the owner. In addition, provider shall submit a list of all owners/operators, board members, contractors, and staff (paid, non-paid, and volunteers) that have resided in another state within the previous five years which shall include the individual's name and state(s) in which the individual resided. The list shall be signed and dated by the director on file with the Licensing section or by the owner. If no owner, contractor or staff resided in another state within the previous five years, provider shall submit a signed statement attesting to such to Licensing Section management staff.

B. Current owners as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a state central registry search request for each owner including board members to DCFS child welfare to conduct a state central registry check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For owners including board members who have resided in another state within the proceeding five years, provider shall submit a state central registry search request to that state's child abuse and neglect registry no later than October 15, 2018. Documentation of request shall be available for review.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state central registry with a valid (justified) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the residential home.

3. Provider shall submit a state central registry search request to child welfare every five years from the issue date noted on the notification form for all owners including board members and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed

on the state central registry. If an owner resides in another state and is licensed to operate a residential home in the state of Louisiana, provider shall submit a state central registry search request to that state's child abuse and neglect registry every five years from the issue date noted on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry.

5. Upon notification to the residential home from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to own, operate, or participate in the governance or management of the residential home. The owner can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner is a member of the board or clergy, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual has resigned or been relieved of his position with an effective date of the resignation/removal. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to licensing within seven calendar days verifying that the individual's name has been removed from the Secretary of State's website.

6. If after an initial notification form is received by the residential home from child welfare noting that the owner is not listed on the state central registry and due to a new valid finding, the owner receives a subsequent notice that he/she is listed on the state central registry and advises the residential home of the new information prior to receiving official notification from child welfare, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner shall be directly supervised by a paid staff (employee) of the residential home 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 be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the owner, with the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

C. Prospective owners effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all owners (including board of directors members) shall be conducted prior to a license being issued. If the owner resided in another state within the proceeding five years, provider shall request a state central registry check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the license being issued.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse

and/or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the residential home.

3. Provider shall submit a state central registry search request to child welfare every five years from the issue date noted on the child welfare notification form for all owners including board members and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a residential home in the state of Louisiana, provider shall submit a state central registry search request to that state's child abuse and neglect registry every five years from the issue date noted on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner(s) is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to own, operate, or participate in the governance or management of the residential home. The owner can voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediately denied. If the individual with the valid (justified) finding of abuse and/or neglect is a member of the residential home board, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the board member has resigned his/her position on the board/been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days, provider shall also submit documentation verifying that the individual's name has been removed from the Secretary of State's website to licensing. After receipt of the statement, the application for licensure can continue to be processed.

6. If after an initial notification form is received by residential home from child welfare noting that the owner is not listed on the state central registry and due to a new valid finding against the owner receives a subsequent notice (issued after the provider was licensed) that he/she is listed on the state central registry and the owner advises the residential home of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner, shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she is on the premises or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the owner, with the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

D. Current staff as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a state central registry search request for each currently employed staff (paid and

non-paid staff and volunteers) to DCFS child welfare to conduct a state central registry check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For staff who have resided in another state within the proceeding five years, provider shall request information from that state's child abuse and neglect registry no later than October 15, 2018. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry shall be eligible for employment or to provide volunteer services with the agency.

3. Provider shall submit a state central registry search request to child welfare every five years from the issue date noted on the child welfare notification form for all staff and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a residential home in the state of Louisiana, provider shall submit a state central registry search request to that state's child abuse and neglect registry every five years for this staff from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment with the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the staff has been relieved of his/her position at the agency with an effective date of the termination. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding the staff receives a subsequent notice that he/she is listed on the state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect, at any and all times when he/she is on the premises and/or in the presence of a child/youth, shall be directly supervised by another paid staff (employee) of the residential home. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

E. Prospective staff effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 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 or volunteer services provided. Staff persons who have resided in another state within the proceeding five years, provider shall request a state central registry check and obtain information from that state's child abuse and neglect registry. 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.

2. A search of the state central registry will determine if the staff is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. 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 or to provide volunteer services in a licensed residential home.

3. Provider shall submit a state central registry search request to child welfare every five years for staff from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a residential home in the state of Louisiana, provider shall submit a state central registry search request to that state's child abuse and neglect registry every five years for this staff from the issue date noted on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment or to provide volunteer services for the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the staff with the valid (justified) finding of abuse and/or neglect will not be hired for a position at the agency. If this statement is not received by licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

6. If after the initial notification form is received by the residential home from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding, the staff receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the residential home, at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

F. Current contractors as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a state central registry search request to DCFS child welfare for a state central registry check of the state central registry for each contractor. The request shall be submitted to child welfare no later than October 15, 2018. For contractors who have resided in another state within the proceeding five years, provider shall request a state central registry check no later than October 15, 2018 and obtain information from that state's child abuse and neglect registry. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry shall be eligible to provide contracted services for the residential home.

3. Provider shall submit a state central registry search request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed on the state central registry. If a contractor resides in another state and provides services in a residential home in the state of Louisiana, provider shall submit a state central registry search request to that state's child abuse and neglect registry every five years for this contractor from the issue date noted on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the individual is listed on the state central registry, the contractor shall no longer be eligible to provide services for the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual will no longer provide services to the agency and the effective date of the termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding the contractor receives a subsequent notice that he/she is listed on the state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she is on the premises or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the contractor with the valid (justified) finding of abuse and/or neglect be left alone and

unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

G. Prospective contractors providing services effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all contractors shall be conducted prior to providing contracted services or having access to children/youth. For contractors who have resided in another state within the proceeding five years, provider shall request a state central registry check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. 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 to provide services for the residential home.

3. Provider shall submit a state central registry search request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a contractor resides in another state and provides services in a residential home in the state of Louisiana, provider shall submit a state central registry search request to that state's child abuse and neglect registry every five years for this contractor from the issue date noted on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. The state central registry clearance form shall be dated no earlier than 45 days of the individual being present on the residential home premises or having access to children/youth.

6. Upon notification to the provider from child welfare or any other state that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide services for the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual with the valid (justified) finding of abuse and/or neglect has been relieved of his duties with the residential home with the effective date of termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

7. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding, the contractor receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the residential home of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no

later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

8. State central registry clearances are not transferable between owners.

H. Reasonable Suspicion

1. Any information received or knowledge acquired by the provider that a current owner, contractor, volunteer and/or staff, is a perpetrator of abuse and/or neglect after October 1, 2018, with a justified (valid) determination of abuse and/or neglect prior to receipt of official notification from child welfare, shall be verbally immediately reported to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

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 44:

Marketa Garner Walters
Secretary