

DECLARATION OF EMERGENCY

Department of Children and Family Services Licensing Section

Residential Home (LAC 67:V.7109, 7111, and 7119)

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.7109, 7111, and 7119. This declaration is necessary to extend the original Emergency Rule since it is effective for a maximum of 120 days and will expire before the final Rule takes effect. This Emergency Rule extension is effective on September 28, 2018 and will remain in effect until the final Rule becomes effective.

The department considers emergency action necessary in order to clarify the intent of existing statute and revise the residential home licensing standards to incorporate regulations to protect the safety and well-being of children residing in residential homes.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 71. Residential Homes, Type IV

§7109. Critical Violations/Fines

A - A.4. ...

5. §7111.D.1.a. if sections noted in §7111.D.7. also cited or §7111.D.1.b.i. if sections noted in §7111.D.7. also cited or §7111.D.2—critical incident reporting; and/or

A.6. - 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:

§7111. Provider Requirements

A. - B.4.b.iii. ...

iv. notification signed and dated from OJJ indicating youth is appropriate for non secure placement;

v. - xxiii. ...

xxiv. for residents placed from other states, proof of compliance with the Interstate Compact on Juveniles, the Interstate Compact on the Placement of Children, and the Interstate Compact on Mental Health, when indicated. Proof of compliance shall include clearance letters from the compact officers of each state involved;

B.4.c. - C.8. ...

D. Incidents

1. Critical and Other Incidents. The provider shall have and adhere to written policies and procedures for documenting, reporting, investigating, and analyzing all incidents and other situations or circumstances affecting the health, safety, or well-being of a resident or child of a resident.

a. The provider shall submit a written report of the following incidents to the Licensing Section within one calendar day, excluding when the incident occurs on a weekend or state holiday. If the incident occurs on a weekend or state holiday, provider shall submit a written report on the first working day following the weekend or state holiday.

- i. elopement or unexplained absence of a resident or child of a resident;
- ii. use of personal restraints with the exception of escorting;
- iii. injuries of unknown origin;
- iv. evacuation of residents or children of residents;
- v. attempted suicide;
- vi. serious threat or injury to the health, safety, or well-being of the resident or child of a resident;
- vii. injury with substantial bodily harm while in seclusion or during use of personal restraint; or
- viii. unplanned hospitalizations, emergency room visits, and emergency urgent care visits.

ix. any other unplanned event or series of unplanned events, accidents, incidents and other situations or circumstances affecting the health, safety, or well-being of a resident or child of a resident.

b. The program director or designee shall:

i. immediately verbally notify the legal guardian of any incident noted in Section 7111.D.1.a.i-ix.;

ii. immediately verbally notify the appropriate law enforcement authority in accordance with state law;

iii. if requested, submit a final written report of the incident to the legal guardian as soon as possible, but no later than five working days of the incident;

iv. conduct an analysis of the incident and take appropriate corrective steps to prevent future incidents from occurring;

v. maintain copies of any written reports or notifications in the resident's or child of a resident's record;

vi. ensure that a staff person accompanies residents and children of residents when emergency services are needed.

2. The provider shall verbally notify state office Licensing management staff immediately in the event of a death and follow up with a written report within one calendar day of the verbal report. If the death occurs on a weekend or State holiday, provider shall verbally notify state office Licensing management staff as soon as possible on the first working day following the weekend or State holiday and follow up with a written report the same day as verbal notification. The provider shall immediately verbally notify the legal guardian and law enforcement in the event of a death.

3. - 5.h....

i. date and time the legal guardian, licensing, and, if applicable, law enforcement were notified;

j. - k. ...

l. documentation of actions taken by the provider regarding staff involved in the incident to include corrective action.

6. A copy of all written reports shall be maintained in the resident's or child of a resident's record.

7. Critical incidents are noted in §7111.D.1.a.iv-vi and ix, §7111.D.2., and §7111.E.2.

E. - E.2. ...

3. After reporting suspected abuse and/or neglect as required by Louisiana law, provider shall submit a written report to the licensing section immediately or the next working day if the suspected abuse and/or neglect occurred on a weekend or state holiday. At a minimum the report shall contain:

E.3.a. - 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 43:1725 (September 2017), LR 44:

§7119. Physical Environment

A. - A.12. ...

13. No interior door shall have a lock or fastening device that prevents free egress to the exterior of the home from the interior. No exterior door shall have a lock or fastening device that prevents free egress from the interior unless the provider has documentation of written annual approval from the Office of State Fire Marshall (OSFM).

B. - P.6. ...

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 36:828 (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 43:285 (February 2017), LR 44:

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