



Maternity Home Standards

June 1, 2020 changes are noted in yellow highlight

Chapter 67. Maternity Home

§6701. Fee

NOTE: This Section has been moved from LAC 67:I.1701.

- A. There is an annual licensure fee of \$50.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2694 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1570 (August 2009), amended LR 36:799 (April 2010).

§6703. Definitions

A. A *maternity home* is defined as "any place or facility in which any institution, society, agency, corporation, person or persons, or any other group regularly receives and provides necessary services for children before, during, and immediately following birth. This definition shall not include any place or facility which receives and provides services for women who receive maternity care in the home of a relative within the sixth degree of kindred, computed according to civil law, or general or special hospitals in which maternity treatment and care is part of the medical services performed and the care of children only brief and incidental.

- B. Additional Definitions

1. Definitions, as used in this Chapter:

Affiliate—

- i. with respect to a partnership, each partner thereof;
- ii. with respect to a corporation, each officer, director and stockholder thereof;
- iii. with respect to a natural person:
 - (a). that person and any individual related by blood, marriage, or adoption within the third degree of kinship to that person;
 - (b). any partnership, together with any or all its partners, in which that person is a partner; and
 - (c). any corporation in which that person an officer, director or stockholder, or holds, directly or indirectly, a controlling interest;
- iv. with respect to any of the above, any mandatory, agent, or representative or any other person, natural or juridical acting at the direction of or on behalf of the licensee or applicant; or
- v. director of any such maternity home.

Age or Developmentally Appropriate Activities or Items—activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

Contractor—any person who renders professional services, therapeutic services, enrichment services, or counseling to residents and/or infants of residents such as educational consulting, athletic, or artistic services within a maternity home, whose services are not integral to either the operation of the maternity home or to the care and supervision of residents and/or infants of residents. Contractors may include, but

are not limited to social workers, counselors, dance instructors, gymnastic or sports instructors, computer instructors, speech therapists, licensed health care professionals, art instructors, state-certified teachers employed through a local school board, and other outside contractors. A person shall not be deemed a contractor if he/she is a staff person of the maternity home.

Department (DCFS)—Department of Children and Family Services, formerly the Department of Social Services.

Disqualification Period—the prescriptive period during which the department shall not accept an application from a provider. Any unlicensed operation during the disqualification period shall interrupt running of prescription until the department has verified that the unlicensed operation has ceased.

Division of Licensing and Certification—Department of Children and Family Services, Licensing Section.

Effective Date—of a revocation, denial, or non-renewal of a license shall be the last day for applying to appeal the action, if the action is not appealed.

Facility—any place, program, facility or agency operated or required by law to operate under a license, including facilities owned or operated by any governmental, profit, nonprofit, private, or church agency.

License—

- i. any license issued by the department to operate any child care facility or child-placing agency as defined in R.S. 46:1403; or
- ii. any license issued by the Department of Health and Hospitals to operate any facility providing services under Title XIX or XX of the Social Security Act; or
- iii. any license issued by the Department of Health and Hospitals (or formerly issued by the Department of Social Services) to operate any adult residential care facility.

Licensing Section—DCFS, Division of Programs, Licensing Section.

Mandated Reporter—professionals who may work with children in the course of their professional duties and who consequently are required to report all suspected cases of child abuse and neglect. This includes any person who provides training and supervision of a child, such as a public or private school teacher, teacher's aide, instructional aide, school principal, school staff member, social worker, probation officer, foster home parent, group home or other child care institution staff member, personnel of maternity home facilities, a licensed or unlicensed day care provider, any individual who provides such services to a child, or any other person made a mandatory reporter under Article 603 of the Children's Code or other applicable law.

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

- a. For licensing purposes the following are considered owners:

- i. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the residents and/or infants of residents in care of the provider and/or residents and/or infants of residents who receive services from the provider and/or who are present at any time on the facility premises when residents and/or infants of residents are present;

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

- iii. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the residents and/or infants of residents in care of the provider, and/or residents and/or infants of residents who receive services from the

provider, and/or who is present at any time on the facility premises when residents and/or infants of residents are present; or

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

Ownership—the right that confers on a person direct, immediate, and exclusive authority over a thing. The owner of a thing may use, enjoy, and dispose of it within the limits and under the conditions established by law. Refers to direct or indirect ownership.

i. *Direct Ownership*—when a natural person is the immediate owner of a child care facility, i.e., exercising control personally rather than through a juridical person.

ii. *Indirect Ownership*—when the immediate owner is a juridical entity.

Provider—all owners or operators of a facility, including the director of such facility.

Reasonable and Prudent Parent Standard—standard that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities. The standard is characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child.

Reasonable and Prudent Parent Training—training that includes knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities. This includes knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities. Activities include sports, field trips, and overnight activities lasting one or more days. Also included is knowledge and skills in decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities.

Reasonable Suspicion—to have or acquire information containing specific and articulable facts indicating that an owner, operator, current or potential employee, or volunteer has been investigated and determined to be the perpetrator of abuse and/or neglect of a minor with a justified (valid) finding currently recorded on the state central registry.

Resident—a pregnant female who has not reached her eighteenth birthday or otherwise been legally emancipated and receives care at the maternity home before childbirth and within 6 weeks after childbirth. The resident may not reside in the home with her parents nor be related to the owner of the facility.

Staff—all full or part-time paid or unpaid staff who perform services for the maternity home and have direct or indirect contact with children at the facility. Facility staff includes the director and any other employees of the facility including, but not limited to the cook, housekeeper, driver, custodian, secretary, and bookkeeper.

State Central Registry (SCR)—repository that identifies individuals with certain justified (valid) findings of abuse and/or neglect of a child or children by the Department of Children and Family Services.

Unlicensed Operation—operation of any child care facility or child-placing agency, adult residential care facility, or transitional youth residence, at any location, without a valid, current license issued by the department.

2. Disqualification of Facility and Provider

a. If a facility's license is revoked or not renewed due to failure to comply with state statutes and licensing rules, the department shall not accept a subsequent application from the provider for that facility or any new facility for a minimum period of two years after the effective date of revocation or non-renewal or a minimum period of two years after all appeal rights have been exhausted, whichever is later (the disqualification period). Any pending application by the same provider shall be treated as an application for a new facility for purposes of this Section and shall be denied and subject to the disqualification period. Any subsequent application for a license shall be reviewed by the secretary or their designee prior to a decision being made to grant a license. The department reserves the right to determine, at its sole discretion, whether to issue any subsequent license.

b. Any voluntary surrender of a license by a facility facing the possibility of adverse action against its license (revocation or non-renewal) shall be deemed to be a revocation for purposes of this rule, and shall trigger the same disqualification period as if the license had actually been revoked.

c. In addition, if the applicant has had a substantial history of non-compliance, including but not limited to revocation of a previous license, operation without a license, or denial of one or more previous applications for licensure, the department may refuse to accept a subsequent application from that applicant for a minimum period of two years after the effective date of denial.

d. With respect to an application in connection with the revoked, denied, or not renewed facility, the disqualification period provided in this Section shall include any affiliate of the provider.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2694 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1570 (August 2009), amended LR 36:799, 835 (April 2010), repromulgated LR 36:1275 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:2521 (November 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:968 (April 2012), LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:514 (April 2019), effective May 1, 2019, LR 46:666 (May 2020), effective June 1, 2020.

§6704. Authority

A. Penalties

1. All maternity homes, including facilities owned or operated by any governmental, profit, nonprofit, private, or church agency shall be licensed.

2. As mandated by R.S. 46:1421, whoever operates any child care facility or child-placing agency as defined in R.S. 46:1403, including any maternity home, without a valid license issued by the department shall be fined not less than \$1,000 per day for each day of such offense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1421.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:66 (January 2013).

§6705. Application

NOTE: This Section has been moved from LAC 67:I.1705.

A. An initial application for licensing as a maternity home provider shall be obtained from the department.

Department of Children and Family Services Licensing Section
P.O. Box 260036
Baton Rouge, LA 70826
Phone: (225) 342-4350

Fax: (225) 219-4363

Web address: www.dcf.louisiana.gov

1. Prior to the initial license being issued to a maternity home, an initial licensing inspection shall be conducted on-site at the maternity home to ensure compliance with all licensing standards. No resident or infant of a resident shall be provided services by the maternity home until the initial licensing inspection has been performed, all deficiencies cleared, requested information received, and the department has issued an initial license. If the provider is in operation in violation of the law, the licensing inspection shall not be conducted. In these instances, the application shall be denied and DCFS shall pursue legal remedies.

2. Once the maternity home provider is compliant with all licensing laws and standards, required statutes, ordinances, rules, regulations, and fees, the department may issue a license to the provider. The license shall be valid until the expiration date shown on the license, unless the license is revoked or suspended. When a license is modified, a new license shall be issued. The license with the most current issue date supersedes all other licenses issued.

B. Posting of Notices of Revocation.

1. The notice of revocation of the license shall be prominently posted.

a. The Department of Social Services shall prominently post a notice of revocation action at each public entrance of the maternity home facility within one business day of such action. This notice must remain visible to the parents, guardians, placing agencies, and other interested parties of children who reside the facility.

b. It shall be a violation of these rules for a provider to permit the obliteration or removal of a notice of revocation that has been posted by the department. The provider shall ensure that the notice continues to be visible to the general public, other placing agencies, parents, guardians, and other interested parties throughout the pendency of any appeals of the revocation.

c. The provider shall notify the department's child residential licensing in writing immediately if the notice is removed or obliterated.

d. Failure to maintain the posted notice of revocation required under these rules shall be grounds for denial, revocation or non-renewal of any future license.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2694 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1570 (August 2009), amended LR 36:799, 841 (April 2010), amended by the Department of Children and Family Services, Child Welfare Section LR 36:1462 (July 2010), LR:46:667 (May 2020), effective June 1, 2020.

§6707. Licensing Procedures

NOTE: This Section has been moved from LAC 67:I.1707.

A. A social services consultant of the division's staff will prepare a comprehensive survey of the home's program, measuring performance in relation to requirements and offering recommendations and suggestions in indicated areas. This report will be made available to the facility for review of facts prior to submission to the director of the Division of Licensing and Certification for a decision on the license. A home has the right to appeal through the court if its license is denied or revoked.

B. The licensing report is held confidential by the division but must be released to persons or courts upon request.

C. A maternity home which is operated in conjunction with other programs subject to license, such as child caring and/or child placing programs, shall obtain a license for each of its programs.

D. The email address provided to the Licensing Section on the licensing application is the official email address unless the provider subsequently submits written notification of a change of email address to the Licensing Section and the request is acknowledged as received by licensing staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2694 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1570 (August 2009), amended LR 36:799 (April 2010), amended by the Department of Children and Family Services, Licensing Section, LR 46:667 (May 2020), effective June 1, 2020.

§6708. General Provisions

A. Conditions for Participation in a Child-Related Business

1. Owners shall have a fingerprint-based criminal background check through the Federal Bureau of Identification (FBI) on file with the maternity home in accordance with R.S. 46:51.2 and 15:587.1.

a. This check shall be obtained prior to the license being issued, the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to residents and/or infants of residents.

b. No person shall own, operate, or participate in the management or governance of a maternity home until such person has submitted his or her fingerprints through the FBI and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

c. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C), shall own, operate, or participate in the management or governance of a maternity home.

d. Any owner or operator who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of *nolo contendere*.

2. The following is a listing of individuals by organizational type who are required to submit documentation of a satisfactory fingerprint-based criminal background clearance through the FBI.

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

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

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the residents and/or infants of residents in care of the provider, and/or residents and/or infants of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or infants of residents are present; or

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

3. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to residents and/or infants of residents in care or who receive services from the provider and/or is not present at any time on the facility premises when residents and/or infants of residents are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint-based CBC through the FBI. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

4. Effective May 1, 2019, CBCs/attestation forms shall be dated prior to the initial license being issued, but no earlier than 45 days prior to the initial application being received by the Licensing Section, or the individual being present on the premises, or having access to residents and/or infants of residents.

5. Providers and staff shall not permit an individual convicted of a sex offense as defined in R.S. 15:541 to have physical access to a maternity home as defined in R.S. 46:1403.

6. The owner or director of a maternity home shall be required to call and notify law enforcement personnel and the Licensing Section management staff if they have knowledge that a registered sex offender is on the premises of the maternity home. The verbal report shall be followed by a written report to the Licensing Section within 24 hours. The owner or director of a maternity home shall be required to call and notify law enforcement personnel if they have knowledge that a registered sex offender is within 1,000 feet of the maternity home as required by R.S. 14:91.1.

B. State Central Registry

1. All owners shall have documentation of a state central registry clearance as required in §6712.

C. Reasonable and Prudent Parent Standard

1. The provider shall designate in writing at least one on-site staff person as the authorized representative to apply the reasonable and prudent parent standard to decisions involving the participation of a child who is in foster care and placed in the facility in age or developmentally appropriate activities. The staff person(s) designated as the authorized representative shall be at the licensed location at all times during the facility's hours of operation. Licensing shall be notified in writing within five calendar days if there is a change to one of the designated representatives.

2. The authorized representative shall utilize the reasonable and prudent parent standard when making any decision involving the participation of a child who is in foster care and placed in the facility in age or developmentally appropriate activities.

3. The authorized representative shall receive training or training materials shall be provided on the use of the reasonable and prudent parent standard. Documentation of the reasonable and prudent parenting-training shall be maintained. The reasonable and prudent parent training or training materials, as developed or approved by DCFS, shall include, but is not limited to the following topic areas:

- a. age or developmentally appropriate activities or items;
- b. reasonable and prudent parent standard;
- c. role of the provider and of DCFS; and
- d. allowing for normalcy for the child while respecting the parent's residual rights.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:969 (April 2012), amended LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:515 (April 2019), effective May 1, 2019, LR 46:667 (May 2020), effective June 1, 2020.

§6709. Organization and Administration

NOTE: This Section has been moved from LAC 67:1.1709.

A. Purpose

1. There shall be a written statement specifying the purpose of the maternity home. This statement shall be one which has been adopted by the governing body. All functions of the maternity home shall be stated in its charter, or articles, when the home operates under one of these.

2. It shall be clear from the practices of the home that the purposes for which it was declared to be established are being met.

3. The governing body shall adopt a supplementary statement of any new function which is added to the program of the maternity home.

B. Governing Body

1. There shall be a responsible governing body which shall be of the following:

- a. a board of local citizens elected or appointed for that purpose;
- b. a religious, fraternal, charitable organization, or veteran's organization; or
- c. a public authority.

2. This governing body shall exercise sufficient authority so that it can reasonably be held responsible for the practices within the maternity home.

3. The governing body shall have the power to appoint or dismiss the executive director and shall carry responsibility for the direction of the program.

4. If the governing body is a national or regional organization and has a local advisory board or committee, minutes of the local group setting forth changes in policies and administrative decisions affecting the local operation shall be made available to the licensing authority.

C. Administrative Responsibilities

1. There shall be one person employed by the governing body to serve as superintendent or executive director. This person shall be responsible for the administration of the maternity home.

2. The agency executive director or superintendent shall be responsible for the direction and supervision of all personnel employed in the maternity home.

3. The duties, responsibilities, and authority of each staff member shall be clearly defined specifying:

- a. where responsibilities, and authority rest for each of his or her functions within the maternity home;

- b. that no responsibility or authority shall conflict with another.

4. The duties, responsibilities, and authority of each board committee working directly with staff shall be clearly defined.

5. The following personnel practices shall be observed:

- a. the Division of Licensing and Certification shall be notified promptly when there is a change of executive director within the period covered by a license, this notification shall include a statement of the qualifications of the new employee;

- b. only such staff members who are qualified for the duties assigned by virtue of ability, health, age, emotional stability, education, and experience shall be employed and retained in employment;

- c. a written statement shall be given to the employee at the time of employment setting forth the duties that will be assigned to him, to whom he is directly responsible, and conditions of employment, including official responsibilities, salary, hours of work, sick leave, retirement benefits, vacations, and the notice he will be expected to give or receive in case of resignation or release;

- d. no person shall be required to do work in contravention of the labor laws of the state of Louisiana or the United States;

e. the governing body of the maternity home shall be encouraged to participate in a retirement plan for the employees, such coverage may be the home's own retirement plan or Retirement Survivors' and Disability Insurance.

D. Resources

1. The maternity home shall prepare an annual budget adequate to finance the program. The budget shall be prepared for the maternity home's fiscal year and shall clearly indicate all sources of income as well as anticipated expenditures.

2. The maternity home partially dependent on board payments to carry out its functions shall have sufficient funds available to continue care until other plans can be made for residents should contributions cease.

3. The governing body shall not assign to the personnel of the maternity home the responsibility for fund raising.

4. Soliciting funds shall be the responsibility of the governing body or of a special officer appointed for this purpose.

E. Auditing of Accounts

1. Accounts of the maternity home shall be audited annually by an independent certified public accountant or by a public authority.

F. Personnel Plan

1. An executive director shall be employed whose qualifications include a basic year's training in an accredited school of social work, or three years of successful experience in a recognized social agency, or five years successful experience in closely allied fields such as nursing, education, or ministry.

2. A caseworker shall be employed who meets the following qualifications: completion of one basic year in an accredited school of social work and one year of experience in a family or children's agency. The experience may be waived if the facility employs a casework supervisor with the same qualifications as the supervisor in a child placing agency.

3. A case aide or aides may be employed with the following qualifications: a B.A. or B.S. degree in social work or a related field. This person shall be closely supervised by the casework supervisor.

4. A full-time resident staff person shall be employed when the superintendent does not live at the home. The resident staff person's qualifications shall include:

- a. a high school education;
- b. at least two years successful experience in allied fields such as practical nursing, household management, housemother experience;
- c. an ability to accept and work with expectant mothers;
- d. an ability to supervise assistant resident staff persons; and
- e. be over the age of 21.

5. Assistant staff person, with the following qualifications, shall be employed when the population requires it:

- a. a high school education;
- b. an ability to accept and work with expectant mothers; and
- c. be over the age of 21.

6. There shall be on call at all times an employee who is a graduate nurse or practical nurse.

- a. The graduate nurse must have a current license to practice nursing in the state of Louisiana.

b. The practical nurse must have a current license to practice in the state of Louisiana.

7. Sufficient clerical staff shall be employed to keep correspondence, records, bookkeeping system, and files current and in good order. Expectant mothers receiving care in the maternity home shall not be used in this capacity. Clerical staff shall be selected in relation to ability to understand the confidentiality of the work and to respect the program.

8. Sufficient domestic staff shall be employed so that the major and heavy household duties are not assigned to the expectant mothers or become the duties of the resident staff person. Domestic staff shall be selected in relation to ability to understand the confidentiality of the work and to respect the program.

9. All employees living or working within an institution shall be required to obtain a written statement from a physician certifying that the employee is free from venereal disease, tuberculosis, and other infectious or contagious disease. This statement shall be obtained prior to employment, or immediately thereafter and annually during employment.

10. Resident staff shall be provided with quarters which insure reasonable privacy and rest during hours off duty. In addition, provision shall be made for personal belongings and bathing and toilet facilities separate from those used by expectant mothers.

11. Foster homes which are used in lieu of a congregate home shall meet the standards outlined for foster homes in "Minimum Requirements for License of Child Placing Agencies", published by the Division of Licensing and Certification.

G. Staff

1. There shall be on duty at all times one adult serving in the capacity of resident staff. In addition, an alternate person shall be on call. There shall be one adult on the staff designated as the assistant to the resident staff who will also serve as relief resident staff.

2. In small maternity homes, it may be necessary for one employee to serve in more than one capacity. When this practice is followed, the employee shall be well qualified by training and experience for the different duties assigned.

H. Influenza Notice to Parents. In accordance with Act 343 of the 2009 Regular Legislative Session, 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 Social Services and shall be made available to parents or legal guardians prior to November 1 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2694 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1571 (August 2009), amended LR 36:330 (February 2010), amended LR 36:799 (April 2010), repromulgated LR 36:1030 (May 2010).

§6710. Criminal Background Checks

A. Criminal Background Checks—Current Owners as of June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 1587.1, provider shall submit a request for a fingerprint-based criminal background check through the Federal Bureau of Investigation (FBI) for all owners/operators. The request for the FBI check shall be submitted no later than

June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing section.

2. Upon notification that the owner/operator has been convicted of a crime listed in R.S.15:587.1(C), the owner/operator shall no longer be eligible to own, operate, or participate in the governance or management of the maternity home. The owner/operator can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner/operator 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 after the notification has been made indicating that the individual has resigned or been relieved of his position with the effective date of the resignation/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to Licensing within seven calendar days of the notification being made verifying that the individual's name has been removed from the Secretary of State's website if owned by a corporation.

3. Upon notification that additional information is required in order to make a decision, the provider has seven calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the owner/operator shall not be present at the agency. However, if the information is not submitted within 30 calendar days, owner/operator can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner/operator 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 after the thirtieth day indicating that the individual has resigned or been relieved of his position with the effective date of the resignation/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to Licensing within seven calendar days after the thirtieth day verifying that the individual's name has been removed from the Secretary of State's website if owned by a corporation.

4. This check shall be obtained prior to the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to residents and/or infants of residents.

5. No person shall own, operate, or participate in the management or governance of a maternity home until such person has submitted his or her fingerprints through the FBI and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

6. Any owner or operator who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of *nolo contendere*.

7. The following is a listing of individuals by organizational type who are required to submit documentation to Licensing of a satisfactory fingerprint-based criminal background clearance through the FBI:

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

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

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the residents and/or infants of

residents in care of the provider, and/or residents and/or infants of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or infants of residents are present; or

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

8. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to residents and/or infants of residents in care or who receive services from the provider and/or is not present at any time on the facility premises when residents and/or infants of residents are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint-based CBC through the FBI. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

9. Criminal background clearances are not transferable between owners.

B. Criminal Background Checks—Prospective owners effective June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, documentation of a satisfactory fingerprint-based criminal background check through the Federal Bureau of Investigation (FBI) for all owners/operators is required prior to the date the initial license is issued. The satisfactory criminal record check shall be dated prior to the issuance of the license, but no earlier than 45 days prior to the initial application being received by the Licensing Section. Documentation of a satisfactory fingerprint-based FBI check shall be available for review.

2. This check shall be obtained prior to the license being issued, the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to residents and/or infants of residents.

3. No person shall own, operate, or participate in the management or governance of a maternity home until such person has submitted his or her fingerprints through the FBI and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

4. Any owner or operator who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of *nolo contendere*.

5. The following is a listing of individuals by organizational type who are required to submit documentation to Licensing of a satisfactory fingerprint-based criminal background clearance through the FBI:

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

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

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the residents and/or infants of residents in care of the provider, and/or residents and/or infants of residents who receive services from the

provider, and/or who is present at any time on the facility premises when residents and/or infants of residents are present; or

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

6. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to residents and/or infants of residents in care or who receive services from the provider and/or is not present at any time on the facility premises when residents and/or infants of residents are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint-based CBC through the FBI. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

7. CBCs/attestation forms shall be dated prior to the initial license being issued, but no earlier than 45 days prior to the initial application being received by the Licensing Section.

8. Criminal background clearances are not transferable between owners.

C. Criminal Background Checks for Current Staff and Volunteers as of June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, provider shall submit a request for a fingerprint-based criminal background check through the Federal Bureau of Investigation (FBI) for all currently employed staff (paid and non-paid staff and volunteers). The request shall be submitted to the FBI no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing section.

2. Upon notification that the staff person has been convicted of a crime listed in R.S.15:587.1(C), the individual shall no longer be eligible for employment or able to provide services for the provider. The provider shall submit a signed, dated statement to the Licensing Section within 24 hours or no later than the next business day after notification has been made indicating that the staff has been terminated or individual will no longer be providing services. If this statement is not received by the Licensing Section within the aforementioned timeframe, the license shall be immediately revoked.

3. Upon notification that additional information is required in order to make a decision, the provider has seven calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the individual is ineligible to return to work or provide services. The provider shall submit a signed, dated statement to the Licensing Section within 24 hours or no later than the next business day after the seventh day indicating that the individual has been suspended or no longer providing services. However, if the information is not submitted within 30 calendar days, the individual shall be terminated or no longer eligible to provide services for the provider. If the information is not submitted before the thirty-first calendar day following the request for information, the individual shall be terminated or no longer eligible to provide services for the provider. The provider shall submit a signed, dated statement to the Licensing Section within 24 hours or no later than the next business day after the thirtieth day indicating that the individual has been relieved of his position with the effective date of the termination/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked.

4. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be present in any capacity in the facility.

5. CBC shall be dated no earlier than 45 days of the individual being present in the facility or having access to the residents and/or infants of residents.

6. Criminal background clearances are not transferable between owners.

D. Criminal Background Checks for Prospective Staff and Volunteers effective June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, documentation of a satisfactory criminal background check through the Federal Bureau of Investigation (FBI) is required prior to the individual (paid and non-paid staff and volunteers) being present in the facility or having access to residents and/or infants of residents. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1 shall be hired by or present in any capacity in the facility.

2. Criminal background checks (CBC) through the Federal Bureau of Investigation (FBI) shall be dated no earlier than 45 days of the individual being present in the facility or having access to the residents and/or infants of residents.

3. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be hired by or present in any capacity in the facility.

4. No person who is convicted of or has pled *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall continue employment or to provide services after such conviction or *nolo contendere* plea.

5. Criminal background clearances are not transferable between owners.

E. Criminal Background Checks for Current Contractors as of June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, provider shall submit a request for a criminal background check through the Federal Bureau of Investigation (FBI) for all current contractors. The request shall be submitted to the FBI no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing Section.

2. Upon notification that the contractor has been convicted of a crime listed in R.S.15:587.1(C), the individual shall no longer be eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after notification has been made indicating that the contract has been terminated and the individual is no longer allowed access to the residents and/or infants of residents. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked.

3. Upon notification that additional information is required in order to make a decision, the provider has seven calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the individual is ineligible to provide services. The provider shall submit a signed, dated statement to the Licensing Section within 24 hours or no later than the next business day after the seventh day indicating that the individual has been suspended or no longer providing services. However, if the information is not submitted within 30 calendar days, the individual shall be terminated or no longer eligible to provide services for the provider. If the information is not submitted before the thirty-first calendar day following the request for information, the individual shall be terminated or no longer eligible to provide services for the provider. The provide shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the thirtieth day indicating that the individual has been relieved of his position with the effective date of the termination/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked.

4. A person shall not be deemed a contractor if he/she is a staff person of the facility.

5. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be present in any capacity in the facility.

6. Criminal background checks are not transferable between owners.

F. Criminal Background Checks for Prospective Contractors effective June 1, 2020

1. Contractors hired to perform work which involves contact with residents and/or infants of residents, shall be required to have documentation of a satisfactory fingerprint-based criminal background check through the Federal Bureau of Investigation (FBI) as required by R.S. 15:587.1 and R.S. 46:51.2. This check shall be obtained prior to the individual being present in the facility or having access to the residents and/or infants of residents.

2. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be hired by or present in any capacity in the facility.

3. This check shall be obtained prior to the individual being present in the facility or having access to the residents and/or infants of residents.

4. Criminal background checks (CBC) shall be dated no earlier than 45 days of the individual being present in the facility or having access to the residents and/or infants of residents.

5. A person shall not be deemed a contractor if he/she is a staff person of the facility.

6. Criminal background checks are not transferable between owners.

G. Criminal Background Checks for Louisiana Department of Education (LDE) Staff effective June 1, 2020

1. Effective June 1, 2020, provider shall provide documentation that a fingerprint-based satisfactory criminal background check (CBC) through the Federal Bureau of Investigation (FBI) as required by R.S. 15:587.1 and R.S. 17:15 for all Louisiana Department of Education staff or local school district staff that interact with residents and/or infants of residents prior to the individual providing services to residents and/or infants of residents has been conducted. This check shall be obtained prior to the individual being present in the facility or providing services for the facility. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be present in any capacity in any licensed facility.

a. For the first school year that a LDE staff person or local school district staff person provides services to a resident, that LDE staff person or local school district staff person shall provide documentation of a fingerprint-based satisfactory criminal record check through the Federal Bureau of Investigation (FBI) as required by R.S. 17:15 and R.S. 15:587.1 or shall provide the original, completed, signed, notarized, DCFS-approved affidavit dated June 1, 2020, or after to the provider prior to being present and working with a resident at the facility. A photocopy of the original affidavit shall be kept on file at the facility. This affidavit will be acceptable for the entire school year noted in the text of the affidavit and expires on May thirty-first of the current school year. For all subsequent school years following the first year, the LDE staff or local school district staff person shall present a new affidavit or an original, completed, and signed letter from the superintendent of the school district or designee or superintendent of LDE or designee noting that the individual continues to meet certain specific requirements. The provider will need to view the original letter presented by the LDE staff or local school district staff person and keep a photocopy of the original letter on file at the facility. This letter will be acceptable for the entire school year noted in the text of the letter and expires on May thirty-first of the current school year. The letter is acceptable only if all the following conditions are met:

i. the LDE staff person or local school district staff person has remained employed with the same school district as noted in the affidavit the provider has on file;

ii. the provider has maintained a copy of the affidavit on file; and

iii. the letter is presented on school district letterhead or LDE letterhead and signed by the superintendent of the school district or designee or superintendent of LDE or designee; and

iv. the letter notes the following:

(a) individual is an employee and/or representative of the school district for the (ex. 2020-2021) school year and is not employed or contracted on an emergency basis nor pursuant to written approval of any district judge or district attorney under to La. R.S. 17:15(A). As a prerequisite of employment and/or

representative status, he/she underwent a criminal background check as required by La. R.S. 17:15 and La. R.S. 15:587.1.

(b). the superintendent or designee certifies that, according to that criminal background check, he/she has not been convicted of, or pled guilty or *nolo contendere* to, any of the criminal offenses set forth in La. R.S. 17:15 and/or La. R.S.15:587.1(C).

(c). the superintendent or designee certifies that he/she will notify the Director of DCFS Licensing Section in writing if superintendent/designee becomes aware that the individual is convicted of an offense enumerated in La. R.S. 17:15 and/or 15:587.1(C) during the school year which nullifies the affidavit and/or letter.

2. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C), shall be hired by or present in any capacity in the facility.

3. Criminal background clearances are not transferable between owners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:970 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 45:516 (April 2019), effective May 1, 2019, LR 46:668 (May 2020), effective June 1, 2020.

§6711. Ethical Practices

NOTE: This Section has been moved from LAC 67:I.1711.

A. The following code of professional ethics shall be observed:

1. respect for the confidential nature of information provided by expectant mother and other agencies. Divulging identifying information about the expectant mother or her baby to anyone other than professional social casework staff and judicial agencies is prohibited. Information may be provided to other social casework staff and judicial agencies only when necessary for planning for the mother or the baby's welfare. Information about the mother may be given to other professional persons such as physicians or attorneys with the mother's written permission. Honesty in all dealing with expectant mothers, with other organizations and the public, including the keeping of agreements made with each;

2. the fulfilling of any responsibility accepted by the maternity home from courts of law;

3. utilizing funds for the stated purposes of the maternity home;

4. honoring contracts and prompt payment of bills.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2696 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1572 (August 2009), amended LR 36:801 (April 2010).

§6712. State Central Registry

A. State Central Registry Checks for Owners

1. Prior to May 1, 2019, in accordance with R.S. 46:1414.1, all owners and operators affiliated with facility were required to have on file a state central registry clearance form from child welfare stating that the owners/operators were not listed on the state central registry. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of a maternity home.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to residents and/or infants of residents in care or residents and/or infants

of residents who receive services from the provider and/or is not present at any time on the facility premises when residents and/or infants of residents are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a State Central Registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

2. Prior to May 1, 2019, all owners and operators affiliated with a facility were required to have on file a clearance from any other state's child abuse and neglect registry in which the owner/operator resided within the proceeding five years. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child was eligible to own, operate, or participate in the governance of the maternity home.

3. In accordance with R.S. 46:1414.1, an inquiry of the State Central Registry for all owners and operators shall be conducted prior to a license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. The Louisiana State Central Registry clearance form shall be dated no earlier than 45 days prior to the application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner. For states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to application being received by the licensing section or the addition of a new board member who meets the definition of an owner; however, individuals who continue to reside outside of the state of Louisiana but own/operate a maternity home in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial application being received by the Licensing Section. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the maternity home.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to residents and/or infants of residents in care or residents and/or infants of residents who receive services from the provider and/or is not present at any time on the facility premises when residents and/or infants of residents are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a State Central Registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

4. If an owner/operator resided in another state within the proceeding five years, provider shall request a check and obtain clearance information from that state's child abuse and neglect registry prior to the license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. No person who is recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance of a maternity home.

a. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

b. The out of state clearance forms shall be dated no earlier than 120 days prior to the application being received by the Licensing Section; however, individuals who continue to reside outside of the state of Louisiana but own/operate a maternity home in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial application being received by the Licensing Section.

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

6. A request for a state central registry clearance shall be submitted by provider for all owners/operators to child welfare every five years prior to the date noted on the state central registry clearance notification and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry.

7. If the owner/operator receives a justified (valid) finding after receiving notification from child welfare that he was not listed on the state central registry and the owner/operator advises the provider prior to his/her appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter.

a. The owner/operator shall be directly supervised by a paid staff (employee) of the maternity home and at any and all times when he/she is in the presence of a child/youth. The employee responsible for supervising the individual must not be a suspected perpetrator with a justified (valid) determination of abuse and/or neglect.

b. Under no circumstances shall the owner/operator, with the justified (valid) 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. Upon notification to the provider from child welfare that the owner/operator is listed on the state central registry, the owner/operator shall no longer be eligible to own, operate, or participate in the governance of the maternity home. The owner/operator may 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 justified (valid) finding of abuse and/or neglect is a member of the maternity 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 position on the board or has been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days, provider shall also submit to licensing documentation verifying that the individual's name has been removed from the Secretary of State's website if the CPA is owned/operated by a corporation. After receipt of the statement, the application for licensure may continue to be processed.

9. Any information received or knowledge acquired by a provider that a current owner is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally 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 maternity 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 must not be a suspected 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.

10. State central registry clearances are not transferable from one owner to another.

B. State Central Registry Checks for Staff and Volunteers

1. Prior to employment, staff record shall contain a state central registry clearance form indicating that the staff (paid, non-paid, and volunteers) person is not listed on the state central registry with a justified finding of child abuse and/or neglect.

a. Prior to May 1, 2019, all staff (paid, non-paid, and volunteers) were required to have on file a state central registry clearance form from child welfare noting that the staff (paid, non-paid, and volunteers) person is not listed on the state central registry in accordance with R.S. 46:1414.1. 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 in a licensed maternity home.

b. Prior to May 1, 2019, all staff (paid, non-paid, and volunteers) were required to have on file a clearance from any other state's child abuse and neglect registry in which the staff (paid, non-paid, and volunteers) person resided within the proceeding five years. 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 in a licensed maternity home.

c. In accordance with R.S. 46:1414.1, 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. Staff (paid, non-paid, and volunteers) persons who have resided in another state within the proceeding five years, provider shall request a check and obtain State Central Registry clearance from that state's child abuse and neglect registry. Louisiana State Central Registry clearance forms shall be dated no earlier than 45 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to residents and/or infants of residents. Other states' State Central Registry clearance forms shall be dated no earlier than 120 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to residents and/or infants of residents ; however, individuals who continue to reside outside of the state of Louisiana but volunteer with or work for the maternity home or with residents and/or infants of residents in the state of Louisiana, their clearances shall be dated prior to hire and/or providing services to residents and/or infants of residents, but no earlier than 45 days of hire or providing services. 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 in a licensed maternity home.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Upon notification from child welfare that the staff (paid, non-paid, and volunteers) is not listed on the state central registry, the provider shall maintain on file the state central registry clearance form noting that the staff's (paid, non-paid, and volunteers) name does not appear on the registry with a justified (valid) finding of abuse and/or neglect. A request shall be submitted to child welfare every five years for staff (paid, non-paid, and volunteers) prior to the issue date noted on the state central registry clearance form and at any time upon the request of DCFS if reasonable suspicion exists that a staff (paid, non-paid, and volunteers) may be listed on the state central registry.

e. If after the initial state central registry clearance form is received by provider from child welfare noting that the staff (paid, non-paid, and volunteers) is not listed on the state central registry and due to a new valid finding, the staff (paid, non-paid, and volunteers) 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 (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the maternity 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 staff (paid, non-paid, and volunteers) 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.

f. Upon notification to the provider from child welfare that the staff (paid, non-paid, and volunteers) is listed on the state central registry, the staff (paid, non-paid, and volunteers) shall no longer be eligible for employment with the maternity home. The provider shall submit a signed, dated statement to licensing within 24 hours, but no later than the next business day indicating that the staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect has been terminated. If this statement is not received by licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

g. Any information received or knowledge acquired by the provider that a current staff (paid, non-paid and volunteer) is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally 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 maternity 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 must 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.

h. State central registry clearances are not transferable from one owner to another.

C. State Central Registry Checks for Contractors

1. Contractors who provide services to children/youth unaccompanied by paid staff or have access to children/youth unaccompanied by a paid staff shall have on file at the facility a state central registry clearance form which indicates that the contractor is not listed on any State Central registry with a valid finding of child abuse and/or neglect.

a. Prior to May 1, 2019, all contractors providing services to the maternity home were required to have on file a state central registry clearance form from child welfare that the contractor is not listed on the state central registry in accordance with R.S. 46:1414.1. 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 provide services in a licensed maternity home.

b. Prior to May 1, 2019, all contractors providing services to the maternity home were required to have on file a clearance from any other state's child abuse and neglect registry in which the contractor resided within the proceeding five years. 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 provide services in a licensed maternity home.

c. For individuals who have resided in another state within the proceeding five years, provider shall request a check and obtain clearance information from that state's child abuse and neglect registry prior to providing services or having access to children/youth.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Louisiana State Central Registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to residents and/or infants of residents. Other states' State Central Registry clearance information shall be dated no earlier than 120 days prior to the individual providing services or having access to residents and/or infants of residents however, individuals who continue to reside outside of the state of Louisiana but contract with or provide services for the maternity home or with residents and/or infants of residents in the state of Louisiana, their clearances shall be dated prior to hire and/or providing services to residents and/or infants of residents, but no earlier than 45 days of hire or providing services. 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 in a licensed maternity home.

e. Upon notification from child welfare that the individual is not listed on the state central registry, the provider shall maintain on file the state central registry clearance indicating that the individual's name does not appear on the registry with a justified (valid) finding of 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 in a licensed maternity home.

f. A request shall be submitted to child welfare every five years for contractors prior to the issue date noted on the state central registry clearance 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.

g. If after the initial state central registry clearance 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 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 maternity 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 must 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.

h. Upon notification to the provider from child welfare that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide services for the maternity 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 maternity 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.

i. Any information received or knowledge acquired by the provider that a current contractor is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally 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 maternity 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 must 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.

j. State central registry clearances are not transferable from one owner to another.

D. 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 reported to Licensing management staff immediately 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 maternity 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 45:516 (April 2019), effective May 1, 2019, LR 46:672 (May 2020), effective June 1, 2020.

§6713. Social Services

NOTE: This Section has been moved from LAC 67:I.1713.

A. A social study shall be completed for every expectant mother accepted for care by the maternity home. The social study shall be completed by a caseworker on the maternity home's staff or by a

caseworker of the referring agency. When she is accepted through correspondence or on an emergency basis, the expectant mother shall be interviewed by the maternity home caseworker within a week after arrival. An immediate interview however, is preferable.

B. Intake

1. The intake study shall include social information establishing that the expectant mother is in need of the services of the maternity home.

2. The following identifying information is essential: name, date of birth, nationality, religion, education, occupation, health history, physical appearance of mother, marital status, and home address.

3. The social worker shall discuss with the expectant mother the following:

a. the regulations of the maternity home and her responsibilities;

b. the services available to her through the maternity home and community;

c. agreement that while she is in the care of the maternity home she may plan either to keep or to release her baby. The narrative record shall clearly show that a full discussion was held with the expectant mother regarding alternatives. The expectant mother should understand that should she not surrender her child to the home, the home will release the child only to the mother or to a licensed agency.

4. The agreement shall be in writing when a charge for care is made.

C. Continuing Casework

1. Following admission, the social worker shall counsel with the expectant mother as often as her individual needs require. The caseworker will begin to establish a relationship in order to gain an understanding of the expectant mother's total situation and the meaning of the pregnancy for the expectant mother.

2. Interviewing shall be focused on the expectant mother's individual problems and on plans for the baby. In general, the treatment plan will be focused on preparing the expectant mother for a return to useful community life and providing her with information regarding the resources available in her local community.

3. The decision to surrender or take her baby should be made by the mother before, or at the time of discharge. Should the expectant mother desire postponement of her decision regarding surrender, the consideration of allowing more time shall be made on an individual basis by the social worker. In any event, adequate discharge plans shall be made.

4. The social worker shall know at the time of discharge what plans the expectant mother has for living arrangements, employment, or school. It is the social worker's responsibility to assist the expectant mother directly or through referral to other agencies when she needs help in these areas.

D. Records

1. A narrative record shall be maintained which incorporates the information required in Subsections A and B of this Section. Copies of correspondence, agreements, and other forms shall be filed in this folder. The confidential nature of these records shall be respected, and these records are for the use of professional casework staff only. Social records shall be accessible only to the appropriate staff and shall be maintained in locked files.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2696 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1572 (August 2009), amended LR 36:801 (April 2010).

§6715. Care in the Home

NOTE: This Section has been moved from LAC 67:I.1715.

A. Health Aspects

1. Responsibility for the health supervision of the maternity home shall be placed in a licensed physician or a group of licensed physicians appointed by the governing body. A physician shall approve written procedures governing the following:

- a. medications and treatment that may be given without specific orders from a licensed physician or by a physician designated by him;
- b. circumstances under which a physician shall be called;
- c. action to be taken in case of emergency;
- d. a special diet if required; and
- e. household tasks that may be required. The physician shall review annually the health practices within the maternity home and certify in writing that they meet the licensing requirements.

2. Unless the maternity home requires, prior to admission, a statement from a physician that the expectant mother is free from communicable diseases, the maternity home shall have an isolation facility available. The expectant mother admitted without the statement from the physician shall be placed in isolation until she has had a complete physical examination to determine her freedom from communicable diseases.

3. The expectant mother shall be placed immediately under medical supervision. She shall have a physical examination within a week after admission to the home and at least monthly prior to confinement and before discharge. Should she leave the home before she is medically discharged, this fact shall be recorded on her medical record.

4. Nourishing food, attractively served, shall be provided. The diet shall be planned in consultation with a nurse, or if a special diet, the physician in charge. Necessary changes in diet prescribed in individual cases by the physician shall be followed.

5. A complete medical record shall be maintained on each expectant mother when she delivers at the maternity home. The case worker or nurse is responsible for maintaining a record for each expectant mother who delivers in public or private hospitals. This record shall contain dates of visits to the medical facility and a summary of medical consultation. Delivery information on the infant shall be recorded. These records shall be maintained in locked files.

6. When an infant is admitted for care into the home's nursery, all standards for child caring institutions apply.

E. Program

1. Regulations

a. The regulations of the maternity home shall not infringe on the expectant mother's privilege of writing and receiving uncensored mail and visits from her family.

b. The same food shall be served to the staff and expectant mothers when they dine together, except when special diets must be prepared for any of the expectant mothers.

c. A mother who wishes to give personal attention to her baby, such as bathing and feeding, shall be permitted to do so.

d. An expectant mother shall be allowed a choice of duties, insofar as possible.

2. Recreation

a. A recreational program shall be provided which will meet the individual needs of the expectant mothers. This program shall consist of a well-stocked library, magazines, newspapers, games, radio or television, piano, and record players. It is desirable to encourage arts and crafts with proper leadership. There shall be provision for outdoor activities. The yard should provide for privacy and be equipped with comfortable outdoor furniture. Expectant mothers interested in community activities should be encouraged to participate.

3. Education

a. Every effort shall be made to arrange continued education for girls under 16 and for older girls whose schooling has been interrupted. Vocational training when appropriate should be encouraged. Household duties should have an educational value.

4. Religion

a. Expectant mothers shall have the privilege of attending the church of their choice. Religious services should be available in the maternity home to those expectant mothers wishing to attend. An expectant mother wishing consultation with her pastor shall be provided the opportunity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2697 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1573 (August 2009), amended LR 36:801 (April 2010).

§6717. Plant and Equipment

NOTE: This Section has been moved from LAC 67:I.1717.

A. Maintenance

1. The building, grounds, and equipment shall be kept clean and in good repair.

B. Location. Local zoning ordinances should be followed.

C. Allocation of Space

1. The room assigned expectant mothers shall be clean, airy, and inviting. Each expectant mother shall have a separate bed, and there shall be at least 4 feet between beds. Each expectant mother shall have adequate closet and drawer space for personal possessions in the room assigned to her. There shall be toilet and bath facilities available in the ratio of one to six expectant mothers. Any maternity home established or rebuilt shall be designed for a maximum of not more than four girls to a room.

2. A recreation room for the exclusive use of the expectant mothers shall be provided.

3. A room insuring privacy where expectant mothers can visit with their families shall be provided.

4. An isolation room and bath for expectant mothers admitted prior to examination for communicable diseases shall be provided.

5. When facilities for delivery are provided in the maternity home, separate and properly equipped quarters approved by the home's physician shall be provided.

6. When the home has facilities for delivery, a recovery room shall be provided on the same floor as the delivery room unless an elevator is available.

7. Separate, private offices shall be provided for the casework staff when the offices are housed in the maternity home. Facilities for the use of a private telephone should be provided.

8. Living quarters separate from those occupied by the expectant mothers shall be provided for auxiliary staff (nursery attendants, domestic staff, and maintenance staff), if they are required to live in.

D. Safety Aspects

1. All requirements of the local state fire prevention and health authorities shall be met. An annual inspection by each of the authorities shall be requested by a designated authority of the maternity home and the report shall be submitted to the Division of Licensing and Certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2697 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1574 (August 2009), amended LR 36:802 (April 2010).