

Notice of Intent

Department of Children and Family Services

Licensing Section

**Licensee Portal - Child Residential Care Class B, Residential Homes (Type IV), Child Placing Agencies—General Provisions, and Juvenile Detention
(LAC 67:V. 6956, 7108, 7311, and 7507)**

In accordance with the provisions of the Administrative Procedure Act R.S. 49:950 et seq., the Department of Children and Family Services (DCFS) proposes to amend LAC 67:V, Subpart 8, Chapter 69, Child Residential Care, Class B, Section 6956; amend Chapter 71, Residential Homes-Type IV, Section 7108, Chapter 73, Child Placing Agencies—General Provisions, Section 7311, and Chapter 75, Juvenile Detention Facilities, Section 7507.

The department is amending Sections 6956, 7108, 7311, and 7507 in order to implement the licensee portal for the submission of electronic corrective actions plans by the providers. This electronic submission will streamline the corrective action plan approval process for providers. The proposed change does not give the department any additional authority or remove any authority currently held by the department.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 69. Child Residential Care, Class B

§6956. Corrective Action Plans

A. A corrective action plan (CAP) shall be submitted for any and all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents

shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from the date of the inspection or receipt of the deficiencies, if mailed or emailed. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) shall be completed, and outline the steps the provider plans to take in order to prevent further deficiencies from being cited in these areas and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within 3 calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 50:

Chapter 71. Residential Homes - Type IV

§7108. Corrective Action Plans

A. A corrective action plan (CAP) shall be submitted for any and all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted

within 10 calendar days from the date of the inspection or receipt of the deficiencies, if mailed or emailed. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) shall be completed, and outline the steps the provider plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within 3 calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:257 (February 2017), LR 50:

Chapter 73. Child Placing Agencies—General Provisions

§7311. Licensing Requirements—Foster Care, Adoption, Transitional Placing

A. - K.3. ...

L. Corrective Action Plans—Foster Care, Adoption, Transitional Placing

1. A corrective action plan (CAP) shall be submitted for all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for

submitting the CAP, the CAP shall be submitted within 10 calendar days from receipt of the deficiencies. Receipt of the deficiencies by any staff person constitutes notice to the child-placing agency. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) will be completed, and outline the steps the child-placing agency plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within five calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

2. - N.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:359 (March 2019), effective April 1, 2019, LR 46:681 (May 2020), effective June 1, 2020, amended LR 47:350 (March 2021), effective April 1, 2021, repromulgated LR 47:441 (April 2021), amended LR 47:1847 (December 2021), LR 49:848 (May 2023), effective June 1, 2023, LR 50:

Chapter 75. Juvenile Detention Facilities

§7507. Licensing Requirements

A. - I.7. ...

J. Corrective Action Plan (CAP)

1. A corrective action plan (CAP) shall be submitted for all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related

documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from receipt of the deficiencies. Receipt of the deficiencies by any staff person constitutes notice to the juvenile detention facility. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) will be completed, and outline the steps the juvenile detention facility provider plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within five calendar days.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1561 (July 2012), amended LR 38:3104 (December 2012), LR 39:1006 (April 2013), effective July 1, 2013, amended LR 42:395 (March 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:652 (May 2019), effective June 1, 2019, LR 49:848 (May 2023), effective June 1, 2023, LR 50:

Family Impact Statement

The proposed rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Statement

The proposed rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments to Joy Legaux, Licensing Program Director, Department of Children and Family Services, P.O. Box 3776, Baton Rouge, LA 70821 or by email to DCFSPublicHearings@la.gov. The deadline for submitting written comments is at 4:30 p.m. on April 25, 2024.

Public Hearing

A public hearing on the proposed Rule will be held on, April 25, 2024, at DCFS, Iberville Building, 627 North Fourth Street, Room 1-127, Baton Rouge, LA beginning at 9:00 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (voice and TDD).

David Matlock
David Matlock
Secretary

02/16/2024 | 7:17 AM CST

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Person Preparing Statement: <u>Joy Legaux</u>	Dept.: <u>Children and Family Services</u>
Phone: <u>(225) 342-4350</u>	Office: <u>Office of the Secretary</u> <u>Licensee Portal- Child Residential Care Class B, Residential Homes (Type IV), Child Placing Agencies—General Provisions, and Juvenile Detention</u>
Return Address: <u>627 N. 4th Street, P.O. Box 3078</u> <u>Baton Rouge, LA</u> <u>70821</u>	Rule Title: <u>Provisions, and Juvenile Detention</u> Date Rule Takes Effect: <u>August 1, 2024</u>

SUMMARY
(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

The only cost of this proposed rule is the cost of publishing rulemaking which is estimated to be approximately \$1,491 (\$1,118 State General Funds and \$373 Federal Funds) in FY 24. This is a one-time cost that is routinely included in the department's annual operating budget.

The department proposes to amend LAC 67:V, Subpart 8, Chapter 69, Class B, Section 6956; Chapter 71, Section 7108; Chapter 73, Section 7311; Chapter 75, Section 7507 Licensing Section.

The department is amending LAC 67:V to allow providers such as child residential care (Section 6956), residential home type IV (Section 7108), child placing agencies – general provisions (Section 7311), and juvenile detention facilities (Section 7507) to implement the licensee portal, Sanswrite, for the submission of electronic corrective action plans (CAP). This electronic submission system will be utilized to submit CAPs to DCFS for any and all deficiencies noted by Licensing Section staff regarding any laws or standard, or any other statute, ordinance, or standard.

DCFS Licensing Section staff members inspect providers and their facilities to determine compliance with state licensing regulations. DCFS maintains a license subscription with Outlier Technologies, which is renewed annually for the use of the Sanswrite system for licensing purposes. This system allows Licensing staff members to conduct inspections, generate deficiency findings, and organize all provider inspection information in one platform. It also provides access to the licensee portal where providers can submit their Corrective Action Plan (CAP) electronically, rather than by mail or email. DCFS transitioned providers from utilizing a paper CAP submission process to an electronic CAP submission process. The CAP creation features existed on the licensee portal prior to transition; therefore, there was no increase in its annual renewal cost \$45,234 (\$33,925 SGF and \$11,309 Federal), according to total spend for FY 24. The original source of funding is the Social Services Block Grant (SSBG).

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

Implementation of this proposed rule will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

This proposed rule will have no impact on the estimated costs of any persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment.

Joy Legaux

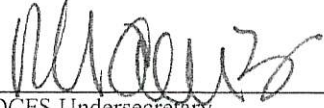
Signature of Head or Designee

Joy Legaux, DCFS Licensing Director

Typed Name & Title of Agency Head or Designee

04/01/2024

Date of Signature


DCFS Undersecretary


Legislative Fiscal Officer or Designee
Deputy Fiscal Officer

4/04/2024

Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The department proposes to amend LAC 67:V, Subpart 8, Chapter 69, Class B, Section 6956; Chapter 71, Section 7108; Chapter 73, Section 7311; Chapter 75, Section 7507. Licensing Section.

The department is amending LAC 67:V to allow providers such as child residential care (Section 6956), residential home type IV (Section 7108), child placing agencies – general provisions (Section 7311), and juvenile detention facilities (Section 7507) to implement the licensee portal, Sanswrite, for the submission of electronic corrective action plans (CAP). This electronic submission system will be utilized to submit CAPs to DCFS for any and all deficiencies noted by Licensing Section staff regarding any laws or standard, or any other statute, ordinance, or standard.

A licensee portal is an online system designed to help guide regulated businesses through the correction process and provide tools needed to submit CAPs on-time. A CAP is a step-by-step plan of action developed by the provider to achieve targeted outcomes to ultimately be in compliance with state regulations.

DCFS Licensing Section staff members inspect providers and their facilities to determine compliance with state licensing regulations. DCFS maintains a license subscription with Outlier Technologies, which is renewed annually for the use of the Sanswrite system for licensing purposes. This system allows Licensing staff members to conduct inspections, generate deficiency findings, and organize all provider inspection information in one platform. It also provides access to the licensee portal where providers can submit their Corrective Action Plan (CAP) electronically, rather than by mail or email. DCFS transitioned providers from utilizing a paper CAP submission process to an electronic CAP submission process. The CAP creation features existed on the licensee portal prior to transition; therefore, there was no increase in its annual renewal cost \$45,234 (\$33,925 SGF and \$11,309 Federal), according to total spend for FY 24. The original source of funding is the Social Services Block Grant (SSBG).

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The proposed rule is necessary to implement the use of the licensee portal developed to streamline the corrective action plan approval process.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

There will be no increase in expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ YES. If yes, attach documentation.

(b) NO. If no, provide justification as to why this rule change should be published at this time.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 24	FY 25	FY 26
PERSONAL SERVICES	\$0	\$0	\$0
OPERATING EXPENSES	\$1,491 (Rulemaking)	\$0	\$0
PROFESSIONAL SERVICES	\$0	\$0	\$0
OTHER CHARGES	\$0	\$0	\$0
EQUIPMENT	\$0	\$0	\$0
MAJOR REPAIR & CONSTR.	\$0	\$0	\$0
TOTAL	\$1,491	\$0	\$0
POSITIONS (#)			

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The only cost of this proposed rule is the cost of publishing rulemaking which is estimated to be approximately \$1491 (75% State and 25% Federal).

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 24	FY 25	FY 26
STATE GENERAL FUND	\$1,118	\$0	\$0
AGENCY SELF-GENERATED	\$0	\$0	\$0
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$373	\$0	\$0
OTHER (Specify)	\$0	\$0	\$0
TOTAL	\$1,491	\$0	\$0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The department currently has sufficient funds to implement the proposed action.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

This proposed rule will have no impact on the local governmental units.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

This proposed rule will have no impact on the sources of funding of the local governmental units.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 24	FY 25	FY 26
STATE GENERAL FUND	\$0	\$0	\$0
AGENCY SELF-GENERATED	\$0	\$0	\$0
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0
LOCAL FUNDS	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

There is no increase or decrease in revenue.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

This proposed rule will have no impact on the estimated costs of directly affected persons.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

This proposed rule will have no impact on the estimated costs of directly affected persons.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There is no anticipated impact on competition and employment in the public or private sectors.