
SENATE FLOOR AMENDMENTS

2016 Regular Session

Amendments proposed by Senator Johns to Engrossed Senate Bill No. 397 by Senator Johns

1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 46:1403(4), 1403.1, 1404(A), 1406(A) and 1416" to "R.S.
3 46:1402, 1403(4) and (7), 1404(A), 1407(B)(1)(f) and (g), (E), (H), and (I), 1414.1(D), 1416,
4 1417, 1423, and 1428(A) and (B)(1)"

5 AMENDMENT NO. 2

6 On page 1, line 3, delete "child"

7 AMENDMENT NO. 3

8 On page 1, line 6, change "R.S. 46:1403(4), 1403.1, 1404(A), 1406(A) and 1416" to "R.S.
9 46:1402, 1403(4) and (7), 1404(A), 1407(B)(1)(f) and (g), (E), (H), and (I), 1414.1(D), 1416,
10 1417, 1423, and 1428(A) and (B)(1)"

11 AMENDMENT NO. 4

12 On page 1, between lines 10 and 11, insert the following:

13 "§1402. Legislative intent; declaration of purpose and policy
14 It is the intent of the legislature to protect the health, safety, and well-being
15 of the children of the state **and of youth of the state who are victims of**
16 **human trafficking** who are in out-of-home care on a regular or consistent
17 basis. Toward that end, it is the purpose of this Chapter to establish statewide
18 minimum standards for the safety and well-being of children **and of youth**
19 **who are victims of human trafficking**, to insure maintenance of these
20 standards, and to regulate conditions in these facilities through a program of
21 licensing. It shall be the policy of the state to insure protection of all
22 individuals under care by specialized providers and to encourage and assist
23 in the improvement of programs. It is the further intent of the legislature that
24 the freedom of religion of all citizens shall be inviolate. This Chapter shall
25 not give the Department of Health and Hospitals or the Department of
26 Children and Family Services jurisdiction or authority to regulate, control,
27 supervise, or in any way be involved in the form, manner, or content of any
28 curriculum or instruction of a school or specialized provider sponsored by a
29 church or religious organization so long as the civil and human rights of the
30 clients and residents are not violated."

31 AMENDMENT NO. 5

32 On page 1, between lines 14 and 15, insert the following:

33 "(7) "Residential home" means any place, facility, or home operated by any
34 institution, society, agency, corporation, person or persons, or any other
35 group to provide full-time care, twenty-four hours per day, for more than four
36 children **or youth who are victims of human trafficking, or both** who are
37 not related to the operators and whose parents or guardians are not residents
38 of the same facility, with or without transfer of custody.
39 * * *"

40 AMENDMENT NO. 6

41 On page 1, lines 15 and 16, change "'**person who has not yet reached the age of twenty-**
42 **one or otherwise**" to "**child or youth who has not**"

1 AMENDMENT NO. 7

2 On page 1, line 17, between "jurisdiction" and "or" insert "to be a victim of human
 3 trafficking"

4 AMENDMENT NO. 8

5 On page 2, line 2, between "residential" and "home" delete "facility"

6 AMENDMENT NO. 9

7 On page 2, between lines 4 and 5, insert the following:

8 "§1403.1. Extended stay for completion of educational courses or other
 9 programs
 10 A. Notwithstanding any other provision of law to the contrary, including but
 11 not limited to R.S. 46:1403(A)(1), a person housed at a residential home,
 12 may stay at such home for a period not to exceed six months beyond his
 13 eighteenth birthday to complete any educational course that he began at such
 14 facility, including but not limited to a General Education Development
 15 course, and any other program offered by the residential home.
 16 B. Notwithstanding Subsection A of this Section and any other provision
 17 of law to the contrary, including but not limited to R.S. 46:1403(A)(1),
 18 a person housed at a Type II residential home, may stay at such home
 19 for a period not to exceed six months beyond his twenty-first birthday
 20 to complete any educational course that he began at such facility,
 21 including but not limited to a General Education Development course,
 22 and any other program offered by the residential home."

23 AMENDMENT NO. 10

24 On page 2, between lines 19 and 20, insert the following:

25 "§1407. Rules, regulations, and standards for licenses
 26 * * *
 27 B.(1) The regulations developed by the department, at a minimum, shall
 28 accomplish all of the following:
 29 (a) Promote the health, safety, and welfare of children and youth attending
 30 any specialized provider.
 31 * * *
 32 (f) Require residential home and maternity home providers to have a written
 33 description of admission policies and criteria which expresses the needs,
 34 problems, situations, or patterns best addressed by its program. These
 35 policies shall be available to the person legally responsible for any child or
 36 youth referred for placement.
 37 (g) Include procedures by which parents and guardians are given an
 38 opportunity for consultation and information about the educational and
 39 therapeutic programs for the child or youth in attendance.
 40 * * *
 41 E. The secretary of the department, in specific instances, may waive
 42 compliance with a minimum standard upon determination that the economic
 43 impact is sufficiently great to make compliance impractical, as long as the
 44 health and well-being of the staff or children and youth is not imperiled. If
 45 it is determined that the specialized provider or agency is meeting or
 46 exceeding the intent of a standard or regulation, the standard or regulation
 47 may be deemed to be met.

 48 * * *
 49 H. Nothing in the rules, regulations, and standards adopted pursuant to this
 50 Section shall authorize or require medical examination, immunization, or

1 treatment of any child whose parents, or of any youth aged eighteen or
2 above who, object to such examination, immunization, or treatment on
3 religious grounds.

4 I. Each residential home and maternity home facility shall have a written
5 discipline policy, which shall be made available to parents, to youth aged
6 eighteen or above , and to authorized inspection personnel upon request.

7 §1414.1. Disclosure requirements; penalties

8 * * *

9 D. Any owner, operator, current or prospective employee, or volunteer of a
10 specialized provider licensed by the department who discloses that he is
11 currently recorded on the state central registry for a justified finding of abuse
12 or neglect shall be entitled to a risk assessment evaluation provided by the
13 department to determine that the individual does not pose a risk to children
14 or youth. Any such individual who is determined to pose a risk to children
15 or youth shall have the right to file an appeal in accordance with R.S. 49:992
16 of the Administrative Procedure Act. Any such determination by the risk
17 evaluation panel shall be kept on file at all times by the department.

18 * * *"

19 AMENDMENT NO. 11

20 On page 2, after line 24, add the following:

21 "§1417. Inspections

22 It shall be the duty of the department, through its duly authorized agents, to
23 inspect at regular intervals not to exceed one year, or as deemed necessary
24 by the department, and without previous notice all specialized providers
25 subject to the provisions of this Chapter. The department shall also develop
26 and facilitate coordination with and among other authorized agencies making
27 inspections at regular intervals. A specialized provider shall be open to
28 inspection only during working hours by parents or legal guardians of
29 children or youth in care and by authorized inspection personnel.

30 * * *

31 §1423. Removal of individuals from facility

32 The department shall remove any child, youth, or all children and youth
33 from any specialized provider when it is determined that one or more
34 violations exist within the specialized provider which places the health and
35 well-being of the child, youth, or children and youth in imminent danger;
36 provided, however, that a contradictory hearing shall be held within seven
37 days thereafter by the district court of the district to determine whether the
38 action was justified and whether and how long it shall continue.

39 * * *

40 §1428. Immunization information; influenza

41 A. Each licensed specialized provider or child-placing agency, before
42 November first of each year, shall make available to each child's parent or
43 legal guardian and to each youth aged eighteen or above information
44 relative to the risks associated with influenza and the availability,
45 effectiveness, known contraindications, and possible side effects of the
46 influenza immunization. Such information shall include the causes and
47 symptoms of influenza, the means by which influenza is spread, and the
48 places where a parent or legal guardian may obtain additional information
49 and where a child or youth may be immunized against influenza. Such
50 information shall be updated annually if new information on such disease is
51 available.

52 B.(1) The Department of Health and Hospitals shall develop and provide
53 information on influenza immunization to the Department of Children and
54 Family Services. The Department of Children and Family Services shall
55 provide such information to each licensed specialized provider or child-
56 placing agency, which shall make the information available to each child's

1 parent or legal guardian **and to each youth aged eighteen or above**
2 pursuant to Subsection A of this Section.
3 * * *"