

2021 Regular Session

HOUSE BILL NO. 461

BY REPRESENTATIVE HUGHES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHILDREN/CARE: Provides relative to violations by facilities licensed in accordance with the Specialized Provider Licensing Act

1 AN ACT

2 To amend and reenact R.S. 46:1430(A)(1), relative to certain facilities licensed by the  
3 Department of Children and Family Services to provide out-of-home care for  
4 children; to revise certain provisions of the Specialized Provider Licensing Act; to  
5 provide relative to entities that violate regulations adopted pursuant to such law; to  
6 provide with respect to violations related to state central registry clearances; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 46:1430(A)(1) is hereby amended and reenacted to read as follows:

10 §1430. Operating in violation of regulations; penalties and fines

11 A.(1) For violations related to supervision, criminal history record checks,  
12 ~~the state central registry disclosure process~~ state central registry clearances,  
13 staff-to-child ratios, motor vehicle checks, or failure to report critical incidents, the  
14 Department of Children and Family Services may issue a written warning that  
15 includes a corrective action plan, in lieu of revocation, upon any person or  
16 specialized provider violating these requirements if such condition or occurrence  
17 does not pose an imminent threat to the health, safety, rights, or welfare of a child.  
18 Failure to implement a corrective action plan issued pursuant to this Section may  
19 result in either the assessment of a civil fine or license revocation or may result in  
20 both actions being taken by the department. Such civil fine shall not exceed two

1           hundred fifty dollars per day for each assessment; however, the aggregate fines  
 2           assessed for violations determined in any consecutive twelve-month period shall not  
 3           exceed two thousand dollars.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 461 Engrossed

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**Abstract:** Provides with respect to violations related to state central registry clearances by entities licensed in accordance with the Specialized Provider Licensing Act.

Present law provides that the legislative intent of present law known as the Specialized Provider Licensing Act, R.S. 46:1401 et seq., is to protect the health, safety, and well-being of the children and youth of the state who are in out-of-home care on a regular or consistent basis. Provides for licensing by the Dept. of Children and Family Services (DCFS) of specialized providers, defined as child-placing agencies, maternity homes, and certain residential homes providing care for children. Proposed law retains present law.

Present law authorizes DCFS to issue sanctions against specialized providers operating in violation of regulations adopted pursuant to proposed law. Refers to violations related to the state central registry disclosure process. Proposed law revises this reference to refer instead to state central registry clearances. Otherwise, retains present law.

(Amends R.S. 46:1430(A)(1))