

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 after "reenact" delete the remainder of the line and on line 3, delete
 3 "46:1403(12) and (13)" and insert "R.S. 46:1402, 1403(7), 1403.1, 1407(B)(1)(a), (f), and
 4 (g), (E), (H), and (I), 1414.1(D), 1417, 1423, and 1428(A) and (B)(1)"

5 AMENDMENT NO. 2

6 On page 1, line 3, delete "the licensing of child"

7 AMENDMENT NO. 3

8 On page 1, between lines 3 and 4, insert the following:

9 "provide for residents of residential homes; to provide for completion of
 10 educational courses by such residents; to provide for the jurisdiction, powers,
 11 duties, and regulations of the Department of Children and Family Services
 12 regarding youth under care by specialized providers; to"

13 AMENDMENT NO. 4

14 On page 1, delete lines 6 and 7 and insert the following:

15 "Section 1. R.S. 46:1402, 1403(7), 1403.1, 1407(B)(1)(a), (f), and (g), (E),
 16 (H), and (I), 1414.1(D), 1417, 1423, and 1428(A) and (B)(1) are hereby
 17 amended and reenacted to read as follows:"

18 AMENDMENT NO. 5

19 On page 1, between lines 7 and 8, insert the following:

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

38 * * *

39 AMENDMENT NO. 6

40 On page 1, delete lines 12 through 17, and on page 2, delete lines 1 through 24, and insert
 41 the following:

"(7) "Residential home" means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group to provide full-time care, twenty-four hours per day, for more than four children, **who may remain at the facility in accordance with R.S. 46:1403.1**, who are not related to the operators and, **except as provided in this Paragraph**, whose parents or guardians are not residents of the same facility, with or without transfer of custody. **However, a child of a person who is a resident of a residential home may reside with that parent at the same facility.**

* * *

§1403.1. Extended stay for completion of educational courses or other programs

A. Notwithstanding any other provision of law to the contrary, including but not limited to R.S. 46:1403(A)(1), a **person child** housed at a residential home, may stay at such home for a period not to exceed six months beyond his eighteenth birthday to complete any educational course that he began at such facility, including but not limited to a General Education Development course, and any other program offered by the residential home.

B. **Notwithstanding Subsection A of this Section and any other provision of law to the contrary, including but not limited to R.S. 46:1403(A)(1), a child housed at a residential home that does not receive Title IV-E funding pursuant to 42 U.S.C. 670 et seq. , may remain at such home until his twenty-first birthday to complete any educational course that he began at such facility, including but not limited to a General Education Development course, and any other program offered by the residential home.**

* * *

§1407. Rules, regulations, and standards for licenses

* * *

B.(1) The regulations developed by the department, at a minimum, shall accomplish all of the following:

(a) Promote the health, safety, and welfare of children **and youth** attending any specialized provider.

* * *

(f) Require residential home and maternity home providers to have a written description of admission policies and criteria which expresses the needs, problems, situations, or patterns best addressed by its program. These policies shall be available to the person legally responsible for any child **or to any youth aged eighteen or above** referred for placement.

(g) Include procedures by which parents and guardians are given an opportunity for consultation and information about the educational and therapeutic programs for the child **or youth** in attendance.

* * *

E. The secretary of the department, in specific instances, may waive compliance with a minimum standard upon determination that the economic impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff or children **and youth** is not imperiled. If it is determined that the specialized provider or agency is meeting or exceeding the intent of a standard or regulation, the standard or regulation may be deemed to be met.

* * *

H. Nothing in the rules, regulations, and standards adopted pursuant to this Section shall authorize or require medical examination, immunization, or treatment of any child whose parents, **or of any youth aged eighteen or above who**, object to such examination, immunization, or treatment on religious grounds.

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

* * *

1 §1414.1. Disclosure requirements; penalties

2 * * *

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

12 * * *

13 §1417. Inspections

14 It shall be the duty of the department, through its duly authorized agents, to
 15 inspect at regular intervals not to exceed one year, or as deemed necessary
 16 by the department, and without previous notice all specialized providers
 17 subject to the provisions of this Chapter. The department shall also develop
 18 and facilitate coordination with and among other authorized agencies making
 19 inspections at regular intervals. A specialized provider shall be open to
 20 inspection only during working hours by parents or legal guardians of
 21 children **or youth** in care and by authorized inspection personnel.

22 * * *

23 §1423. Removal of individuals from facility

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

31 * * *

32 §1428. Immunization information; influenza

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

44 B.(1) The Department of Health and Hospitals shall develop and provide
 45 information on influenza immunization to the Department of Children and
 46 Family Services. The Department of Children and Family Services shall
 47 provide such information to each licensed specialized provider or child-
 48 placing agency, which shall make the information available to each child's
 49 parent or legal guardian **and to each youth aged eighteen or above**
 50 pursuant to Subsection A of this Section.

51 * * *

52 Section 2. The department shall adopt rules in accordance with the
 53 Administrative Procedure Act to implement the provisions of this Act.

54 Section 3. Section 2 of this Act shall become effective upon signature by the
 55 governor or, if not signed by the governor, upon expiration of the time for
 56 bills to become law without signature by the governor, as provided by Article
 57 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor
 58 and subsequently approved by the legislature, Section 2 of this Act shall
 59 become effective on the day following such approval."