

Regular Session, 2012

ACT No. 430

HOUSE BILL NO. 1016

BY REPRESENTATIVE POPE

1 AN ACT

2 To amend and reenact R.S. 46:1409(A), 1413(N), and 1414 and to enact R.S.
3 46:1409(B)(10) and 1413(A)(7), relative to child day care; to provide for rules,
4 regulations, and standards for licensed day care centers; to provide for certain duties
5 of the Department of Children and Family Services relative to regulation of day care
6 centers; to provide for requirements of the Louisiana Advisory Council on Child
7 Care and Early Education; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 46:1409(A), 1413(N), and 1414 are hereby amended and reenacted
10 and R.S. 46:1409(B)(10) and 1413(A)(7) are hereby enacted to read as follows:

11 §1409. Rules, regulations and standards for Class A licenses

12 A. The department shall promulgate rules and regulations for Class A
13 facilities to carry out the provisions of this Chapter in accordance with the provisions
14 of the Administrative Procedure Act. The department shall seek input and guidance
15 from the Louisiana Advisory Council on Child Care and Early Education concerning
16 the proposed rules and regulations, and shall submit the proposed rules and
17 regulations for approval in accordance with the Administrative Procedure Act. ~~The~~
18 ~~department shall seek input and guidance from the Louisiana Advisory Council on~~
19 ~~Child Care and Early Education, pursuant to R.S. 46:1414, concerning proposed~~
20 ~~rules, regulations and standards for licensure of Class A day care centers as defined~~
21 ~~in R.S. 46:1403(A)(4).~~

22 B. The rules and regulations developed by the department, at a minimum,
23 shall:

24 * * *

1 (10) Include procedures that allow a day care center to remedy certain
 2 deficiencies immediately upon identification by the department in an onsite
 3 inspection, provided that any deficiency that may be remedied in such manner does
 4 not constitute a critical violation of licensing standards as determined by the
 5 department.

6 * * *

7 §1413. Rules, regulations, and standards for Class B licenses

8 A. The department shall promulgate rules and regulations in accordance with
 9 the Administrative Procedure Act. These rules shall:

10 * * *

11 (7) Include procedures that allow a day care center to remedy certain
 12 deficiencies immediately upon identification by the department in an onsite
 13 inspection, provided that any deficiency that may be remedied in such manner does
 14 not constitute a critical violation of licensing standards as determined by the
 15 department.

16 * * *

17 N. The department shall seek input and guidance from the Louisiana
 18 Advisory Council on Child Care and Early Education, ~~pursuant to R.S. 46:1414,~~
 19 concerning proposed rules, regulations, and standards for ~~licensure of~~ Class B day
 20 care centers ~~as defined in R.S. 46:1403(A)(4)~~ promulgated pursuant to the provisions
 21 of this Section.

22 §1414. Louisiana Advisory Council on Child Care and Early Education

23 A. The department shall through the promulgation of rules and regulations,
 24 pursuant to the Administrative Procedure Act, create the Louisiana Advisory Council
 25 on Child Care and Early Education, referred to hereafter in this Section as the
 26 "council". The rules and regulations shall provide for membership, terms, voting
 27 procedures, quorum, and any other matters ~~which~~ that are necessary for the creation
 28 and maintenance of the council.

29 B. ~~The Louisiana Advisory Council on Child Care and Early Education~~
 30 council shall provide input and guidance to the department on matters pertaining to

1 rules, regulations, and standards for ~~licensure of Class A and Class B~~ all day care
2 centers as defined in R.S. 46:1403(A)(4), including but not limited to rules,
3 regulations, and standards for licensure.

4 C. The council shall transmit the minutes of each meeting of the council to
5 the House Committee on Health and Welfare and the Senate Committee on Health
6 and Welfare.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____