Regular Session, 2010

HOUSE CONCURRENT RESOLUTION NO. 118

BY REPRESENTATIVE DIXON

ADULT DAY CARE: Amends administrative rules relative to Adult Residential Care Facilities

1	A CONCURRENT RESOLUTION
2	To amend the Department of Social Services, office of community services rule, LAC
3	48:I.8819(B)(1)(b) and (c), which provides for required staffing at adult residential
4	homes and facilities, and to direct the office of the state register to print the
5	amendments in the Louisiana Administrative Code.
6	WHEREAS, adult residential homes and facilities provide a greatly valued service
7	to the elderly and disabled adult population of Louisiana; and
8	WHEREAS, while it is the intent of the legislature to protect the health, safety, and
9	well-being of the elderly and disabled adults of the state, it is also the intent of the legislature
10	to promote the availability of appropriate services which enhance the dignity, independence,
11	individuality, privacy, choice, and decision-making ability of elderly and disabled adults;
12	and
13	WHEREAS, the current regulations interpreting R.S. 40:2151 through 2161 do not
14	reflect full legislative intent to balance the health and safety of the residents living in
15	residential facilities with the need to make available appropriate services; and
16	WHEREAS, it is difficult for residential facility directors to comply with the twenty-
17	four hour rule as it is currently written, and this difficulty may result in a reduced number
18	of appropriate services for the elderly and disabled population; and
19	WHEREAS, R.S. 49:969 provides that "the legislature, by concurrent resolution, may
20	suspend, amend, or repeal any rule or regulation or body of rules or regulations adopted by
21	a state department, agency, board, or commission".

1	THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC
2	48:I.8819(B)(1)(b) and (c) are hereby amended to read as follows:
3	§8819. Required Staffing
4	* * *
5	B. At a minimum the following staff positions are required, however, one
6	person may occupy more than one position.
7	1. Director
8	* * *
9	b. During periods of temporary absence of the director, there shall be a
10	responsible staff person designated to be in charge that has the knowledge and
11	responsibility to handle any situation that may occur. If the director or designated
12	person is not present, a contact telephone number shall be posted in a visible manner
13	at the entrance of the facility which shall be accessible to required state officials.
14	The telephone number posted shall have electronic mail capabilities to enable state
15	officials to have multiple options for contacting the director or designee. The
16	director or designee shall contact required state officials in a timely manner as
17	determined by the Department of Social Services.
18	c. There shall be a director or responsible staff person on the premises
19	twenty-four hours per day. This requirement shall not be enforceable if residents are
20	not on the premises due to a priorly scheduled activity.
21	* * *
22	BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
23	office of the state register and the Department of Social Services, office of community
24	services.
25	BE IT FURTHER RESOLVED that the office of the state register is hereby directed
26	to have the amendments to LAC 48:I.8819(B)(1)(b) and (c) printed and incorporated into the
27	Louisiana Administrative Code and to transmit a copy of the revised rule to the Department
28	of Social Services, office of community services.

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)]

Dixon

HCR No. 118

Amends LAC 48:I.8819(B)(1)(b) and (c) of the rules and regulations promulgated by the Dept. of Social Services, office of community services, for the regulation of required staffing at adult residential homes and facilities to provide that contact information be posted at the entrance of a facility when the director or designee is not present at the facility. Further provides that the requirement for a director or staff person to be on the premises twenty-four hours per day shall not be enforceable if residents are not on the premises due to a priorly scheduled activity.

Directs the office of the state register to print the amendment to LAC 48:I.8819(B)(1)(b) and (c) in the La. Administrative Code.

(LAC 48:I.8819(B)(1)(b) and (c))