December 7, 2017

The Honorable John Alario
President of the Senate
P. O. Box 94183
Baton Rouge, Louisiana 70804

Dear Senator Alario:

The Department of Children and Family Services (DCFS) hereby announces its plan to proceed with rulemaking by finalizing the Notice of Intent titled “Physician Notification” that was promulgated and published on page 1990 of the October 2017 Louisiana Register. Copies of the notice and fiscal statement were provided to you on, or about, October 10, 2017.

The proposed rule will implement the Physician Notification to the Department of Children and Family Services of a newborn exhibiting symptoms of withdrawal or other observable and harmful effects in his physical appearance or functioning, that the physician believes is due to the use of a controlled dangerous substance in a lawfully prescribed manner by the mother during pregnancy.

DCFS held a public hearing on November 28, 2017. Copies of the summary of testimony from this hearing, written comment letter received, and the department’s response to the comment letter are attached. The written comments received recommended changes to the form (Physician Notification of Substance Abuse Exposed Newborns, No Prenatal Neglect Suspected) included in the proposed rule. The comments submitted were considered and changes were made to the form and will be published in the final rule.

At this time the department intends to submit the Final Rule to the Office of State Register for publication in the January issue of the Louisiana Register. This Rule is effective February 1, 2018.

Please contact me at (225) 342-4044 if the department may be of any assistance to you concerning this matter.

Sincerely,

Rhenda Hodnett, Ph.D., LCSW
Assistant Secretary for Child Welfare

rh/ae
December 7, 2017

The Honorable Frank A. Hoffmann, Chairman
House Committee on Health and Welfare
P. O. Box 94062
Baton Rouge, Louisiana 70804

Dear Representative Hoffmann:

The Department of Children and Family Services (DCFS) hereby announces its plan to proceed with rulemaking by finalizing the Notice of Intent titled “Physician Notification” that was promulgated and published on page 1990 of the October 2017 Louisiana Register. Copies of the notice and fiscal statement were provided to you on, or about, October 10, 2017.

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Rhenda Hodnett, Ph.D., LCSW
Assistant Secretary for Child Welfare

rh/ae
December 7, 2017

The Honorable Fred H. Mills, Jr., Chairman
Senate Committee on Health and Welfare
P. O. Box 94183
Baton Rouge, Louisiana 70804

Dear Senator Mills:

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Sincerely,

Rhenda Hodnett, Ph.D., LCSW
Assistant Secretary for Child Welfare

rh/ae
December 7, 2017

The Honorable Charles E. Kleckley  
Speaker of the House  
P. O. Box 94062  
Baton Rouge, Louisiana  70804

Dear Representative Kleckley:

The Department of Children and Family Services (DCFS) hereby announces its plan to proceed with rulemaking by finalizing the Notice of Intent titled “Physician Notification” that was promulgated and published on page 1980 of the October 2017 *Louisiana Register*. Copies of the notice and fiscal statement were provided to you on, or about, October 10, 2017.

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Please contact me at (225) 342-4044 if the department may be of any assistance to you concerning this matter.

Sincerely,

Rhenda Hodnett, Ph.D., LCSW  
Assistant Secretary for Child Welfare

rh/ae
December 6, 2017

Berkley Durbin, Medicine Louisiana
P.O. Box 45171
Baton Rouge, LA 70895

Re: Public Hearing Comments (Physician Notification – Notice of Intent)

Dear Ms. Durbin:

This is in response to your email dated, November 15, 2017, submitted to the Department of Children and Family Services (DCFS) regarding the department's proposed rule published in the October 20, 2017 Louisiana Register.

In reference to your submitted revisions to the Physician Notification of Substance Exposed Newborns No Prenatal Neglect Suspected, the Department considered your comments and accepted the changes to the form. The form has been revised to include your comments and will be published in the final rule.

Please feel free to contact me if you have additional questions.

Sincerely,

[Signature]
Marketa Garner Walters
Secretary

mgw/ae

C: Terri Ricks
   Rhenda Hodnett
   Lisa Welch
   Kim Glapion-Bertrand
PUBLIC HEARING

APPEAL #266431

TUESDAY, NOVEMBER 28, 2017 AT 9:00 A.M.

BATON ROUGE, LOUISIANA

DEPARTMENT OF
CHILDREN AND FAMILY SERVICES
PLANNING AND POLICY CIRCULATIOIN SECTION

PHYSICIAN NOTIFICATION
CERTIFICATION

THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES HEARING OFFICER NAMED, BELOW DOES HEREBY CERTIFY THAT THE ITEMS IN THE FILE CONSTITUTE THE OFFICIAL RECORD OF THE PUBLIC HEARING. THE HEARING WAS ADJOURNED WITH PUBLIC COMMENT(S), WRITTEN COMMENT SUBMISSIONS, AND MEMBER(S) OF THE PUBLIC WAS (WERE) PRESENT TO OFFER REMARKS.

HEARING OFFICER
CERTIFICATION


[Signature]
HEARING OFFICER
December 5, 2017

MEMORANDUM

TO: Eric Horent
DCFS Undersecretary

FROM: Doris McWhite Weston, Manager
DCFS Appeals Unit

RE: Public Hearing #266431 Physician Notification, scheduled for November 28, 2017

Please find enclosed herewith a Summary of the Public Hearing conducted on November 28, 2017 at the Iberville Building, 627 North 4th Street, Baton Rouge, Louisiana. Also attached is a copy of the attendance roster for your review.
December 5, 2017

INTEROFFICE MEMORANDUM

TO: Allen Enger  
Planning and Policy Circulation Section

FROM: Doris McWhite Weston  
Manager, DCFS Appeals Unit

RE: Public Hearing 266431  
Physician Notification

I conducted a Public Hearing in Room 1-129 of the Iberville Building on the date referenced above at approximately 9:10 a.m.

Present were Allen Enger of DCFS Program and Policy Unit Section, Lori Miller, Mona Michelli, Iris Mills, and Linda Lafield of DCFS Child Welfare/Child Protection Section.

Hearing Summary

Lori Miller represented the Agency and stated: The proposed rule is necessary to implement La. R.S. 40:1086.11 and the Federal Comprehension Addiction and Recovery Act for the physician notification to the Department of Children and Family Services (DCFS) of a newborn exhibiting symptoms of withdrawal or other observable and harmful effects in his physical appearance or functioning that the physician believes is due to the use of a controlled dangerous substance, in a lawfully described manner, by the mother during pregnancy. Physicians will notify DCFS of this newborn using the Physician Notification of substance exposed newborns, no prenatal neglect suspected, available of the DCFS website.

The Department received a public comment from Berkley Dubin and a copy will be submitted for the record and the Department is considering revising the Physician Notification form in response to this comment.

The hearing adjourned at 9:11 a.m. No members of the public present. No verbal comments made.

Respectfully Submitted.
November 10, 2017

Rhenda Hodnett  
Assistant Secretary of Child Welfare  
Department of Children and Family Services  
P. O. Box 3118  
Baton Rouge, LA 70821

Re: Notice of Intent, Physician Notification  
Via email and surface mail

Ms Hodnett:

Thank you for the opportunity to provide comments concerning the recently published Notice of Intent for the Physician Notification requirements. On behalf of MedicineLouisiana, I respectfully submit the following comments.

We appreciate the time your team has allocated to working with various stakeholders in an attempt to accommodate the federal requirements surrounding CAPTA funding, as they relate to notification of substance exposed newborns. I have attached recommended changes to the form that we believe will provide a more manageable approach to meeting the requirements. We consider this effort to be one of continuous improvement and look forward to ongoing dialogue as the requirements are implemented.

We strongly urge DCFS to work across state agencies and leverage the efforts of the Medicaid Managed Care Organizations through their relationship with the Louisiana Department of Health. The MCO contracts contain requirements to assess high-risk pregnant women and other special needs populations for case management services and to offer an array of services and supports, as appropriate. Considering the significant percentage of births in Louisiana to Medicaid eligible women, this resource could be a valuable tool to support better birth outcomes, as well as safe care plans for fragile families.

Sincerely,

Berkley Durbin  
Berkley Durbin, JD  
Executive Director  
MedicineLouisiana  
(225) 413-8292  
Berkley.Durbin@medicinelouisiana.org

Attachment: Physician Notification Form  
Ec: Mona Michelli, DCFS
**Physician Notification of Substance Exposed Newborns**  
**No Prenatal Neglect Suspected**

**LA DCFS:** This notification does not constitute a report of child abuse and or neglect and shall be faxed to Centralized Intake at (225) 342-7768. This notification is used to notify DCFS newborns who exhibit symptoms of withdrawal or other observable and harmful effects in his physical appearance or functioning that a physician believes is due to the use of a controlled dangerous substance, as defined by R.S. 40:961 et seq., in a lawfully prescribed manner, by the mother during pregnancy. If a newborn is exhibiting withdrawal symptoms that are believed to be the result of unlawful use of a controlled dangerous substance; or, if you suspect abuse and or neglect including suspicion of prenatal neglect, you must contact the CPS Hotline at 1-855-4LA-KIDS to make a report of suspected child abuse/neglect.

### Newborn’s Information

| Last Name: | | First Name: | |
|------------|------------------|
| Date of Birth: | | Gender: | Male | Female |
| Race: | White | African American | Asian/Pacific Islander | Hispanic/Latino | Other |

Substances newborn was exposed to, if known:  
- [ ] Amphetamines  
- [ ] Barbiturates  
- [ ] Opioids  
- [ ] Opioid Agonist  
- [ ] Benzodiazepines  
- Other (List): ____________________________

Was there a Neonatal Abstinence Syndrome screening completed?  
- [ ] Yes  
- [ ] No

### Mother’s Information

| Last Name: | | First Name: | |
|------------|------------------|
| Date of Birth: | | Phone Number: | |
| Race: | White | African American | Asian/Pacific Islander | Hispanic/Latino | Other |

Address upon discharge:  
City: ____________  
State: ______  
Zip Code: ______

### Provider’s Information

| Name of Hospital: | | Notification Date: | |
|-------------------|------------------|
| Physician’s Name: | | Phone Number: | |

Address:  
City: ______  
State: ______  
Zip Code: ______

Other individuals who provided input for this notification (Name and Title):

### Pediatric Discharge Referral(s) and Education:

Referral(s), as applicable:  
- [ ] Pediatrician  
- [ ] Pediatric Specialist  
- [ ] OB/GYN  
- [ ] PCP  
- [ ] Early Steps  
- [ ] Medicaid  
- [ ] Substance Use Disorder Assessment/Treatment  
- [ ] Behavioral/Mental Health Services  
- [ ] Housing  
- [ ] Office of Public Health  
- [ ] Other Referrals: ____________________________

Educational materials provided, as applicable:  
- [ ] Car Safety Seats  
- [ ] Shaken Baby Syndrome  
- [ ] Safe Sleep  
- [ ] Other  

Educational materials provided: (Specify) ____________________________

Additional comments regarding the needs of the newborn and family:

_________________________  
_________________________  
_________________________  

**CW Form 102**
Via surface mail and email

Ms Hodnett:
Thank you for the opportunity to provide comments concerning the recently published Notice of Intent for the Physician Notification requirements. On behalf of MedicineLouisiana, I respectfully submit the following comments.

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Sincerely,
Berkley Durbin, JD
Executive Director
MedicineLouisiana, Inc.
(225) 413-8292
Berkley.Durbin@MedicineLouisiana.org
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Newborn's Information

Last Name: __________________________ First Name: _______________________________
Date of Birth: ___/___/______ Gender: □ Male □ Female
Race: □ White □ African American □ Asian/Pacific Islander □ Hispanic/Latino □ Other
Substances newborn was exposed to, if known: □ Amphetamines □ Barbiturates □ Opioids □ Opioid Agonist
□ Benzodiazepines □ Other (List) ________________________________________________
Was there a Neonatal Abstinence Syndrome screening completed? □ Yes □ No

Mother's Information

Last Name: __________________________ First Name: _______________________________
Date of Birth: ___/___/______ Phone Number: ________________________________
Race: □ White □ African American □ Asian/Pacific Islander □ Hispanic/Latino □ Other
Address upon discharge: __________________________ City: __________________________ State: _____ Zip Code: _______

Provider's Information

Name of Hospital: __________________________ Notification Date: ___/___/______
Physician's Name: __________________________ Phone Number: __________________
Address: __________________________ City: __________________________ State: _____ Zip Code: _______
Other individuals who provided input for this notification (Name and Title):
________________________________________________________________________

Pediatric Discharge Referrals and Education

Referral(s), as applicable: □ Pediatrician □ Pediatric Specialist □ OB/GYN □ PCP □ Early Steps □ Medicaid
□ Substance Use Disorder Assessment/Treatment □ Behavioral/Mental Health Services □ Housing
□ Office of Public Health □ Other Referrals: ______________________________________

Educational materials provided, as applicable: □ Car Safety Seats □ Shaken Baby Syndrome □ Safe Sleep □ Other
Educational materials provided: (Specify) _________________________________________

Additional comments regarding the needs of the newborn and family:
________________________________________________________________________
PUBLIC HEARING

HEARING OFFICER: Doris McWhite Weston
LOCATION: Planning and Policy Circulation Section
Department of Children and Family Services
Iberville Building
Room 1-129
Baton Rouge, Louisiana

DATE: November 28, 2017
TIME: 9:00 AM

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
PLANNING AND POLICY CIRCULATION SECTION

PHYSICIAN NOTIFICATION

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PARTY REPRESENTED IF OTHER THAN SELF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lori Miller</td>
<td></td>
<td>DCF 5</td>
</tr>
<tr>
<td>Mona Mitchell</td>
<td></td>
<td>DCF 5</td>
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<tr>
<td>Iris Mills</td>
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<td>DCF 5</td>
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<tr>
<td>Linda Lafleur</td>
<td></td>
<td>DCF 5</td>
</tr>
<tr>
<td>Allen Enger</td>
<td>627 N. 4th St. 614 LA</td>
<td>DCF 5 - Planning</td>
</tr>
</tbody>
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