



Division of Child Welfare
627 N. Fourth St.
Baton Rouge, LA 70802

(O) 225.342.2297
(F) 225.342.0963
www.dcfs.la.gov

John Bel Edwards, Governor
Marketa Garner Walters, Secretary

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





Division of Child Welfare
627 N. Fourth St.
Baton Rouge, LA 70802

(O) 225.342.2297
(F) 225.342.0963
www.dcfs.la.gov

John Bel Edwards, Governor
Marketa Garner Walters, Secretary

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.

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,

A handwritten signature in black ink that reads "Rhenda Hodnett".

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

rh/ae





Division of Child Welfare
627 N. Fourth St.
Baton Rouge, LA 70802

(O) 225.342.2297
(F) 225.342.0963
www.dcfs.la.gov

John Bel Edwards, Governor
Marketa Garner Walters, Secretary

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:

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 comment 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





Division of Child Welfare
627 N. Fourth St.
Baton Rouge, LA 70802

(O) 225.342.2297
(F) 225.342.0963
www.dcfslouisiana.gov

John Bel Edwards, Governor
Marketa Garner Walters, Secretary

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 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,

A handwritten signature in black ink, appearing to read "Rhenda Hodnett".

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

rh/ae





Executive Division
627 North 4th Street
Baton Rouge, LA 70802

(O) 225.342.0286
(F) 225.342.8636
www.dcfsl.a.gov

John Bel Edwards, Governor
Marketa Garner Walters, Secretary

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,

Marketa Garner Walters
Secretary

mgw/ae

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





Appeals
Division of Management
and Finance
627 North 4th Street
Baton Rouge, LA 70802

(O) 225.342.4120
(F) 225.342.7797
www.dcfslouisiana.gov

John Bel Edwards, Governor
Marketa Garner Walters, Secretary

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 CIRCULATOIN SECTION**

PHYSICIAN NOTIFICATION






Appeals
Division of Management
and Finance
627 North 4th Street
Baton Rouge, LA 70802

(O) 225.342.4120
(F) 225.342.7797
www.dcfsl.a.gov

John Bel Edwards, Governor
Marketa Garner Walters, Secretary

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 0
PUBLIC COMMENT(S), 1 WRITTEN COMMENT SUBMISSIONS, AND 0
MEMBER(S) OF THE PUBLIC WAS (WERE) PRESENT TO OFFER REMARKS.



HEARING OFFICER





Appeals
Division of Management
and Finance
627 North 4th Street
Baton Rouge, LA 70802

(O) 225.342.4120
(F) 225.342.7797
www.dcfslouisiana.gov

John Bel Edwards, Governor
Marketa Garner Walters, Secretary

CERTIFICATION

THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES HEARING OFFICER NAMED
BELOW DOES HEREBY CERTIFY THAT THE ITEMS IN THE FILE AND ON RECORDING
CONSTITUTE THE OFFICIAL RECORD OF THE PUBLIC HEARING HELD TUESDAY,
NOVEMBER 28, 2017 IN BATON ROUGE, LOUISIANA.

HEARING OFFICER





Appeals
Division of Management
and Finance
627 North 4th Street
Baton Rouge, LA 70802


(O) 225.342.4120
(F) 225.342.7797
www.dcfslouisiana.gov

John Bel Edwards, Governor
Marketa Garner Walters, Secretary

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.





Appeals
Division of Management
and Finance
627 North 4th Street
Baton Rouge, LA 70802

(O) 225.342.4120
(F) 225.342.7797
www.dcfsl.a.gov

John Bel Edwards, Governor
Marketa Garner Walters, Secretary

December 5, 2017

INTEROFFICE MEMORANDUM

TO: Allen Enger
Planning and Policy Circulation Section

FROM: Doris McWhite Weston *DMW*
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 Comprehensive 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 Durbin 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.



MEDICINELOUISIANA INC.

P.O. Box 45171
Louisiana, 70895

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
Cc: 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): _____

Pertinent 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:

Mona Michelli

From: Berkley Durbin <Berkley.Durbin@medicinelouisiana.org>
Sent: Wednesday, November 15, 2017 6:29 AM
To: Rhenda Hodnett
Cc: Mona Michelli
Subject: Notice of Intent Physician Notification: public comment
Attachments: physician notification mm 10252017.docx

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.

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 contracts 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. Considering the significant percentage of births in Louisiana to Medicaid eligible women, this service could be a valuable tool to support better birth outcomes, as well as safe care plans for fragile families.

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

Physician Notification of Substance Exposed Newborns
No Prenatal Neglect Suspected

Revised

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): _____

Patient 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:



Appeals
 Division of Management
 and Finance
 627 North 4th Street
 Baton Rouge, LA 70802

(O) 225.342.4120
 (F) 225.342.7797
 www.dcfsl.a.gov

John Bel Edwards, Governor
 Marketa Garner Walters, Secretary

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 gmlw
 TIME: 9:00 AM

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
PLANNING AND POLICY CIRCULATION SECTION

PHYSICIAN NOTIFICATION

<u>NAME</u>	<u>ADDRESS</u>	<u>PARTY REPRESENTED IF OTHER THAN SELF</u>
Lori Miller		DCFS
Mona Mitchell		DCFS
Iris mills		DCFS
Linda hafe lll		DCFS
Allen Enger	627 N. 4th St. B.R. LA	DCFS - Planning

