

**CHAPTER 744 FIRST AID AND CPR RULE CHANGES
TRACK CHANGES
ADOPTED AND EFFECTIVE ON OCTOBER 8, 2018**

TITLE 26 HEALTH AND HUMAN SERVICES
PART 1 HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 744 MINIMUM STANDARDS FOR SCHOOL-AGE AND BEFORE OR
 AFTER-SCHOOL PROGRAMS

SUBCHAPTER C RECORD KEEPING
DIVISION 4 PERSONNEL RECORDS

§744.901. What information must I maintain in my personnel records?

You must have the following records at the operation and available for review during your hours of operation for each employee, caregiver, substitute, and volunteer as specified in this chapter:

- (1) Documentation showing the dates of the first and last day on the job;
- (2) Documentation showing how the employee meets the minimum age and education qualifications, if applicable;
- (3) A copy of a health card or health care professional's [physician's] statement verifying the employee is free of active tuberculosis, if required by the regional Department of State Health Services TB program or local health authority;
- (4) A notarized Licensing *Affidavit for Applicants for Employment* form as specified in Human Resources Code, §42.059;
- (5) A record of training hours;
- (6) A statement signed and dated by the employee showing he has received a copy of the operation's:
 - (A) Operational policies; and
 - (B) Personnel policies;
- (7) Proof of request for [~~DFPS~~] background checks required under 40 TAC Chapter 745, Subchapter F (relating to Background Checks);
- (8) A copy of a photo identification;

(9) A copy of a current driver's license for each person who transports a child in care; and

(10) A statement signed and dated by the employee verifying the date the employee attended training during orientation that includes an overview regarding the prevention, recognition, and reporting of child maltreatment [~~abuse and neglect~~], as outlined in §744.1303 of this chapter [~~title~~](relating to What must orientation for employees at my operation include?).

SUBCHAPTER D PERSONNEL
DIVISION 2 EMPLOYEES AND CAREGIVERS

§744.1103. What minimum qualifications must each of my employees meet?

Each employee must:

(1) Meet the requirements in 40 TAC Chapter 745, Subchapter F [~~of this title~~] (relating to Background Checks);

(2) Have a current record of a tuberculosis examination (TB), showing the employee is free of contagious TB, if required by the Texas Department of State Health Services or local health authority; and

(3) Complete a notarized Licensing *Affidavit for Applicants for Employment* form as specified in Human Resources Code, §42.059, [~~and~~]

~~[(4) Complete orientation to your operation as specified in Division 4 of this subchapter (relating to Professional Development).]~~

§744.1105. What additional minimum qualifications must each of my caregivers meet?

Except as otherwise provided in this division, each caregiver must comply with minimum standards for employees and must:

(1) Be at least 18 years of age; and

(2) Have a:

(A) High school diploma;

(B) High school equivalent; or

(C) High school certificate of coursework completion as defined in Texas Education Code, §28.025(d), [~~and~~]

~~[(3) Complete pre-service training, as specified in Division 4 of this subchapter (relating to Professional Development)]~~

Helpful Information

- *Research clearly shows that the caregiver-child relationship is the single most important component of a child's experience in care.*
- *Caregivers chosen for their knowledge of the developmental needs of the children in their care and for their ability to respond appropriately to these needs promotes a healthy and safe child-care environment.*

~~[Minimum Qualifications for Employees Versus Caregivers]~~

[Employees (not counted in the child/caregiver ratio):]	[Caregivers (counted in the child/caregiver ratio):]
[DFPS background check;]	[DFPS background check;]
[Be free of active tuberculosis, if required by DSHS or the local health authority;]	[Be free of active tuberculosis, if required by DSHS or the local health authority;]
[Notarized Licensing Affidavit for Applicants for Employment form; and]	[Notarized Licensing Affidavit for Applicants for Employment form;]
[Orientation to the operation.]	[Orientation to the operation;]
	[18 years old or older;]
	[High school diploma or equivalent;]
	[Eight hours of pre-service training (before being counted in the child/caregiver ratio); and]
	[15 hours of annual training.]

SUBCHAPTER D PERSONNEL
 DIVISION 4 PROFESSIONAL DEVELOPMENT

§744.1301. What training must I ensure that my employees ~~[and]~~ caregivers, and directors have within specific timeframes?

You must make sure that employees, ~~[and]~~ caregivers, and directors have the training required in the following chart:

Figure: 26 TAC §744.1301

Type of training:	Who is required to take the training?	When must the training be completed?
(1)(A) <u>Orientation to your operation as required by §744.1303 of this division (relating to What must orientation for employees at my operation include?).</u> [within seven days of employment.]	(B) <u>Each employee.</u> [All employees.]	(C) <u>Within seven days of employment and before having unsupervised access to a child in care.</u>
(2)(A) <u>Eight clock hours of pre-service training as required by §744.1305 of this division (relating to What areas of training must the pre-service training for caregivers cover?).</u> [∓]	(B) <u>Each non-exempt caregiver.</u> A [Only caregivers, although a] caregiver may be exempt from pre-service training as specified in §744.1307 of this division [title] (relating to <u>Are any caregivers exempt from the pre-service training?</u>).	(C) <u>For non-exempt caregivers, within 90 days of employment and before being counted in the child/caregiver ratio.</u>
(3)(A) <u>Pediatric first aid with rescue breathing and choking as required by §744.1315(a) of this division (relating to Who must have pediatric first aid and pediatric CPR training?).</u>	(B) <u>Each caregiver, site director, program director, and operation director.</u>	(C)(i) <u>Within 90 days of employment and before having unsupervised access to a child in care; and</u> (C)(ii) <u>The person must stay current in this training.</u>
(4)(A) <u>Pediatric CPR as required by §744.1315(b) of this division.</u>	(B) <u>Each caregiver, site director, program director, and operation director.</u>	(C)(i) <u>Within 90 days of employment; and</u> (C)(ii) <u>The person must stay current in this training.</u>
(5)(A) [(3)] <u>15 clock hours of annual training as required by §744.1309 of this division (relating to What areas of training must the annual training for caregivers and site directors cover?).</u> [∓]	(B) <u>Each caregiver and site director.</u> [Only caregivers.]	(C)(i) <u>Within 12 months of employment; and</u> (C)(ii) <u>During each 12-month period, and as further required by §744.1313 of this division (relating to When must annual training for my caregivers and director be obtained?).</u>

<p><u>(6)(A) 20 clock hours of annual training as required by §744.1311 of this division (relating to What areas of training must the annual training for an operation director or a program director cover?).</u> [(4) CPR and first-aid training; and]</p>	<p><u>(B) Each program director or operation director.</u> [Employees and/or caregivers as specified in §744.1315 of this title (relating to Who must have first-aid and CPR training?).]</p>	<p><u>(C)(i) Within 12 months of employment; and</u> <u>(C)(ii) During each 12-month period, and as further required by §744.1313 of this division.</u></p>
<p><u>(7)(A)(5) Two clock hours of transportation</u> [Transportation] <u>training as required by §744.1317 of this division (relating to What additional training must an employee and director have if the operation transports children?).</u></p>	<p><u>(B)(i) The site director, and program director or operation director, if the operation transports a child whose chronological or developmental age is younger than nine years old; and</u> <u>(B)(ii) Each [Any]</u> employee who transports a child whose chronological or developmental age is younger than nine years old. [, as specified in §744.1317 of this title (relating to What additional training must an employee have in order to transport a child in care?).]</p>	<p><u>(C)(i) Prior to transporting children; and</u> <u>(C)(ii) Annually, thereafter.</u></p>

§744.1303. What must orientation for employees at my operation include?

~~[(a)]~~ Your orientation for employees must include at least the following:

- (1) An overview of the minimum standards found in this chapter;
- (2) An overview of operational policies, including discipline and guidance practices and procedures for the release of children;
- (3) An overview regarding the prevention, recognition, and reporting of child maltreatment ~~[abuse and neglect]~~ including:
 - (A) Factors indicating a child is at risk of abuse or neglect;

(B) Warning signs indicating a child may be a victim of abuse or neglect;

(C) Procedures for reporting child abuse or neglect; and

(D) Community organizations that have training programs available to employees [~~child-care center staff members~~], children, and parents;

(4) An overview of the procedures to follow in handling emergencies, which includes sharing the emergency preparedness plan with all employees. Emergencies may include [~~but are not limited to,~~] fire, explosion, tornado, toxic fumes, volatile persons, and severe injury or illness of a child or adult; [~~and~~]

(5) The location and use of fire extinguishers and first-aid equipment; [-]

~~[(b) For employees you hire on or after September 1, 2016, your orientation must also cover the following areas:]~~

~~(6)[(1)]~~ Administering medication, if applicable, including compliance with §744.2653 of this chapter [~~title~~] (relating to What authorization must I obtain before administering a medication to a child in my care?);

~~(7)[(2)]~~ Preventing and responding to emergencies due to food or an allergic reaction;

~~(8)[(3)]~~ Understanding building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electrical [~~electric~~] hazards, bodies of water, and vehicular traffic;

~~(9)[(4)]~~ Handling, storing, and disposing of hazardous materials, including compliance with §744.2523 of this chapter [~~title~~] (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?); and

~~(10)[(5)]~~ Precautions in transporting children, if your operation transports a child whose chronological or developmental age is younger than nine years old.

Helpful Information

- *Orientation programs for new employees should be specific to the individual operation.*

- *Orientation, which addresses employee responsibilities, is different from training, which addresses issues general to the care of children.*

§744.1305. What areas of training must ~~[be covered in]~~ the ~~[eight clock hours of]~~ pre-service training for caregivers cover?

~~The [Before a caregiver can be counted in the child/caregiver ratio, the caregiver must complete]~~ eight clock hours of pre-service training must cover ~~[that covers]~~ the following areas:

- (1) Developmental stages of children;
- (2) Age-appropriate activities for children;
- (3) Positive guidance and discipline of children;
- (4) Fostering children's self-esteem;
- (5) Supervision and safety practices in the care of children;
- (6) Positive interaction with children; and
- (7) Preventing and controlling the spread of communicable diseases, including immunizations.

Helpful Information

- *Pre-service training should be viewed as a support to the caregiver who has taken on the responsibility of caring for children for the first time.*
- *Research indicates without some basic understanding of children and how to work with them, the health, safety and well-being of the children in care are at risk.*

§744.1307. Are any caregivers exempt from the pre-service training?

Yes. A caregiver is exempt from the pre-service training requirements if the caregiver has:

- (1) At least six months prior experience in a regulated operation; or
- (2) Documentation of at least eight clock hours of training in the areas specified in §744.1305 of this division ~~[title]~~ (relating to What areas of training must ~~[be covered in]~~ the ~~[eight clock hours of]~~ pre-service training for caregivers cover?) at another regulated operation.

§744.1309. What areas [How many clock hours] of [annual] training must the annual training for [be obtained by] caregivers and site directors cover?

(a) The [Each caregiver and site director must obtain at least] 15 clock hours of annual training must:

(1) For a caregiver, be [each year] relevant to the age of the children for whom the caregiver [person] provides care; or

(2) For a site director, be relevant to the age of the children for whom the operation provides care.

~~[(b) The 15 clock hours of annual training are exclusive of requirements for orientation, pre-service training, CPR and first aid training, transportation safety training, and high school child care work-study classes.]~~

(b)[(e)] At least six clock hours of the annual training hours must be in one or more of the following topics:

- (1) Child growth and development;
- (2) Guidance and discipline;
- (3) Age-appropriate curriculum; and
- (4) Teacher-child interaction.

(c) At least one clock hour of the annual training hours must focus on prevention, recognition, and reporting of child maltreatment, including:

- (1) Factors indicating a child is at risk for abuse or neglect;
- (2) Warning signs indicating a child may be a victim of abuse or neglect;
- (3) Procedures for reporting child abuse or neglect; and
- (4) Community organizations that have training programs available to employees, children, and parents.

(d) While there are no clock hour requirements for the topics in this subsection, the annual training hours must also include training on the following topics:

- (1) Emergency preparedness;

(2) Preventing and controlling the spread of communicable diseases, including immunizations;

(3) Administering medication, if applicable, including compliance with §744.2653 of this chapter [~~title~~] (relating to What authorization must I obtain before administering a medication to a child in my care?);

(4) Preventing and responding to emergencies due to food or an allergic reaction;

(5) Understanding building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electrical [~~electric~~] hazards, bodies of water, and vehicular traffic; and

(6) Handling, storing, and disposing of hazardous materials including compliance with §744.2523 of this chapter [~~title~~] (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?).

(e) The remaining annual training hours must be in one or more of the following topics:

(1) Care of children with special needs;

(2) Child health (for example, nutrition, and [~~or~~] physical activity);

(3) Safety;

(4) Risk management;

(5) Identification and care of ill children;

(6) Cultural diversity for children and families;

(7) Professional development (for example, effective communication with families and time and stress management);

(8) Topics relevant to the particular age group the caregiver is assigned;

(9) Planning developmentally appropriate learning activities; and

(10) Minimum standards and how they apply to the caregiver.

(f) No more than 80% of the required annual training hours may come from [~~be obtained through~~] self-instructional training. No more than three [~~hours~~] of those [~~the~~] self-instructional hours [~~training~~] may come from self-study

training [a person reading written materials or watching a video on their own].

(g) The 15 clock hours of annual training are exclusive of any requirements for orientation, pre-service training, pediatric first aid and pediatric CPR training, transportation safety training, and high school child-care work-study classes.

Helpful Information

- *Research has shown that caregivers who are better trained are better able to prevent, recognize, and correct health and safety problems.*
- *Annual ongoing training provides caregivers an opportunity to learn the newest techniques for addressing children's behaviors, to discover the latest findings on what children need as they develop, and to refresh and re-energize their skills.*
- *Some re-training on previously studied topics is necessary to keep skills and knowledge up-to-date.*

§744.1311. What areas of training must the annual [~~How many clock hours of~~] training for [~~must~~] an operation director or a program director cover [~~obtain each year~~]?

(a) The [~~An operation director and/or a program director must obtain at least~~] 20 clock hours of annual training must be [~~each year~~] relevant to the age of the children for whom the operation provides care.

~~[(b) The 20 clock hours of annual training are exclusive of any requirements for orientation, pre-service training, CPR and first aid training, and transportation safety training.]~~

(b)~~(c)~~ At least six clock hours of the annual training hours must be in one or more of the following topics:

- (1) Child growth and development;
- (2) Guidance and discipline;
- (3) Age-appropriate curriculum;
- (4) Teacher-child interaction; and
- (5) Serving children with special care needs.

(c) At least one clock hour of the annual training hours must focus on prevention, recognition, and reporting of child maltreatment, including:

(1) Factors indicating a child is at risk for abuse or neglect;

(2) Warning signs indicating a child may be a victim of abuse or neglect;

(3) Procedures for reporting child abuse or neglect; and

(4) Community organizations that have training programs available to employees, children, and parents.

(d) While there are no clock hour requirements for the topics in this subsection, the annual training hours must also include training on the following topics:

(1) Emergency preparedness;

(2) Preventing and controlling the spread of communicable diseases, including immunizations;

(3) Administering medication, if applicable, including compliance with §744.2653 of this chapter [~~title~~] (relating to What authorization must I obtain before administering a medication to a child in my care?);

(4) Preventing and responding to emergencies due to food or an allergic reaction;

(5) Understanding building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electrical [~~electric~~] hazards, bodies of water, and vehicular traffic; and

(6) Handling, storing, and disposing of hazardous materials including compliance with §744.2523 of this chapter [~~title~~] (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?).

(e) An operation director or program director with:

(1) Five or fewer years of experience as a designated operation director [~~of an operation~~] or [~~as a~~] program director must complete at least six clock hours of the annual training hours in management techniques, leadership, or staff supervision; or

(2) More than five years of experience as a designated operation director [~~of an operation~~] or [~~as a~~] program director must complete at least three clock hours of the annual training hours in management techniques, leadership, or staff supervision.

(f) The remainder of the 20 clock hours of annual training must be selected from the training topics specified in §744.1309(e) of this division [~~title~~] (relating to What areas of [~~How many clock hours of annual~~] training must the annual training for [~~be obtained by~~] caregivers and site directors cover?).

(g) An operation director or program director may obtain clock hours or CEUs from the same sources as caregivers.

(h) A director may not earn training [~~Training~~] hours by [~~may not be earned for~~] presenting training to others.

(i) No more than 80% of the required annual training hours may come from [~~be obtained through~~] self-instructional training. No more than three [~~hours~~] of those [~~the~~] self-instructional hours [~~training~~] may come from self-study training [~~a person reading written materials or watching a video on their own~~].

(j) The 20 clock hours of annual training are exclusive of any requirements for orientation, pre-service training, pediatric first aid and pediatric CPR training, and transportation safety training.

DELETE §744.1315 and replace with NEW §744.1315.

NEW §744.1315. Who must have pediatric first aid and pediatric CPR training?

(a) Each caregiver, operation director, program director, and site director must have a current certificate of training with an expiration or renewal date in pediatric first aid with rescue breathing and choking.

(b) Each caregiver, operation director, program director, and site director must have a current certificate of training with an expiration or renewal date in pediatric cardiopulmonary resuscitation (CPR). A new caregiver does not have to have a current certificate in pediatric CPR before having unsupervised access to a child in care. However, the operation must have at least one employee or caregiver on the premises while children are in care that has a current certificate in pediatric CPR. The pediatric CPR:

(1) Must adhere to the guidelines for CPR for a layperson established by the American Heart Association, and consist of a curriculum that includes use of a CPR manikin and both written and hands-on skill-based instruction, practice, and testing; and

(2) May be provided through blended learning that utilizes online technology, including self-instructional training, as long as the criteria in paragraph (1) of this subsection is met.

Helpful Information

- *According to the American Academy of Pediatrics, knowledge of pediatric first aid, including management of a blocked airway and rescue breathing and the confidence to use these skills, are critically important to the outcome of an emergency situation.*
- *The pediatric CPR [and first-aid] training obtained from resources that meet the criteria in paragraph (b)(1) [subsection (c)] will help ensure that the techniques and information the caregiver receives is up to date.*
- *[Blended learning CPR and first-aid training is acceptable as long as the criteria in subsection (c) is met. Hands-on instruction, practice and testing face-to-face with an instructor allow participants the opportunity to ask questions and receive feedback.]*

§744.1317. What additional training must an employee and director have if the operation transports children [~~in order to transport a child in care~~]?

(a) If the operation transports children whose chronological or developmental age is younger than nine years old, two clock hours of annual transportation safety training is required for:

(1) Each employee prior to transporting a child; and

(2) Each site director, and program director or operation director.

~~[(a) An employee must complete two hours of annual training on transportation safety in order to transport a child whose chronological or developmental age is younger than nine years old. This training is in addition to other required training hours.]~~

(b) The [employee must obtain these] two clock hours of transportation safety training are exclusive of any requirements for orientation, pre-service training, and annual training [prior to transporting children].

§744.1331. What documentation must I provide to Licensing to verify that employees have met training requirements [~~have been met~~]?

(a) You [~~Except as provided in this section, you~~] must maintain the original certificate or letter [~~certificates~~] documenting the completion of [~~CPR/first-aid and~~] annual training in each employee's personnel record at the operation.

(b) For annual training to [~~To~~] be counted toward compliance with the minimum standards, the trainer or training source must provide the participant with an original certificate or letter showing:

(1) The participant's name;

(2) Date of the training;

(3) Title/subject of the training;

(4) The trainer's name, or the source of the training for self-instructional training;

(5) The trainer's qualifications, in compliance with §744.1319 of this division [~~title~~] (relating to Must the training for my caregivers and the director meet certain criteria?); and

(6) Length of the training specified in clock hours, CEUs, or college credit hours, as appropriate.

(c) [~~(b)~~] For pediatric first aid with rescue breathing and choking and pediatric CPR to count toward compliance with the minimum standards:

(1) The certificate or letter [~~Documentation of CPR/first-aid training~~] must include:

(A) The [~~the~~] same information required in subsection (b) [~~(a)~~] of this section; [] and

(B) The [~~must also include the~~] expiration or renewal date of the training, as determined by the organization providing the training; and [~~A photocopy of the original CPR/first-aid certificate or letter may be maintained in the personnel record, as long as the employee can provide an original document upon request by Licensing.~~]

(2) You must maintain:

(A) The original certificate or letter documenting the completion of pediatric first aid and pediatric CPR in each employee's personnel record at the operation; or

(B) A photocopy of the original certificate or letter documenting the completion of pediatric first aid and pediatric CPR in each employee's personnel record at the operation, so long as the employee is able to provide an original certificate or letter upon Licensing's request.

(d) [~~e~~] For orientation and pre-service training, you [You] must obtain a signed and dated statement from the employee and the person providing the orientation or [and] pre-service training stating the employee has received the orientation or [and] pre-service training, or you may obtain an original certificate or letter [documentation] as specified in subsection (b) [~~a~~] of this section.

Helpful Information

- *Original certificates help to verify an employee [the person] actually received the training. A permit holder has the discretion to release training records to an employee upon leaving their employment.*
- *Regarding paragraph (b)(4) and (5), when [When] an employee receives training at a conference then the conference sponsors may be responsible for ensuring that all the presenters meet the required trainer qualifications. This may be done instead of listing on the training certificate all the presenters and their qualifications.*

SUBCHAPTER I FIELD TRIPS

§744.2301. May I take children away from my operation for field trips?

Yes. You must ensure the safety of all children on field trips or excursions and during any transportation provided by the operation. Anytime you take a child on a field trip, you must comply with each of the following requirements:

(1) You must have signed permission from the parent to take a child on a field trip, including permission to transport the child, if applicable;

(2) One or more caregivers must carry emergency medical consent forms and emergency contact information for each child on the field trip;

(3) Caregivers must have a written list of all children on the field trip and must check the list frequently to account for the presence of all children;

(4) Caregivers must have a first-aid kit immediately available on field trips;

(5) Caregivers must have a copy of a child's food allergy emergency plan and allergy medications, if applicable;

(6) Each child must wear a shirt, nametag, or other identification listing the name of the operation and the operation's telephone number;

(7) Each caregiver must be easily identifiable by all children on the field trip by wearing a hat, operation tee-shirt, brightly-colored clothes, or other easily spotted identification;

(8) Each caregiver supervising a field trip must have transportation available, a communication device such as a cellular phone or two-way radio available, or an alternate plan for transportation at the field-trip location in case of emergency; and

(9) One or more caregivers per group of children must have current training in pediatric first aid and pediatric CPR [~~Caregivers with training in CPR and first aid with rescue breathing and choking must be present on the field trip~~].

Helpful Information

- *Regarding paragraph (3):*
 - *Conducting multiple name to face checks while away from the operation will help ensure a child has not wandered off, gotten lost, or been left behind;*
 - *Conducting multiple name to face checks while away from the operation will alert staff to begin an immediate search if a child is missing; and*
 - *Caregivers should record the count on an attendance sheet or on a pocket card, along with the time the count occurred.*
- *For child/caregiver ratios and groups sizes, see subchapter E of this chapter [~~(relating to Child/Caregiver Ratios and Group Sizes)~~].*