



August 16, 2019

Dear Residential Child Care Provider:

The 86th Legislature, Regular Session, concluded on May 27, 2019. A number of bills passed during the session that will impact residential child care operations regulated by Child Care Licensing.

CCL has posted a chart on the [Minimum Standards](#) webpage that includes the following information for such bills:

- A brief summary of the changes in the law;
- Information on how to comply with the changes in the law; and
- Information on when to comply with the new law.

Please review the chart carefully, as not all bills may impact your specific type of program. CCL will continue to communicate with you as additional decisions are made on how to implement this recent legislation.

We look forward to working with you as we implement these new requirements and continue to work toward our common goal of protecting the health, safety and well-being of children in out of home care in Texas.

Sincerely,

Jean Shaw
Associate Commissioner
Child Care Licensing

Residential Child Care

Bill Number	Summary	How To Comply	When To Comply
<p>House Bill 2363</p> <p><i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>Child-Placing Agencies</i> • <i>Agency Foster Family Homes</i> <p><i>Effective 9/1/2019</i></p>	<p>Amends Human Resources Code (HRC) §42.042(e-1) related to the storage of firearms and ammunition in agency foster homes to allow homes to:</p> <ul style="list-style-type: none"> • Continue to store the weapon and ammunition separately; or • Store the weapon and ammunition together in the same locked location if the firearm is stored with a trigger locking device attached to the firearm. <p><u>Rule Changes</u> Rule amendments will be proposed to 26 TAC Chapter 749.</p>	<p>To allow an agency home to store a weapon and ammunition together in the same locked location, you must revise your policy relating to the storage of weapons, firearms, explosive materials, and projectiles. The policy must address that in order to store the firearm in the same locked location as the ammunition, the firearm must be attached to a trigger locking device.</p> <p>After you update the policy, you must follow-up with each agency home that has firearms to ensure proper storage.</p>	<p>The law is effective on 9/1/2019. You may update your policy at any time.</p> <p>When a licensing inspector visits an agency foster home, the inspector will evaluate compliance with this law until minimum standards are updated.</p>
<p>House Bill 2764</p> <p><i>This law applies to all Child-Placing Agencies.</i></p> <p><i>Effective 9/1/2019</i></p>	<p>Amends Human Resources Code (HRC) §42.042 to require Licensing to:</p> <ul style="list-style-type: none"> • Adopt a process to simplify, streamline, and provide for greater flexibility in the application of 	<p>No action on your part is required until amended rules are adopted.</p>	<p>Additional information will be provided as Licensing develops rules necessary to implement the change.</p>

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Bill Number	Summary	How To Comply	When To Comply
	<p>minimum standards for child-placing agencies (CPA); and</p> <ul style="list-style-type: none"> • Create a process in rule that allows a CPA the authority to waive certain standards relating to pre-service training, annual training, or other training requirements not directly related to caring for children for: <ul style="list-style-type: none"> ○ Foster parents and prospective adoptive parents; or ○ Foster homes that have no violations. <p>Amends HRC §42.0537(f) requires Licensing to create a process in rule that allows a CPA contracted with CPS to issue a provisional verification for prospective agency foster homes while the foster parent completes training mandated by DFPS.</p> <p><u>Rule Changes</u> Rule amendments will be proposed to 26 TAC Chapter 749.</p>	<p>Licensing will share additional information regarding the criteria and rule changes at a later date.</p>	
<p>House Bill 4260</p> <p><i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>General Residential Operations</i> 	<p>Amends the Health and Safety Code by adding new Section §773.0145, which requires DSHS to adopt rules allowing certain entities, including child care</p>	<p>No action on your part is required at this time. You will only be required to comply with the provisions in this bill</p>	<p>Additional information will be provided as Licensing develops rules</p>

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Bill Number	Summary	How To Comply	When To Comply
<ul style="list-style-type: none"> • <i>Independent Foster Family Homes</i> <p><i>Effective 9/1/2019</i></p>	<p>facilities, to adopt a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors.</p> <p>An operation that chooses to have an epinephrine auto-injector must:</p> <ul style="list-style-type: none"> • Have at least one employee or volunteer who is trained in the administration of an epinephrine auto-injector to be present during all hours of operation; • Ensure that only an employee or volunteer who is trained may administer an epinephrine auto-injector to a person on the premises reasonably believed to be experiencing anaphylaxis; • Store epinephrine auto-injectors in a secure location according to the manufacturer's instructions; • Make epinephrine auto-injectors easily accessible to employees and volunteers trained to administer them; and • Provide annual training to employees and volunteers who will be allowed to administer epinephrine auto-injectors. <p><u>Rule Changes:</u></p>	<p>if you choose to have an epinephrine auto-injector prescribed in the name of your operation.</p>	<p>necessary to implement this bill.</p>

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	<p>Licensing, in collaboration with Department of State Health Services (DSHS), will propose changes to 26 TAC Chapter 748.</p>		
<p>Senate Bill 195</p> <p><i>This law applies to adoption services provided by a Child-Placing Agency</i></p> <p><i>Effective 1/1/2020</i></p>	<p>Amends the Texas Family Code (TFC) Chapter 162, which requires that a child's health history portion of the Health, Social, Educational, and Genetic History (HSEGH) pre-adoption report include any statistical information related to alcohol and controlled substance use that DFPS collects.</p> <p><u>Rule Changes</u> Rule amendments will be proposed to 26 TAC Chapter 749.</p>	<p>No action on your part is required until additional direction is provided from Licensing.</p> <p>Licensing will share additional information regarding the criteria and rule changes at a later date.</p>	<p>Additional information will be provided as Licensing develops processes and rules necessary to implement this bill.</p>
<p>Senate Bill 568</p> <p><i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>General Residential Operations</i> • <i>Child Placing Agencies</i> • <i>Agency Foster Family Homes</i> • <i>Independent Foster Family Homes</i> <p><i>Effective 9/1/2019</i></p>	<p>Amends Human Resources Code, Chapter 42 to establish new requirements for Licensing and providers in the following areas:</p> <p><i>Safety Training Account</i></p> <p>Requires Licensing to create a safety training account to provide free safety training materials to child care operations.</p> <p><i>Online Inspection History</i></p>	<p>No action on your part is required until additional direction is provided from Licensing.</p> <p>Licensing will share additional information regarding the criteria and rule changes at a later date.</p>	<p>Additional information will be provided as Licensing develops processes and rules necessary to implement this bill.</p>

Residential Child Care

Bill Number	Summary	How To Comply	When To Comply
	<p>Requires Licensing to expand the inspection history available on the Search Texas Child Care website from three years to five years.</p> <p><i>Safe Sleeping Standards</i></p> <ul style="list-style-type: none"> • Codifies into law that Licensing establish safe sleeping standards for licensed facilities; • Requires licensed facilities to notify all parents/guardians in writing if cited for a safe sleeping violation; and • Requires Licensing to create a safe sleeping violation notification form, available on the Licensing website, for providers to send to all parents/guardians. <p><i>Liability Insurance</i></p> <ul style="list-style-type: none"> • Requires licensed facilities to provide proof of liability insurance to Licensing annually; and • Requires Licensing to provide a form, available on the Licensing website, for providers to notify all parents/guardians if the provider does not provide liability insurance. <p><i>Permit Renewal</i></p>		

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	<ul style="list-style-type: none"> • Requires Licensing to evaluate each operation’s licensing history for repeated violations or patterns of violations during the two years previous to the permit renewal; • Allows Licensing to place restrictions, conditions, or additional requirements on the license or registration before renewing the permit; • Prohibits Licensing from renewing a permit if a violation has not been corrected by the compliance date; and • Makes the refusal to renew a permit an adverse action. <p><i>Other Parental Notifications</i></p> <p>Requires licensed facilities to notify the parent/guardian of a child related to:</p> <ul style="list-style-type: none"> • An incident of abuse, neglect or exploitation of the child; • Injury to the child that requires treatment by a medical professional or hospitalization; and • Illness of a child that requires hospitalization. 		

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Bill Number	Summary	How To Comply	When To Comply
	<p>Requires licensed facilities to notify the parents/guardians of <i>all</i> children in care of a violation of abuse, neglect, or exploitation.</p> <p><i>Administrative Penalties</i></p> <p>Requires Licensing to impose:</p> <ul style="list-style-type: none"> • A \$500 administrative penalty for failure to report timely to a parent/guardian a child injury requiring medical treatment or hospitalization or an illness requiring hospitalization; and • A \$50 administrative penalty for <i>each day</i> an facility fails to report timely to every parent/guardian a: <ol style="list-style-type: none"> 1. Violation of abuse, neglect or exploitation; 2. Violation of a safe sleeping standard; or 3. Lack of liability insurance. <p><u>Rule Changes</u></p> <p>Rule amendments will be proposed to 26 TAC Chapters 745, 748 and 749.</p>		

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Bill Number	Summary	How To Comply	When To Comply
<p>Senate Bill 781 - SECTION 5</p> <p><i>This law applies to applicants for and existing permit holders of general residential operations that:</i></p> <ul style="list-style-type: none"> • <i>are located in a county with a population of less than 300,000; and</i> • <i>intend to provide or currently provide treatment services to children with emotional disorders and victims of human trafficking.</i> 	<p>Amends Human Resources Code, §42.0462 to remove the waiver of notice and public hearing requirements currently in place for General Residential Operation (GRO) applicants that intend to provide services to victims of human trafficking, if the operation also intends to provide treatment services to children with emotional disorders.</p> <p>The waiver of public requirements remain for GRO applicants that intend to provide services to victims of human trafficking, unless the operation also intends to serve children with emotional disorders.</p> <p><u>Rule Changes</u> Rule amendments will be proposed to 26 TAC §745.273.</p>	<p>For GRO applications received on or after 9/1/19, the applicant must meet public hearing requirements outlined in §42.0462, if the operation intends to provide services for children with emotional disorders.</p> <p>GROs that provide treatment services for children with emotional disorders that request to increase capacity on or after 9/1/19, are subject to public hearing requirements under §42.0462, including operations that serve victims of human trafficking.</p>	<p>9/1/2019</p>
<p>Senate Bill 781 –SECTIONS 6-9</p> <p><i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>General Residential Operations</i> • <i>Child-Placing Agencies</i> • <i>Independent Foster Family Homes</i> 	<p>Amends Human Resources Code §42.0704 to:</p> <ul style="list-style-type: none"> • Remove “evaluation” as a type of corrective action; • Codify into law factors that are already outlined in 26 TAC §745.8605, that CCL must consider when determining if enforcement action is appropriate. 	<p>This bill only impacts operations that Licensing determines meets the criteria to recommend or impose an enforcement action.</p>	<p>Additional information will be provided as Licensing develops processes and rules necessary to implement this bill.</p>

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Bill Number	Summary	How To Comply	When To Comply
<p><i>Effective 9/1/2019</i></p>	<p>Amends HRC §42.072(c) to broaden the five year ban to reapply for a permit to an operation that voluntarily closes in lieu of disciplinary action. The five year ban starts on the date the operation closes or relinquishes its permit.</p> <p><u>Rule Changes</u> Rule amendments will be proposed to 26 TAC Chapter 745.</p>		
<p>Senate Bill 781 - SECTION 10</p> <p><i>This law applies to general residential operations that provide treatment services to children with emotional disorders.</i></p> <p><i>Effective 9/1/2019</i></p>	<p>Adds new Subchapter H to HRC, Chapter 42, to establish new requirements for general residential operations (GRO) that provide treatment services to children with emotional disorders in the following areas:</p> <p><i>Operational Plan</i></p> <p>Requires an applicant to submit an operational plan with the application. The operational plan must include:</p> <ul style="list-style-type: none"> • A community engagement plan; • An educational plan; • A trauma informed plan; and • A statement regarding the qualifications, background, and history of persons involved in the management of the operation. 	<p>No action on your part is required until additional direction is provided from Licensing.</p> <p>Licensing will share additional information regarding the criteria and rule changes at a later date.</p>	<p>Additional information will be provided as Licensing develops processes and rules necessary to implement this bill.</p>

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Bill Number	Summary	How To Comply	When To Comply
	<p><i>Human Trafficking Services</i></p> <p>Requires an applicant to state on the application whether the operation intends to serve victims of human trafficking, but does not require this information to be included on the operational plan.</p> <p><i>Approval of the Operational Plan</i></p> <p>Requires Licensing to approve an applicant's operational plan prior to the applicant holding a public hearing, if applicable, or prior to granting a license to operate a GRO.</p> <p><i>Evaluating an Application</i></p> <p>Allows Licensing, when evaluating an application, to consider:</p> <ul style="list-style-type: none"> • Evidence gathered through the application process; • The overall operational plan; • Evidence of community support or opposition to the prospective operations; and • The impact statement from the school district likely to be impacted by the proposed operation <p><i>Denial of License</i></p>		

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Bill Number	Summary	How To Comply	When To Comply
	<p>Allows Licensing to deny a license if it is determined that:</p> <ul style="list-style-type: none"> • The community has insufficient resources to support children to be served by the operation; • Granting the license would significantly impact the local ISD and would adversely affect the children to be served by the operation; • Granting the license would have a significant adverse impact on the local community and would limit opportunities for social interaction for children to be served by the operation. <p><i>Confidential Information</i></p> <ul style="list-style-type: none"> • Prohibits Licensing from disclosing whether an applicant will serve victims of human trafficking during a public hearing; and • Does not require the applicant to disclose any information relating to the provision of services to victims of human trafficking. <p><i>Public Hearing Regarding the Renewal of a License</i></p>		

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Bill Number	Summary	How To Comply	When To Comply
	<p>Requires Licensing to hold a public hearing to get public input on the renewal of a GRO license if the relevant county commissioner’s court requests one.</p> <p><u>Rule Changes</u> Rule amendments will be proposed to 26 TAC, Chapters 745 and Chapter 748.</p>		
<p>SB 1200</p> <p><i>This law applies to Administrator’s Licensing.</i></p> <p><i>Effective 9/1/2019</i></p>	<p>Adds a new section to the Occupations Code to allow a military spouse to act as an administrator for a general residential operation, child-placing agency, or both for up to three years without obtaining an administrator’s license if Licensing determines that the military spouse is currently licensed in good standing by another state that has licensing requirements substantially equivalent to the requirements for an administrator’s license in Texas.</p> <p><u>Rule Changes</u> New rules will be proposed to Title 26 TAC Chapter 745, Subchapter N, Administrator’s Licensing in September and are expected to go into effect December 1, 2019.</p>	<p>No action is required on your part. The bill only applies to an application for an Administrator’s License.</p>	<p>Not applicable</p>