The purpose of the proposal is to implement portions of Senate Bill (S.B.) 568, 86th Legislature, Regular Session, 2019, which amended the Human Resources Code (HRC) to require Child Care Regulation (CCR) to establish minimum standards for safe sleeping, expand liability insurance requirements, and alter requirements related to the reporting certain incidents and deficiencies, including those relating to safe sleeping, illness and injury, and abuse, neglect, or exploitation.

NOTE: Helpful Information Boxes, included with the rules for purposes of informal comment, are not minimum standards but provide explanations to help the provider better understand the implementation of the standards. Once adopted, the Helpful Information Boxes will be posted on the Texas Health and Human Services website.

# 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 B ADMINISTRATION AND COMMUNICATION

# DIVISION 1 PERMIT HOLDER RESPONSIBILITIES

§744.201. What are my responsibilities as the permit holder?

You are responsible for:

 (1) Developing and implementing your operational policies, which must comply with or exceed the minimum standards specified in this subchapter;

 (2) Developing written personnel policies, including job descriptions, job responsibilities, and requirements;

 (3) Making provisions for training that comply with Division 4, Subchapter D of this chapter (relating to Professional Development);

 (4) Designating an operation director, program director, or site director, as applicable, who meets minimum standard qualifications as specified in Subchapter D of this chapter;

 (5) Reporting and ensuring your employees and volunteers report suspected abuse, neglect, or exploitation directly to the Texas Department of Family and Protective Services and may not delegate this responsibility, as required by the Texas Family Code §261.101;

 (6) Ensuring all information related to background checks is kept confidential, as required by the Human Resources Code §40.005(d) and (e);

 (7) Ensuring parents can visit the operation any time during your hours of operation to observe their child, program activities, the building, the premises, and the equipment without having to secure prior approval;

 (8) Complying with the liability insurance requirements in this division;

 (9) Complying with the child-care licensing law found in Chapter 42 of the Human Resources Code, the applicable minimum standards, and other applicable rules in the Texas Administrative Code;

 (10) Reporting to Licensing any Department of Justice substantiated complaints related to Title III of the Americans with Disabilities Act, which applies to commercial public accommodations; and

 (11) Ensuring the total number of children in care at the operation or away from the operation, such as during a field trip, never exceeds the licensed capacity of the operation.

§744.203. What are the liability insurance requirements?

Unless you have an acceptable reason not to have the insurance, you must:

 (1) Have liability insurance coverage:

 (A) Of at least $300,000 for each occurrence of negligence; and

 (B) That covers injury to a child that occurs while the child is in your care, regardless of whether the injury occurs on or off the premises of your operation; and

 (2) Provide proof of coverage to Licensing each year by the anniversary date of the issuance of your permit.

§744.205. What are acceptable reasons not to have liability insurance?

(a) You do not have to have liability insurance that meets the requirements of §744.203 of this division (relating to What are the liability insurance requirements?) if you cannot carry insurance because:

 (1) Of financial reasons;

 (2) You are unable to locate an underwriter who is willing to issue a policy to the operation; or

 (3) You have already exhausted the limits of a policy that met the requirements.

(b) If you cannot carry liability insurance, or you stop carrying the insurance because of a reason listed in subsection (a) of this section, you must send written notification to Licensing by the anniversary date of the issuance of your permit. Your notification must include the reason that you cannot carry the insurance.

§744.207. When must I notify parents that I do not carry liability insurance?

(a) If you do not carry liability insurance that meets the requirements of §744.203 of this division (relating to What are the liability insurance requirements?), then you must notify the parent of each child in your care in writing that you do not carry liability insurance before you admit the child into your care.

(b) If you previously carried the liability insurance and subsequently stop carrying the liability insurance, then you must notify the parent of each child in your care in writing that you do not carry the insurance, within 30 days after you stop carrying it.

(c) You may use Form 2962, *Verification of Liability Insurance*, located on the Licensing provider website, to notify parents. Regardless of whether you use this form, you must be able to demonstrate that you provided written notice to the parents of each child in your care, as required in §744.801(5) of this chapter (relating to What records must I keep at my operation?).

***Helpful Information***

|  |
| --- |
| *It is important that parents both understand and acknowledge whether your operation carries liability insurance. Possible means of communicating this requirement include:** *Using a form specific to liability insurance, which requires a parent signature that you maintain in the child’s file;*
	+ *Including a statement or addendum regarding whether you carry liability insurance in your operational policies or parent handbook, with a parent signature or initial specifically acknowledging the liability insurance information, and maintaining that signature of receipt in the child’s file; or*
* *Maintaining a copy of any electronic communication sent to a parent regarding liability insurance, including the date and address to which the communication was sent.*
 |

# 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 B ADMINISTRATION AND COMMUNICATION

# DIVISION 2 REQUIRED NOTIFICATIONS

§744.305. What other situations require notification to Licensing?

(a) You must notify us as soon as possible, but no later than two days after:

 (1) Any occurrence that renders all or part of your operation unsafe or unsanitary for a child;

 (2) Injury to a child in your care that requires medical treatment by a health-care professional or hospitalization;

 (3) A child in your care shows signs or symptoms of an illness that requires hospitalization;

 (4) You become aware that an employee or child in your care contracts an illness deemed notifiable by the Department of State Health Services , as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases);

 (5) A person for whom you are required to request a background check, under Chapter 745, Subchapter F of this title (relating to Background Checks) , is arrested or charged with a crime;

 (6) The occurrence of any other situation that places a child at risk, such as forgetting a child in an operation vehicle or on the playground or not preventing a child from wandering away from the operation unsupervised; and

 (7) A new individual becomes a controlling person at your operation, or an individual that was previously a controlling person ceases to be a controlling person at your operation.

(b) You must notify us immediately if a child dies while in your care.

***Helpful Information***

|  |
| --- |
| * *Regarding paragraph (a)(1) of this section, examples of occurrences that may render an operation unsafe or unsanitary include sewer backups, flood, fire or storm damage, or the lack of running water.*

*• Notifications to Licensing may be made:** + *Online 24 hours a day at http://www.dfps.state.tx.us/Contact\_Us/report\_abuse.asp;*
	+ *By phone 24 hours a day to the Texas Abuse and Neglect Hotline 1-800-252-5400; or*
	+ *By speaking to a Licensing employee during business hours at the local office. Phone numbers for the local offices can be found at:*

*<https://hhs.texas.gov/services/safety/child-care/contact-child-care-licensing>* |

§744.307. What emergency or medical situations must I notify parents about?

(a) You must notify the parent of the child immediately if there is an allegation that the child has been abused, neglected, or exploited as defined in the Texas Family Code §261.001, while in your care.

(b) After you ensure the safety of the child, you must notify the parent of the child immediately after the child:

 (1) Is injured and the injury requires medical treatment by a health-care professional or hospitalization;

 (2) Shows signs or symptoms of an illness that requires hospitalization;

 (3) Has been involved in any situation that placed the child at risk. For example, a caregiver forgetting the child in an operation vehicle or on the playground or not preventing the child from wandering away from the operation unsupervised; or

 (4) Has been involved in any situation that renders the operation unsafe, such as a fire, flood, or damage to the operation as a result of severe weather.

(c) You must notify the parent of less serious injuries when the parent picks the child up from the operation. Less serious injuries include minor cuts, scratches, and contusions requiring first-aid treatment by employees.

(d) You must provide written notice to the parent of each child attending the operation within 48 hours of becoming aware that a child in your care or an employee has contracted a communicable disease deemed notifiable by the Department of State Health Services, as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases).

(e) You must provide written notice to the parent of each child in a group within 48 hours when there is an outbreak of lice or other infestation in the group. You must either post this notice in a prominent and publicly accessible place where parents can easily view it or send an individual note to each parent.

***Helpful Information***

|  |
| --- |
| * *Communication between caregivers and parents is essential to both the safe and healthy operation of the program and to the parents’ ability to assess the care their children are receiving.*
* *Regarding paragraph (b)(1) of this section, please see §744.2577 of this chapter (relating to How must caregivers respond when a child is injured and requires immediate treatment by a health-care professional?) for additional requirements for how operations must respond to an injury that requires immediate medical treatment by a health-care professional.*
* *Regarding paragraph (b)(2) of this section, please see §744.2575 of this chapter (relating to How must caregivers respond when a child becomes ill?) for additional requirements for how operations must respond when a child becomes ill while in care.*
 |

§744.309. What are the notification requirements when Licensing finds my operation deficient in the standard related to the abuse, neglect, or exploitation of a child?

You must notify the parent of each child attending your child-care operation of a deficiency in the abuse, neglect, or exploitation standard in §744.1201(4) of this chapter (relating to What general responsibilities do my employees have?).

§744.311. How must I notify parents of an abuse, neglect, or exploitation deficiency?

Within five days after you receive notification of a deficiency described in §744.309 of this division (relating to What are the notification requirements when Licensing finds my operation deficient in the standard related to the abuse, neglect, or exploitation of a child?), you must use Form 2970, *Notification of Violation*, located on the Licensing provider website, to notify the parents of all children who are in care at the time of the notification, including a child who may not have been in care on the day of the actual incident.

# 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 2 RECORDS OF ACCIDENTS AND INCIDENTS

§744.701. What written records must I keep of accidents and incidents that occur at my operation?

You must use the Licensing *Incident/Illness Report* Form 7239, or other form containing at least the same information, to record information regarding:

 (1) Injuries that required medical treatment by a health-care professional or hospitalization;

 (2) Illnesses that required hospitalization;

 (3) Any incident of a child in care or employee contracting a communicable disease deemed notifiable by the Texas Department of State Health Services as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases); and

 (4) Any other situation that placed a child at risk, such as forgetting a child in an operation's vehicle or not preventing a child from wandering away from the operation unsupervised.

***Helpful Information***

|  |
| --- |
| *You may obtain a copy of Licensing's Incident/Illness Report form on the Licensing provider website at:* *<https://hhs.texas.gov/laws-regulations/handbooks/cclpph/forms>* |

# 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 3 RECORDS THAT MUST BE KEPT ON FILE AT THE OPERATION

§744.801. What records must I keep at my operation?

You must maintain and make the following records available for our review, upon request, during your hours of operation. Paragraphs (13), (14), and (15) of this section are optional, but if provided will allow Licensing to avoid duplicating the evaluation of standards that have been evaluated by another state agency within the past year:

 (1) Children's records, as specified in Division 1 of this subchapter (relating to Records of Children);

 (2) Personnel and training records according to Division 4 of this subchapter (relating to Personnel Records);

 (3) Licensing Director's Certificate;

 (4) Attendance records or time sheets listing all days and hours worked for each employee;

 (5) Proof of current liability insurance coverage or, if applicable, that you have provided written notice to the parent of each child that you do not carry the insurance;

 (6) Medication records, if applicable;

 (7) Playground maintenance checklists;

 (8) Pet vaccination records, if applicable;

 (9) Safety documentation for emergency drills, fire extinguishers, and smoke detectors;

 (10) Most recent fire inspection report, including any written approval from the fire marshal to provide care above or below ground level, if applicable;

 (11) Most recent sanitation inspection report, if applicable;

 (12) Most recent gas inspection report, if applicable;

 (13) Most recent Texas Department of State Health Services immunization compliance review form, if applicable;

 (14) Most recent Texas Department of Agriculture Child and Adult Care Food Program report, if applicable;

 (15) Most recent local workforce board Child-Care Services contractor inspection report, if applicable;

 (16) Record of pest extermination, if applicable;

 (17) A daily tracking system for when a child's care begins and ends, as specified in §744.627 of this subchapter (relating to Must I have a system for signing children in and out of my care?); and

 (18) Proof that you have notified parents in writing of deficiencies in abuse, neglect, or exploitation, as specified in §744.309 of this chapter (relating to What are the notification requirements when Licensing finds my operation deficient in the standard related to the abuse, neglect, or exploitation of a child?).

# 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 K HEALTH PRACTICES

# DIVISION 3 ILLNESS AND INJURY

§744.2575. How must caregivers respond when a child becomes ill?

(a) If a child becomes ill while in your care but does not require immediate treatment by a health-care professional or hospitalization, you must:

 (1) Contact the parent to pick up the child;

 (2) Care for the child apart from other children;

 (3) Give appropriate attention and supervision until the parent picks the child up; and

 (4) Give extra attention to hand washing and sanitation if the child has diarrhea or vomiting.

(b) If a child becomes ill while in your care and requires immediate treatment by a health-care professional or hospitalization, you must:

 (1) Contact emergency medical services (or take the child to the nearest emergency room after you have ensured the supervision of other children in the group);

 (2) Give the child first-aid treatment or CPR when needed;

 (3) Contact the child’s parent;

 (4) Contact the physician or other health-care professional identified in the child’s record; and

 (5) Ensure the supervision of other children in the group.

§744.2577. How must caregivers respond when a child is injured and requires immediate treatment by a health-care professional?

For an injury that requires immediate treatment by a health-care professional, you must:

 (1) Contact emergency medical services (or take the child to the nearest emergency room after you have ensured the supervision of other children in the group);

 (2) Give the child first-aid treatment or CPR when needed;

 (3) Contact the child's parent;

 (4) Contact the physician or other health-care professional identified in the child’s record; and

 (5) Ensure supervision of other children in the group.

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS

# SUBCHAPTER B ADMINISTRATION AND COMMUNICATION

# DIVISION 1 PERMIT HOLDER RESPONSIBILITIES

§746.201. What are my responsibilities as the permit holder?

You are responsible for:

 (1) Developing and implementing your child-care center's operational policies, which must comply with or exceed the minimum standards specified in this subchapter;

 (2) Developing written personnel policies, including job descriptions, job responsibilities, and requirements;

 (3) Making provisions for training that comply with Division 4, Subchapter D of this chapter (relating to Professional Development);

 (4) Designating a child-care center director who meets minimum standard qualifications and has daily, on-site responsibility for the operation of the child-care center;

 (5) Reporting and ensuring your employees and volunteers report suspected abuse, neglect, or exploitation directly to the Texas Department of Family and Protective Services without delegating this responsibility, as required by the Texas Family Code, §261.101;

 (6) Ensuring all information related to background checks is kept confidential, as required by the Human Resources Code, §40.005(d) and (e);

 (7) Ensuring parents can visit the child-care center any time during the child-care center's hours of operation to observe their child, program activities, the building, the grounds, and the equipment without having to secure prior approval;

 (8) Complying with the liability insurance requirements in this division;

 (9) Complying with the child-care licensing law found in Chapter 42 of the Human Resources Code, the applicable minimum standards, and other applicable rules in the Texas Administrative Code;

 (10) Reporting to Licensing any Department of Justice substantiated complaints related to Title III of the Americans with Disabilities Act, which applies to commercial public accommodations; and

 (11) Ensuring the total number of children in care at the center or away from the center, such as during a field trip, never exceeds the licensed capacity of the center.

§746.203. What are the liability insurance requirements?

Unless you have an acceptable reason not to have the insurance, you must:

 (1) Have liability insurance coverage:

 (A) Of at least $300,000 for each occurrence of negligence; and

 (B) That covers injury to a child that occurs while the child is in your care, regardless of whether the injury occurs on or off the premises of your operation; and

 (2) Provide proof of coverage to Licensing each year by the anniversary date of the issuance of your permit.

§746.205. What are acceptable reasons not to have liability insurance?

(a) You do not have to have liability insurance that meets the requirements of §746.203 of this division (relating to What are the liability insurance requirements?) if you cannot carry insurance because:

 (1) Of financial reasons;

 (2) You are unable to locate an underwriter who is willing to issue a policy to the operation; or

 (3) You have already exhausted the limits of a policy that met the requirements.

(b) If you cannot carry liability insurance or you stop carrying the insurance because of a reason listed in subsection (a) of this section, you must send written notification to Licensing by the anniversary date of the issuance of your permit. Your notification must include the reason that you cannot carry the insurance.

§746.207 When must I notify parents that I do not carry liability insurance?

(a) If you do not carry liability insurance that meets the requirements of §746.203 of this division (relating to What are the liability insurance requirements?), then you must notify the parent of each child in your care in writing that you do not carry liability insurance before you admit the child into your care.

(b) If you previously carried the liability insurance and subsequently stop carrying the liability insurance, then you must notify the parent of each child in your care in writing that you do not carry the insurance within 30 days after you stop carrying it.

(c) You may use Form 2962, *Verification of Liability Insurance*, located on the Licensing provider website, to notify parents. Regardless of whether you use this form, you must be able to demonstrate that you provided written notice to the parent of each child in your care, as required in §746.801(6) of this chapter (relating to What records must I keep at my child-care center?).

***Helpful Information***

|  |
| --- |
| *It is important that parents both understand and acknowledge whether your center carries liability insurance. Possible means of communicating this requirement include:** *Using a form specific to liability insurance which requires a parent signature that you maintain in the child’s file;*
	+ *Including a statement or addendum regarding whether you carry liability insurance in your operational policies or parent handbook with a parent signature or initial specifically acknowledging the liability insurance information, and maintaining that signature of receipt in the child’s file; or*
* *Maintaining a copy of any electronic communication sent to a parent regarding liability insurance, including the date and address to which the communication was sent.*
 |

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS

# SUBCHAPTER B ADMINISTRATION AND COMMUNICATION

# DIVISION 2 REQUIRED NOTIFICATION

§746.305. What other situations require notification to Licensing?

(a) You must notify us as soon as possible, but no later than two days after:

 (1) Any occurrence that renders all or part of your center unsafe or unsanitary for a child;

 (2) Injury to a child in your care that requires medical treatment by a health-care professional or hospitalization;

 (3) A child in your care shows signs or symptoms of an illness that requires hospitalization;

 (4) You become aware that an employee or child in your care contracts an illness deemed notifiable by the Texas Department of State Health Services as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases);

 (5) A person for whom you are required to request a background check under Chapter 745, Subchapter F of this title (relating to Background Checks) is arrested or charged with a crime;

 (6) The occurrence of any other situation that places a child at risk, such as forgetting a child in a center vehicle or on the playground or not preventing a child from wandering away from the child-care center unsupervised; and

 (7) A new individual becomes a controlling person at your operation, or an individual that was previously a controlling person ceases to be a controlling person at your operation.

(b) You must notify us immediately if a child dies while in your care.

***Helpful Information***

|  |
| --- |
| * *Regarding paragraph (a)(1) of this section, examples of occurrences that may render a child-care center unsafe or unsanitary include sewer backups, flood, fire or storm damage, or the lack of running water.*

*• Notifications to Licensing may be made:** + *Online 24 hours a day at http://www.dfps.state.tx.us/Contact\_Us/report\_abuse.asp;*
	+ *By phone, 24 hours a day, to the Texas Abuse and Neglect Hotline 1-800-252-5400; or*
	+ *By speaking to a Licensing employee during business hours at the local office. Phone numbers for the local offices can be found at: https://hhs.texas.gov/services/safety/child-care/contact-child-care-licensing*
 |

§746.307. What emergency or medical situations must I notify parents about?

(a) You must notify the parent of the child immediately if there is an allegation that the child has been abused, neglected, or exploited as defined in the Texas Family Code, §261.001, while in your care.

(b) After you ensure the safety of the child, you must notify the parent of the child immediately after the child: (1) Is injured and the injury requires medical treatment by a health-care professional or hospitalization;

 (2) Shows signs or symptoms of an illness that requires hospitalization;

 ;

 (3) Has been involved in any situation that placed the child at risk. For example, a caregiver forgetting the child in a center vehicle or not preventing the child from wandering away from the child-care center unsupervised; or

 (4) Has been involved in any situation that renders the child-care center unsafe, such as a fire, flood, or damage to the child-care center as a result of severe weather.

(c) You must notify the parent of less serious injuries when the parent picks the child up from the child-care center. Less serious injuries include minor cuts, scratches, and bites from other children requiring first-aid treatment by employees.

(d) You must provide written notice to the parent of each child attending the child-care center within 48 hours of becoming aware that a child in your care or an employee has contracted a communicable disease deemed notifiable by the Texas Department of State Health Services, as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases).

(e) You must provide written notice to the parent of each child in a group within 48 hours when there is an outbreak of lice or other infestation in the group. You must either post this notice in a prominent and publicly accessible place where parents can easily view it or send an individual note to each parent.

***Helpful Information***

|  |
| --- |
| * *Communication between caregivers and parents is essential to both the safe and healthy operation of the center and the parents’ ability to assess the care their children are receiving.*
* *Regarding paragraph (b)(1) of this section, please see §746.3607 of this chapter (relating to How must caregivers respond when a child is injured and requires immediate treatment by a health-care professional?) for additional requirements for how operations must respond to an injury that requires immediate medical treatment by a health-care professional.*
* *Regarding paragraph (b)(2) of this section, please see §746.3605 of this chapter (relating to How must caregivers respond when a child becomes ill?) for additional requirements for how operations must respond when a child becomes ill while in care.*
 |

§746.309. What are the notification requirements when Licensing finds my center deficient in a standard related to safe sleeping or the abuse, neglect, or exploitation of a child?

(a) You must notify the parent of each child attending your child-care center of a deficiency in:

 (1) A safe sleeping standard noted in subsection (b) of this section; or

 (2) The abuse, neglect, or exploitation standard in §746.1201(4) of this chapter (relating to What general responsibilities do my child-care center employees have?).

(b) The following are safe sleeping standards requiring notification:

 (1) §746.2409(a)(1) of this chapter (relating to What specific safety requirements must my cribs meet?);

 (2) §746.2411(2)(A) of this chapter (relating to Are play yards allowed?);

 (3) §746.2415(a)(5) and (b) of this chapter (relating to What specific types of equipment am I prohibited from using with infants?);

 (4) §746.2426 of this chapter (relating to May I allow infants to sleep in a restrictive device?);

 (5) §746.2427 of this chapter (relating to Are infants required to sleep on their backs?);

 (6) §746.2428 of this chapter (relating to May I swaddle an infant to help the infant sleep?); and

 (7) §746.2429 of this chapter (relating to If an infant has difficulty falling asleep, may I cover the infant’s head or crib?).

§746.311. How must I notify parents of a safe sleeping deficiency or an abuse, neglect, or exploitation deficiency?

Within five days after you receive notification of a deficiency described in §746.309 of this division (relating to What are the notification requirements when Licensing finds my center deficient in a standard related to safe sleeping or the abuse, neglect, or exploitation of a child in care?), you must use Form 2970, *Notification of Violation*, located on the Licensing provider website, to notify the parents of each child attending your child-care center at the time of notification, including a child who may not have been in care on the day of the actual incident.

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS

# SUBCHAPTER C RECORD KEEPING

# DIVISION 2 RECORDS OF ACCIDENTS AND INCIDENTS

§746.701. What written records must I keep of accidents and incidents that occur at my child-care center?

You must use the Licensing *Incident/Illness Report* Form 7239, or other form containing at least the same information, to record information regarding:

 (1) Injuries that required medical treatment by a health-care professional or hospitalization;

 (2) Illnesses that required hospitalization;

 (3) Any incident of a child in care or employee contracting a communicable disease deemed notifiable by the Texas Department of State Health Services as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases); and

 (4) Any other situation that placed a child at risk, such as forgetting a child in a center vehicle or not preventing a child from wandering away from the child-care center unsupervised.

***Helpful Information***

|  |
| --- |
| *You may obtain a copy of Licensing's Incident/Illness Report form on the Licensing provider website at:**https://hhs.texas.gov/laws-regulations/handbooks/cclpph/forms* |

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS

# SUBCHAPTER C RECORD KEEPING

# DIVISION 3 RECORDS THAT MUST BE KEPT ON FILE AT THE CHILD-CARE CENTER

§746.801. What records must I keep at my child-care center?

You must maintain and make the following records available for our review upon request, during hours of operation. Paragraphs (14), (15), and (16) of this section are optional, but if provided will allow Licensing to avoid duplicating the evaluation of standards that have been evaluated by another state agency within the past year:

 (1) Children's records, as specified in Division 1 of this subchapter (relating to Records of Children);

 (2) Infant feeding instructions, as required in §746.2421 of this chapter (relating to What written feeding instructions must I obtain for an infant not ready for table food?), if applicable;

 (3) Personnel and training records according to Division 4 of this subchapter (relating to Personnel Records);

 (4) Licensing *Child-Care Center Director's Certificate;*

 (5) Attendance records or time sheets listing all days and hours worked for each employee;

 (6) Proof of current liability insurance coverage or, if applicable, that you have provided written notice to the parent of each child that you do not carry the insurance;

 (7) Medication records, if applicable;

 (8) Playground maintenance checklists;

 (9) Pet vaccination records, if applicable;

 (10) Safety documentation for emergency drills, fire extinguishers, and smoke detectors;

 (11) Most recent fire inspection report, including any written approval from the fire marshal to provide care above or below ground level, if applicable;

 (12) Most recent sanitation inspection report;

 (13) Most recent gas inspection report, if applicable;

 (14) Most recent Texas Department of State Health Services immunization compliance review form, if applicable;

 (15) Most recent Texas Department of Agriculture Child and Adult Care Food Program report, if applicable;

 (16) Most recent local workforce board Child-Care Services Contractor inspection report, if applicable;

 (17) Record of pest extermination, if applicable;

 (18) Most recent Licensing form certifying that you have reviewed each of the bulletins and notices issued by the United States Consumer Product Safety Commission regarding unsafe children's products and that there are no unsafe children's products in use or accessible to children in the child-care center;

 (19) A daily tracking system for when a child's care begins and ends, as specified in §746.631 of this subchapter (relating to Must I have a system for signing children in and out of my care?);

 (20) Documentation for all full-size and non-full-size cribs, as specified in §746.2409(a)(9) of this chapter (relating to What specific safety requirements must my cribs meet?);

 (21) Documentation for vehicles, as specified in §746.5627 of this chapter (relating to What documentation must I keep at the child-care center for each vehicle used to transport children in care?), if applicable, and;

 (22) Proof that you have notified parents in writing of deficiencies in safe sleeping and abuse, neglect, or exploitation, as specified in §746.309 of this chapter (relating to What are the notification requirements when Licensing finds my center deficient in a standard related to safe sleeping or the abuse, neglect, or exploitation of a child?).

TITLE 26 HEALTH AND HUMAN SERVICES

PART 1 HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS

SUBCHAPTER R HEALTH PRACTICES

DIVISION 3 ILLNESS AND INJURY

§746.3605. How must caregivers respond when a child becomes ill?

(a) If a child becomes ill while in your care but does not require immediate treatment by a health-care professional or hospitalization, you must:

 (1) Contact the parent to pick up the child;

 (2) Care for the child apart from other children;

 (3) Give appropriate attention and supervision until the parent picks the child up; and

 (4) Give extra attention to hand washing and sanitation if the child has diarrhea or vomiting.

(b) If a child becomes ill while in your care and requires immediate treatment by a health-care professional or hospitalization, you must:

 (1) Contact emergency medical services (or take the child to the nearest emergency room after you have ensured the supervision of other children in the group);

 (2) Give the child first-aid treatment or CPR when needed;

 (3) Contact the child’s parent;

 (4) Contact the physician or other health-care professional identified in the child’s record; and

 (5) Ensure the supervision of other children in the group.

§746.3607. How must caregivers respond when a child is injured and requires immediate treatment by a health-care professional?

 For an injury that requires immediate treatment by a health-care professional, you must:

 (1) Contact emergency medical services (or take the child to the nearest emergency room after you have ensured the supervision of other children in the group);

 (2) Give the child first-aid treatment or CPR when needed;

 (3) Contact the child's parent;

 (4) Contact the physician or other health-care professional identified in the child's record; and

 (5) Ensure supervision of other children in the group.

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 747 MINIMUM STANDARDS FOR CHILD-CARE HOMES

# SUBCHAPTER B ADMINISTRATION AND COMMUNICATION

# DIVISION 1 PRIMARY CAREGIVER RESPONSIBILITIES

§747.207. What are my responsibilities as the primary caregiver?

You are responsible for:

 (1) Developing and implementing your child-care home's operational policies, which comply with or exceed Division 4 of this subchapter (relating to Operational Policies);

 (2) Ensuring all assistant caregivers and substitute caregivers comply with the relevant minimum standards for those caregivers, as specified in this chapter, and are provided assignments that match their skills, abilities, and training;

 (3) Ensuring all household members comply with the minimum standards that apply to household members, as specified in this chapter;

 (4) Reporting suspected abuse, neglect, or exploitation directly to the Texas Department of Family and Protective Services, as required by the Texas Family Code, §261.401;

 (5) Ensuring parents can visit your child-care home any time during all hours of operation to observe their child, program activities, the home, the grounds, and the equipment, without having to secure prior approval;

 (6) Initiating background checks as specified in Chapter 745, Subchapter F of this title (relating to Background Checks);

 (7) Ensuring all information related to background checks is kept confidential as required by the Human Resources Code, §40.005(d) and (e);

 (8) Complying with the liability insurance requirements in this division;

 (9) Complying with:

 (A) The child-care licensing law, found in Chapter 42 of the Human Resources Code;

 (B) All the minimum standards that apply to your licensed or registered child-care home, as specified in this chapter;

 (C) All other applicable laws and rules in the Texas Administrative Code; and

 (10) Ensuring the total number of children in care at the home or away from the home, such as during a field trip, never exceeds the capacity of the home as specified on the license or registration.

***Helpful Information***

|  |
| --- |
| * *Children are at risk when adults responsible for them do not clearly understand their roles and responsibilities.*
* *The primary caregiver may accompany any parent who is visiting a child during the child-care home’s hours of operation to and from the child’s group, or may limit the amount of time a parent spends at the home, if the primary caregiver believes this is necessary to protect the children in care.*
 |

§747.209. What are the liability insurance requirements?

Unless you have an acceptable reason not to have the insurance, you must:

 (1) Have liability insurance coverage:

 (A) Of at least $300,000 for each occurrence of negligence; and

 (B) That covers injury to a child that occurs while the child is in your care, regardless of whether the injury occurs on or off the premises of your home; and

 (2) Provide proof of coverage to Licensing each year by the anniversary date of the issuance of your permit.

§747.211. What are acceptable reasons not to have liability insurance?

(a) You do not have to have liability insurance that meets the requirements of §747.209 of this division (relating to What are the liability insurance requirements?) if you are unable to carry the insurance because:

 (1) Of financial reasons;

 (2) You are unable to locate an underwriter who is willing to issue a policy to the home; or

 (3) You have already exhausted the limits of a policy that met the requirements.

(b) If you are cannot carry liability insurance or you stop carrying the insurance because of a reason listed in subsection (a) of this section, you must send written notification to Licensing by the anniversary date of the issuance of your permit. Your notification must include the reason that you cannot carry the insurance.

§747.213 When must I notify parents that I do not carry liability insurance?

(a) If you do not carry liability insurance that meets the requirements of §747.209 of this division (relating to What are the liability insurance requirements?), then you must notify the parent of each child in your care in writing that you do not carry liability insurance before you admit the child into your care.

(b) If you received your permit before March 3, 2021 and cannot obtain the liability insurance by that date, then you must notify the parent of each child in your care in writing that you do not carry the insurance by April 1, 2021.

(c) If you previously carried the liability insurance and subsequently stop carrying the liability insurance, then you must notify the parent of each child in your care in writing that you do not carry the insurance within 30 days after you stop carrying it.

(d) You may use Form 2962, *Verification of Liability Insurance*, located on the Licensing provider website, to notify parents. Regardless of whether you use this form, you must be able to demonstrate that you provided written notice to the parent of each child in your care, as required in §747.801(14) of this chapter (relating to What records must I keep at my child-care home?).

***Helpful Information***

|  |
| --- |
| *It is important that parents both understand and acknowledge whether your home carries liability insurance. Possible means of communicating this requirement include:** *Using a form specific to liability insurance which requires a parent signature that you maintain in the child’s file;*
	+ *Including a statement or addendum regarding whether you carry liability insurance in your operational policies or parent handbook with a parent signature or initial specifically acknowledging the liability insurance information, and maintaining that signature of receipt in the child’s file; or*
* *Maintaining a copy of any electronic communication sent to a parent regarding liability insurance, including the date and address to which the communication was sent.*
 |

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 747 MINIMUM STANDARDS FOR CHILD-CARE HOMES

# SUBCHAPTER B ADMINISTRATION AND COMMUNICATION

# DIVISION 2 REQUIRED NOTIFICATIONS

§747.303. What other situations require notification to Licensing?

(a) You must notify us as soon as possible, but no later than two days after:

 (1) Any occurrence that renders all or part of your child-care home unsafe or unsanitary for a child;

 (2) Injury to a child in your care that requires medical treatment by a health-care professional or hospitalization;

 (3) A child in your care shows signs or symptoms of an illness that requires hospitalization;

 (4) You become aware that a household member, caregiver, or child in care contracts an illness deemed notifiable by the Texas Department of State Health Services as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Disease);

 (5) A person for whom you are required to request a background check under Chapter 745, Subchapter F of this title (relating to Background Checks) is arrested or charged with a crime;

 (6) The occurrence of any other situation that places a child at risk, such as forgetting a child in a vehicle or not preventing a child from wandering away from your child-care home unsupervised; and

 (7) A new individual becomes a controlling person at your operation, or an individual that was previously a controlling person ceases to be a controlling person at your operation.

(b) You must notify us immediately if a child dies while in your care.

***Helpful Information***

|  |
| --- |
| * *Regarding paragraph (a)(1) of this section, examples of occurrences that may render a child-care home unsafe or unsanitary include sewer backups, flood, fire or storm damage, or the lack of running water.*
* *Notifications to Licensing may be made:*
	+ *Online 24 hours a day at http://www.dfps.state.tx.us/Contact\_Us/report\_abuse.asp;*
	+ *By phone 24 hours a day to the Texas Abuse and Neglect Hotline 1-800-252-5400; or*
	+ *By speaking to a Licensing employee during business hours at the local office. Phone numbers for the local offices can be found at: https://hhs.texas.gov/services/safety/child-care/contact-child-care-licensing*
 |

§747.305 What emergency and medical situations must I notify parents about?

(a) You must notify the parent of the child immediately if there is an allegation that the child has been abused, neglected, or exploited as defined in the Texas Family Code, §261.001, while in your care.

(b) After you ensure the safety of the child, you must notify the parent of the child immediately after the child:

 (1) Is injured and the injury requires medical treatment by a health-care professional;

 (2) Shows signs or symptoms of an illness that requires hospitalization;

 (3) Has been involved in any situation that placed the child at risk. For example, forgetting the child in a vehicle or not preventing the child from wandering away from your child-care home unsupervised; or

 (4) Has been involved in any situation that renders the child-care home unsafe, such as a fire, flood, or damage to the child-care home as a result of severe weather.

(c) You must notify the parent of less serious injuries when the parent picks the child up from your child-care home. Less serious injuries includeminor cuts, scratches, and bites from other children requiring first-aid treatment by caregivers.

(d) You must provide written notice to the parent of each child attending the child-care home within 48 hours when any child in your care, a caregiver, or a household member has contracted a communicable disease deemed notifiable by the Texas Department of State Health Services as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Disease).

(e) You must provide written notice to the parent of each child attending the child-care home within 48 hours when there is an outbreak of lice or other infestation in the child-care home.

***Helpful Information***

|  |
| --- |
| * *Communication between the caregiver and parents is essential to both the safe and healthy operation of the child-care home and to the parents’ ability to assess the care their children are receiving.*
* *Regarding paragraph (b)(1) of this section, please see §747.3407 of this chapter (relating to* *How must caregivers respond when a child is injured and requires immediate treatment by a health-care professional?) for additional requirements for how a child-care home must respond to an injury that requires immediate medical treatment by a health-care professional.*
* *Regarding paragraph (b)(2), please see §747.3405 of this chapter (relating to How must caregivers respond when a child becomes ill?) for additional requirements for how a child-care home must respond when a child becomes ill while in care.*
 |

§747.307. What are the notification requirements when Licensing finds my child-care home deficient in a standard related to safe sleeping or the abuse, neglect, or exploitation of a child?

(a) You must notify the parent of each child attending your child-care home of a deficiency in:

 (1) A safe sleeping standard noted in subsection (b) of this section; or

 (2) The abuse, neglect, or exploitation standard in §747.1501(a)(3) of this chapter (relating to What general responsibilities do caregivers have in my child-care home?).

(b) The following are safe sleeping standards requiring notification:

 (1) §747.2309(a)(1) of this chapter (relating to What specific safety requirements must my cribs meet?);

 (2) §747.2311(2)(A) of this chapter (relating to Are play yards allowed?);

 (3) §747.2315(a)(4) and (b) of this chapter (relating to What specific types of equipment am I prohibited from using with infants?);

 (4) §747.2326 of this chapter (relating to May I allow infants to sleep in a restrictive device?);

 (5) §747.2327 of this chapter (relating to Are infants required to sleep on their backs?);

 (6) §747.2328 of this chapter (relating to May I swaddle an infant to help the infant sleep?); and

 (7) §747.2329 of this chapter (relating to If an infant has difficulty falling asleep, may I cover the infant’s head or crib?).

§747.309. How must I notify parents of a safe sleeping deficiency or an abuse, neglect, or exploitation deficiency?

Within five days after you receive notification of a deficiency described in §747.307 of this division (relating to What are the notification requirements when Licensing finds my child-care home deficient in a standard related to safe sleeping or the abuse, neglect, or exploitation of a child?), you must use Form 2970, *Notification of Violation*, located on the Licensing provider website, to notify the parents of each child attending your child-care home at the time of the notification, including a child who may not have been in care on the day of the actual incident.

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 747 MINIMUM STANDARDS FOR CHILD-CARE HOMES

# SUBCHAPTER C RECORD KEEPING

# DIVISION 2 RECORDS OF ACCIDENTS AND INCIDENTS

§747.701. What written records must I keep of accidents and injuries that occur at my child-care home?

You must use the Licensing *Incident/Illness Report* Form 7239, or other form containing at least the same information, to record information regarding:

 (1) Injuries that required medical treatment by a health-care professional or hospitalization;

 (2) Illnesses that required hospitalization;

 (3) Any incident of a child in care or caregiver contracting a communicable disease deemed notifiable by the Texas Department of State Health Services as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases); and

 (4) Any other situation that placed a child at risk, such as forgetting a child in a vehicle or not preventing a child from wandering away from the child-care home.

***Helpful Information***

|  |
| --- |
| *You may obtain a copy of Licensing's Incident/Illness Report form on the Licensing provider website at:**<https://hhs.texas.gov/laws-regulations/handbooks/cclpph/forms>* |

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 747 MINIMUM STANDARDS FOR CHILD-CARE HOMES

# SUBCHAPTER C RECORD KEEPING

# DIVISION 3 RECORDS THAT MUST BE KEPT ON FILE AT THE CHILD-CARE HOME

§747.801. What records must I keep at my child-care home?

You must maintain and make the following records available for our review upon request during hours of operation. Paragraphs (8), (9), and (10) are optional, but if provided, will allow Licensing to avoid duplicating the evaluation of standards that have been evaluated by another state agency within the past year:

 (1) Children's records, as specified in Division 1 of this subchapter (relating to Records of Children);

 (2) Infant feeding instructions, as required in §747.2321 of this chapter (relating to Must I obtain written feeding instructions for children not ready for table food?), if applicable;

 (3) Personnel and training records, as required in §747.901 of this subchapter (relating to What information must I maintain in my personnel records?), and in §747.1327 of this chapter (relating to What documentation must I provide to Licensing to verify that training requirements have been met?);

 (4) Menus, as required in §747.3113 of this chapter (relating to Must I post and maintain daily menus?);

 (5) Medication records, as required in §747.3605 of this chapter (relating to How must I administer medication to a child in my care?) if applicable;

 (6) Pet vaccination records, as required in §747.3703 of this chapter (relating to Must I keep documentation of vaccinations for the animals?), if applicable;

 (7) Safety documentation for emergency drills, fire extinguishers, smoke detectors, and emergency evacuation and relocation diagram, as required in §747.5005 of this chapter (relating to Must I practice my emergency preparedness plan?), §747.5007 of this chapter (relating to Must I have an emergency evacuation and relocation diagram?), §747.5107 of this chapter (relating to How often must I inspect and service the fire extinguisher?), §747.5115 of this chapter (relating to How often must the smoke detectors at my child-care home be tested?), and §747.5117 of this chapter (relating to How often must I have an electronic smoke alarm system tested?);

 (8) Most recent Texas Department of State Health Services immunization compliance review form, if applicable;

 (9) Most recent Texas Department of Agriculture Child and Adult Care Food Program report, if applicable;

 (10) Most recent local workforce board Child-Care Services Contractor inspection report, if applicable;

 (11) Written approval from the fire marshal to provide care above or below ground level, if applicable;

 (12) Most recent Licensing form certifying that you have reviewed each of the bulletins and notices issued by the United States Consumer Product Safety Commission regarding unsafe children's products and that there are no unsafe children's products in use or accessible to children in the home;

 (13) Documentation for all full-sized and non-full-sized cribs, as specified in §747.2309(a)(9) of this chapter (relating to What specific safety requirements must my cribs meet?) ;

 (14) Proof of current liability insurance coverage or, if applicable, that you have provided written notice to the parent of each child that you do not carry the insurance; and

 (15) Proof that you have notified parents in writing of deficiencies in safe sleeping and abuse, neglect, or exploitation, as specified in §747.307 of this chapter (relating to What are the notification requirements when Licensing finds my child-care home deficient in a standard related to safe sleeping or the abuse, neglect, or exploitation of a child?).

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 747 MINIMUM STANDARDS FOR CHILD-CARE HOMES

# SUBCHAPTER R HEALTH PRACTICES

# DIVISION 3 ILLNESS AND INJURY

§747.3405. How must caregivers respond when a child becomes ill?

(a) If a child becomes ill while in your care but does not require immediate treatment by a health-care professional or hospitalization, you must:

 (1) Contact the parent to pick up the child;

 (2) Care for the child apart from other children;

 (3) Give appropriate attention and supervision until the parent picks the child up; and

 (4) Give extra attention to hand washing and sanitation if the child has diarrhea or vomiting.

(b) If a child becomes ill while in your care and requires immediate treatment by a health-care professional or hospitalization, you must:

 (1) Contact emergency medical services (or take the child to the nearest emergency room after you have ensured the supervision of other children in the group);

 (2) Give the child first-aid treatment or CPR when needed;

 (3) Contact the child’s parent;

 (4) Contact the physician or other health-care professional identified in the child’s record; and

 (5) Ensure the supervision of other children in the group.

§747.3407. How must caregivers respond when a child is injured and requires immediate treatment by a health-care professional?

For an injury that requires immediate treatment by a health-care professional, you must:

 (1) Contact emergency medical services (or take the child to the nearest emergency room after you have ensured the supervision of other children in the home);

 (2) Give the child first-aid treatment or CPR when needed;

 (3) Contact the child's parent;

 (4) Contact the physician or other health-care professional identified in the child's record; and

 (5) Ensure supervision of other children in the group.

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 748 MINIMUM STANDARDS FOR GENERAL RESIDENTIAL OPERATIONS

# SUBCHAPTER C ORGANIZATION AND ADMINISTRATION

# DIVISION 2 OPERATIONAL RESPONSIBILITIES AND NOTIFICATIONS

§748.151. What are my operational responsibilities?

While you are operating, you must:

 (1) Have a designated full-time child-care administrator who meets the minimum qualifications of §748.531 of this chapter (relating to What qualifications must a child-care administrator meet?);

 (2) Operate according to your approved plans, policies, and procedures;

 (3) Maintain current, true, accurate, and complete records;

 (4) Allow us to inspect your operation during its hours of operation;

 (5) Not offer unrelated types of services that conflict or interfere with the best interests of a child in care, a caregiver's responsibilities, or operation space. If you offer more than one type of service, you must determine and document that no conflict exists;

 (6) Complying with the liability insurance requirements in this division; and

 (7) Prepare the annual budget and control expenditures and ensure compliance with Division 3 of this subchapter (relating to General Fiscal Requirements).

§748.158. What are the liability insurance requirements?

Unless you have an acceptable reason not to have the insurance, you must:

 (1) Have liability insurance coverage:

 (A) Of at least $300,000 for each occurrence of negligence; and

 (B) That covers injury to a child that occurs while the child is in your care, regardless of whether the injury occurs on or off the premises of your operation; and

 (2) Provide proof of coverage to Licensing each year by the anniversary date of the issuance of your permit.

§748.159. What are acceptable reasons not to have liability insurance?

(a) You do not have to have liability insurance that meets the requirements of §748.158 of this division (relating to What are the liability insurance requirements?) if you cannot carry insurance because:

 (1) Of financial reasons;

 (2) You are unable to locate an underwriter who is willing to issue a policy to the operation; or

 (3) You have already exhausted the limits of a policy that met the requirements.

(b) If you cannot carry liability insurance or stop carrying the insurance because of a reason listed in subsection (a) of this section, you must send written notification to Licensing by the anniversary date of the issuance of your permit. Your notification must include the reason that you cannot carry the insurance.

§748.160. When must I notify parents that I do not carry liability insurance?

(a) If you do not carry liability insurance that meets the requirements of §748.158 of this division (relating to What are the liability insurance requirements?), then you must notify the parent of each child in your care in writing that you do not carry liability insurance before you admit the child into your care.

(b) If you previously carried the liability insurance and subsequently stop carrying the liability insurance, then you must notify the parent of each child in your care in writing that you do not carry the insurance within 30 days after you stop carrying it.

(c) You may use the Form 2962, *Verification of Liability Insurance*, located Licensing’s provider website, to notify parents. Regardless of whether you use this form, you must be able to demonstrate that you provided written notice to the parents of each child in your care.

***Helpful Information***

|  |
| --- |
| *It is important that parents both understand and acknowledge whether your operation carries liability insurance. Possible means of communicating this requirement include:** *Using a form specific to liability insurance which requires a parent signature that you maintain in the child’s file;*
	+ *Including a statement or addendum regarding whether you carry liability insurance in your operational policies or parent handbook with a parent signature or initial specifically acknowledging the liability insurance information, and maintaining that signature of receipt in the child’s file; or*
* *Maintaining a copy of any electronic communication sent to a parent regarding liability insurance, including the date and address to which the communication was sent.*
 |

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 748 MINIMUM STANDARDS FOR GENERAL RESIDENTIAL OPERATIONS

# SUBCHAPTER D REPORTS AND RECORD KEEPING

# DIVISION 1 REPORTING SERIOUS INCIDENTS AND OTHER OCCURRENCES

§748.303. When must I report and document a serious incident?

(a) You must report and document the following types of serious incidents involving a child in your care. The reports must be made to the following entities, and the reporting and documenting must be within the specified time frames:

Figure: 26 TAC §748.303(a)

|  |  |  |  |
| --- | --- | --- | --- |
| Serious Incident  | (i)To Licensing?(ii) If so, when? | (i) To Parents?(ii) If so, when? | (i) To Law enforcement?(ii) If so, when? |
| (1) A child dies while in your care.  | (A)(i) YES(A)(ii) Within 2 hours after the child's death.  | (B)(i) YES(B)(ii) Within 2 hours after the child's death.  | (C)(i) YES(C)(ii) Immediately, but no later than 1 hour after the child's death.  |
| (2) A substantial physical injury or critical illness that a reasonable person would conclude needs treatment by a medical professional or hospitalization.  | (A)(i) YES(A)(ii) Report as soon as possible, but no later than 24 hours after the incident or occurrence.  | (B)(i) YES(B)(ii) Immediately after ensuring the safety of the child.  | (C)(i) NO(C)(ii) Not Applicable.  |
| (3) Allegations of abuse, neglect, or exploitation of a child; or any incident where there are indications that a child in care may have been abused, neglected, or exploited. | (A)(i) YES(A)(ii) As soon as you become aware of it.  | (B)(i) YES(B)(ii) Immediately after ensuring the safety of the child, or as soon as you become aware of it.  | (C)(i) NO(C)(ii) Not applicable.  |
| (4) Physical abuse committed by a child against another child. For the purpose of this subsection, physical abuse occurs when there is substantial physical injury, excluding any accident; or failure to make a reasonable effort to prevent an action by another person that results in substantial physical injury to a child.  | (A)(i) YES(A)(ii) As soon as you become aware of it.  | (B)(i) YES(B)(ii) As soon as you become aware of it.  | (C)(i) NO(C)(ii) Not applicable.  |
| (5) Sexual abuse committed by a child against another child. For the purpose of this subsection, sexual abuse is: conduct harmful to a child's mental, emotional or physical welfare, including nonconsensual sexual activity between children of any age, and consensual sexual activity between children with more than 24 months difference in age or when there is a significant difference in the developmental level of the children; or failure to make a reasonable effort to prevent sexual conduct harmful to a child. | (A)(i) YES(A)(ii) As soon as you become aware of it.  | (B)(i) YES(B)(ii) As soon as you become aware of it  | (C)(i) NO(C)(ii) Not applicable.  |
| (6) A child is indicted, charged, or arrested for a crime, not including being issued a ticket at school by law enforcement or any other citation that does not result in the child being detained; or when law enforcement responds to an alleged incident at the operation.  | (A)(i) YES(A)(ii) As soon as possible, but no later than 24 hours after you become aware of it.  | (B)(i) YES(B)(ii) As soon as you become aware of it.  | (C)(i) NO(C)(ii) Not applicable.  |
| (7) The unauthorized absence of a child who is developmentally or chronologically under 6 years old. | (A)(i) YES(A)(ii) Within 2 hours of notifying law enforcement.  | (B)(i) YES(B)(ii) Within 2 hours of notifying law enforcement.  | (C)(i) YES(C)(ii) Immediately upon determining the child is not on the premises and the child is still missing.  |
| (8) The unauthorized absence of a child who is developmentally or chronologically 6 to 12 years old. | (A)(i) YES(A)(ii) Within 2 hours of notifying law enforcement, if the child is still missing.  | (B)(i) YES(B)(ii) Within 2 hours of determining the child is not on the premises, if the child is still missing.  | (C)(i) YES(C)(ii) Within 2 hours of determining the child is not on the premises, if the child is still missing.  |
| (9) The unauthorized absence of a child who is 13 years old or older. | (A)(i) YES(A)(ii) No later than 6 hours from when the child's absence is discovered and the child is still missing. However, you must report the child's absence immediately if the child has previously been alleged or determined to be a trafficking victim, or you believe the child has been abducted or has no intention of returning to the operation. | (B)(i) YES(B)(ii) No later than 6 hours from when the child's absence is discovered and the child is still missing. However, you must report the child's absence immediately if the child has previously been alleged or determined to be a trafficking victim, or you believe the child has been abducted or has no intention of returning to the operation. | (C)(i) YES(C)(ii) No later than 6 hours from when the child's absence is discovered and the child is still missing. However, you must report the child's absence immediately if the child has previously been alleged or determined to be a trafficking victim, or you believe the child has been abducted or has no intention of returning to the operation. |
| (10) A child in your care contracts a communicable disease that the law requires you to report to the Department of State Health Services (DSHS) as specified in 25 TAC Chapter 97, Subchapter A, (relating to Control of Communicable Diseases).  | (A)(i) YES, unless the information is confidential.(A)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease. | (B)(i) YES, if their child has contracted the communicable disease or has been exposed to it.(B)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease. | (C)(i) NO(C)(ii) Not applicable. |
| (11) A suicide attempt by a child. | (A)(i) YES(A)(ii) As soon as you become aware of the incident.  | (B)(i) YES(B)(ii) As soon as you become aware of the incident.  | (C)(i) NO(C)(ii) Not applicable.  |

(b) If there is a medically pertinent incident, such as a seizure, that does not rise to the level of a serious incident, you do not have to report the incident but you must document the incident in the same manner as for a serious incident, as described in §748.311 of this division (relating to How must I document a serious incident?).

(c) You must document an unauthorized absence that does not meet the reporting time requirements defined in subsection (a)(7) - (9) of this section within 24 hours after you become aware of the unauthorized absence. You must document the absence:

 (1) In the same manner as for a serious incident, as described in §748.311 of this division; and

 (2) Complete an addendum to the serious incident report to finalize the documentation requirements, if the child returns to an operation after 24 hours.

(d) If there is a serious incident involving an adult resident, you do not have to report the incident to Licensing, but you must document the incident in the same manner as a serious incident. You do have to report the incident to:

 (1) Law enforcement, as outlined in the chart above;

 (2) The parents, if the adult resident is not capable of making decisions about the resident's own care; and

 (3) Adult Protective Services through the Texas Abuse and Neglect Hotline if there is reason to believe the adult resident has been abused, neglected or exploited.

(e) You must report and document the following types of serious incidents involving your operation, an employee, a professional level service provider, contract staff, or a volunteer to the following entities within the specified time frame:

Figure: 26 TAC §748.303(e)

|  |  |  |
| --- | --- | --- |
| Serious Incident | (i) To Licensing?(ii) If so, when?  | (i) To Parents?(ii) If so, when?  |
| (1) Any incident that renders all or part of your operation unsafe or unsanitary for a child, such as a fire or a flood. | (A)(i) YES(A)(ii) As soon as possible, but no later than 24 hours after the incident. | (B)(i) YES(B)(ii) As soon as possible, but no later than 24 hours after the incident. |
| (2) A disaster or emergency that requires your operation to close. | (A)(i) YES(A)(ii) As soon as possible, but no later than 24 hours after the incident.  | (B)(i) YES(B)(ii) As soon as possible, but no later than 24 hours after the incident.  |
| (3) An adult who has contact with a child in care contracts a communicable disease noted in 25 TAC 97, Subchapter A, (relating to Control of Communicable Diseases).  | (A)(i) YES, unless the information is confidential.(A)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease. | (B)(i) YES, if their child has contracted the communicable disease or has been exposed to it.(B)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease. |
| (4) An allegation that a person under the auspices of your operation who directly cares for or has access to a child in the operation has abused drugs within the past seven days. | (A)(i) YES(A)(ii) Within 24 hours after learning of the allegation. | (B)(i) NO(B)(ii) Not applicable. |
| (5) An investigation of abuse or neglect by an entity (other than Licensing) of an employee, professional level service provider, contract staff, volunteer, or other adult at the operation. | (A)(i) YES(A)(ii) As soon as possible, but no later than 24 hours after you become aware of the investigation. | (B)(i) NO(B)(ii) Not applicable. |
| (6) An arrest; indictment; a county or district attorney accepts an "Information" regarding an official complaint against an employee, professional level service provider, contract staff, volunteer, or other adult at the operation alleging commission of any crime as provided in §745.661 of this title (relating to What types of criminal convictions may affect a subject’s ability to be present at an operation?); or when law enforcement responds to an alleged incident to the operation. | (A)(i) YES(A)(ii) As soon as possible, but no later than 24 hours after you become aware of the situation. | (B)(i) NO(B)(ii) Not applicable. |

§748.317. What are the notification requirements when Licensing finds my operation deficient in a standard related to safe sleeping or the abuse, neglect, or exploitation of a child?

(a) You must notify the parent of each child attending your child-care operation of a deficiency in:

 (1) A safe sleeping standard noted in subsection (b) of this section; or

 (2) The abuse, neglect, or exploitation standard in §748.1101(b)(1)(B) of this chapter (relating to What rights does a child in care have?).

(b) The following are safe sleeping standards requiring notification:

 (1) §748.1751(a)(1) of this chapter (relating to What specific safety requirements must my cribs meet?);

 (2) §748.1753(a)(2)(A) of this chapter (relating to Are play yards allowed?);

 (3) §748.1757(a)(5) and (b) of this chapter (relating to What types of equipment are not allowed for use with infants?);

 (4) §748.1763 of this chapter (relating to What are the specific sleeping requirements for infants?);

 (5) §748.1765 of this chapter (relating to May I allow infants to sleep in a restrictive device?); and

 (6) §748.1767 of this chapter (relating to May I swaddle an infant to help the infant sleep?).

§748.319. How must I notify parents of a safe sleeping deficiency or an abuse, neglect, or exploitation deficiency?

(a) Within five days after you receive notification of a deficiency described in §748.317 of this division (relating to What are the notification requirements when Licensing finds my operation deficient in a standard related to safe sleeping or the abuse, neglect, or exploitation of a child in care?), you must use Form 2970, *Notification of Violation*, located on the Licensing provider website, to notify the parents of each child attending your child-care operation at the time of notification, including a child who may not have been in care on the day of the actual incident.

(b) You must maintain and make available for our review, upon request, proof that you have notified parents in writing of deficiencies in safe sleeping and abuse, neglect, or exploitation, as required by subsection (a) of this section.

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 748 MINIMUM STANDARDS FOR GENERAL RESIDENTIAL OPERATIONS

# SUBCHAPTER J CHILD CARE

# DIVISION 8 ADDITIONAL REQUIREMENTS FOR INFANT CARE

§748.1767. May I swaddle an infant to help the infant sleep?

You may not lay a swaddled infant down to sleep or to rest on any surface at any time, unless you have an order signed by a health-care professional. The order must be kept in the child’s record.

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 749 MINIMUM STANDARDS FOR CHILD-PLACING AGENCIES

# SUBCHAPTER C ORGANIZATION AND ADMINISTRATION

# DIVISION 2 OPERATIONAL RESPONSIBILITIES AND NOTIFICATIONS

§749.151. What are my operational responsibilities?

While you are operating, you must:

 (1) Have a designated full-time child-placing agency administrator who meets the minimum qualifications of §749.631 of this title (relating to What qualifications must a child-placing agency administrator meet?);

 (2) Operate according to your approved plans, policies, and procedures;

 (3) Maintain current, true, accurate, and complete records;

 (4) Allow us to inspect your child-placing agency during its hours of operation;

 (5) Allow us to inspect or monitor any of your foster homes at any time;

 (6) Not offer unrelated types of services that conflict or interfere with the best interests of a child in care, a caregiver's responsibilities, or space in the homes. If you offer more than one type of service, you must determine and document that no conflict exists;

 (7) Comply with the liability insurance requirements in this division; and

 (8) Prepare the annual budget and control expenditures and ensure compliance with Division 3 of this Subchapter (relating to General Fiscal Requirements).

§749.155. What are the liability insurance requirements?

Unless you have an acceptable reason not to have the insurance, you must:

 (1) Have liability insurance coverage:

 (A) Of at least $300,000 for each occurrence of negligence; and

 (B) That covers injury to a child that occurs while the child is in your care, regardless of whether the injury occurs on or off the premises of your operation; and

 (2) Provide proof of coverage to Licensing each year by the anniversary date of the issuance of your permit.

§749.157. What are acceptable reasons not to have liability insurance?

(a) You do not have to have liability insurance that meets the requirements of §749.155 of this division (relating to What are the liability insurance requirements?) if you cannot carry insurance because:

 (1) Of financial reasons;

 (2) You are unable to locate an underwriter who is willing to issue a policy to the operation; or

 (3) You have already exhausted the limits of a policy that met the requirements.

(b) If you cannot carry liability insurance or stop carrying the insurance because of a reason listed in subsection (a) of this section, you must send written notification to Licensing by the anniversary date of the issuance of your permit. Your notification must include the reason that you cannot carry the insurance.

§749.159. When must I notify parents that I do not carry liability insurance?

(a) If you do not carry liability insurance that meets the requirements of §749.155 of this division (relating to What are the liability insurance requirements?), then you must notify the parent of each child in your care in writing that you do not carry liability insurance before you admit the child into your care.

(b) If you previously carried the liability insurance and subsequently stop carrying the liability insurance, then you must notify the parent of each child in your care in writing that you do not carry the insurance within 30 days after you stop carrying it.

(c) You may use Form 2962, *Verification of Liability Insurance*, located on Licensing’s provider website, to notify parents. Regardless of whether you use this form, you must be able to demonstrate that you provided written notice to the parents of each child in your care.

***Helpful Information***

|  |
| --- |
| *It is important that parents both understand and acknowledge whether your operation carries liability insurance. Possible means of communicating this requirement include:** *Using a form specific to liability insurance which requires a parent signature that you maintain in the child’s file;*
	+ *Including a statement or addendum regarding whether you carry liability insurance in your operational policies or parent handbook with a parent signature or initial specifically acknowledging the liability insurance information, and maintaining that signature of receipt in the child’s file; or*
* *Maintaining a copy of any electronic communication sent to a parent regarding liability insurance, including the date and address to which the communication was sent.*
 |

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 749 MINIMUM STANDARDS FOR CHILD-PLACING AGENCIES

# SUBCHAPTER D REPORTS AND RECORD KEEPING

# DIVISION 1 REPORTING SERIOUS INCIDENTS AND OTHER OCCURRENCES

§749.503 When must I report and document a serious incident?

(a) You must report and document the following types of serious incidents involving a child in your care. The reports must be made to the following entities, and the reporting and documenting must be within the specified time frames:

Figure: 26 TAC §749.503(a)

|  |  |  |  |
| --- | --- | --- | --- |
| Serious Incident | (i)To Licensing?(ii) If so, when? | (i) To Parents?(ii) If so, when? | (i) To Law enforcement?(ii) If so, when? |
| (1) A child dies while in your care. | (A)(i) YES(A)(ii) Within 2 hours after the child's death.  | (B)(i) YES(B)(ii) Within 2 hours after the child's death. | (C)(i) YES(C)(ii) Immediately, but no later than 1 hour after the child's death. |
| (2) A substantial physical injury or critical illness that a reasonable person would conclude needs treatment by a medical professional or hospitalization. | (A)(i) YES(A)(ii) Report as soon as possible, but no later than 24 hours after the incident or occurrence. | (B)(i) YES(B)(ii) Immediately after ensuring the safety of the child. | (C)(i) NO(C)(ii) Not Applicable  |
| (3) Allegations of abuse, neglect, or exploitation of a child; or any incident where there are indications that a child in care may have been abused, neglected, or exploited. | (A)(i) YES, including whether you plan to move the child until the investigation is complete.(A)(ii) As soon as you become aware of it. | (B)(i) YES, including whether you plan to move the child until the investigation is complete.(B)(ii) Immediately after ensuring the safety of the child, or as soon as you become aware of it. | (C)(i) NO(C)(ii) Not applicable |
| (4) Physical abuse committed by a child against another child. For the purpose of this subsection, physical abuse occurs when there is substantial physical injury, excluding any accident; or failure to make a reasonable effort to prevent an action by another person that results in substantial physical injury to the child. | (A)(i) YES(A)(ii) As soon as you become aware of it.  | (B)(i) YES(B)(ii) As soon as you become aware of it.  | (C)(i) NO(C)(ii) Not applicable  |
| (5) Sexual abuse committed by a child against another child. For the purpose of this subsection, sexual abuse is: conduct harmful to a child's mental, emotional or physical welfare, including nonconsensual sexual activity between children of any age, and consensual sexual activity between children with more than 24 months difference in age or when there is a significant difference in the developmental level of the children; or failure to make a reasonable effort to prevent sexual conduct harmful to a child. | (A)(i) YES(A)(ii) As soon as you become aware of it. | (B)(i) YES(B)(ii) As soon as you become aware of it. | (C)(i) NO(C)(ii) Not applicable |
| (6) A child is indicted, charged, or arrested for a crime, not including being issued a ticket at school by law enforcement or any other citation that does not result in the child being detained; or when law enforcement responds to an alleged incident at the foster home. | (A)(i) YES(A)(ii) As soon as possible, but no later than 24 hours after you become aware of it. | (B)(i) YES(B)(ii) As soon as you become aware of it.  | (C)(i) NO(C)(ii) Not applicable  |
| (7) The unauthorized absence of a child who is developmentally or chronologically under 6 years old. | (A)(i) YES(A)(ii) Within 2 hours of notifying law enforcement.  | (B)(i) YES(B)(ii) Within 2 hours of notifying law enforcement.  | (C)(i) YES(C)(ii) Immediately upon determining the child is not on the premises and the child is still missing. |
| (8) The unauthorized absence of a child who is developmentally or chronologically 6 to 12 years old. | (A)(i) YES(A)(ii) Within 2 hours of notifying law enforcement, if the child is still missing.  | (B)(i) YES(B)(ii) Within 2 hours of determining the child is not on the premises, if the child is still missing. | (C)(i) YES(C)(ii) Within 2 hours of determining the child is not on the premises, if the child is still missing. |
| (9) The unauthorized absence of a child who is 13 years old or older. | (A)(i) YES(A)(ii) No later than 6 hours from when the child's absence is discovered and the child is still missing. However, you must report the child's absence immediately if the child has previously been alleged or determined to be a trafficking victim, or you believe the child has been abducted or has no intention of returning to the foster home. | (B)(i) YES(B)(ii) No later than 6 hours from when the child's absence is discovered and the child is still missing. However, you must report the child's absence immediately if the child has previously been alleged or determined to be a trafficking victim, or you believe the child has been abducted or has no intention of returning to the foster home.  | (C)(i) YES(C)(ii) No later than 6 hours from when the child's absence is discovered and the child is still missing. However, you must report the child's absence immediately if the child has previously been alleged or determined to be a trafficking victim, or you believe the child has been abducted or has no intention of returning to the foster home.  |
| (10) A child in your care contracts a communicable disease that the law requires you to report to the Department of State Health Services (DSHS) as specified in 25 TAC 97, Subchapter A, (relating to Control of Communicable Diseases). | (A)(i) YES, unless the information is confidential.(A)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease.  | (B)(i) YES, if their child has contracted the communicable disease or has been exposed to it.(B)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease.  | (C)(i) NO(C)(ii) Not applicable |
| (11) A suicide attempt by a child. | (A)(i) YES(A)(ii) As soon as you become aware of the incident. | (B)(i) YES(B)(ii) As soon as you become aware of the incident. | C)(i) NO(C)(ii) Not applicable |

(b) If there is a medically pertinent incident, such as a seizure, that does not rise to the level of a serious incident, you do not have to report the incident but you must document the incident in the same manner as for a serious incident, as described in §749.511 of this division (relating to How must I document a serious incident?).

(c) You must document an unauthorized absence that does not meet the reporting time requirements defined in subsection (a)(7) - (9) of this section within 24 hours after you become aware of the unauthorized absence. You must document the absence:

 (1) In the same manner as for a serious incident, as described in §749.511 of this division; and

 (2) Complete an addendum to the serious incident report to finalize the documentation requirements, if the child returns to a foster home after 24 hours.

(d) If there is a serious incident involving an adult resident, you do not have to report the incident to Licensing, but you must document the incident in the same manner as a serious incident. You do have to report the incident to:

 (1) Law enforcement as outlined in the chart above;

 (2) The parents, if the adult resident is not capable of making decisions about the resident's own care; and

 (3) Adult Protective Services through the Texas Abuse and Neglect Hotline if there is reason to believe the adult resident has been abused, neglected or exploited.

(e) You must report and document the following types of serious incidents involving your agency, one of your foster homes, an employee, professional level service provider, contract staff, or a volunteer to the following entities within the specified timeframe:

Figure: 26 TAC §749.503(e)

|  |  |  |
| --- | --- | --- |
| Serious Incident | (i) To Licensing?(ii) If so, when? | (i) To Parents?(ii) If so, when? |
| (1) Any incident that renders all or part of your agency or a foster home unsafe or unsanitary for a child, such as a fire or a flood. | (A)(i) YES(A)(ii) As soon as possible, but no later than 24 hours after the incident. | (B)(i) YES(B)(ii) As soon as possible, but no later than 24 hours after the incident. |
| (2) A disaster or emergency that requires a foster home to close. | (A)(i) YES(A)(ii) As soon as possible, but no later than 24 hours after the incident. | (B)(i) YES(B)(ii) As soon as possible, but no later than 24 hours after the incident. |
| (3) An adult who has contact with a child in care contracts a communicable disease noted in 25 TAC 97, Subchapter A, (relating to Control of Communicable Diseases). | (A)(i) YES, unless the information is confidential.(A)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease. | (B)(i) YES, if their child has contracted the communicable disease or has been exposed to it.(B)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease. |
| (4) An allegation that a person under the auspices of your agency who directly cares for or has access to a child in the setting has abused drugs within the past seven days. | (A)(i) YES(A)(ii) Within 24 hours after learning of the allegation. | (B)(i) NO(B)(ii) Not applicable. |
| (5) An investigation of abuse or neglect by an entity (other than Licensing) of an employee, professional level service provider, foster parent, contract staff, volunteer, or other adult at the agency. | (A)(i) YES(A)(ii) As soon as possible, but no later | (B)(i) NO(B)(ii) Not applicable. |
| (6) An arrest, indictment, or a county or district attorney accepts an "Information" regarding an official complaint, against an employee, professional level service provider, foster parent, contract staff, volunteer, or other adult at the agency alleging commission of any crime as provided in §745.661 of this title (relating to What types of criminal convictions may affect a subject’s ability to be present at an operation?); or when law enforcement responds to an alleged incident at the foster home. | (A)(i) YES(A)(ii) As soon as possible, but no later than 24 hours after you become aware of the situation. | (B)(i) NO(B)(ii) Not applicable. |

§749.517. What are the notification requirements when Licensing finds my operation deficient in a standard related to safe sleeping or the abuse, neglect, or exploitation of a child?

(a) You must notify the parent of each child attending your child-care operation of a deficiency in:

 (1) A safe sleeping standard noted in subsection (b) of this section; or

 (2) The abuse, neglect, or exploitation standard in §749.1003(b)(1)(B) of this chapter (relating to What rights does a child in care have?).

(b) The following are safe sleeping standards requiring notification:

 (1) §749.1807(a)(1) of this chapter (relating to What specific safety requirements must my cribs meet?);

 (2) §749.1809(2)(A) of this chapter (relating to Are mesh cribs or port-a-cribs allowed?);

 (3) §749.1813(a)(5) and (b) of this chapter (relating to What types of equipment may a foster home not use with infants?);

 (4) §749.1815 of this chapter (relating to What are the specific sleeping requirements for infants?);

 (5) §749.1817 of this chapter (relating to May I allow an infant to sleep in a restrictive device?); and

 (6) §749.1821 of this chapter (relating to May I swaddle an infant to help the infant sleep?).

§749.519. How must I notify parents of a safe sleeping deficiency or an abuse, neglect, or exploitation deficiency?

(a) Within five days after you receive notification of a deficiency described in §749.517 of this division (relating to What are the notification requirements when Licensing finds my operation deficient in a standard related to safe sleeping or the abuse, neglect, or exploitation of a child in care?), you must use Form 2970, *Notification of Violation*, located on the Licensing provider website, to notify the parents of each child attending your child-care operation at the time of notification, including a child who may not have been in care on the day of the actual incident.

(b) You must maintain and make available for our review upon request proof that you have notified parents in writing of deficiencies in safe sleeping and abuse, neglect, or exploitation as required by subsection (a) of this section.

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 749 MINIMUM STANDARDS FOR CHILD-PLACING AGENCIES

# SUBCHAPTER K FOSTER CARE SERVICES: DAILY CARE, PROBLEM MANAGEMENT

# DIVISION 1 ADDITIONAL REQUIREMENTS FOR INFANT CARE

§749.1817. May I allow an infant to sleep in a restrictive device?

You may not allow an infant to sleep in a restrictive device. If an infant falls asleep in a restrictive device, the infant must be removed from the device and placed in a crib as soon as possible.

***Helpful Information***

| * *Infants sleeping in restrictive devices are at risk for strangulation, injury, and positional asphyxiation.*
* *Placing a car seat containing a sleeping infant in a crib is one example of prohibited use of a restrictive device.*
 |
| --- |

§749.1821 May I swaddle an infant to help the infant sleep?

You may not lay a swaddled infant down to sleep or to rest on any surface at any time, unless you have an order signed by a health-care professional. The order must be kept in the child’s record.