



Minimum Standards Revision Notice

Date: April 22, 2022

Effective Date: April 25, 2022

To: All Holders of Chapter
748, Minimum Standards
for General Residential
Operations

From: Rachel Ashworth-
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for Child Care
Regulation

Subject: Comprehensive Review of
Chapter 748

The amendments, new sections, and repeals are necessary to implement Texas Human Resources Code (HRC) §42.042(b), which requires HHSC Child Care Regulation (CCR) to conduct a comprehensive review of all minimum standards every six years. The rule changes are a result of the comprehensive review of all minimum standards located in Chapter 748.

In addition, the purpose of some of the rule changes is to implement §264.1214(c) of Texas Family Code, which was added by House Bill (H.B.) 700, to allow an adult in care to share a bedroom with a child in care who is at least 16 years old and the age difference is not more than 24 months.

The changes are effective April 25, 2022.

Comprehensive Review of Chapter 748

Note: Many rules also have non-substantive changes, which are made to improve the understanding and readability of the rules. These non-substantive changes are not identified in this document.

Definitions and Services

§748.43. What do certain words and terms mean in this chapter?

Amended §748.43:

- Adds the terms and definitions for **“contract service provider,” “employee,” “normalcy,”** and **“residential child-care operation;”**
- Clarifies the definitions for the terms **“chemical restraint,” “general residential operation,” “group of children,” “health-care professional,” “immediate danger,” “parent,” “personal restraint,” “residential treatment center,” “school-age child,”** and **“seclusion;”** and
- Changes the term **“state of local fire inspector”** to **“state or local fire authority”** and clarifies its definition.

Organization and Administration & Reports and Record Keeping

§748.105. What are the requirements for my personnel policies and procedures?

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

§748.311. How must I document a serious incident?

Amended §748.105:

- At (3), deletes language that is repetitive;

- At (7), clarifies that an employee must report suspected abuse, neglect, or exploitation directly to the Texas Abuse and Neglect Hotline and may not delegate this responsibility, be required to seek approval to file a report, or be required to notify the GRO that a report was made; and
- Adds a Helpful Information box after the rule to clarify reporting requirements.

Amended §748.303:

- At (a)(1), clarifies that a GRO must report to CCR and the parent as soon **as possible, but no later than two hours after a child's death**;
- At (a)(4) and (a)(5), clarifies that after ensuring the safety of the child a GRO must immediately report to a parent any physical or sexual abuse commented by a child against another child;
- At (a)(6), clarifies what type of alleged criminal incident involving a child and law enforcement that a GRO must report;
- At (a)(7), indicates that a GRO must report to parents as soon as possible, but no later than 24 hours after becoming aware of a child being issued a ticket or citation, but is not detained; At (a)(12), clarifies that after ensuring the safety of the child a GRO must immediately report to a parent a suicide attempt by a child;
- At (b), **deletes "such as a seizure" as an example** of a medically pertinent incident that does not rise to the level of a serious incident;
- At (c), that a CPA is not required to report an unauthorized absence when a child returns before the reporting time frame (note: the CPA is still required to document the serious incident);
- At (d), clarifies that law enforcement needs to be notified if an adult resident dies, but there are no other requirements to notify law enforcement concerning adult residents; ;
- At (e)(5), clarifies that the Child Care Investigations division of the Texas Department of Family and Protective Services investigates child abuse or neglect;
- At (e)(6) and (7), clarifies that a GRO must report to CCR and document the serious incident as soon as you become aware that law enforcement executed an arrest warrant against a staff member or a search warrant at the GRO;
- At (e)(8), adds requirements for a GRO to report to CCR and the parents as soon as possible, but no later than 24 hours after the GRO becomes aware that there is an allegation that an employee or caregiver used a prohibited emergency behavior intervention (EBI), a prohibited restraint technique, or an EBI inappropriately; and
- After the rule, **adds to a Helpful Information box a link to the Citizen's Guide for the Texas Criminal Justice Process.**

Amended §748.311 clarifies at (11) that if a child returns to the operation following an unauthorized absence after the GRO has documented a serious

incident report, the GRO must update the serious incident report with the new **information regarding the unauthorized absence and the child's return.**

Personnel

§748.511. Is an employee, contract service provider, or volunteer allowed to be in a possession of a handgun?

§748.535. What responsibilities must the child-care administrator have?

§748.721. What are the requirements for a volunteer?

§748.725. **Can a volunteer or a volunteer's family take a child in care for an overnight or weekend visit?**

§748.729. **What must I do when a child in care visits a volunteer or a volunteer's family for a day or overnight?**

New §748.511:

- Clarifies that an employee, contract service provider, or volunteer must not be in possession of a handgun while at the GRO or while caring for children, as required in §748.3931; and
- After the rule, adds a Helpful Information box to clarify the intent of the rule.

Amended §748.535:

- At (2), adds compliance with current heightened monitoring plans, if applicable, to the list of child-care administrator responsibilities;
- At (3)(G), adds language to clarify that a GRO must ensure that a child is not assigned, utilized, or allowed to act as a caregiver; and
- At (3)(H), adds language to clarify that a GRO must ensure that persons whose behavior or health status is known to present a danger to child are not allowed at the GRO.

Amended §748.721 clarifies at (b) that a volunteer must not be required to obtain approval to report suspected abuse, neglect, or exploitation.

Amended §748.725 **removes references to "sponsoring family" and** removes redundant language.

Amended §748.729 removes references to "sponsoring family."

Training and Professional Development

§749.801. What do certain words and terms mean in this subchapter?

§748.811. What are the training and experience requirements for a caregiver?

§748.813. What are the training requirements for an employee?

§748.831. What is the orientation requirement for caregivers and employees?

§748.833. When may a caregiver or employee be exempt from orientation?

§748.863. What are the pre-service training requirements for a caregiver?

§748.864. What are the pre-service training requirements for an employee?

§748.867. What caregivers or employees are exempt from certain pre-service training requirements?

§748.869. How must pre-service training be conducted?

§748.881. What curriculum components must be included in the general pre-service training?

§748.882. What curriculum components must be included in the pre-service training for normalcy?

§748.883. What curriculum components must be included in the pre-service training for safe sleeping?

§748.885. What curriculum components must be included in the pre-service training for administering psychotropic medication?

§748.887. If I do not allow the use of emergency behavior intervention, what curriculum components must be included in the pre-service training for emergency behavior intervention?

§748.889. If I allow the use of emergency behavior intervention, what curriculum components must be included in the pre-service training for emergency behavior intervention?

§748.911. Who must have first aid and CPR training?

§748.913. What are the requirements for CPR training?

§748.915. What documentation must I maintain for first aid and CPR certifications?

§748.930. What are the annual training requirements for a caregiver?

§748.931. What are the annual training requirements for an employee?

§748.935. When must an employee or caregiver complete the annual training?

§748.936. When must a caregiver complete emergency behavior intervention training?

§748.937. What types of hours or instruction can be used to complete the annual training requirements?

§748.939. Does Licensing approve training resources or trainers for annual training hours?

§748.941. How must annual training be conducted?

§748.943. What areas or topics are appropriate for annual training?

§748.944. What curriculum components must be included in the annual training for normalcy?

§748.945. What curriculum components must be included in the annual training for administering psychotropic medication?

§748.947. What curriculum components must be included in the annual training for emergency behavior intervention?

Amended §748.801:

- At (3), **clarifies the definition of “instructor-led training,”** by stating that the training does not have to be in person, specifying that distance learning is online, and adding an allowance for blended learning;
- At (4), **clarifies that “self-instructional training” includes lessons or modules** that have questions with clear right and wrong answers; and
- At (5), clarifies that the limits on hours of **“self-study training”** applies to the number of annual training hours per year.

New §748.811 provides a summary of the training and experience requirements for a caregiver, including when the training must be completed.

New §748.813 provides a summary of the training requirements for an employee, including when the training must be completed.

Amended §748.831 adds the term caregiver to the rule and rule title to clarify that caregivers (a subset of employees) must also complete orientation.

New §748.833 outlines the circumstances when a caregiver or employee may be exempt from orientation.

New §748.863 clarifies the pre-service training requirements for a caregiver. The rule :

- Clarifies the type of pre-service training required;
- Updates requirements for when a caregiver must complete the training;
- Clarifies that, except for a short personal restraint, a caregiver may not administer any form of emergency behavior intervention before completing the required training if the GRO allows the use of emergency behavior intervention;
- Incorporates the pre-service training requirements for safe sleeping and administering psychotropic medication;

- Clarifies that a caregiver may not be counted in the child to caregiver ratio unless the caregiver has completed all of the pre-service training requirements or there is a fully qualified caregiver counted in the ratio at the same time; and
- After the rule, adds a Helpful Information box **to clarify the term “caregiver”** and specify that the Department of Family and Protective Services or the GRO may require additional pre-service training.

New §748.864:

- Clarifies the pre-service training requirements for an employee;
- Updates the requirement for completing normalcy training; and
- After the rule, adds a Helpful Information box to clarify that the Department of Family and Protective Services or the GRO may require additional pre-service training.

Amended §748.867 updates the rule title and clarifies when a caregiver or employee is exempt from certain preservice requirements, including:

- At (b), employee exemptions for normalcy training; and
- At (c)(2) caregiver and employee exemptions for pre-service training for emergency behavior intervention.

Amended §748.869:

- Updates the rule title;
- At (a), clarifies that instructor-led training and self-instructional training must include objectives, an evaluation or assessment, and a completion certificate;
- At (c) and (d), clarifies that only pre-service training relating to administering psychotropic medication and emergency behavior intervention must be instructor-led;
- Simplifies and streamlines the relevant instructor requirements throughout the rule; and
- At (d)(3), clarifies that participants must demonstrate competency of material related to emergency behavior intervention in writing and by demonstrating allowed physical techniques if the operation allows the use of emergency behavior intervention.

Amended §748.881 updates the language of the rule to be consistent with other rules in the chapter.

Amended §748.882 updates the language of the rule to be consistent with other rules in this chapter.

Amended §748.883:

- Updates the rule title to specify that the rule pertains to only the pre-service curriculum requirements for safe sleeping; and
- At (1), adds abusive head trauma to the pre-service training required for safe sleeping.

Amended §748.885:

- Updates the rule title to specify that the rule pertains to only the curriculum components for administering psychotropic medication pre-service training; and
- At (5), revises the rule to include the documentation of the medication administration as part of the curriculum component for any related policies and procedures.

New §748.887 outlines the required curriculum components for pre-service training for emergency behavior intervention when a GRO does not allow the use of emergency behavior intervention.

New §748.889 outlines the required curriculum components for pre-service training for emergency behavior intervention when a GRO allows the use of emergency behavior intervention.

New §748.911 outlines the requirements relating to who must have first aid and CPR training, including:

- At (a), clarification that a caregiver may complete first aid training through instructor-led training or self-instructional training;
- At (b), clarification that the type of required CPR training, is dependent on the ages of the children the GRO serves;
- At (c), requirements for when a caregiver must be certified in first aid and CPR; and
- After the rule, adds a Helpful Information box to clarify when a caregiver may take a combination First Aid and CPR class.

New §748.913 outlines the requirements related to CPR training, including:

- At (1), the training must adhere to CPR guidelines established by the American Heart Association, and consist of specific training curriculum; and
- At (2) provides an allowance for the training to be provided through blended learning as long as the learning meets other requirements.

New §748.915 outlines the documentation requirements related to first aid and CPR certifications.

New §748.930 clarifies the annual training requirements for caregivers, depending on the population the GRO serves. The rule:

- At (a), includes a table with the overall number of required annual training hours;
- At (b), adds a second table that lists the mandated annual training topics and the hours that a caregiver must complete, including:
 - A clarification that caregivers who only care for children receiving treatment services for primary medical needs are exempt from the four hours of emergency behavior intervention training;
 - A decrease in the number of annual training hours for normalcy from two hours to one hour; and
 - The addition of the mandated annual training requirements for administering psychotropic medication if the caregiver administers such medication.
- At (c), clarifies that to meet the mandated annual training requirements, the training must follow the applicable curriculum requirements in Division 8 of the subchapter;
- At (d), clarifies that any other non-mandated annual training must be in areas appropriate to the needs of children for whom the caregiver provides care; and
- After the rule, **adds a Helpful Information box to clarify the term “caregiver”** and specify that the Department of Family and Protective Services or the GRO may require additional annual training.

New §748.931 clarifies the annual training requirements for employees. The rule:

- At (a), includes a table that specifies the annual training hours for each type of employee;
- At (b), adds a table that lists the mandated annual training topics and the hours that an employee described in §748.931(a)(1) must complete and decreases the number of annual training hours for normalcy from two hours to one hour to be consistent with the change made for caregivers;
- At (c), adds a table that lists the mandated annual training topics and hours that an employee described in §748.931(a)(2) must complete and decreases the number of annual training hours for normalcy from two hours to one hour to be consistent with the change made for caregivers;
- At (d), clarifies that certain employees may use annual training hours used to maintain a relevant professional license if certain criteria are met;
- At (e), clarifies that there are no annual training requirements for emergency behavior intervention, but adds specific caveats to the subsection; and
- After the rule, adds a Helpful Information box to clarify that a GRO may require additional training.

Amended §748.935:

- At (a), clarifies that, with the exception of emergency behavior intervention training, a caregiver or employee must complete annual training within 12

months of being hired and every subsequent 12-month period after the anniversary date of hire; and

- At (c), clarifies that a GRO must use a consistent method for calculating the dates for completing annual training requirements.

New §748.936 clarifies the frequencies of emergency behavior intervention training at a GRO that serves children with treatment services and at a cottage home.

Amended §748.937:

- At (a)(3) and (a)(4), clarifies that a person may complete annual training through instructor-led training or self-instructional training;
- At (b)(3), increases, from 10 hours to 15 hours, the number of pre-service hours that a person may carry over and use as annual training hours;
- At (d), increases, from 50 percent to 80 percent, the number of annual training hours that may come from self-instructional training; and
- At (e), increases from 10 hours to 15 hours the number of annual training hours that a person may carry over to the next year.

Amended §748.939 removes information pertaining to relevant training and instructor-led and self-instructional training that is located in other rules in the chapter.:

New §748.941 outlines the requirements related to how annual training must be conducted, including:

- At (a), adds requirements for instructor-led and self-instruction training;
- At (b), clarifies that annual training for emergency behavior intervention and administering psychotropic medication must be instructor-led; and
- At (c), (d), and (e), describes the requirements for annual emergency behavior intervention, administering psychotropic medication training, and transportation training.

Amended §748.943:

- At (a)(10), (a)(11), (a)(12), and (a)(13), adds extra areas or topics for annual training appropriate for both caregivers and employees;
- At (b), clarifies that annual topics for employees must be in areas appropriate to the needs of children for whom the GRO provides care; and
- At (b)(2), adds emergency behavior intervention as an appropriate area or topic for annual training for employees.

Amended §748.944 updates the language of the rule to make it easier to understand.

New §748.945 requires the curriculum components for annual training for administering psychotropic medication to include those components identified in §748.885.

Amended §748.947 updates the language of the rule to make it easier to understand and updates two citations.

Note: The following rules were repealed because their content was updated and incorporated into new rules: §§748.833, 748.863, 748.868, 748.901, 748.903, 748.931, 748.941, 748.945, 748.981, 748.983, 748.985, 748.987, 748.989.

Admission, Service Planning, and Discharge

§748.1211. What information must I share with the parent at the time of placement?

§748.1217 What information must an admission assessment include?

§748.1303. What responsibilities do I have for a child's individual educational needs?

Amended §748.1211 removes references to "sponsoring families."

Amended §748.1217 adds any history of trauma and **the child's educational and behavioral level of functioning** to the list of things that an admission assessment **must cover prior to a child's non-emergency admission**.

Amended §748.1303:

- At (6), adds a requirement to notify a parent to request an Admission, Review, and Dismissal (ARD) or Individual Transitional Planning (ITP) meeting if needed;
- At (7), adds a requirement for attending ARD or ITP meetings, if held; and
- At (8), **clarifies that the GRO should know the specifics of a child's Individual Education Plan (IEP) and support the school's efforts to implement the IEP, if applicable.**

Child Care

§748.1553. How must a caregiver respond when a child is injured or ill and requires immediate treatment by a health-care professional?

New §748.1553:

- Outlines what a caregiver must do when a child is injured or ill and requires immediate treatment by a health-care professional; and

- Clarifies that a caregiver must not be required to seek approval to contact emergency services or to take the child to the nearest emergency room.

Operations that Provide Care for Children and Adults

§748.1937. May an adult in care share a bedroom with a child in care?

New §748.1937 replaces repealed §748.1937 with the following substantive changes:

- Adds four situations when an adult in care may share a bedroom with a child in care:
 - when they are siblings;
 - when **the adult is the child's parent**;
 - when they are both non-ambulatory and receive treatment services for primary medical needs; and
 - when an adult in care shares a bedroom with a child in care is at least 16-years old and the age difference is not more than 24 months, which implements H.B. 700, Family Code §264.1214(c);
- Clarifies that the service planning team must complete and document an assessment determining that there is no known risk to the child sharing a room with an adult by looking at **certain factors, except when the adult is the child's parent**;
- Clarifies that the adult and child must not sleep in the same bed unless the **adult is the child's parent and the child is** between the ages of one and 10; and
- Includes an exception for traveling and camping situations.

Medication

§748.2009. What are the requirements for administering non-prescription medication and supplements?

Amended §748.2009:

- At (a)(2), clarifies that an operation must ensure a non-prescription medication or supplement is not contraindicated with the medication prescribed **or the child's medical conditions**; and
- After the rule, adds a Helpful Information box regarding medication consultations.

Discipline and Punishment

§748.2307. What other methods of punishment are prohibited?

Amended §748.2307:

- Deletes **“and verbal abuse”** from subsection (4) because it is already covered under subsections (8) and (9);
- Deletes **the examples of “soap and tape”** from subsection (7) to eliminate the possible interpretation that the examples in the rule are an exhaustive **list of what not to put it or on a child’s mouth as punishment**; and
- After the rule, adds a Helpful Information box that includes some examples related to subsection (7).

Emergency Behavior Intervention

§748.2507. Under what conditions are PRN orders permitted for a specific child?

§748.2553. When must a caregiver release a child from an emergency behavior intervention?

§748.2651. What are the additional responsibilities for implementing seclusion?

§748.2801. What is the maximum length of time that an emergency behavior intervention can be administered to a child?

§748.2857. What notice must I provide to the parent when I use an emergency behavior intervention with a child in care?

§748.2953. What data must be collected?

Amended §748.2507:

- At (a)(2), clarifies that a licensed psychiatrist or psychologist may originate the PRN order for personal restraint; and
- At (b), adds a requirement to provide the parent with a copy of the PRN order for a personal restraint, emergency medication, or seclusion within 72 hours of obtaining the PRN order.

Amended §748.2553:

- Revises the **heading of the figure’s second column to clarify that the caregiver must release the child “if any of the following (noted situations or actions) apply**;

- At (1)(B), revises language to say “the emergency situation no longer exists” instead of “the disruptive behavior is de-escalated;” and
- At (2)(B), clarifies that a prone or supine hold is meant to be transitional.

Amended §748.2651:

- At (a), clarifies that the observation of the child in seclusion can take place by a caregiver in the environment or room where the child is placed in seclusion; and
- At (a), clarifies that a video camera may be used to continuously observe a child in seclusion, but that the GRO may not use a video camera in lieu of direct observation.

Amended §748.2801 clarifies at (2)(B) that a prone or supine hold is meant to be transitional.

New §748.2857:

- Adds requirements for a GRO to notify the parent in writing as soon as possible, but no later than 72 hours after the initiation of an emergency behavior intervention with a child in care, other than a short personal restraint; and
- After the rule, adds a Helpful Information box to clarify that if an incident report has the information required by subsection (a) and constitutes what was provided to the parents, a copy of the incident **report in the child’s** record will suffice.

Amended §748.2953 clarifies that a GRO must submit aggregate numbers of emergency behavior interventions to CCR no later than 15 days after the end of each quarter.

Safety and Emergency Practices

§748.3273. What must each first-aid kit contain?

§748.3281. When is a product considered unsafe?

§748.3283. What are my responsibilities regarding unsafe products at my operation?

Amended §748.3273:

- Deletes the requirement for cotton balls in a first-aid kit; and
- At (4), amends the requirement for adhesive bandages in a first-aid kit so that they do not have to be multi-sized.

New §748.3281 describes an unsafe product as it is determined by the United States Consumer Product Safety Commission.

New §748.3283 outlines responsibilities for ensuring there are no unsafe products at the GRO, including the requirement to post a notice for parents and employees to inform them of how to access a listing of unsafe products recalled by the United States Consumer Product Safety Commission.

Physical Site

§748.3301. What general physical site requirements must my operation meet?

§748.3361. May a child in care share a bedroom with an adult caregiver?

§748.3363. May children of opposite genders share a bedroom?

§748.3421. What are the requirements for protecting children from poisonous or flammable material?

§748.3443. What are the requirements for storing food?

§748.3601. What are the requirements for swimming pools that a child uses?

§748.3603. What are the additional requirements for a swimming pool located at my operation?

Amended §748.3301 reorganizes the content of the rule and clarifies at (a)(1) that buildings must not pose a risk to the health and safety of children.

Amended §748.3361 updates the language of the rule for better readability and understanding.

New §748.3363 contains the content from repealed §748.3363 with the following substantive additions:

- Adds three situations when children of opposite gender may share a bedroom;
- Clarifies that the service planning team must complete and document an assessment determining there is no known risk to each child by looking at **certain factors, except when the older child is the younger child's parent;** and
- Clarifies the factors the service planning team must assess.

Amended §748.3421 clarifies that poisonous and flammable materials must be stored in an area that is inaccessible to children.

Amended §748.3443 clarifies that food must be refrigerated if it requires refrigeration.

Amended §748.3601 adds to subsection (6) a requirement from deleted subsection (7) that the bottom of the swimming pool be visible during use of the pool.

Amended §748.3603 clarifies at (j) that a GRO is not required to have a pool lock on doors leading to the swimming pool area that an adult can open if the state or local fire authority determines that the height of the lock violates or would violate the fire code and the GRO keeps documentation from the fire authority on file.

Note: §748.3363 was repealed because the content was updated and incorporated into new §748.3363.

Recreation Activities

§748.3757. What are the child/adult ratios for swimming activities?

§748.3931. Are weapons, firearms, explosive materials, and projectiles permitted at my operation?

Amended §748.3757:

- At (d), clarifies that life jackets must be Coast Guard approved;
- At (d), adds a subsection requiring a child under the age of 12, or a child of any age who cannot swim, to wear a Coast Guard-approved life jacket when swimming in other bodies of water such as ponds, rivers, lakes, and oceans; and
- At (e), allows the swimming ratios to not apply as long as child/caregiver ratios are met under §748.1003 to children over 12 years of age who are competent swimmers and to children of any age who are participating in sprinkler play or are playing in a splash pad or wading pool that has standing water less than two feet deep.

Amended §748.3931:

- At (a)(1), clarifies that a handgun is a type of firearm that is never permitted at an operation or during any type of activity;
- At (a)(3), requires a GRO to develop and enforce a policy identifying specific precautions to ensure that a child does not have unsupervised access to weapons, firearms, explosive materials, or projectiles, including specific storage requirements;
- At (a), **deletes "such as fireworks or BB guns"** as examples of toys that explode or shoot;
- At (b), clarifies that child receiving treatment services or emergency care services is not permitted to use toys that explode or shoot, however for a child receiving only child-care services, a toy that explodes or shoots must be age appropriate to the child;

- At (c), adds a subsection exempting firearms that are inoperable and solely ornamental from the storage requirements; and
- After the rule, adds a Helpful Information box to clarify Nerf guns, water guns, or other toys that are appropriate for children are not included as **“toys that explode or shoot.”**

Transportation

§748.4001. What types of transportation does Licensing regulate?

Amended §748.4001 deletes the broad requirement to ensure the safety of children during any transportation provided by the GRO because more specific rule requirements in Subchapter R ensure the safety of children during transportation.

You may view highlighted versions of the adopted rules at [Minimum Standards | Texas Health and Human Services](#). CCR is updating the minimum standards courtesy publications and will notify you when the updates are complete.

If you have questions, please contact your CCR inspector or send an email to [RCCR Standards](#).