



# Minimum Standards Revision Notice

**Date:** October 10, 2024

**Effective Date:** October 15, 2024

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

**From:** Rachel Ashworth-Mazerolle, HHSC Associate Commissioner for Child Care Regulation

**Subject:** Adopted Minimum Standards Related to Psychiatric Residential Youth Treatment Facilities

This project is necessary to implement House Bill (H.B.) 3121, 87th Legislature, Regular Session, 2021, which created Texas Health and Safety Code Chapter 577A, Psychiatric Residential Youth Treatment Facilities. Chapter 577A mandates HHSC Child Care Regulation (CCR) to create and adopt:

- A voluntary process whereby a general residential operation (GRO) may be certified as a psychiatric residential youth treatment facility (PRYTF) to provide treatments and services to individuals 21 years of age or younger with a severe emotional disturbance, which is adopted in Chapter 745, Licensing, Subchapter O, Residential Psychiatric Youth Treatment Facility; and
- Minimum standards for a certified PRYTF.

Accordingly, CCR adopted:

- An amended rule in Chapter 748, Subchapter B that updates the types of services CCR regulates to include treatment services for individuals who are 21 of age or younger with a severe emotional disturbance who are admitted to a PRYTF; and
- New rules in Chapter 748, Subchapter W, Additional Requirements for Operations that Provide Psychiatric Health Treatments and Services, that:
  - Define terms and explain the scope of the rules;

- Add requirements for policies (nursing services and supervising young adults and children), notifications, and postings, including requiring ongoing accreditation;
- Require a treatment director with certain qualifications;
- Update the training requirements for caregivers and certain employees, including additional suicide prevention for pre-service and annual training;
- Update the child to caregiver ratio during night-time sleeping hours for children and young adults;
- Add admission criteria;
- Add requirements to separate young adults who are not in the care of the Texas Department of Family and Protective Services (DFPS) and did not come immediately from another residential child-care operation;
- Add requirements for preliminary and initial service plans; and
- Require a service planning team for PRYTF individuals to involve a licensed psychiatrist or physician.

The changes are effective October 15, 2024.

## **Adopted Requirements Related to PRYTFs – Chapter 748, Subchapters B and W**

Chapter 748, Subchapter W, Additional Requirements for Operations that Provide Psychiatric Health Treatments and Services, is a new Subchapter with all new rules. If a GRO voluntarily applies for and obtains a PYTRF certificate, the PRYTF must meet the Minimum Standards in Chapter 748, including the standards in Subchapter W, unless the minimum standard is identified for specific types of services that the GRO does not offer, or the standard is replaced by a rule in §748.4809.

In addition, amendments made to §748.61 in Subchapter B clarify that treatment services for children with an emotional disorder include children and young adults 18 to 21 years of age who are admitted to a PRYTF and have a severe emotional disturbance.

### **Specific Rule Changes**

#### **Types of Services Subject to Regulation**

§748.61. What types of services are subject to regulation under this chapter?

Amended §748.4861 to:

- Clarify that treatment services for children with an emotional disorder include children and young adults 18 to 21 years of age who are admitted to a PRYTF and have a severe emotional disturbance; and
- Update the language to improve the understanding and readability of the rule.

## **Definitions and Scope of Minimum Standards**

§748.4801. What do the following terms mean when used in this subchapter?

§748.4803. When is a general residential operation (GRO) required to meet the additional rules of this subchapter?

§748.4805. In addition to the rules in this subchapter, what other rules in this chapter apply to a psychiatric residential youth treatment facility (PRYTF)?

§748.4807. How do the rules in this subchapter apply to the care of a young adult 18 to 21 years of age at a psychiatric residential treatment facility (PRYTF)?

§748.4809. What rules in this subchapter replace other rules in this chapter?

New §748.4801 adds definitions for “individual,” “psychiatric health treatments and services,” “psychiatric residential youth treatment facility,” and “severe emotional disturbance.”

New §748.4803 and §748.4805 clarify that a certified PRYTF must comply with all the minimum standards in Chapter 748, including Subchapter W, unless the minimum standard is identified for specific types of services that the GRO does not offer, or the standard is replaced by a rule in new §748.4809.

New §748.4807 clarify that the minimum standards in Chapter 748, including the standards in Subchapter W, apply to young adults 18 to 21 years of age who are admitted to a PRYTF.

New §748.4809 clarify that the following rules in subchapter W replace the relevant rule in Chapter 748:

- §748.4863, regarding whether individuals receiving different types of services may live in the same living quarters, replaces current §748.1201; and
- §748.4869, regarding who must be involved in developing an initial service plan, replaces current §748.1339.

## **Policies, Notifications, and Postings**

§748.4821. What additional policies must a general residential operation (GRO) submit as part of the application process for a psychiatric residential youth treatment facility (PRYTF) certificate?

§748.4823. When must a psychiatric residential youth treatment facility (PRYTF) notify Child Care Regulation (CCR) about accreditation changes regarding the PRYTF?

§748.4825. Where must a psychiatric residential youth treatment facility (PRYTF) post the PRYTF certificate?

New §748.4821 requires a GRO to develop additional written policies to address:

- How the PRYTF will provide 24-hour medical and emergency services, including 24-hour nursing services, which can be on- or off-site; and
- How caregivers will supervise young adults 18 to 21 years of age in the PRYTF and children in the GRO, including children in the PRYTF, when they share restrooms or other common indoor or outdoor activity areas. The policy must include:
  - A schedule of when the young adults and children will share the spaces; and
  - An outline of the staffing schedule caregivers will use.

New §748.4823 always requires accreditation of the PRYTF and notification to CCR within two days of knowing the accreditation requirement will no longer be met.

New §748.4825 requires the PRYTF to post the certificate in a prominent and publicly accessible place.

## Personnel

§748.4831. Must a psychiatric residential youth treatment facility (PRYTF) have a treatment director?

§748.4833. What qualifications must a treatment director for a psychiatric residential youth treatment facility have?

New §748.4831 requires a PRYTF to have a full-time treatment director.

New §748.4833 requires the treatment director to meet one of the qualifications listed. The qualifications are consistent with the requirements for a treatment director in a GRO for children with emotional disorders at current §748.605(c), except the PRYTF treatment director qualifications allow:

- The director to be a licensed physician; and
- The experience requirement of providing treatment services to be with young adults, not just experience with children.

Note: Current §748.607 still applies. A GRO that provides more than one type of treatment service can only have one treatment director if the director meets the required qualifications for the most prevalent services the GRO offers.

## Training

§748.4841. What are the pre-service experience requirements for a caregiver providing psychiatric health treatments and services?

§748.4843. What additional pre-service training requirements apply to a caregiver or an employee at a psychiatric residential youth treatment facility (PRYTF)?

§748.4845. Who must have first-aid and CPR training in a psychiatric residential youth treatment facility?

§748.4847. What additional annual training requirements apply to a caregiver or an employee at a psychiatric residential youth treatment facility (PRYTF)?

New §748.4841 requires PRYTF caregivers to have 40 hours of supervised caregiver experience (pre-service experience) in a GRO or PRYTF providing treatment services to children or young adults; or in a residential or hospital setting providing direct care, supervision, guidance, and protection of children or young adults with a severe emotional disturbance. As with a GRO, the same limitations apply until a caregiver obtains the pre-service experience: the caregiver may not be the only caregiver responsible for a group of individuals and must always be supervised by a caregiver with the pre-service experience.

New §748.4843 requires four hours of additional pre-service training on suicide prevention for:

- PRYTF caregivers before being counted in the child to caregiver ratio; and
- Certain PRYTF employees (child-care administrator, professional level service provider, treatment director, and case manager) within 90 days of beginning job duties if the employee provides services to an individual in a PRYTF, plans services for an individual in a PRYTF, or manages or oversees employees with these same duties.

New §748.4845 requires PRYTF caregivers to have first-aid and CPR training that is consistent with the training requirements for caregivers in a GRO at current §748.911.

New §748.4847 requires PRYTF caregivers and certain employees to meet the following additional annual training requirements:

- Caregivers must complete 50 annual training hours, which must include:
  - Four additional hours of suicide prevention training for a total of five hours; and
  - Two hours of administering psychotropic medication training; and
- Of the total hours or annual training that certain employee must meet, employees who provide services to an individual in a PRYTF, plans services for an individual in a PRYTF, or manages or oversees employees with these same duties, must have:
  - Four additional hours of suicide prevention training for a total of five hours; and
  - Two hours of administering psychotropic medication training.

Note: The current training requirements for GRO caregivers and certain employees relating to exemptions, curriculum, instructors, when to complete the training, types of hours or instruction to be used, how the training must be conducted, and documentation also apply to these additional training requirements (See new §748.4843(c) – (e), §748.4845(d), and §748.4847(e).

## **Child to Caregiver Ratio During Night-Time Sleeping Hours**

§748.4851. For purposes of the child to caregiver ratio, how many children can a single caregiver care for when a child receiving psychiatric health treatments and services is asleep at night?

New §748.4851 requires PRYTF caregivers during night-time sleeping hours to:

- Care for a maximum of six individuals (children and young adults); and
- Remain awake.

Note: As stated above in “Definitions and Scope of Minimum Standards,” all relevant minimum standards in Chapter 748, including the standards related to child to caregiver ratios, apply to young adults 18 to 21 years of age in a PRYTF, as well as children in a PRYTF.

## **Admission and Service Plans**

§748.4861. Whom may a psychiatric residential youth treatment facility (PRYTF) admit for psychiatric health treatments and services?

§748.4863. May individuals receiving different types of service live in the same living quarters?

§748.4865. Are there additional requirements for a preliminary service plan when a psychiatric residential youth treatment facility (PRYTF) admits an individual for psychiatric health treatments and services?

§748.4867. Are there additional requirements for an initial service plan when a psychiatric residential youth treatment facility (PRYTF) admits an individual for psychiatric health treatments and services?

§748.4869. Who must be involved in developing an initial service plan?

New §748.4861 requires an individual to meet the following requirements for admittance into a PRYTF:

- Is 21 years of age or younger;
- Has been diagnosed with a severe emotional disturbance;
- Requires residential psychiatric treatment under the direction of a licensed physician to improve the individual's condition; and
- Is referred for treatment or services by a licensed mental health professional.

New §748.4863 replaces current §748.1201 with two requirements concerning children in a PRYTF that are consistent with the requirements for children in a GRO at §748.1201 and a new requirement regarding young adults in a PRYTF who are not in the care of DFPS and did not come immediately from another residential child-care operation:

- Children in a PRYTF receiving different types of service may reside in the same living quarters if a professional level service provider completes an evaluation with certain requirements and updates the evaluation if a child's treatment or service needs change;
- Children in a PRYTF admitted for emergency care services must receive any therapeutic services separately from children admitted for non-emergency care and must have separate living quarters, but may be combined for meals, recreation, and transportation; and
- Young adults in a PRYTF who are not in the care of DFPS and did not come immediately from another residential child-care operation must:
  - Receive therapeutic services separately from children admitted to the GRO, including the PRYTF;
  - Have separate living quarters; and
  - Not use an area of the GRO's building or grounds at the same time with children admitted to the GRO, including children admitted to the PRYTF, except restrooms and indoor and outdoor activity areas may be shared under the PRYTF's policy, as required by §748.4821.

Note: Young adults in the care of DFPS or who came immediately from another residential child care operation may share a bedroom with a child if the requirements of current §748.1937 are met.

New §748.4865 adds the following requirements for a preliminary service plan:

- Therapeutic needs;
- Family engagement activities;



- Plans to consult with qualified professionals; and
- Nursing care.

New §748.4867 adds the following requirements for an initial service plan:

- One-to-one therapy;
- Family engagement activities;
- Consultation services with qualified professionals;
- 24-hour nursing services, though services do not need to be onsite; and
- Direct care and supervision, supportive services for daily living and safety, and positive behavior management services.

New §748.4869 replaces current §748.1339. The new rule:

- Maintains the required makeup of a service planning team that develops a service plan for a child in a GRO, including the requirement of two additional professionals when providing treatment services;
- Clarifies that for a service planning team that develops a service plan for an individual in a PRYTF, one of the two professionals must be a licensed psychiatrist or physician; and
- Clarifies that the individual and parents or guardian must be invited to the service planning meeting.

## **Providing Care to Children and Adults**

§748.4881. After a child in the care of a psychiatric residential youth treatment facility (PRYTF) turns 18 years old, may the young adult remain in care?

New §748.4881 states that a child who turns 18 in the care of a PRYTF may remain in PRYTF care until their 22nd birthday.

## **Highlighted Versions**

You may view highlighted versions of the adopted rules at [Minimum Standards | Texas Health and Human Services](#). CCR is updating the minimum standards publication and will complete the update by October 15.

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