



# Minimum Standards Revision Notice

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**Date:** October 10, 2023

**Effective Date:** October 19, 2023

**To:** All Holders of Chapter 749, Minimum Standards for Child Placing Agencies

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

**Subject:** New Requirements Related to Licensed Administrators

The amended and new rules implement Texas Human Resources Code §42.080 and §43.0081 from SECTIONS 22 and 25 of Senate Bill 1896, 87<sup>th</sup> Legislature, Regular Session, 2021. The new rules:

- Prohibit Child Care Regulation (CCR) from issuing a citation or taking disciplinary action against Child Placing Agency (CPA) for failing to employ a licensed administrator as long as:
  - the position has been vacant for fewer than 60 days;
  - and the CPA is making substantial efforts to fill the position;
- Require CPAs to report when the licensed administrator position is vacant at their operation; and
- Clarify when a child-placing agency administrator can be the administrator over two residential child-care operations.

The changes are effective October 19, 2023.

## **New Requirements for Administrator's Licenses**

This memo covers substantive changes made to the rules in Chapter 749 that address the new provisional administrator's license.

In addition to the substantive changes outlined in this memo, CCR made non-substantive changes to the rules to improve the understanding and readability of the rules. In addition, CCR added Technical Assistance (TA) boxes that follow the rules in the minimum standards publication to provide additional clarification and/or additional resources. These non-substantive changes and updates to TA boxes are not identified in this document but are identified in the highlighted version of the rules.

## **Specific Rule Changes**

### **Organization and Administration- Operational Responsibilities and Notifications**

§749.153. What changes must I notify Licensing about regarding my child – placing agency?

§749.154. What is my timeframe for filling my child-placing agency administrator position if it becomes vacant while I do not have a back-up administrator to carry out the administrator duties?

Amended §749.153(a)(3)(A) adds a requirement for a child-placing agency to notify CCR as soon as possible, but no later than two days, after a licensed administrator position becomes vacant.

New §749.154 allows a child-placing agency 60 days from the date that a licensed administrator position becomes vacant to obtain a new licensed administrator before CCR will cite for not having an administrator.

### **Agency Staff and Caregivers- Child-Placing Agency Administrator**

§749.633. Can a child-placing agency administrator be an administrator for two residential child-care operations?

Amended §749.633(3) clarifies that a child-placing agency administrator may serve as an administrator at two residential child-care operations when the second operation is a general residential operation as long as the administrator also holds a full child-care administrator's license.

## 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 19, 2023.

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