



Minimum Standards Revision Notice

Date: April 25, 2021

Effective Date: April 25, 2021

To: All Holders of Chapter 746, Minimum Standards for Child-Care Centers

From: Jean Shaw, HHSC Associate Commissioner for Child Care Regulation

Subject: New Requirements for Liability Insurance, Safe Sleeping, and Notification of Certain Incidents and Deficiencies for Child-Care Centers

The amendments and new rules are necessary to implement the portions of Senate Bill (S.B.) 568, 86th Legislature, Regular Session, 2019, that amended Chapter 42, Human Resources Code (HRC), to require HHSC Child Care Regulation (CCR) to establish minimum standards for safe sleeping, expand liability insurance requirements, and alter reporting requirements for certain incidents and deficiencies.

The changes are effective April 25, 2021.

New Requirements for Liability Insurance, Safe Sleeping, and Notification of Certain Incidents and Deficiencies for Child-Care Centers

Administration and Communication, Liability Insurance

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

§746.203. What are the liability insurance requirements?

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

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

Amended §746.201:

- At (8), replaces a reference to HRC with a requirement for a child-care center to comply with liability insurance rules outlined in this division of the subchapter; and
- Updates grammar, language, and replaces an abbreviation throughout the rule.

New §746.203:

- At (1), requires a child-care center to carry liability insurance in the amount of \$300,000 for each occurrence of negligence that covers injury to a child, unless there is an acceptable reason not to have the insurance; and
- At (2), requires a child-care center to provide proof of insurance coverage to CCR annually.

New §746.205:

- At (a), lists the acceptable reasons a child-care center may not carry liability insurance; and
- At (b), requires a child-care center to provide written notification to CCR by the anniversary date of the permit issuance if the center cannot carry or stops carrying liability insurance due to a reason listed in (a).

New §746.207:

- Outlines the requirements for notifying parents in writing that a child-care center does not carry liability insurance, including:
 - At (a), prior to a child's admission; and
 - At (b), within 14 days of liability coverage ending, if the child-care center previously carried the insurance and stops carrying it;
- At (c), provides information regarding a CCR form a child-care center may use for parental notifications regarding liability insurance coverage; and

- Adds a Helpful Information box after the rule with examples of different ways to notify parents in writing regarding liability insurance.

Administration and Communication, Required Notification

§746.305. What other situations require notification to Licensing?

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

§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?

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

Amended §746.305:

- At (a)(2), adds a requirement for a child-care center to notify CCR if a child in care sustains an injury that requires hospitalization;
- At (a)(3), adds a requirement for a child-care center to notify CCR if a child in care shows signs and symptoms of an illness that requires hospitalization;
- Updates grammar throughout the rule; and
- Adds information to the Helpful Information box after the rule to clarify that (a)(3) applies only to situations where a child-care center sends a child to the hospital for an illness.

Amended §746.307:

- At (a), adds a requirement for a child-care center to notify the parent immediately if there is an allegation that the child has been abused, neglected, or exploited;
- At (b)(1), updates the parental notification requirement regarding injuries to require a child-care center to notify the parent if the child is injured and requires medical treatment or hospitalization;
- At (b)(2), adds a requirement for a child-care center to notify a parent if a child shows signs or symptoms of an illness that requires hospitalization;
- Removes the requirement for a child-care center to notify the parent if a child has a sign or symptom of an illness that would exclude the child from care, as this requirement is included elsewhere in the Minimum Standards;
- Updates grammar and punctuation throughout the rule; and
- Adds information to the Helpful Information box after the rule to clarify the term “immediately” in (a) and adds references to additional rules with requirements for responding to injuries and illnesses.

New §746.309:

- At (a), requires a child-care center to notify the parent of each child attending the child-care center when CCR determines the center has a deficiency in:
 - A safe sleeping standard; or
 - The standard related to the abuse, neglect, or exploitation of a child;and
- At (b), outlines the specific safe sleeping standards that require notification.

New §746.311:

- Outlines how a child-care center is required to notify parents of a deficiency in safe sleeping or in the standard related to the abuse, neglect, or exploitation of a child in care as required by §746.309. The notification must be:
 - In writing and within five days after the child-care center receives notification of the deficiency;
 - Provided to the parents of each child attending the child-care center at the time of the notification from CCR;
 - Via Form 2970, *Notification of Safe Sleeping Deficiency*, for a deficiency for a safe sleeping standard; and
 - Via Form 7266, *Notification of Abuse/Neglect/Exploitation Deficiency*, for a deficiency for the standard related to the abuse, neglect, or exploitation of a child.

Record Keeping

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

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

Amended §746.701:

- Updates the types of accidents and incidents for which a child-care center must keep written records using the Licensing *Incident/Illness Report Form 7239* or a similar form, to include:
 - Child injuries sustained in while in care that require medical treatment or hospitalization;
 - Child illnesses while in care that require hospitalization; and
 - Incidents of a child in care or employee contracting certain communicable diseases;
- Updates the rule title, grammar, and renumbers the rule to reflect the added requirements; and
- Adds information to the Helpful Information box after the rule to clarify how the Licensing *Illness/Incident Report form* serves as a means to communicate serious incidents and illnesses with parents and adds a reference to the rule regarding parental notification of emergency and medical situations.

Amended §746.801:

- At (6), adds a requirement for a child-care center to maintain proof of written notification to parents regarding lack of liability insurance coverage, if applicable;
- At (22), adds a requirement for a child-care center to maintain proof of written notification to parents of deficiencies in safe sleeping and abuse, neglect, or exploitation;
- Updates citations, the name of the agency, and language throughout the rule; and
- Adds information to the Helpful Information box after the rule with examples of different ways to maintain proof of written parental notification for deficiencies.

Health Practices

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

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

Amended §746.3605:

- At (a), clarifies how a child-care center must respond when a child in care becomes ill but does not require immediate treatment by a health-care professional or hospitalization; and
- At (b), adds requirements regarding how a child-care center must respond when a child becomes ill while in care and requires immediate treatment by a healthcare professional or hospitalization, to include:
 - Contacting emergency medical services;
 - Giving the child first aid or CPR as needed;
 - Contacting the child’s parent;
 - Contacting the child’s physician or other health-care professional; and
 - Ensuring supervision of other children in the group; and
- Updates the rule title.

Amended §746.3607:

- Removes previous requirements involving illnesses, as those requirements are now included in §746.3605;
- Replaces the word “attention” with “treatment” as it applies to a health-care professional addressing that is injuries sustained in care; and
- Updates the rule title.

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

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