



Minimum Standards Revision Notice

Date: April 25, 2021

Effective Date: April 25, 2021

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

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-Placing Agencies

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-Placing Agencies

Organization and Administration, Liability Insurance

§749.151. What are my operational responsibilities?

§749.155. What are the liability insurance requirements?

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

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

Amended §749.151 replaces a reference to HRC at (7) with a requirement for an operation to comply with liability insurance rules outlined in this division of the subchapter.

New §749.155:

- At (1), requires an operation 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 an operation to provide proof of insurance coverage to CCR annually.

New §749.157:

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

New §749.159:

- Outlines the requirements for notifying parents in writing that an operation 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 operation previously carried the insurance and stops carrying it;
- At (c), provides information regarding a CCR form an operation 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.

Reports and Record Keeping, Notifications

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

§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?

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

Amended §749.503:

- At (a)(2)(B)(ii), changes the timeframe regarding parental notification for substantial physical injuries and critical illnesses requiring medical treatment or hospitalization to immediately after ensuring the safety of the child;
- At (a)(3)(B)(ii), changes the timeframe regarding parental notification for allegations and incidents of possible abuse, neglect, or exploitation to immediately after ensuring the safety of the child.

New §749.517:

- At (a), requires an operation to notify the parent of each child in the care of each foster home verified by the Child-Placing Agency (CPA) when CCR determines the operation 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 §749.519:

- Outlines how an operation 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 §749.517. The notification must be:
 - In writing and within five days after the operation receives notification of the deficiency;
 - Provided to the parents of each child in the care of each foster home verified by the CPA 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;
- Allows for the CPA to make deficiency notifications at the main or branch level as long as the notifications are made to the parents of children in the care of foster homes that the office supervises;
- Requires the operation to maintain proof of the required notifications; and
- Adds a Helpful Information box after the rule with:
 - Information clarifying the definition of “parent” and providing a reference to that definition elsewhere in the Minimum Standards; and
 - Examples of different ways to maintain proof of written parental notification for deficiencies.

Child Care, Safe Sleeping

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

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

New §749.1817:

- Prohibits an infant sleeping in a restrictive device and requires a caregiver to move an infant who has fallen asleep in a restrictive device to a crib as soon as possible; and
- Adds a Helpful Information box after the rule with examples of restrictive devices and information about risks associated with sleeping in restrictive devices.

New §749.1821:

- Prohibits laying down a swaddled infant to sleep or rest, unless the operation has an order signed by a health-care professional;
- Requires the operation to maintain in the child’s record any order allowing an infant to be swaddled for sleep or rest; and
- Adds a Helpful Information box after the rule with information about risks associated with swaddling and additional safe sleeping resources.

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 [RCCR Standards](#).