



Minimum Standards Revision Notice

Date: June 27, 2021

Effective Date: June 27, 2021

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

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

Subject: Training and Professional Development; Foster Home Screenings and Verifications; Provisional Verifications; Storing Firearms and Ammunition Together; and Health, Social, Educational, and Genetic History Adoptive Report

The new, amended, and repealed rules in Chapter 749 are necessary to implement the following bills from the 86th Legislature, Regular Session, 2019:

- Senate Bill 195 amending Family Code §162.007(a) to update the health history requirements in the Health, Social, Educational, and Genetic History adoptive report;
- House Bill (H.B) 2363 amending Human Resources Code (HRC) §42.042(e-1) to allow a foster home to store weapons and ammunition together in the same locked location if the firearm has a trigger locking device;
- H.B. 2764 amending HRC §42.042(b-1) and (t) to:
 - Require Child Care Regulation to simplify, streamline, and provide greater flexibility in the application of minimum standards to child-placing agencies (CPAs), foster home, and adoptive homes; and
 - Develop minimum standards to grant CPAs the authority to waive certain pre-service and annual training requirements for a foster home in certain situations.

The changes are effective June 27, 2021.

- **Training and Professional Development**
- **Foster Home Screenings and Verifications**
- **Provisional Verifications**
- **Storing Firearms and Ammunition Together**
- **Health, Social, Educational, and Genetic History Adoptive Report**

In addition to the changes noted below, some rules have additional changes to make them easier to understand, update or add citations, or make them consistent with this chapter or other related chapters. In addition, some rules have been moved around and new Divisions created for organizational purposes.

Subchapter F, Training and Professional Development

Division 1, Definitions

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

Amended §749.801 to:

- Clarify that “instructor-led training” does not have to be in person and examples include blended learning;
- Cross reference §749.2601 as a definition for “normalcy”; and
- Add a definition for “single source continuum contractor”.

Division 2, Overview of Training and Experience Requirements

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

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

Division 2 is a new Division that provides a summary of the training and experience requirements for a caregiver and an employee at new §749.811 and §749.813.

Division 3, Orientation

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

Division 3 has been renumbered. Previously, the Orientation Division was Division 2.

New §749.833 is a rewrite of repealed §749.833. The content has not changed but been simplified and streamlined to clarify when a caregiver or employee may be exempt from orientation.

Note: §749.831 was not amended but was administratively transferred to Division 3.

Division 4, Pre-Service Experience and Training

- §749.863. What are the pre-service training requirements for a caregiver?
- §749.864. What are the pre-service training requirements for an employee?
- §749.867. What caregivers or employees are exempt from certain pre-service training requirements?
- §749.868. Can a child-placing agency waive pre-service training requirements for a foster parent?
- §749.869. How must pre-service training be conducted?

Division 4 has been renumbered. Previously, the Pre-Service Experience and Training Division was Division 3.

New §749.863 incorporates a part of repealed §749.863 into an updated table with the pre-service training requirements for a caregiver. The new table:

- Clarifies what type of pre-service training is required;
- Offers more flexibility for when a foster parent must complete the training;
- Clarifies that, except for a short personal restraint, a foster parent may not administer any form of emergency behavior intervention before completing the required training; and
- Incorporates into the table pre-service training requirements for:
 - Safe sleeping, which was deleted from amended §749.883; and
 - Administering psychotropic medication, which was deleted from amended §749.885.

New §749.864 incorporates a part of the repealed §749.863 into an updated table that clarifies:

- The pre-service training requirements for an employee; and
- Updates when training must be completed, which is within 90 days of beginning job duties.

Amended §749.867:

- Simplifies and streamlines the rule by refocusing the content on when a caregiver or employee is exempt from pre-service training requirements;
- Incorporates repealed §749.868 relating to when an employee is exempt from normalcy training and extends this exemption to caregivers; and
- Clarifies when a caregiver or employee is exempt for pre-service training for emergency behavior intervention.

New §749.868 allows a CPA, including a single source continuum contractor, to waive certain pre-service training for a foster parent if the CPA determines the training is not related to the ages and number of children the foster home will care for and the type of services the home will provide. The CPA must reevaluate the determination if either or both of the following changes occur within the first year:

- The ages or number of children the home can care for; or

- The types of services the home can provide.

Amended §749.869:

- Adds requirements for instructor-led and self-instruction training from amended §749.937; and
- Clarifies that only pre-service training relating to administering psychotropic medication and emergency behavior intervention must be instructor-led.

Note: §749.861 and §749.865 were not amended but were administratively transferred to Division 4.

Division 5, Curriculum Components for Pre-Service Training

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

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

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

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

§749.887. 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?

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

Division 5 has been renumbered and renamed. The newly named Division reflects that these rules now only include the curriculum components for pre-service training. Previously, this was Division 4.

Amended §749.881 and §749.882 have minor updates to make the rules consistent with other rules in this chapter.

Amended §749.883 streamlines the rule so it only includes the pre-service curriculum components for safe sleeping training. The deleted safe-sleeping pre-service training requirement was incorporated into new §749.863.

Amended §749.885 streamlines the rule so it only includes the pre-service curriculum components for administering psychotropic medication. The deleted administering psychotropic medication pre-service training requirement was incorporated into new §749.863.

New §749.887 and §749.889 replaces repealed §749.901 and §749.903, respectively, to incorporate into Division 5 the curriculum components for pre-service training for emergency behavior intervention when a CPA does not allow or allows the use of emergency behavior intervention.

Division 6, Pediatric First Aid and Pediatric CPR Certification

§749.911. Who must have pediatric first aid and pediatric CPR training?

§749.913. Are there exemptions from pediatric first aid and pediatric CPR certification?

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

Division 6 replaces and renames the previous Division 7 for organizational purposes.

New §749.911 incorporates repealed §§749.981, 749.983, 749.985, and 749.987, and:

- Clarifies that both the first aid training and the CPR training must be pediatric;
- Clarifies that a caregiver may complete pediatric first aid training through instructor-led training or self-instructional training;
- Clarifies that a caregiver may complete pediatric CPR training through blended learning, as long as the caregiver meets the other requirements;
- Combines the employment exemption and the military service exemption into one exemption; and
- Requires pediatric first aid and pediatric CPR certification by one foster parent before a CPA may place a child in the home and certification by other caregivers, including a second foster parent, within 90 days after the CPA places the child in the home.

New §749.913:

- Incorporates the part of the exemption from repealed §749.951, relating to current pediatric first aid and pediatric CPR certifications when a caregiver is on an extended absence from the home due to employment or military service;
- Updates and clarifies that the caregiver must obtain the certifications within 90 days of returning home; and
- Incorporates repealed §749.991 exempting from pediatric CPR certification child-placement staff members that only transport children.

New §749.915 incorporates, with minor changes, repealed §749.989 relating to what documentation a CPA must maintain for pediatric first aid and pediatric CPR certifications.

Division 7, Annual Training

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

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

§749.932. What exemptions or waivers may apply to the annual training requirements for a caregiver?

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

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

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

§749.939. How must annual training be conducted?

Division 7 has been renumbered. Previously, the Annual Training Division was Division 6.

New §749.930 incorporates a part of repealed §749.931, regarding the annual training requirements for caregivers, and:

- Adds a new table that specifies the annual training hours required for each type of caregiver and removes any break down of annual training hours for one-parent and two-parent foster homes, though subsection (b) allows two-parent foster homes to still combine their individual training hours;
- Adds a second table that lists the mandated annual training topics and the hours that a caregiver must complete;
- Increases the number of annual training hours for trauma informed care that a caregiver must complete, from one hour to two hours;
- Decreases the number of annual training hours for normalcy from two hours to one hour;
- Replaces a part of repealed §749.945 by adding into the second table the mandated annual training requirements for administering psychotropic medication if the caregiver administers such medication;
- Clarifies that caregivers who care exclusively for children receiving treatment services for primary medical needs are exempt from the four hours of emergency behavior intervention training;
- Clarifies that, to meet the mandated annual training requirements, the training must follow the applicable curriculum requirements in Division 8 of this subchapter; and
- Clarifies that any other non-mandated annual training must be in areas appropriate to the needs of children for whom the caregiver provides care.

New §749.931 incorporates a part of repealed of §749.931 on the annual training requirements for employees, and:

- Adds a new table that specifies the annual training hours required for each type of employee;
- Adds a second table that lists the mandated annual training topics and the hours that an employee must complete; and
- Decreases the number of annual training hours for normalcy from two hours to one hour.

New §749.932:

- Incorporates part of the exemption from repealed §749.951, relating to annual training for a caregiver that is on an extended absence from the home due to employment or military service;
- Updates and clarifies that a caregiver's annual training hours are prorated based on the number of months out of the year that the caregiver is at the home and that a caregiver is exempt from all annual training hours if the caregiver is absent for an entire year;

- Adds a statutorily-required waiver process that allows a CPA, including a single source continuum contractor, to waive certain mandated annual training requirements for a foster home or foster parents if the foster home has been verified by the CPA for the past two years, the home has no cited deficiencies and no pending allegations, and the CPA determines the training is not related to the care of any foster child in the home; and
- Clarifies that a CPA may not waive the same type of mandated training in consecutive years.

Amended §749.933 clarifies that a caregiver in the home that is not an employee or foster parent must also complete annual training within 12 months of beginning to provide care to a child in the home.

Amended §749.935:

- Clarifies that a person may complete annual training through instructor-led training or self-instructional training;
- Deletes the exclusion for self-instructional annual emergency behavior intervention training and CPR training because those issues are more accurately addressed in new §749.939 and §749.911(b);
- Deletes the exclusion of self-instructional training for first aid training because this is now allowed in new §749.911(a);
- Deletes counting annual emergency behavior intervention training as annual training because it is redundant and any annual hours of training that meets the rules of this subchapter can be counted;
- Updates first aid and CPR to pediatric first aid and pediatric CPR;
- Increases the number of pre-service hours that a person may carry over and use as annual training hours from 10 hours to 15 hours;
- Increases the number of annual training hours that may come from self-instructional training from 50 percent to 80 percent; and
- Increases the number of annual training hours that a person may carry over to the next year from 10 hours to 15 hours.

Amended §749.937:

- Deletes subsection (b) because the information that training must be relevant to the population of children the CPA serves is already included in §749.941; and
- Moves the requirements for instructor-led and self-instructional training in subsection (c) to new §749.939(a) because the information is more germane to that rule.

New §749.939:

- Adds requirements for instructor-led and self-instruction training from amended §749.937;
- Clarifies that annual training for emergency behavior intervention and administering psychotropic medication must be instructor-led; and
- Describes the requirements for annual emergency behavior intervention and administering psychotropic medication training.

Division 8, Topics and Curriculum Components for Annual Training

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

- §749.943. What curriculum components must be included in the annual training for normalcy?
- §749.944. What curriculum components must be included in the annual training for employees on the prevention, recognition, and reporting of child abuse, neglect, and exploitation?
- §749.945. What curriculum components must be included in the annual training for administering psychotropic medication?
- §749.947. What curriculum components must be included in the annual training for emergency behavior intervention?
- §749.949. What documentation must I maintain for annual training?

Division 8 is a New Division that was created for organizational purposes.

Amended §749.941:

- Clarifies what areas or topics are appropriate for caregivers and employees;
- Adds extra areas or topics for annual training for both caregivers and employees;
- Clarifies that annual topics for employees must be in areas appropriate to the needs of children for whom the CPA provides care; and
- Adds emergency behavior intervention as an appropriate area or topic for annual training for employees.

Amended §749.943 updates the language of the rule to make it easier to understand but does not make substantive changes.

Amended §749.944 adds "exploitation" to the rule to make it consistent with similar rules in this chapter.

New §749.945 incorporates part of repealed §749.945, relating to the curriculum component for annual training for administering psychotropic medication. Note: The part of repealed §749.945 that required a caregiver to take the annual administering psychotropic medication training no later than 12 months from the caregiver's previous training on the topic has been deleted.

Amended §749.947 deletes the requirement that a caregiver must take the annual emergency behavior intervention training no later than 12 months from the caregiver's previous training on the topic.

Amended §749.949 clarifies that a CPA may keep documentation of annual training in a foster home record.

Foster Home Screenings and Verifications

- §749.2401. In what circumstances may I verify an individual spouse as a foster parent?
- §749.2447. What information must I obtain for the foster home screening?
- §749.2449. Whom must I interview when conducting a foster home screening?
- §749.2470. What must I do to verify a foster family home?
- §749.2473. What must I do to verify a foster home that another child-placing agency has previously verified?

§749.2489. What information must I submit to Licensing about a foster home's verification status?

§749.2495. So foster home verifications expire?

§749.2497. What requirements are there for a transfer or closing summary?

New §749.2401 replaces repealed §749.2401 and establishes that a CPA may verify an individual spouse as a foster parent if:

- The spouse will be the only spouse involved in the care of foster children;
- The spouses have been living apart for at least two years; and
- The spouse living outside of the foster home will not have unsupervised access to foster children and will not be regularly or frequently present at the foster home.

Note: Any change in these circumstances is a major life change in the foster family that requires an update to the foster home screening and either closure of the foster home or adding the other spouse to the verification.

Amended §749.2447:

- Deletes the requirement to verify the ages of foster parents because this information is already included in requests for background checks;
- Clarifies how to screen a foster parent without a high school diploma or G.E.D.; and
- Clarifies the background information that a CPA must request, assess, and maintain from other CPAs.

Amended §749.2449(c):

- Allows a CPA to omit an interview with an adult child if the CPA documents the diligent efforts to locate the adult child;
- Clarifies that diligent efforts require at least three attempts to locate the adult child, using multiple methods, and having discussions with the prospective foster parents and other persons regarding the location of the adult child; and
- A Helpful Information box clarifies that interviews do not have to be face-to-face, but can be virtual, video, or by phone. Subsection (b) does require at least one visit to the home when all members of the house are present.

Amended §749.2470(b) clarifies that a CPA may verify a foster home before the foster parents complete the pre-service training requirements, but the foster parents must complete the applicable pre-service training requirements before the CPA places a child in the home.

Amended §749.2473(d) adds a reference for provisional verifications.

Amended §749.2489(7) adds requirements to notify CCR within two working days of provisionally verifying a foster home or when the verification is no longer provisional.

Amended §749.2495 adds provisional verification as a type of verification that has an expiration date.

Amended §749.2497 clarifies that a:

- Transfer or closing summary is also required when a CPA does not issue a non-expiring verification to a foster home with a time-limited verification, temporary verification, or provisional verification; and
- CPA must forward a transfer summary to a requesting CPA as soon as the CPA completes it.

Provisional Verifications

§749.2520. What is the purpose of a temporary verification?

§749.2526. What is the purpose of a time-limited verification?

§749.2533. What is the purpose of a provisional verification?

§749.2535. What must I do prior to issuing a provisional verification?

§749.2537. For what length of time can I issue a provisional verification?

§749.2539. Can foster children remain in the foster home while a provisional verification is in effect?

Amended §749.2520 deletes the purpose of a time-limited verification and moves it, with minor changes, to new §749.2526.

New §749.2526 incorporates the purpose of a time-limited verification from the deleted portion of amended §749.2520 for better organization of the rules.

New §749.2533 adds a purpose of a provisional verification to permit continued care of foster children in a foster home that is transferring from one CPA to another, whether in the current residence or a new residence.

New §749.2535 establishes the requirements for a CPA to issue a provisional verification, including:

- The foster home will continue to care for children previously placed in the home;
- The CPA requests and receives background information from the former CPA;
- Based on the background information and any current screening or evaluation conducted, the CPA determines the home does not present a potential risk to the health and safety of children;
- The CPA inspects any new home and determines the home meets the health and safety standards;
- The home meets the same rules as any other home, except for any screening requirements that have not been completed;
- The provisional verification must include any condition or restriction that was in the previous CPA's verification; and
- The child placement staff reviews and approves the provisional verification.

New §749.2537 clarifies that a provisional verification is valid for six months from the date the CPA issues it or until the CPA issues the foster home a non-expiring verification or closes the home. The provisional verification may not be renewed.

New §749.2539 clarifies that only children in care at the time the foster family is transferring from one CPA to another may continue to live in the foster home while the provisional verification is in effect. A CPA may not make new placements to a foster home with a provisional verification.

Storing Firearms and Ammunition Together

§749.2961. Are weapons, firearms, explosive materials, and projectiles permitted in a foster home?

Amended §749.2961 clarifies that another option for allowing firearms and ammunition to be stored together is when each firearm is stored with a trigger locking device attached to it.

Health, Social, Educational, and Genetic History Adoptive Report

§749.3391. What information must I compile for a child I am considering for adoptive placement?

Amended §749.3391 updates the health history requirements in the Health, Social, Educational, and Genetic History adoptive report to include whether the child has been diagnosed with fetal alcohol spectrum disorder to the extent known by the Department of Family and Protective Services.

You may view the updated Minimum Standards and a version of the adopted standards with the changes highlighted at [Minimum Standards | Texas Health and Human Services](#).

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