



August 16, 2019

Dear Child Care Provider:

The 86th Legislature, Regular Session, concluded on May 27, 2019. A number of bills passed during the session that will impact child care operations regulated by Child Care Licensing.

CCL has posted a chart on the [Minimum Standards](#) webpage that includes the following information for such bills:

- A brief summary of the changes in the law;
- Information on how to comply with the changes in the law; and
- Information on when to comply with the new law.

Please review the chart carefully, as not all bills may impact your specific type of program. CCL will continue to communicate with you as additional decisions are made on how to implement this recent legislation.

We look forward to working with you as we implement these new requirements and continue to work toward our common goal of protecting the health, safety and well-being of children in out of home care in Texas.

Sincerely,

Jean Shaw
Associate Commissioner
Child Care Licensing

Day Care Operations

Bill Number	Summary	How To Comply	When To Comply
<p>House Bill 1849</p> <p><i>This law applies to Licensed Child Care Centers</i></p> <p><i>Effective 6/14/2019</i></p>	<p>Amends Human Resources Code (HRC), Chapter 42, by adding section §42.067, which allows a person who has prescriptive authority to:</p> <ul style="list-style-type: none"> • Prescribe an epinephrine auto-injector in the name of a licensed child care center; and • Provide the center with a standing order to administer the epinephrine auto-injector to a person reasonably believed to be experiencing anaphylaxis. <p>A licensed child care center that chooses to have an epinephrine auto-injector prescribed to the center must:</p> <ul style="list-style-type: none"> • Store the epinephrine auto-injector in a secure location; • Make epinephrine auto-injectors easily accessible to employees and volunteers trained to administer them; • Provide annual training to employees and volunteers who will be allowed to administer epinephrine auto-injectors; • Inform all parents in writing of the center’s policies and procedures on the administration of epinephrine auto-injectors; and 	<p>No action on your part is required at this time. You will only be required to comply with the provisions in this bill if you choose to have an epinephrine auto-injector prescribed in the name of your licensed child care center.</p> <p>Licensing will share more detailed information regarding the criteria and rule changes later.</p>	<p>Additional information will be provided as Licensing develops rules necessary to implement this bill.</p>

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	<ul style="list-style-type: none"> Report the administration of the epinephrine auto-injector to the center owner, prescribing health care professional, Department of State Health Services (DSHS), and CCL within 10 days of its use. <p><u>Rule changes:</u></p> <p>Licensing, in collaboration with Department of State Health Services (DSHS), will propose changes to 26 TAC Chapter 746.</p>		
<p>House Bill 4260</p> <p><i>This law applies to:</i></p> <ul style="list-style-type: none"> Licensed Child Care Centers Before and After-School Programs School-Age Programs Licensed Child Care Homes Registered Child Care Homes <p><i>Effective 9/1/2019</i></p>	<p>Amends the Health and Safety Code by adding new Section §773.0145, which requires DSHS to adopt rules allowing certain entities, including child care facilities, to adopt a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors.</p> <p>An operation that chooses to have an epinephrine auto-injector must:</p> <ul style="list-style-type: none"> Have at least one employee or volunteer who is trained in the administration of an epinephrine auto-injector to be present during all hours of operation; 	<p>No action on your part is required at this time. You will only be required to comply with the provisions in this bill if you choose to have an epinephrine auto-injector prescribed in the name of your licensed child care center.</p> <p>Licensing will share more detailed information regarding the criteria and rule changes later.</p>	<p>Additional information will be provided as Licensing develops rules necessary to implement this bill.</p>

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	<ul style="list-style-type: none"> • Ensure that only an employee or volunteer who is trained may administer an epinephrine auto-injector to a person on the premises reasonably believed to be experiencing anaphylaxis; • Store epinephrine auto-injectors in a secure location according to the manufacturer's instructions; • Make epinephrine auto-injectors easily accessible to employees and volunteers trained to administer them; and • Provide annual training to employees and volunteers who will be allowed to administer epinephrine auto-injectors. <p><u>Rule Changes:</u></p> <p>Licensing, in collaboration with Department of State Health Services (DSHS), will propose changes to 26 TAC Chapters 744, 746, and 747.</p>		

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<p>House Bill 4090</p> <p><i>This law applies to School-Age Programs</i></p> <p><i>Effective 9/1/2019</i></p>	<p>Amends Human Resources Code §42.048 to allow a school-age program that only operates during the summer or school holidays to change location without the license being automatically revoked as long as Licensing approves the new location.</p> <p><u>Rule Changes</u></p> <p>Rule amendments will be proposed to 26 TAC §745.435 and 40 TAC §745.8521.</p>	<p>No action on your part is required at this time. You will only be required to comply with the provisions in this bill if you operate a school-age program that only operates during the summer or school holidays that moves location.</p> <p>Licensing will share more detailed information regarding the criteria and rule changes later.</p>	<p>Additional information will be provided as Licensing develops rules necessary to implement this bill.</p>
<p>Senate Bill 568</p> <p><i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>Licensed Child Care Centers</i> • <i>Before and After-School Programs</i> • <i>School-Age Programs</i> • <i>Licensed Child Care Homes</i> • <i>Registered Child Care Homes</i> <p><i>Effective 9/1/2019</i></p>	<p>Amends Human Resources Code, Chapter 42 to establish new requirements for Licensing and providers in the following areas:</p> <p><i>Safety Training Account</i></p> <p>Requires Licensing to create a safety training account to provide free safety training materials to child care operations.</p> <p><i>Online Inspection History</i></p> <p>Requires Licensing to expand the inspection history available on the Search</p>	<p>No action on your part is required until additional direction is provided from Licensing.</p> <p>Licensing will share more detailed information regarding the criteria and rule changes at a later date.</p>	<p>Additional information will be provided as Licensing develops processes and rules necessary to implement this bill.</p>

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	<p>Texas Child Care website from three years to five years.</p> <p><i>Safe Sleeping Standards</i></p> <ul style="list-style-type: none"> • Codifies into law that Licensing establish safe sleeping standards for licensed facilities and registered homes; • Requires licensed facilities and registered homes to notify all parents/guardians in writing if cited for a safe sleeping violation; and • Requires Licensing to create a safe sleeping violation notification form, available on the Licensing website, for providers to send to parents/guardians. <p><i>Liability Insurance</i></p> <ul style="list-style-type: none"> • Requires licensed child care homes and registered child care homes to maintain liability insurance, or to provide written notification to all parents/guardians if they do not maintain liability insurance; • Requires licensed facilities and registered homes to provide proof of liability insurance to Licensing annually; and 		

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	<ul style="list-style-type: none"> • Requires Licensing to provide a form, available on the Licensing website, for providers to notify all parents/guardians if the provider does not provide liability insurance. <p><i>Permit Renewal</i></p> <ul style="list-style-type: none"> • Requires Licensing to evaluate each operation’s licensing history for repeated violations or patterns of violations during the two years previous to the permit renewal; • Allows Licensing to place restrictions, conditions, or additional requirements on the license or registration before renewing the permit; • Prohibits Licensing from renewing a permit if a violation has not been corrected by the compliance date; and • Makes the refusal to renew a permit an adverse action. <p><i>Other Parental Notifications</i></p> <p>Requires licensed facilities and registered homes to notify the parent/guardian of a child regarding:</p> <ul style="list-style-type: none"> • An incident of abuse, neglect or exploitation of the child; 		

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	<ul style="list-style-type: none"> • Injury to the child that requires treatment by a medical professional or hospitalization; and • Illness of a child that requires hospitalization. <p>Requires licensed facilities and registered homes to notify the parents/guardians of <i>all</i> children in care of a violation of abuse, neglect, or exploitation.</p> <p><i>Administrative Penalties</i></p> <p>Requires Licensing to impose:</p> <ul style="list-style-type: none"> • A \$1000 administrative penalty for a violation of abuse, neglect, or exploitation; • A \$500 administrative penalty for failure to report timely to a parent/guardian a child injury requiring medical treatment or hospitalization or an illness requiring hospitalization; and • A \$50 administrative penalty for <i>each day</i> an operation fails to report timely to every parent/guardian a: <ol style="list-style-type: none"> 1. Violation of abuse, neglect or exploitation; 2. Violation of a safe sleeping standard; or 		

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	<p>3. Lack of liability insurance.</p> <p><u>Rule Changes</u></p> <p>Rule amendments will be proposed to 26 TAC Chapters 744, 745, 746, and 747.</p>		
<p>Senate Bill 569</p> <p><i>This law applies to Listed Family Homes</i></p> <p><i>Effective 9/1/2019</i></p>	<p>Amends Human Resources Code, Chapter 42, to add new requirements for the regulation of listed family homes. The new requirements:</p> <ol style="list-style-type: none"> 1. Require Licensing to develop minimum standards for listed family homes; 2. Expand Licensing’s authority to investigate listed family homes to include reports of minimum standards violations; 3. Require Licensing to make five years of the listed family home’s inspection history available on the Search Texas Child Care website; 4. Require an applicant for a listed family home to complete safe sleeping training before Licensing may issue a listing; 5. Add liability insurance requirements, including: 	<p>No action on your part is required until additional direction is provided from Licensing.</p> <p>Licensing will share more detailed information regarding the criteria and rule changes at a later date.</p>	<p>Additional information will be provided as Licensing develops processes and rules necessary to implement this bill.</p>

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	<ol style="list-style-type: none"> 1. Requiring listed family homes to maintain liability insurance, or to provide written notification to parents/guardians if they do not maintain liability insurance; 2. Requiring listed family homes to provide proof of liability insurance to Licensing annually; and 3. Requiring Licensing to provide a form, available on the Licensing website, for providers to notify parents/guardians that the home does not provide liability insurance; and 6. Exempt relative-only listed family homes from complying with the new minimum standards and liability insurance requirements. <p><u>Rule Changes:</u> Licensing will propose changes to 26 TAC Chapter 745, and add a new chapter to 26 TAC.</p>		
<p>Senate Bill 706</p> <p><i>This law applies to all child care settings subject to regulation under Chapter 42 of the Human Resource Code that are operating</i></p>	<p>Adds new Government Code Section §531.0084, requiring the Health and Human Services Commission to establish a unit of investigators who must:</p> <ul style="list-style-type: none"> • Identify child care facilities that are operating without a license, 	<p>No action on your part is required.</p>	<p>N/A</p>

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<p><i>without the required permit.</i></p> <p><i>Effective 9/1/2019</i></p>	<p>registration, listing, or certification as required by Chapter 42 of the Human Resources Code; and</p> <ul style="list-style-type: none"> • Initiate appropriate enforcement actions against those requiring regulation when appropriate. 		
<p><u>Senate Bill 708</u></p> <p><i>This law applies to Licensed Child Care Centers</i></p> <p><i>Effective 6/14/2019</i></p>	<p>Creates Human Resources Code, Section §42.0412 which requires:</p> <ul style="list-style-type: none"> • Licensing to collect the following data related to each group of children that are four-years-old or younger during monitoring inspections at licensed child care centers: <ol style="list-style-type: none"> 1. Specified age of children in each group; 2. Number of children in each group; and 3. Number of caregivers supervising the children in each group; and • Licensed child care centers to report to Licensing the total number of employees who left employment during the previous year and requires Licensing to post this information on the Licensing website. <p><u>Rule Changes</u> Rule amendments will be proposed to 26 TAC Chapters 745 and 746.</p>	<p>Child care centers will need to develop a plan to report to Licensing the total number of employees who leave employment during the previous year.</p>	<p>Beginning 9/1/2019, Licensing will use an automated survey to capture the specified age of children and the number of children and caregivers in each group during routine inspections in classrooms with children four years and younger. This will not require any additional actions on your part.</p> <p>Additional information will be provided as Licensing develops processes and rules necessary to implement other provisions in this bill.</p>

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<p>Senate Bill 781 –SECTIONS 6-9</p> <p><i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>Licensed Child Care Centers</i> • <i>Before or After-School Programs</i> • <i>School-Age Programs</i> • <i>Licensed Child Care Homes</i> • <i>Registered Child Care Homes</i> • <i>Listed Family Homes</i> <p><i>Effective 9/1/2019</i></p>	<p>Amends Human Resources Code §42.0704 to:</p> <ul style="list-style-type: none"> • Remove “evaluation” as a type of corrective action; • Codify into law factors that are already outlined in 26 TAC §745.8605, that CCL must consider when determining if enforcement action is appropriate. <p>Amends HRC §42.072(c) to broaden the five year ban to reapply for a permit to an operation that voluntarily closes in lieu of disciplinary action. The five year ban starts on the date the operation closes or relinquishes its permit.</p> <p><u>Rule Changes</u></p> <p>Rule amendments will be proposed to 26 TAC Chapter 745.</p>	<p>This bill only impacts operations that Licensing determines meets the criteria to recommend or impose an enforcement action.</p>	<p>Licensing will no longer impose evaluation as of 9/1/2019. Licensing will consider the operation’s compliance history to determine what other enforcement action to recommend or impose.</p> <p>Operations on evaluation before 9/1/2019 will continue until Licensing determines it is appropriate to end the evaluation.</p>
<p>Senate Bill 952</p> <p><i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>Licensed Child Care Centers</i> • <i>Before or After-School Programs</i> • <i>School-Age Programs</i> 	<p>Amends Human Resources Code, Chapter 42, which requires:</p> <ul style="list-style-type: none"> • Licensing to align minimum standards related to physical activity, screen time, and nutrition with specific national standards; and • Allows a center or home to request a waiver if the economic impact of 	<p>No action on your part is required until additional direction is provided from Licensing.</p> <p>Licensing will share more detailed information regarding</p>	<p>Additional information will be provided as Licensing develops rules necessary to implement this bill.</p>

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<ul style="list-style-type: none"> • <i>Licensed Child Care Homes</i> • <i>Registered Child Care Homes</i> <p><i>Effective 9/1/2019</i></p>	<p>compliance with the revised minimum standards is great enough to make compliance impractical and require that CCL allow the center or home to meet the intent of requirement in a different way.</p> <p><u>Rule changes:</u></p> <p>Licensing will propose changes to 26 TAC Chapters 744, 746, and 747.</p>	<p>the criteria and rule changes at a later date.</p>	