



Minimum Standards Revision Notice

Date: October 21, 2021

Effective Date: October 25, 2021

To: All Holders of Chapter 742, Minimum Standards for Listed Family Homes

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

Subject: Voluntary Maintenance and Administration of Unassigned Epinephrine Auto-Injectors in Child Care

The amended and new rules are the final steps necessary to support the implementation of House Bill (H.B.) 4260, 86th Legislature, Regular Session, 2019. H.B. 4260 added §773.0145 to Texas Health and Safety Code. This statute:

- allows the Texas Department of State Health Services (DSHS) to designate in rule an entity that would benefit from the possession and use of unassigned epinephrine auto-injectors so that the entity could then adopt a policy regarding the maintenance, administration, and disposal of unassigned epinephrine auto-injectors;
- outlines specific requirements that an entity must follow regarding unassigned epinephrine auto-injectors; and
- requires DSHS to adopt rules regarding an entity's maintenance, administration, and disposal of unassigned epinephrine auto-injectors.

In February 2021, the Executive Commissioner of HHSC, on behalf of DSHS, adopted the rules required by Texas Health and Safety Code §773.0145 in 25 TAC Chapter 40, Subchapter C (relating to Epinephrine Auto-Injector Policies in Youth Facilities). These rules allow certain youth facilities, including listed family homes, to voluntarily adopt policies relating to maintenance, administration, and disposal of unassigned epinephrine auto-injectors.

Child Care Regulation has adopted the amended and new rule to support the rules adopted on behalf of DSHS by allowing a listed family home to voluntarily adopt unassigned epinephrine auto-injector policies, provided the listed family home follows the rules adopted on behalf of DSHS.

The changes are effective October 25, 2021.

Voluntary Maintenance and Administration of Unassigned Epinephrine Auto-Injectors in Child Care

Subchapter D, Notifications and Liability Insurance Requirements

§742.401. What are the notification requirements?

Amended §742.401:

- At (c)(3) adds a requirement for a listed family home to notify the child’s parent immediately after ensuring the safety of the child if the child had an emergency anaphylaxis reaction that required administration of an unassigned epinephrine auto-injector; and
- Renumbers the remaining rules accordingly.

Subchapter H, Health and Safety Practices

§742.806. What are the requirements if my home chooses to maintain and administer unassigned epinephrine auto-injectors?

New §742.806:

- Requires a listed family home that chooses to maintain and administer unassigned epinephrine auto-injectors for use when a child in care has an emergency anaphylaxis reaction to adopt and implement a written policy that complies with the requirements in 25 TAC Chapter 40, Subchapter C (relating to Epinephrine Auto-Injector Policies in Youth Facilities) and in Texas Health and Safety Code §773.0145; and
- Adds a Helpful Information Box after the rule that outlines the subject matter included in the DSHS requirements regarding unassigned epinephrine auto-injectors and provides weblinks for additional information about the requirements.

You may view and print copies of the updated Minimum Standards at [Minimum Standards | Texas Health and Human Services](#).

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