



Minimum Standards Revision Notice

Date: October 21, 2021

Effective Date: October 25, 2021

To: All Holders of Chapter 744, Minimum Standards for School-Age and Before or After-School Programs

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

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

The amendments 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 child-care facilities, as defined in Texas Human Resources Code §42.002, and other entities to 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 the Department of State Health Services (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). Consistent with Health and Safety Code §773.0145, these rules allow certain youth facilities, including child-care facilities, to voluntarily adopt policies relating to maintenance, administration, and disposal of unassigned epinephrine auto-injectors.

Child Care Regulation has adopted the amended rules to support the rules adopted on behalf of DSHS by allowing a child-care facility to voluntarily adopt unassigned epinephrine auto-injector policies, provided the child-care facility 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 B, Administration and Communication

Division 2, Required Notifications

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

Amended §744.307:

- At (b)(3) adds a requirement for a child-care operation 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.

Division 4, Operational Policies

§744.501. What written operational policies must I have?

Amended §744.501:

- At (25), adds a requirement for a child-care operation that chooses to maintain and administer unassigned epinephrine auto-injectors to develop written operational policies that comply with the requirements in 25 TAC Chapter 40, Subchapter C (relating to Epinephrine Auto-Injector Policies in Youth Facilities) and Texas Health and Safety Code §773.0145, for maintenance, administration, and disposal of unassigned epinephrine auto-injectors for use when a child in care has an emergency anaphylaxis reaction; and
- Adds information to the Helpful Information Box following 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.

Subchapter C, Record Keeping

Division 2, Records of Accidents and Incidents

§744.701. What written records must I keep of accidents and incidents that occur at my operation?

Amended §744.701:

- At (3), adds a requirement for an operation to use the *Licensing Incident/Illness Report Form*, or a similar form, to document an incident where a child in care had an emergency anaphylaxis reaction that required administration of an unassigned epinephrine auto-injector; and
- Renumbers the remaining rules accordingly.

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

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