



# Minimum Standards Revision Notice

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**Date:** October 21, 2021

**Effective Date:** October 25, 2021

**To:** All Holders of Chapter 745, Licensing,  
Subchapter D, Application Process, Division 11,  
Employer-Based Child Care

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

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

The new rule is the final step 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 employer-based child-care facilities, to voluntarily adopt policies relating to maintenance, administration, and disposal of unassigned epinephrine auto-injectors.

Child Care Regulation has adopted the new rule to support the rules adopted on behalf of DSHS by allowing an employer-based child-care facility to voluntarily adopt unassigned epinephrine auto-injector policies, provided the facility follows the rules adopted on behalf of DSHS.

The new rule is effective October 25, 2021.

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

### **Subchapter D, Application Process**

Division 11, Employer-Based Child Care

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

New §745.469:

- Requires an operation 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
  - Notify the child’s parent, immediately after ensuring the safety of the child, if the child has had an emergency anaphylaxis reaction that required administration of an unassigned epinephrine auto-injector.

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](#).