



# Minimum Standards Revision Notice

---

**Date:** October 21, 2021

**Effective Date:** October 25, 2021

**To:** All Holders of Chapter 746, Minimum Standards for Child-Care Centers

**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 necessary to implement House Bill (H.B.) 1849 and H.B. 4260, 86th Legislature, Regular Session, 2019.

H.B. 1849 added §42.067 to Texas Human Resources Code, and this statute:

- allows a licensed child-care center to administer and store unassigned epinephrine auto-injectors, provided the child-care center meets certain requirements when an unassigned epinephrine auto-injector has been used on a child; and
- outlines requirements related to storage, training, and notification when a licensed child-care center chooses and meets requirements to administer and store unassigned epinephrine auto-injectors.

H.B. 4260 added §773.0145 to Texas Health and Safety Code, and this statute:

- allows child-care facilities, as defined in Texas Human Resources Code §42.002, and other entities to adopt a policy regarding 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 Texas 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. The rules adopted on behalf of DSHS also generally address the requirements listed in Texas Human Resources Code §42.067.

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 Notification

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

Amended §746.307:

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

§746.501. What written operational policies must I have?

Amended §746.501:

- At (29), 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

§746.701. What written records must I keep of accidents and incidents that occur at my child-care center?

Amended §746.701:

- At (3), adds a requirement for a child-care center 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.

### Division 3, Records That Must be Kept on File at the Child-Care Center

§746.801. What records must I keep at my child-care center?

Amended §746.801:

- At (23), adds a requirement for a child-care center that administers and maintains unassigned epinephrine auto-injectors to maintain and make available to Licensing, upon request, a copy of each completed DSHS *Epinephrine Auto-Injectors Reporting Form*; and
- Adds a weblink to the DSHS *Epinephrine Auto-Injectors Reporting Form* in the Helpful Information Box following the rule.

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](#).