



Minimum Standards Revision Notice

Date: October 21, 2021

Effective Date: October 25, 2021

To: All Holders of Chapter 747, Minimum Standards for Child-Care 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 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 §773.014 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 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 Texas 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 (CCR) 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 repeal is necessary to update the implementation of Senate Bill (S.B.) 952, 86th Legislature, Regular Session, 2019. S.B. 952 added §42.042(e-3), (e-4), and (e-5) to Texas Human Resources Code. New §42.042(e-3)(1) required HHSC CCR to align the minimum standards for child-care centers and registered child-care homes with standards for physical activity and screen time in Caring for Our Children (CFOC), 4th edition. CCR extended these requirements to licensed child-care homes in Chapter 747 and adopted rules in March 2021 that incorporated the physical activity and screen time requirements outlined by CFOC. The rules added a new requirement for licensed and registered child-care homes to maintain a written activity plan that includes the physical activity components of the CFOC. This proposal clarifies that requirement by repealing a contradictory rule that allows licensed and registered child-care homes the option of having a written activity plan.

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

§747.305. What emergency and medical situations must I notify parents about?

Amended §747.305:

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

Division 4, Operational Policies

§747.501. What written operational policies must I have?

Amended §747.501:

- At (15), adds a requirement for a child-care home 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

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

Amended §747.701:

- Updates the rule title to be consistent with other Licensing chapters;
- At (3), adds a requirement for a child-care home 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.

Subchapter H, Developmental Activities and Activity Plan

§747.2107. Am I required to have a written activity plan?

§747.2107 is repealed as all child-care homes must now maintain a written activity plan, as outlined in §747.2102, relating to What written activity plans must I follow.

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](#).