



Minimum Standards Revision Notice

Date: October 21, 2021

Effective Date: October 25, 2021

To: All Holders of Chapter 748, Minimum Standards for General Residential Operations

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 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 has adopted the new rule 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 new rule is effective October 25, 2021.

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

Subchapter L, Medication

NEW Division 8, Unassigned Epinephrine Auto-Injectors

§748.2271. What are the requirements if my operation chooses to maintain and administer unassigned epinephrine auto-injectors?

New §748.2271:

- 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;
 - 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; and
 - Maintain and make available for review, upon request, proof that the operation has notified the child’s parent as required.
- 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 contact your CCR inspector or send an email to [RCCR Standards](#).