

Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services
Chapter 745, Licensing
Subchapter D, Application Process
Division 12, Permit Renewal
TAC Section Number(s) §§745.471, 745.473, 745.475, 745.477, 745.479, 745.481,
745.483, 745.485

Final Action

201602379 TRD Docket Number
For Proposed Action

5/27/2016 Publication Date
Proposed Action

X New

X Adopted Without Changes

Effective Date:

X Other (Specify)
December 1, 2017

The new sections are adopted under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The new sections implement HRC §§42.042, 42.048, 42.050, and 42.052.

§745.471. What types of permits need to be renewed?

- (a) A full license, certificate, and registration will expire if it is not renewed.
- (b) There are no renewal requirements for a compliance certificate or listing.

§745.473. When do I need to apply to renew my full license, certificate, or registration?

(a) If your permit is subject to renewal as outlined in §745.471 of this title (relating to What types of permits need to be renewed?), you must do so every two years. During the year that you must renew your permit, your renewal period:

- (1) begins 60 calendar days before the anniversary of when we issued your full permit to you; and
- (2) ends on the date of the anniversary.

(b) If you are late in applying for the renewal of your permit, you have 30 additional calendar days after your renewal period to apply for renewal.

(c) If we issued your permit on or after December 1, 2017, you must apply to renew it two years from the date we issued it to you and every two years thereafter.

(d) If we issued your permit to you prior to December 1, 2017, your first renewal period as described in subsection (a) of this rule will occur in:

(1) 2018 if we issued your permit to you in an even-numbered year; or

(2) 2019 if we issued your permit to you in an odd-numbered year.

§745.475. What does a completed renewal application for a permit include?

(a) A completed renewal application includes the following information:

(1) Verification that the following information is current and accurate:

(A) Your operation's basic information on the DFPS website;

(B) The list of controlling persons at your operation;

(C) The list of your governing body's members, such as officers and owners, if applicable;

(2) Whether your operation continues to need any existing waivers and variances; and

(3) A list of all persons who require a background check because of their affiliation with your operation, as described in §745.615 of this chapter (relating to On Whom Must I Request Background Checks?).

(b) You must submit a completed renewal application in order for us to evaluate your permit for renewal.

§745.477. What happens after Licensing receives my renewal application?

(a) After receiving your renewal application, we evaluate whether you:

(1) Submitted all documentation and information required by §745.475 of this title (relating to What does a completed renewal application for a permit include?);

(2) Are currently meeting all background check requirements; and

(3) Have paid:

(A) All fees required by Subchapter E of this chapter (relating to Fees); and

(B) Each administrative penalty that you owe after waiving or exhausting any due process provided under Tex. Hum. Res. Code §42.078

(b) Within 15 days of receiving your renewal application, we will either send you written notice that:

(1) We have renewed your permit; or

(2) Your renewal application is incomplete, you are not meeting all background check requirements, and/or you have not paid a fee or administrative penalty.

(c) If your renewal application is incomplete and you submitted it during the renewal period, you have unlimited attempts to submit the missing information and to correct the deficiencies until the end of the renewal period.

(d) If your renewal application is incomplete and you submitted it during the late renewal period, you have 15 days to submit a completed renewal application from the date it was rejected.

(e) Notwithstanding any of the other provisions of this subchapter, we may determine that we have good cause to exceed the 15-day timeframe for processing your renewal application in circumstances that would allow us to exceed our timeframes for processing an application for a permit. See §745.327 of this chapter (relating to When does Licensing have good cause for exceeding its timeframes for processing my application?).

§745.479. Will I need to post the written notice of my permit's renewal?

Yes. Upon receiving the written notice of your permit's renewal, you must post the notice at your operation.

§745.481. When does my permit expire?

(a) Your permit expires if:

(1) you do not submit your renewal application during your renewal period or the late renewal period;

(2) you submit your renewal application during the renewal period, we reject your application as incomplete, and you do not submit a completed renewal application before the end of the late renewal period; or

(3) you submit your renewal application during the late renewal period, we reject your application as an incomplete application, and you do not submit a completed renewal application within 15 calendar days after rejection.

§745.483. What must I do if my permit expired?

If your permit expires, your operation must cease operating immediately. Before you can operate again, you will have to submit a new application as required by §745.243 of this chapter (relating to What does a completed application for a permit include?) and pay any necessary fees.

§745.485. Do I have to comply with the renewal requirements if Licensing is taking an enforcement action against my permit?

Yes, your permit is subject to renewal requirements even if we are taking an enforcement action against your permit.

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.