#### 4146 Technical Assistance (new item: 3522-CCL)

##### 4146.1 Providing Technical Assistance

LPPH July 2012

Policy

Licensing staff provide technical assistance as needed to help applicants, permit holders, and operation employees understand and comply with Licensing statutes, administrative rules, and minimum standards.

Technical assistance supplements Licensing's regulatory requirements by providing additional information or clarification. Technical assistance does not repeat the language as written in the minimum standard, rule, or statute.

All technical assistance provided by Licensing staff must be documented in the CLASS system. See 4146.2 Documenting Technical Assistance.

Procedure

Licensing staff provide technical assistance by giving applicants, permit holders, and operation employees additional guidance and information to help them understand and comply with requirements in a specific minimum standard, administrative rule, or statute.

Technical assistance can be provided during inspections or through communications such as telephone and email.

Distributing Documents as Part of Providing Technical Assistance

Any documents Licensing staff distribute as part of providing technical assistance must:

• come from the Technical Assistance Library (TA Library); or

• be an approved DFPS form.

Licensing staff may print or email documents from the TA Library to applicants, permit holders, or operation employees.

##### 4146.2 Documenting Technical Assistance

LPPH July 2012

Policy

Licensing staff document all technical assistance provided to an applicant, permit holder, or operation employee in the CLASS system, including the:

• name of any technical assistance resource or document given; and

• details of discussions regarding how to achieve or maintain compliance.

Documenting Technical Assistance Provided During an Inspection

Procedure

To document technical assistance provided during the course of an inspection, Licensing staff enter the following information on the *Standards Detail* page of the inspection in CLASSMate or CLASS:

1. Select an individual Licensing statute, administrative rule, or minimum standard and choose the appropriate finding.
2. Mark the *Technical Assistance* checkbox.

c. Document in the CLASS or CLASSMate *Technical Assistance Documentation* narrative box:

• a summary of the information provided to the operation, and

• the documents that were shared with the operation. See 4146.1 Providing Technical Assistance.

Documenting Technical Assistance Provided Outside of an Inspection

Procedure

If Licensing staff provide technical assistance (TA) outside the course of an inspection, staff document the TA in the operation's record in CLASS as follows:

1. Create a new chronology, selecting *Operation General* for the type of chronology.
2. List which minimum standard, administrative rule, or statute the assistance was related to.
3. Summarize the information provided.
4. List which documents were shared with the operation. See 4146.1 Providing Technical Assistance.

# Definitions of Terms

LPPH July 2012

**Technical Assistance Library (TA Library):** The [Technical Assistance Library](http://www.dfps.state.tx.us/Child_Care/Search_Texas_Child_Care/CCLNET/Source/TALibrary/TechnicalAssistance.aspx) is an online database of technical assistance resources approved by CCL state office. Licensing staff can access the TA Library through CLASSMate. The TA Library also can be accessed by the public and Licensing staff through the CCL page of the DFPS public website. See 4146 Technical Assistance

Production note: Submitted by CCL: Relevant policies that need a cross-reference to the new policy

##### 3243.1 If the Application Is Incomplete or Contains Errors

LPPH July 2012

Policy

The inspector returns applications that contain errors or are incomplete so that the applicant may correct errors or provide the missing information, and resubmit.

Providing Technical Assistance

The inspector provides technical assistance to the applicant each time the application must be returned. This technical assistance includes a set time limit for when the applicant must resubmit the application.

See:

4146 Technical Assistance

[5260](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.jsp#LPPH_5260) Fee Refund Guidelines

DFPS Rules, 40 TAC [§745.301](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=301)

Texas Human Resources Code [§42.047](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.047)

### 3340 Evaluating During the Initial License Period

LPPH July 2012

Policy

The initial license period allows an operation to demonstrate understanding of minimum standard rules and ensure a safe environment for children with minimal monitoring by Licensing.

The inspector provides technical assistance during this time to help the provider develop the knowledge needed to maintain compliance.

If an operation’s deficiencies result in Licensing staff making a determination that the operation poses a risk to the health and safety of children, Licensing:

1. revokes the initial license;
2. denies the non-expiring license; or
3. both.

Texas Human Resources Code §§[42.047](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.047); [42.072](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.072)

DFPS Rules, 40 TAC §§[745.343](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=343); [745.8605](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8605); [745.8607](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8607)

See also:

[3341](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3300.jsp#LPPH_3341) Conducting Inspections During Initial License Period

[3343](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3300.jsp#LPPH_3343) Time Limit for Issuance of a Non-Expiring License

4146 Technical Assistance

[7600](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.jsp#LPPH_7600) Adverse Actions

#### 4331 Developing a Provider Plan of Action

LPPH July 2012

Policy

A provider plan of action is a tool Licensing may use to help operations comply with Licensing statutes, administrative rules, or minimum standards. The plan may be used to prompt an operation to resolve a pattern of deficiencies that present a low risk to children.

Agreeing to develop and follow a plan is voluntary. A provider plan of action is not remedial action.

A provider plan of action is useful when a review of an operation’s compliance history indicates that:

a a pattern of deficiencies, if continued, may result in remedial action;

b. a repetition or pattern of lower-risk deficiencies demonstrates that compliance is not being maintained; or

c. additional technical assistance may assist the operation in successfully completing a second initial period.

See:

[3342](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3300.jsp#LPPH_3342) Renewing an Initial License

4146 Technical Assistance

Procedure

To develop a provider plan of action for an operation, the inspector:

a completes Section I of [Form 7277](http://intranet.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=7277.doc) Provider Plan of Action within 30 days after the inspection date;

b. attaches Form 7277 to the operation’s compliance history report;

c discusses with the Licensing supervisor the provider plan of action and how to follow up on the operation’s compliance with the plan.