## 4300 Conducting a Follow-Up With an Operation

LPPH ~~August 2012~~ DRAFT 5792-CCL

Policy

Licensing staff conduct a follow-up with an operation to:

a. ensure that the operation is in compliance with any standards or other laws that were cited because of deficiencies during an inspection, investigation, or assessment;

b. determine whether an operation is complying with the conditions of a waiver or variance;

c. determine whether an operation is complying with the conditions of a risk evaluation;

d. conduct the annual review of qualifications of the designated director of a licensed child care center;

e. ensure that all background check matches have been completed;

f. ensure that an operation that is closed due to suspension, revocation, or denial of a permit is no longer operating;

g. monitor the operation during the appeal process;

h. monitor the operation during a temporary relocation; or

i. determine whether an operation is operating after an annual fee notice is returned to DFPS.

See:

[4133.3](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4000.asp#LPPH_4133_3) Child Day Care – Annual Meeting With the Designated Director

[4152](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4000.asp#LPPH_4152) Reviewing Restrictions and Conditions

[5120](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5120) Setting and Monitoring Conditions for the Waiver or Variance

[5270](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5270) When a Fee Notice Is Returned

[5300](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5300.asp#LPPH_5300) Central Registry and Criminal History Searches

[5374](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5300.asp#LPPH_5374) When a Risk Evaluation Is Required

[7320](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7000.asp#LPPH_7320) Temporary Relocation

[7636](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7636) Follow-Up to Suspension, Revocation, or Denial

[7731](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7731) Regulation During Appeal Process

DFPS Rules, 40 TAC [§745.8449](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8449)

Procedure

When determining the type of follow-up action to take, Licensing staff consider:

a. the risk to children;

b. the scope and severity of the deficiency;

c. the time and expense needed to correct the deficiency; and

d. the provider’s previous compliance history.

## 5200 Fees

LPPH ~~December 2011~~ DRAFT 5792-CCL

Policy

CCL must charge fees for permits and for conducting background checks unless an operation is exempt from such fees. All revenue collected from fees with the exception of the $1 per background check fee is deposited in the state’s general revenue fund.

Human Resources Code [§42.0521](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.0521)

### 5210 Types of Fees

LPPH ~~December 2011~~ DRAFT 5792-CCL

Policy

Fees may be charged as follows:

a. Nonrefundable application fee for initial license

b. Initial license fee

c. Annual fee that is due before a license is issued and on the anniversary date of the license

d. Amendment fee

e. Nonrefundable application for registration fee and annual registration fee

f. Nonrefundable application for listing fee and fee for listing

g. Nonrefundable application fee for a compliance certificate

h. Fees for criminal history and Central Registry background checks

Human Resources Code §§[42.054](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.054); [42.056(c)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.056); [42.153(c)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.153); [42.159(e)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.159); [42.203(c)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.203); [42.206(e)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.206)

DFPS Rules, 40 TAC [§745.501](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=501)

If a permit allows for different capacities at different times of the day, the fee is based on the highest capacity. See [5220](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5220) Fee Schedules.

#### 5211 Exemptions From Fees

LPPH ~~May 2012~~ DRAFT 5792-CCL

Licensed Operations

Policy

Certified or state-run operations are exempt from application fees, permit fees, and background check fees.

The following types of operations are exempt from paying permit and background check fees; however, they still must pay application fees:

 • Licensed foster family homes and foster group homes

 • Nonprofit operations regulated under [Chapter 42](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm) of the Human Resources Code that either:

 • provide 24-hour care for children in the managing conservatorship of DFPS during the 12-month period immediately preceding the anniversary date of the operation’s permit; or

 • provide 24-hour residential care and do not charge for the care provided.

Texas Human Resources Code [§42.054(g)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.054)

DFPS Rules, 40 TAC [§745.503](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=503)

Listed Family Homes

Policy

Listed family homes are exempt from all fees if all of the following conditions are met:

a. The caregiver provides care to children related to them.

b. The care is provided in the child’s home.

c. DFPS has received a Texas Workforce Commission *Listed Home Fee Waiver Authorization* certificate exempting the provider from paying fees.

A listed family home is not exempt from paying fees if the home meets the above requirements but also provides care to a related or unrelated child in the caregiver’s home.

Texas Human Resources Code [§42.054(g)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.054)

DFPS Rules, 40 TAC [§745.503](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=503)

Procedure

Licensing staff exempt a listed family home from paying fees after DFPS has received a Texas Workforce Commission (TWC) *Listed Home Fee Waiver Authorization* certificate exempting the provider from paying fees. The Texas Workforce Commission is responsible for determining whether a listed family home is exempt from fees; therefore, Licensing staff do not need to take any other steps to determine whether the home is exempt from paying fees.

To indicate that a listed home is exempt from paying fees in CLASS, Licensing staff:

1. Check the *TWC Subsidy* box under *Operation Type* and enter the *TWC Applied Date* on the *Registered and Listed Homes Main Operation* page.

2. Select *Yes* from the *Exempt From Operations Fee* drop-down box on the Registered and Listed Homes Main Operation page.

3. Complete a *Chronology* (type *Fees*), indicating receipt of the TWC approval form and that the operation is exempt from fees.

If the status of the listed home changes and is no longer exempt from paying fees, then the listed home’s next annual fee is not due until the anniversary of the issuance date the following year.

#### 5212 Requesting and Processing Application and Initial Fees

LPPH ~~December 2011~~ DRAFT 5792-CCL

Policy

Before the acceptance of an application for a permit (that is, during the pre-application period), the applicant must pay:

 • an application fee, unless the applicant is exempt from paying an application fee; and

 • the initial license fee, unless the applicant does not receive an initial license or is exempt from paying an initial license fee. See [5211](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5211) Exemption From Fees.

If the application is withdrawn or the permit is not issued, the application fee is not refunded. However, the fee for an initial license can be refunded. See [5250](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5250) Fee Refund Guidelines.

No new application fee is required if an application is submitted within one month after withdrawal. If the initial license fee was refunded, it must be paid again.

Texas Human Resources Code [§42.054](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.054)

DFPS Rules, 40 TAC §§[745.503](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=503); [745.509](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=509); [745.519](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=T&app=9&p_dir=P&p_rloc=159406&p_tloc=&p_ploc=1&pg=2&p_tac=&ti=40&pt=19&ch=745&rl=519)

Procedure

During the pre-application period, Licensing staff:

a. explains the process and requirements for paying fees during the pre-application period;

b. provides one of the following Child Care Fee Schedules and a fee envelope, depending on the type of operation:

1. [Form 3008](http://intranet.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=3008.docx) Listed Family Home Fee Schedule

2. [Form 3009](http://intranet.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=3009.docx) Registered Child Care Home Fee Schedule

3. [Form 3010](http://intranet.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=3010.docx) Licensed Child Care Fee Schedule

4. [Form 3011](http://intranet.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=3011.docx) Residential Child Care Licensed Fee Schedule

c. instructs the applicant to mail a cashier’s check, corporate check, money order, or certified check for the application fee and initial fee if a fee is required, in the fee envelope with the completed fee form to DFPS Accounts Payable; and

d. instructs the applicant to mail all other application materials to Licensing staff.

Texas Human Resources Code [§42.054](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.054)

DFPS Rules, 40 TAC [§745.517](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=517)

Before accepting an application,

Licensing staff:

 • verifies in CLASS under the *Fees* tab that the fee was paid, if a fee is required; and

 • documents the date the payment was received and the Document Locator Number (DLN) in a *Chronology* (type *Fees*)*.*

See:

[2100](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_2000.asp#LPPH_2100) Providing Information About Licensing Processes

[2110](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_2000.asp#LPPH_2110) Conducting the Pre-Application Interview for a Child Care Permit and sub-items

[3240](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3000.asp#LPPH_3240) Reviewing and Accepting the Application for a Permit

[5211](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5211) Exemptions From Fees

[5220](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5220) Fee Schedules

[5260](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5260) Verification of Fee Payment

#### 5213 Requesting and Processing the First Annual Fee for Licensed Operations

LPPH ~~December 2011~~ DRAFT 5792-CCL

Policy

Before Licensing issues a non-expiring license (that is, during the initial period), the operation must pay the first annual fee, unless the applicant is exempt from paying an annual fee.

If the operation fails to pay the fee before the initial license expires, the Licensing inspector denies issuance of the non-expiring permit.

See:

[5211](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5211) Exemptions From Fees

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

Texas Human Resources Code [§42.054](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.054)

DFPS Rules, 40 TAC [§745.509](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=509)

Procedure

After making one or more inspections of the operation during the initial period and having determined that requirements are or will be met for issuance of the non-expiring license, Licensing staff:

a. give the permit holder the appropriate Child Care Fee Schedule ([Form 3010](http://intranet.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=3010.docx) Licensed Child Care Fee Schedule or [Form 3011](http://intranet.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=3011.docx) Residential Child Care Licensed Fee Schedule) and [Form 2822](http://www.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=2822.doc), Notice of First Annual Fee;

b. instruct the permit holder to mail the form and a cashier’s check, corporate check, money order, or certified check for the annual fee, if a fee is required, before the initial license expires, to DFPS Accounts Payable; and

c. advise operations to pay the fee at least 30 days before the initial license expires.

Before issuing the non-expiring license, Licensing staff:

 • verify in CLASS under the *Fees* tab that the operation has submitted the first annual fee before the end of the initial period, if the operation is required to pay a fee; and

 • document the date the payment was received and the Document Locator Number (DLN) in a *Chronology (*type *Fees).*

If Licensing staff cannot verify that the operation has paid the fee before the initial license expires, he or she denies issuance of the non-expiring permit.

See:

[5260](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5260) Verification of Fee Payment

[7633](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7633) Notice of Decision to Revoke, Deny, or Suspend an Application or Permit

DFPS Rules, 40 TAC §§[745.517](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=517) and [745.509](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=509)

### 5220 Fee Schedules and Consequences When Fees Are Not Paid

#### 5221 Licensed Operations – Fee Chart

LPPH ~~August 2012~~ DRAFT 5792-CCL

The chart below lists the fees that are required for a child care operation to obtain or maintain an initial or non-expiring license. Child care operations include day care operations, residential operations, and child-placing agencies (CPAs).

Some licensed operations may be exempt from certain fees. See [5211](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5211) Exemptions From Fees.

Licensing Fees

| Type and Amount | When to Notify Operation | When Fee Is Due | Consequence If an Operation Fails to Meet Time Frames |
| --- | --- | --- | --- |
| Application: $35 | Inquiry, pre-application, or application | Application acceptance date | Return application as incomplete |
| Initial license for a child care operation (other than a child-placing agency): $35 | Inquiry, pre-application, or application | Application acceptance date | Return application as incomplete |
| Initial license for a child-placing agency: $50 | Inquiry, pre-application, or application | Application acceptance date | Return application as incomplete |
| Initial renewal for a child care operation (other than a child-placing agency): $35 | When the operation is informed that a non-expiring license cannot be issued | Before renewal | Do not renew initial license |
| Initial renewal for a child-placing agency: $50 | When the operation is informed that a non-expiring license cannot be issued | Before renewal | Do not renew initial license |
| First annual fee for a child care operation (other than a child-placing agency): $35 + $1 per licensed capacity | Initial | Before issuance of a non-expiring license | Denial, if the fee is not paid by the issuance date |
| First annual fee for a child-placing agency: $100 | Initial | Before issuance of a non-expiring license | Denial, if fee is not paid by the issuance date  |
| Annual fee for a child care operation (other than a child-placing agency): $35 + $1 per licensed capacity | Two months before the anniversary date of the license (state office notifies) | Anniversary date of a non-expiring license | Automatic suspension, if the fee is not paid by the anniversary date Automatic revocation, if the fee is not paid within six months after the automatic suspension begins |
| Annual fee for a child-placing agency: $100 | Two months before the anniversary date of the license (state office notifies) | Anniversary date of the non-expiring license | Automatic suspension, if the fee is not paid by the anniversary date Automatic revocation, if the fee is not paid within 6 months after the automatic suspension begins |
| Change of ownership or location (not applicable for a CPA that only changes location): $35 for applicationANDFor a child care facility: $35 for initial (only if being issued)For a child-placing agency (not applicable for a CPA that only changes location) issued)ORFor a child care facility: $35 + $1 per licensed annual capacityFor a child-placing agency (other than a change of location): $100 | When notified of the change | Application acceptance date and before issuance | Denial, if the fee is not paid by the issuance date |
| Amendment fee for a child care operation: $1 per licensed capacity increase | Amendment request | Before the amendment is issued | No increase in capacity |

Texas Human Resources Code [§42.054](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.054)

#### 5225 Fees for Background Checks

LPPH ~~May 2012~~ DRAFT 5792-CCL

The chart below outlines fees for background checks for all operations except listed family homes. Background check fees for listed family homes are included in their application and permit fees (see [5223](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5223) Listing ‑ Fee Chart).

Certain operations may be exempt from paying background check fees. See [5211](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5211) Exemptions From Fees.

Fees for Background Checks

| Type and Amountof Fee | When toNotify Operation | When Fee Is Due | Consequence If Operation Fails to Meet Time Frames |
| --- | --- | --- | --- |
| Background check per person: $2 | Not applicable | When Form 2971 is submitted to DFPS staff or online through the DFPS website, the provider simultaneously mails the fee to DFPS accounting with the appropriate fee form. | CCL may suspend or revoke the permit |

Texas Human Resources Code [§42.056(c)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.056)

DFPS Rules, 40 TAC §§[745.507(3)](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=507); [745.509(14)](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=509); [745.517](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=517)

#### 5226 Operations With a Compliance Certificate – Fee Chart

LPPH DRAFT 5792-CCL (new item)

The following chart contains fees required for small employer-based child care operations and temporary shelter child care operations, when the fees are due, and the consequences for failure to pay on time:

| Type and Amountof Fee | When Fee Is Due | Consequences for Failure to PayFee on Time |
| --- | --- | --- |
| Application/ Compliance Certificate fee: $35 | Before application is accepted | Return application as incomplete |
| Background check fee: $2 per person | At the time of request for a background check or on a monthly or quarterly basis | May suspend or revoke permit |

Texas Human Resources Code [§42.054](http://www.statutes.legis.state.tx.us/SOTWDocs/HR/htm/HR.42.htm)

DFPS Rules, 40 TAC [§745.521](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=521)

### 5230 Fees for Multiple Licenses

LPPH ~~December 2011~~ DRAFT 5792-CCL

Policy

If an applicant or permit holder wants separate licenses for different types of operations at the same location, a fee must be paid for each license.

If a day care license allows for different capacities at different times of the day, the fee is based on the highest capacity of each license.

DFPS Rules, 40 TAC §§[745.511](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=511); [745.513](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=513)

See also [2200](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_2000.asp#LPPH_2200) Types of Child Care Permits and Multiple Operations.

### 5240 Fees for Amended Licenses

LPPH ~~December 2011~~ DRAFT 5792-CCL

Procedure

Licensing staff processes a fee for an amended license as follows:

 • If a permit holder requests an amendment to increase the operation’s capacity, the inspector informs the permit holder that he or she must pay a fee for each child added to the capacity before the amended license can be issued.

 • After determining what the new capacity will be, the Licensing staff gives the permit holder the appropriate Child Care Fee Schedule and a fee envelope, and instructs the permit holder to send a cashier’s check, corporate check, money order, or certified check and completed form for required fee to DFPS Accounting.

Before issuing the amended license, Licensing staff:

a. ensures standards relevant to the amendment are met;

b. verifies in CLASS under the *Fees* tab that the fee has been paid; and

c. documents the date the payment was received and the Document Locator Number (*DLN*) for the payment in a *Chronology* (type *Fees*)*.added additional steps for staff to implement*

The fee is **not** prorated. If a license is amended to reduce capacity, the permit holder does not receive a refund. The reduction is reflected in the next annual fee payment.

DFPS Rules, 40 TAC §§[745.509(12)](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=509); [745.517](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=517)

### 5250 Fee Refund Guidelines

LPPH ~~December 2011~~ DRAFT 5792-CCL

Policy

No refund is made if a permit is revoked or relinquished.

Fees that have been paid may be refunded only under certain conditions. Those conditions are outlined in the following refund chart:

Texas Human Resources Code [§42.054](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.054)

Refund Chart

| Type of Fee | Conditions for Refund |
| --- | --- |
| Application fee when issuance was late | Fee is refunded after appeal |
| Initial application fee | Nonrefundable fee |
| Initial license fee | Refunded if the application is withdrawn, or the license is not issued |
| First license fee | Refunded if the initial license expires with no license being issued |
| Registration fee: initial (application) and annual | Nonrefundable |
| Listing Fee: initial (application) and annual | Nonrefundable |
| Background check fee | Nonrefundable |
| Amendment to license fee | Refunded if the amendment is not issued |
| All fees | Refunded if the fee is overpaid |
| All annual fees | Nonrefundable |

DFPS Rules, 40 TAC [§745.519](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=519)

Procedure

Within 30 calendar days of determining the refund is due, Licensing staff completes [Form 4116](http://www.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=4116xe.doc) State of Texas Purchase Voucher, to process a refund.

### 5260 Verification of Fee Payment

LPPH ~~December 2011~~ DRAFT 5792-CCL

Procedure

An interface between CLASS and the DFPS accounting system provides CLASS with fee information.

To verify that a fee has been paid, Licensing staff;

 • click on the *Fees* tab to open the *Payment Information Summary* page; and

 • review information on the page to determine whether the fee payment is documented with the correct fee amount. Added additional steps for staff to follow.

If the Fee Is Not on the Operation’s *Payment Information Summary* Page in CLASS

If the fee information is not on the operation’s *Payment Information Summary* page in CLASS, Licensing staff completes the following tasks in the order listed below until payment is verified and documented in the operation’s record in CLASS.

Step 1: Complete Payment Verification Search

Licensing staff complete a search for a payment through the *Verify Payments* link in CLASS (located in *CLASS Tools)*.

If the payment is identified and confirmed through the search, Licensing staff:

a. attach the payment to the operation by checking the *Select* box and saving the page;

b. confirm that the payment has been attached to the operation by reviewing the operation’s *Payment Information Summary* page in CLASS; and

c. document the information in a *Chronology (*type *Fees).new step for staff*

If the payment is *not* confirmed after completing the search, Licensing staff complete Step 2, below.

Step 2: Obtain Receipt and Complete Subsequent Payment Verification Search

If the payment is not confirmed through the search outlined in Step 1, Licensing staff:

 • obtain proof of payment (canceled check, copy of money order, or documentation from banking institution) furnished by the permit holder or applicant; and

 • conduct another search for the payment through the *Verify Payments* link in CLASS (located in *CLASS Tools*), narrowing the scope of the search by the date on the receipt.

If the payment is identified and confirmed, Licensing staff:

a. attach the payment to the operation by checking the appropriate *Select* box and saving the page;

b. go to the operation’s *Payment Information Summary* page to confirm that the payment has been attached in CLASS;

c. document the information in a *Chronology (*type *Fees);* and new step

d. file proof of payment in the hard copy record.

If the payment is *not* identified after obtaining a receipt and completing a second search, the inspector completes Step 3, below.

Step 3: Payment Not Verified After Two Searches

If the payment is not identified after completing the tasks outlined in Step 2, Licensing staff:

 • enter a *Chronology* (type *Fees)* detailing the payment information;

 • file proof of payment in the hard copy record; and

 • consider the fee paid.

#### 5261 How to Verify and Follow-Up on a Non-Sufficient Fund Payment (NSF)

LPPH DRAFT 5792-CCL (new item)

Procedure

If Accounts Payable rejects a fee payment because of non-sufficient funds (NSF) or other reasons, Licensing staff must:

a. follow-up with the operation;

b. ensure the payment is re-submitted; and

c. verify the payment in CLASS once Accounts Payable processes the payment.

Licensing staff complete the following tasks in the order listed below to reconcile a NSF payment.

Step 1: Licensing Staff Receive Notification of an NSF Payment

State office Licensing staff send the following information to the appropriate Licensing staff whenever Accounts Payable notifies state office of a NSF payment:

a. A scanned copy of the NSF check

b. A copy of the notification Accounts Payable sent to the provider

c. Instructions to follow-up with the operation

Step 2: Licensing Staff Notify an Operation of an NSF Payment

Within five days of receiving notification from state office, Licensing staff follows up with the operation by notifying the operation of all of the following:

a. The check received from the operation for the fee payment was returned for non-sufficient funds.

b. The fee payment must be submitted by a specific date set by Licensing staff.

c. The operation should pay the outstanding fee in the form of a money order or cashier’s check.

d. The action that Licensing may take if the fee is not paid.

Licensing staff documents a *Chronology* (type *Fees*) in CLASS and includes all of the following information:

a. The Document Locator Number (DLN) of the fee that was returned as NSF

b. The date that the operation was notified of the NSF payment

c. The person that Licensing staff informed of the NSF payment

d. The date by which Licensing staff instructed the operation to resubmit the payment

Licensing staff files a copy of the rejected payment notice in the operation’s external file.

Step 3: Licensing Staff Verify Payment

Once an operation resubmits a payment, Accounts Payable re-enters the payment information into the accounting system and the payment verification is automatically sent to CLASS with a new Document Locator Number (DLM).

Licensing staff must verify that the payment is documented in CLASS under the *Fee* tab before issuing or renewing an initial or non-expiring permit. Staff may request a copy of the cashier’s check that was submitted if the payment is not showing in CLASS, but it still needs to be resolved in CLASS before issuance or renewal.

If the operation does not resubmit the payment by the set deadline, Licensing staff complete the following steps for non-payment of fees:

a. Follows procedures to return application as incomplete if the application fee is not paid timely (see [5220](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5220) Fee Schedules and Consequences When Fees Are Not Paid)

b. Follows procedures for auto-suspension or auto-revocation if the annual fee is not paid timely (see [7800](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7800) Automatic Actions)

c. Follows procedures for actions taken when fees other than the application fee or annual fee are not paid (see [5220](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5220) Fee Schedules and Consequences When Fees Are Not Paid).

Licensing staff documents a *Chronology* (type *Fees*) and includes:

 • the Document Locator Number (*DLM*) of the new fee payment, if the payment was resubmitted; or

 • the action taken, if the payment was not resubmitted by the deadline.

Step 4: Licensing Staff Notify State Office Staff

Within 15 days of being notified of the NSF payment, Licensing staff notifies Licensing state office via email of the follow-up results, including whether the fee was paid or what action was taken if operation failed to resubmit the payment by the deadline.

### 5270 Fee Notice Is Returned

#### 5271 Licensed and Registered Operations

LPPH ~~December 2011~~ DRAFT 5792-CCL (new item; currently a subheading of 5270)

Procedure

If the post office returns an annual fee notice marked *undeliverable at this address, address unknown,* or otherwise indicates that the operation did not receive the notice, the inspector completes an inspection at the operation to determine whether it is operating.

##### 5271.1 Inspector Determines Operation Is Operating During the Inspection

LPPH DRAFT 5792-CCL (new item)

Procedure

If someone is present at the operation and the inspector determines that the operation is operating during the inspection, the inspector documents the inspection as a *Follow-up* inspection (see [4300](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4300.asp#LPPH_4300) Conducting a Follow-Up With an Operation).

Before leaving the operation, the inspector:

a. confirms the operation’s contact information and mailing address and updates the information in CLASS, if necessary;

b. provides the operation with the annual fee notice that was returned to DFPS;

c. instructs the operation that the fee must be paid within five days; and

d. documents in the *Narrative* text box on CLASS Form 2936 that the fee notice was provided to the operation

Following the completed inspection, Licensing staff:

 • file a copy of the returned notice in the hard copy record; and

 • follow steps to ensure payment is received within 10 days after the inspection (see [5260](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5260) Verification of Fee Payment).

##### 5271.2 Inspector Determines Operation Is Not Operating During Inspection

LPPH DRAFT 5792-CCL (new item)

Procedure

If someone is present at the operation and the inspector verifies the operation’s intent to no longer operate, the inspector:

 • documents the inspection as a *Follow-Up* inspection(see [4300](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4300.asp) Conducting a Follow-Up With an Operation); and

 • includes a statement that the operation is not operating in the *Narrative* text box on CLASS Form 2936 Child Care Facility Inspection form.

After a completed follow-up inspection, Licensing staff:

a. file the returned notice in the hard copy record;

b. close the license or registration in CLASS as a voluntary closure (see [7340](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7000.asp#LPPH_7340) Voluntary Closure) within 10 days after the inspection; and

c. inform the Child and Adult Care Food and Nutrition Program staff of the Department of Agriculture, if applicable, within 10 days after the inspection.

##### 5271.3 No One Is Present at the Operation During Inspection

LPPH DRAFT 5792-CCL (new item)

Procedure

If no one is present at the operation and it can be determined that the operation is no longer operating and caring for children, the inspector completes all of the following tasks within 10 days after the inspection:

a. Documents the inspection as a *Follow-up* inspection

b. Documents the determination in a *Chronology* (type *Monitoring)*

c. Closes the license or registration in CLASS as a voluntary closure (see [7340](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7000.asp#LPPH_7340) Voluntary Closure)

d. Informs the Child and Adult Care Food and Nutrition Program staff of the Department of Agriculture, if applicable.

If no one is present at the operation and it cannot be determined whether the operation is operating and continuing to care for children, then within 10 days the inspector:

a. documents the inspection as an *Attempted* inspection;

b. documents the observations made during the inspection in the *Narrative* text box on CLASS Form 2936 Child Care Facility Inspection form; and

c. consults with the supervisor to determine the next course of action.

The inspector files the notice in the hard copy record after it is returned.

#### 5272 Listed Family Homes

LPPH ~~December 2011~~ DRAFT 5792-CCL (new item; currently a subheading of 5270)

Procedure

If the post office returns an annual fee notice marked *undeliverable at this address*, *address unknown*, or otherwise indicates that the operation did not receive the notice, within10 days, Licensing staff:

a. file the returned notice in the hard copy record;

b. document the contact information in the *Chronology* within 10 days after the inspection; and

c. close the listing in CLASS as a voluntary closure within 10 days after the inspection (see [7340](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7000.asp#LPPH_7340) Voluntary Closure).