**Licensing Policy and Procedures**

**Handbook Revision \_\_**

This revision of the Licensing Policy and Procedures Handbook was published on \_\_\_\_. Summaries of new or revised items are provided below.

For Licensing revisions only: Immediately following signoff, Licensing staff will prepare a highlighted document showing significant changes that we will post with the revision memo.

Caregiver Ratios Beyond Licensing Requirements

The items below have been revised to instruct CCL staff that operations may use caregiver ratios stricter than what is required by Licensing. CCL staff will consider this when determining a staff shortage. In the Definitions of Terms section of the LPPH, the definition of "staff shortage" will be revised to indicate that operations can have caregiver ratios stricter than what is required by Licensing. Display of Revisions with Changes Highlighted (Word Document)

See:

Definitions of Terms

5319 Determining a Staff Shortage

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

### Definitions of Terms

LPPH ~~March 2014~~ DRAFT 7582-CCL

**staff shortage** – When a child care operation cannot comply with the minimum standards or an operation's own documented ratios that are stricter than minimum standards without allowing a staff person who has not completed his or her fingerprint check to provide direct care or have direct access to the children in care; that is, when an operation lacks the staff (for example, a director, food preparation staff, treatment director, or caregiver) to perform an essential day-to-day function.

#### 5319 Determining a Staff Shortage

LPPH ~~April 2013~~ DRAFT 7582-CCL

Procedure

When an operation indicates it allowed, or is currently allowing, a person to provide direct care or have direct access to a child in care before receiving fingerprint results, as described in [5318](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5300.asp#LPPH_5318) Allowing Direct Access Before a Background Check Is Complete, Licensing staff requests the following from the operation to ensure a staff shortage did or does exist:

a. Employee attendance records

b. Attendance records (for day-care operations) or placement records (for residential operations) for children in care

c. Operational policy or parent handbook

d. Any additional documentation that can demonstrate a staff shortage

If Licensing staff determine that a staffing shortage did not exist at the time the operation allowed a person to provide direct care or have direct access to a child before the person’s fingerprint results were received, then Licensing staff cite the operation for violating Human Resources Code [*§42.056(g)*](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.056).

DFPS Rules, 40 TAC §§[744.801](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=744&rl=801); [744.905](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=744&rl=905); [746.801](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=746&rl=801); [746.905](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=746&rl=905); [747.635](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=747&rl=635)