#### 3213 Topics Covered and Forms Provided During the Pre-Application Interview

LPPH DRAFT 10772-CCL ~~September 2015~~

During a pre-application interview with a person interested in running a child-care operation, the inspector explains the process for obtaining a child care permit.

 • If an application is returned three times within one year because it is incomplete, the applicant must wait one year before submitting another application.

 • The inspector has 21 days to review each submission for completeness.

 • After an application is accepted, the inspector has two months to decide whether to issue or deny a permit.

 • An initial license may be issued so that the operation can be evaluated before it is issued a full license.

The inspector explains the administrative procedures to be followed and the requirements to be met under the permit, including:

 • governing body responsibilities;

 • controlling person responsibilities; and

 • background check responsibilities.

The inspector also discusses the criteria an operation would have to meet to be exempt from Licensing regulation.

See:

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

[2300](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_2000.asp#LPPH_2300) Determining Whether a Program Is Subject To or Exempt From Regulation

DFPS Rules, 40 TAC §§[745.37](http://texreg.sos.state.tx.us/public/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=37); [745.113](http://texreg.sos.state.tx.us/public/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=113)

## 3500 Steps to Take After Issuing the Initial License

### 3510 Evaluating During the Initial License Period

LPPH DRAFT 10772-CCL ~~September 2015~~

Policy

The initial license period allows an operation to demonstrate understanding of minimum standards 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 the inspector making a determination that the operation poses a risk to the health and safety of children, Licensing denies the full license.

Texas Human Resources Code §§[42.047](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.047); [42.048](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.048); [42.072](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.072)

DFPS Rules, 40 TAC §§[745.343](http://texreg.sos.state.tx.us/public/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=343); [745.347](http://texreg.sos.state.tx.us/public/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=347); [745.8605](http://texreg.sos.state.tx.us/public/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=8605); [745.8607](http://texreg.sos.state.tx.us/public/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=8607)

See also:

[3511](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3400.asp#LPPH_3511) Conducting Inspections During the Initial License Period

[3520](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3400.asp#LPPH_3520) Renewing an Initial License

[3531](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3400.asp#LPPH_3531) Time Frame for Issuing a Full License

[4154](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4000.asp#LPPH_4154) Technical Assistance

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

#### 3521 How to Renew an Initial License

LPPH DRAFT 10772-CCL ~~March 2017~~

Procedure

The inspector discusses the recommended decision to renew the initial license with the permit holder. The inspector informs the operation that a new application must be submitted and a fee for the new initial license must be paid.

The governing body may submit a new application or may re-sign and re-date the original. If the permit holder agrees, the inspector proceeds with acceptance of the new application and renewal of the initial license.

The second initial permit may be entered into the CLASS system any time up to the first day after the first initial permit expires. For example, if the initial permit expires August 31, the second initial permit must be entered in CLASS no later than September 1.

The inspector develops a plan of action for the operation to achieve compliance during the second initial period, as appropriate. If the permit holder does not agree, the inspector informs the permit holder that a denial of the full license will result and the operation must close.

DFPS Rules, 40 TAC §§[745.347](http://texreg.sos.state.tx.us/public/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=347); [745.349](http://texreg.sos.state.tx.us/public/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=349); [745.353](http://texreg.sos.state.tx.us/public/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=353)

See also:

[7350](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7000.asp#LPPH_7350) Plan of Action

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

[7620](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7620) Criteria for Taking Adverse Action

### 3530 Full License

(title change)

#### 3531 Time Frame for Issuing a Full License

LPPH DRAFT 10772-CCL ~~September 2015~~ (rev, title)

The inspector signs and mails the full license and issuance letter (which are both generated in CLASS) within six months after the date the initial license is issued or renewed.

The full license must be issued no later than the first day after the initial permit expires. For example, if the initial permit expires August 31, the full license must be entered in CLASS no later than September 1.

The effective (issuance) date of the permit is the date that the inspector signs the permit. The full permit supersedes the initial license.

##### 3531.1 Criteria for Issuing a Full License

LPPH DRAFT 10772-CCL ~~September 2015~~ (rev, title)

Policy

The inspector issues the full license when:

 • the initial license has been in effect for at least three months;

 • the operation has satisfied initial licensing requirements by maintaining compliance on a continuing basis;

 • three inspections have been made while children are in care, unless supervisory approval has been secured to make fewer inspections;

 • payment of the full license fee has been verified; and

 • the Licensing record is updated to reflect the basis for issuance.

DFPS Rules, 40 TAC §[745.351](http://texreg.sos.state.tx.us/public/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=351)

If an investigation is in progress at the end of the initial period, the inspector delays the decision to issue the full license until the investigation is complete, or recommends denial. The initial license continues in effect and does not expire until a decision to issue or deny is made. The inspector documents the reason for the delay in CLASS.

#### 3532 Full License for an Operation That Changes Ownership or Location

LPPH DRAFT 10772-CCL ~~September 2015~~ (rev, title)

Procedure

If a licensed or certified operation (other than a child-placing agency or an operation with a compliance certificate) changes its ownership or location, the permit is automatically revoked. However, an operation that was licensed at the time it changed ownership or location qualifies for a full license without going through the initial license period if the operation does not change:

 • policy and procedure, including the type of child care services offered; and

 • the staff who have direct contact with the children.

A child-placing agency that changes location is not required to submit an application for a new permit.

Exception for an Operation Not in Compliance

The inspector may issue an initial license in lieu of a full license to a previously licensed operation that:

 • changed ownership or location; and

 • has not demonstrated full compliance with statute, rule, and minimum standards.

Texas Human Resources Code §§[42.048](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.048); [42.051](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.051)

DFPS Rules, 40 TAC §§[745.321](http://texreg.sos.state.tx.us/public/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=321); [745.345](http://texreg.sos.state.tx.us/public/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=345)

See also:

[3313.4](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3000.asp#LPPH_3313_4) Evaluating Compliance

[3920](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3400.asp#LPPH_3920) Change of an Operation’s Location

[3930](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3400.asp#LPPH_3930) Change of Ownership

### 3540 Decision Not to Recommend Issuance

LPPH DRAFT 10772-CCL ~~September 2015~~

Policy

The inspector obtains supervisory approval if recommending that the initial license be allowed to expire without issuing a full license. See [3230](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3000.asp#LPPH_3230) Withdrawal of an Application for a Permit.

Texas Human Resources Code §[42.051(b)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.051)

DFPS Rules, 40 TAC §[745.347](http://texreg.sos.state.tx.us/public/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=347)

### 3550 Denying a Full License

LPPH DRAFT 10772-CCL ~~September 2015~~ (rev, title)

Procedure

If the recommendation is to deny issuance of a full license, the inspector sends documentation to the supervisor before the end of the initial period so that the intent to deny letter can be signed within the six months.

See:

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

[7620](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7620) Criteria for Taking Adverse Action

## 3800 Handling Changes in an Operation, Type of Permit, Location, and Ownership

(title change)

### 3810 Circumstances That May Require Amending the Permit

LPPH DRAFT 10772-CCL ~~September 2015~~

Policy

Changes Affecting Restrictions or Conditions

The permit may need to be amended because of changes requested by the operation that affect restrictions or conditions on the permit, including:

 • an increase or decrease to the operation’s infant capacity, if the operation is a licensed child care center;

 • an increase or decrease to the operation’s total capacity;

 • an increase or decrease in outdoor or indoor space to accommodate children ;

 • a change in the age range of children in care;

 • a reduction in the number of toilets or sinks;

HHSC Rules, 26 TAC §§[744.301](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=744&rl=301); [746.301](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=746&rl=301); [747.301](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=747&rl=301); [748.153](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=748&rl=153)

 • a change in the type of service, for residential operations;

 • a change from a before or after-school program to a school-age program (or the reverse);

 • the opening or closing of, or a change in the location of, a branch office for child-placing agencies; or

 • a change of location by a listed family home, registered child care home, or child-placing agency.

Changes Required to Be Reported To Licensing

Administrative rules and minimum standards for all types of operations (except listed homes and operations that have compliance certificates) require an operation’s governing body to notify Licensing before making any change that would violate the restrictions or conditions on the permit.

HHSC Rules, 26 TAC §§[744.301](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=744&rl=301); [746.301](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=746&rl=301); [747.301](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=747&rl=301); [748.1203](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=748&rl=1203); [749.1101](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=749&rl=1101); [750.153](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=750&rl=153); [750.1009](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=750&rl=1009)

If a child-placing agency is going to move, the permit holder must notify Licensing of the move no later than 15 days before the move.

DFPS Rules, 40 TAC §[745.435](http://texreg.sos.state.tx.us/public/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=435)

Changes That Are Not Reported

The permit may need to be amended because of changes made by the permit holder that are not reported and that affect either the restrictions or conditions on the permit, or both.

The inspector must address the change as soon as he or she learns of it and determine if the failure to report the change was a violation of minimum standards.

Changes Imposed by Licensing

The permit may need to be amended because of changes imposed by Licensing to remedy a failure to comply with the licensing statute, administrative rules, or minimum standards.

If the permit holder does not agree to a change that the inspector is imposing as a remedy, the inspector handles the amendment as an adverse action. A permit holder has a right to an administrative review and appeal when Licensing staff plan an adverse amendment after issuance that changes restrictions or conditions to a permit.

See:

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

[7700](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7700) Legal Actions When an Operation Disagrees With the Actions of an Inspector.

Changes Imposed by Governmental Entities Other than Licensing

If Licensing learns of local ordinances or regulations that would affect the restrictions or conditions on the permit, Licensing staff amend the permit in order to comply with those ordinances or regulations.

#### 3811 When and How to Evaluate a Change That Poses Risk to Children

LPPH DRAFT 10772-CCL ~~April 2010~~ (rev, title)

Policy

The inspector must evaluate the change and may deny the request if it would pose a risk to children. The operation must wait until the changes are approved by Licensing before making the change in the operation. The inspector must evaluate the following changes before approving them:

 • an increase or decrease to the operation’s infant capacity, if the operation is a licensed child care center;

 • an increase or decrease to the operation’s total capacity;

 • an increase or decrease in outdoor or indoor space to accommodate children;

 • a change in the age range of children in care;

 • a reduction in the number of toilets or sinks; and

 • a change in the type of service, for residential operations.

If the operation is on an evaluation or probation plan, or has been notified of adverse action, the inspector must deny the request for a change if the change would increase the risk to children.

Procedure

Evaluating Physical Changes to the Operation

A physical change includes:

 • additions or reductions to indoor space to be used by children in care;

 • addition of a swimming pool or other permanent body of water on the premises;

 • the increase or decrease in outdoor space (for child care centers, school-age programs, and before or after-school programs); or

 • a child-placing agency that moves to a new location.

Conducting an Inspection

If a physical change has been made to the operation, the inspector conducts an inspection within 30 days after receiving the information from the operation. The inspector evaluates all standards related to the child-placing agency’s location and building.

Obtaining Fire and Health Inspections

The inspector ensures that a licensed operation obtains approved fire and health inspections as required when adding space to increase capacity.

This does not apply to licensed child care homes.

Evaluating a Request to Increase Capacity

If the operation has requested an increase in capacity, the inspector evaluates the request by reviewing floor plans or conducting an inspection to verify that the operation has adequate space, toilets, and sinks to accommodate the increase.

Public Hearing Requirements for Residential Operations

For residential child care operations that are subject to public notice and hearing requirements, the notice must be published after the request to increase capacity has been evaluated by Licensing (see [3321](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3000.asp#LPPH_3321) Public Notice and Hearing Requirements for Residential Licensing and its subitems).

Evaluating Other Requests

For all other requests, the inspector reviews the operation’s compliance history and may also review the operation’s policies. The inspector may also conduct an inspection to determine if the requested changes are appropriate.

If changes to the permit are approved, the inspector makes those changes according to 3823 How to Amend the Permit in CLASS.

#### 3812 When a Listed Family Home, Registered Child Care Home, or Child-Placing Agency Changes Location

LPPH DRAFT 10772-CCL ~~April 2010~~ (current 3921.1–3921.3 combined into this section)

Policy

Child-Placing Agency

If a child-placing agency (CPA) is going to move, the permit holder must notify Licensing of the move no later than 15 days before the move. The inspector sends [Form 2969](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2969.doc) CPA Change of Address letter to the permit holder. The permit holder completes page two of the form and returns it to Licensing. The inspector processes the move as an amendment to the license and inspects the new location before issuing the amended permit.

There is no additional fee for a change in location for a CPA.

If a CPA moves without giving Licensing timely notification of the move, the license may be revoked.

DFPS Rules, 40 TAC §[745.435](http://texreg.sos.state.tx.us/public/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=435)

Listed Family Home or Registered Child Care Home

If a listed family home or registered child care home changes location, the permit holder must notify Licensing as early as possible before the move, but no later than 15 days after the move.

The inspector provides CLASS Form 2811 *Change of Address Request*, and the permit holder must complete the form showing the new address.

For a listed family home, the inspector amends the listing permit to reflect the new address. For a registered child care home, the inspector conducts an inspection and evaluates for compliance with the standards affected by a change in location. If there is compliance with minimum standards, the inspector amends the registration permit to reflect the new address.

The issuance date on the listing or registration permit is not changed and the listing or registration remains in effect.

There is no additional fee for a change in location for the listed or registered operation. If a listed or registered operation moves without notifying Licensing within 15 days of the move, the listing or registration permit may be revoked.

DFPS Rules, 40 TAC §§[745.431](http://texreg.sos.state.tx.us/public/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=431); [745.433](http://texreg.sos.state.tx.us/public/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=433)

Intake note: Current 3812–3816 deleted.

### 3820 How to Evaluate and Process Amendments to a Permit

(title change)

#### 3821 How to Address Plans for Change

LPPH DRAFT 10772-CCL ~~April 2010~~

Procedure

Determine whether the change will necessitate amending the permit. When information about a plan for changing the operation is received, the inspector completes the following tasks:

 a. Determine whether the changes could violate statute, administrative rules, or minimum standards.

 b. Discuss the change with the permit holder or designee to ensure agreement with the changes to the permit.

 c. If compliance is established, document the changes in CLASS, which may include processing the amendment by preparing a new permit.

#### 3822 Documenting Changes for Child Day Care Operations When Amending the Permit is Not Required

LPPH DRAFT 10772-CCL ~~September 2012~~ (rev, title)

Procedure

Licensed or Certified Child Day Care Operations

If amending the permit is not required but the restrictions recorded on [Form 2910](http://intranet/Application/Forms/showFile.aspx?Name=2910.pdf) Child Day Care Licensing Application have changed, the inspector documents the changes in the operation’s record in CLASS and notes the changes made in CLASS Chronology.

Registered Child Care Homes

If amending the permit is not required, but the restrictions recorded in CLASS have changed, the inspector documents the changes in the operation’s record in CLASS.

Restrictions that do not require an amendment of the permit include changes to the operation’s capacity, the ages of the children, and the hours, days, and months of operation.

Licensing staff document any conditions or restrictions that need to be noted on the permit in the *Description* box of the *Conditions for Permit, Registration or Certification* section of the operation’s *Issuance* page in CLASS.

#### 3823 How to Amend the Permit in CLASS

LPPH DRAFT 10772-CCL ~~December 2011~~ (rev, title)

Procedure

If amending the permit is necessary, the inspector enters information in CLASS as follows:

 a. If the operation is a listed family home, registered child care home, or a child-placing agency (including a branch office), and changes are made to the operation’s address, the inspector documents and validates the new address on the operation’s *Main* page in CLASS.

 b. If the operation is a child-placing agency or a general residential operation and the operation made changes to the services the operation provides, the inspector documents the changes in services on the operation’s *Main* page.

 c. If the operation made changes to the capacity or the gender and ages served, the inspector documents the changes in the *Restrictions* section on the *Issuance* page.

 d. If the inspector places any other conditions on the permit, he or she documents the changes and the effective date in the *Conditions for Permit, Registration, or Certificate* section on the *Issuance* page.

 e. For all changes, the inspector documents an effective date and a summary of the reason for the amended permit in the *Full Issuance Amendments* section on the *Issuance* page.

 f. The inspector creates and prints a copy of the amended permit and applicable issuance letter and mails or delivers the copy to the operation.

Adverse Amendments

If the permit holder does not agree to the changes, the inspector handles the amendment as an adverse action.

The inspector sends the necessary documentation with the amendment recommendation to the Licensing supervisor for approval.

The inspector mails the permit with a certified letter prepared according to [7600](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7600) Adverse Actions.

Intake note: current 3824, 3825 deleted.

### 3830 Changes that Require an Application for a New Permit

LPPH DRAFT 10772-CCL (currently 3900, an undated heading with no content)

Policy

The governing body or owner of an operation must apply for a new permit and submit the appropriate fees for a change in:

 • permit type;

 • location for operations other than listed family homes, registered child care homes, temporary shelter programs, small employer-based child care operations, and child-placing agencies; and

 • ownership (see 3833 Change of Ownership).

DFPS Rules 40 TAC §§[745.429](http://texreg.sos.state.tx.us/public/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=429); [745.435](http://texreg.sos.state.tx.us/public/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=435); [745.437](http://texreg.sos.state.tx.us/public/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=437);

HHSC Rules 26 TAC §§ [744.301](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=744&rl=301); [746.301](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=746&rl=301); [747.301](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=747&rl=301); [748.153](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=748&rl=153); [749.153](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=749&rl=153)

#### 3831 Change to Type of Permit

LPPH DRAFT 10772-CCL ~~September 2012~~ (title, number, rev; currently 3912)

Policy

A governing body’s request to change permit type may include:

 a. a licensed operation becoming a registered or listed operation or an operation with a compliance certificate;

 b. an independent foster home becoming a general residential operation;

 c. a registered operation home becoming a licensed or listed operation;

 d. a listed operation becoming a registered or licensed operation;

 e. an operation with a compliance certificate becoming a licensed operation; or

 f. a licensed operation transitioning into another licensed type of operation that is governed under a different chapter of minimum standards.

##### 3831.1 Establishing Compliance With Minimum Standards

LPPH DRAFT 10772-CCL ~~September 2012~~ (title, number, rev; currently 3911)

Policy

The operation must establish compliance with the minimum standards applicable to the new type before a new permit is issued.

See [3310](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3000.asp#LPPH_3310) Evaluating Before Issuing a Permit to determine whether to issue an initial or full permit to a licensed operation.

See [3313](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3000.asp#LPPH_3313) Inspecting the Operation (Except Listed Homes) to determine which administrative rules or minimum standards must be evaluated for compliance before issuance.

#### 3832 Change of an Operation’s Location

LPPH DRAFT 10772-CCL ~~September 2015~~ (rev, number; currently 3920)

Policy

If a licensed or certified operation (other than a child-placing agency) changes its location, the permit is automatically revoked. However, an operation that was licensed at the time it changed location qualifies for a full license without going through the initial license period. This applies only if the operation does not change:

 • policy and procedure, including the type of child care services offered; and

 • the staff who have direct contact with the children.

Procedure

The permit holder must notify Licensing as early as possible before the move and reapply for a new permit in order to operate at the new location. If the permit holder did not notify Licensing of the change in location, but Licensing staff learns that a licensed or certified operation (other than a child-placing agency) has changed or will change location, the inspector sends CLASS Form *Vol Suspension/Relocation/Clsr Letter 2865e, 2825* to the permit holder confirming the move. Along with the form Licensing staff must include new application materials (or instructions on where to find a copy of the application materials online) if they had not been provided previously.

Licensed operations must pay new application and license fees. Certified operations and operations with compliance certificates must pay new application fees.

Texas Human Resources Code §[42.048](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.048)

HHSC Rules, 26 TAC §§[743.7](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=743&rl=7); [750.1009(1)](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=750&rl=1009)

DFPS Rules 40 TAC §§[745.429](http://texreg.sos.state.tx.us/public/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=429); [745.435](http://texreg.sos.state.tx.us/public/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=435)

See [3532](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3400.asp#LPPH_3532) Full License for an Operation That Changes Ownership or Location.

#### 3833 Change of Ownership

LPPH DRAFT 10772-CCL ~~September 2015~~ (rev, number; currently 3930)

Policy

If a change in ownership occurs in an operation, the permit is revoked.

A change in ownership includes any of the following:

 a. The owner stated on the permit no longer owns the operation.

 b. The governing body stated on the permit no longer has the ultimate authority and responsibility for the operation.

 c. There is a change in the legal organizational structure of the operation.

 d. If the permit holder is a type of business entity, and that business entity is sold.

Exception

If the permit holder is a type of business entity, and that business entity is sold, a change in ownership of an operation does not include the acquisition of a corporate permit holder’s publicly traded stock if all of the following conditions exist:

 a. The corporate permit holder listed on the application and on the permit will continue to exist as the same corporate entity and to own and operate the operation.

 b. There will be no change in the operation’s policy or procedure because of the transaction.

 c. There will be no change in the staff who have contact with children in care because of the transaction.

 d. Any change in the day-to-day operations that might occur after the sale is in the ordinary course of business and not as a result of the stock transaction.

Texas Human Resources Code [§42.048](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.048)

DFPS Rules, 40 TAC §[745.437](http://texreg.sos.state.tx.us/public/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=437)

Procedure

The permit holder must notify Licensing as early as possible before the change in ownership, and the new owner must apply for a new permit. If the permit holder did not notify Licensing of the change in ownership, but Licensing staff learn that an operation has changed or will change ownership, the inspector sends CLASS Form *Vol Suspension/Relocation/Clsr Letter 2865e, 2825*, to the permit holder or the new owner, as appropriate, confirming the change. The inspector also provides application materials to the new owner or instructions on where to find a copy of the application materials online.

Operations must pay new application and license fees, as applicable.

DFPS Rules, 40 TAC §[745.439](http://texreg.sos.state.tx.us/public/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=439)

HHSC Rule 26 TAC §§[744.303](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=744&rl=303); [746.303](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=746&rl=303); [748.153](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=748&rl=153); [749.153](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=749&rl=153); [750.123(1)](http://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=750&rl=123)

#### 3834 Steps to Process an Application

LPPH DRAFT 10772-CCL ~~September 2012~~ (rev, title, number; currently 3933)

Procedure

For licensed operations, see [3313.4](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3000.asp#LPPH_3313_4) Evaluating Compliance to determine whether an initial or full license permit is needed.

The application is processed according to the procedures in [3200](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3000.asp#LPPH_3200) Processing the Application for a License, Certificate, Compliance Certificate, Registration, or Listing Permit.

##### 3834.1 When a Permit Is Added or Replaced

LPPH DRAFT 10772-CCL ~~April 2010~~ (rev, title, number; currently 3913)

Policy

A new permit will supersede the old unless the operation is adding an additional permit.

##### 3834.2 Public Notice and Hearing Requirements

LPPH DRAFT 10772-CCL ~~April 2010~~ (rev, title, number; currently 3914)

Policy

For residential child care, applicants may be subject to public notice and hearing requirements. See [3321](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3000.asp#LPPH_3321) Public Notice and Hearing Requirements for Residential Licensing.

Texas Human Resources Code [§42.0461](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.0461)

##### 3834.3 Documentation in CLASS

LPPH DRAFT 10772-CCL ~~April 2010~~ (rev, title, number; currently 3915)

Procedure

In the CLASS system, a new operation number will be given for a new application.

To retain the history of the operation, the inspector enters the operation number in the *Issuance History* field on the new operation’s *Main* page in CLASS.

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

### 3840 When Operations Are Ineligible for Grandfather Provisions if Location or Ownership Changes

(title change; currently 3932)

#### 3841 Child Day Care

LPPH DRAFT 10772-CCL ((rev, title, number; currently 3932.1)

Policy

If a child day care operation that was issued a permit before September 1, 2003, changes location or ownership, the operation can no longer operate under any of the grandfather provisions in Texas Administrative Code (TAC) Chapters [746](http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=4&ti=26&pt=1&ch=746) and [747](http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=4&ti=26&pt=1&ch=747) unless the inspector and inspector’s supervisor has determined that a change in ownership has not nullified the grandfather provisions.

Texas Human Resources Code [§42.048(e)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.048)

#### 3842 Residential Child Care

LPPH DRAFT 10772-CCL (rev, title, number; currently 3932.2)

Policy

If a residential child care operation that was issued a permit before January 1, 2007, changes location or ownership, the operation can no longer operate under any of the grandfather provisions in Texas Administrative Code (TAC) Chapters [748](http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=4&ti=26&pt=1&ch=748), [749](http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=4&ti=26&pt=1&ch=749), and [750](http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=4&ti=26&pt=1&ch=750) unless the inspector and inspector’s supervisor have determined that a change in ownership has not nullified the grandfather provisions.

Texas Human Resources Code [§42.048(e)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.048)

## 3900 Permit Renewal

### 3910 Overview of Permit Renewals

#### 3911 Operations Subject to Permit Renewal

LPPH DRAFT 10772-CCL (new)

Policy

A full license, certificate, and registration will expire if it is not renewed.

Permit renewal requirements do not apply to listed family homes, temporary shelter programs, and small employer-based child care operations.

DFPS Rules, 40 TAC §[745.471](http://texreg.sos.state.tx.us/public/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=471)

Human Resources Code §§[42.048](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.048), [42.050](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.050), [42.052](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.052)

#### 3912 When an Operation’s Permit Renewal Is Due

LPPH DRAFT 10772-CCL (new)

Policy

An operation that is subject to permit renewal must renew its permit on the second anniversary of the issuance of the full permit and every two years thereafter.

For operations that received a permit before December 1, 2017, the renewal schedule is as follows:

| If an operation received its full permit before 12/01/17 and… | The operation’s first renewal is due on… | Subsequent renewals are due… |
| --- | --- | --- |
| the full permit was issued in an even numbered year | The full permit’s anniversary date in 2018 | Every two years thereafter |
| the full permit was issued in an odd numbered year | The full permit’s anniversary date in 2019 | Every two years thereafter |

DFPS Rules, 40 TAC §[745.473](http://texreg.sos.state.tx.us/public/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=473)

#### 3913 Definitions of “Renewal Period” and “Late Renewal Period”

LPPH DRAFT 10772-CCL (new)

Policy

The “renewal period” is the period beginning 60 days before the full permit’s anniversary date and ending on the anniversary date, which occurs in the year the operation must renew its permit. An operation may not submit a renewal application before the renewal period begins.

The “late renewal period” is the 30-day period after the renewal period ends. A renewal application submitted during the late renewal period is considered a late renewal application. An operation must submit a renewal application by the end of the late renewal period to avoid expiration of its permit.

DFPS Rules, 40 TAC §[745.473](http://texreg.sos.state.tx.us/public/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=473)

### 3920 Permit Renewal Application Process

#### 3921 Notifying the Operation and Sending the Permit Renewal Application

LPPH DRAFT 10772-CCL (new)

Policy

At the beginning of an operation’s renewal period, Licensing notifies the operation that the operation’s permit renewal is coming due.

Procedure

Operation Has Contact Email Address

If the operation’s contact email address is listed in CLASS, CLASS sends a system- generated email to the operation that includes the notification and instructions for submitting a renewal application online. CLASS sends a copy of this notice to the inspector.

Operation Does Not Have Contact Email Address

For operations that do not have a contact email address listed in CLASS, Licensing staff must generate a copy of the notification letter and pre-populated renewal application on the *Permit Renewal* page in CLASS and mail to the operation by the beginning of the operation’s renewal period.

#### 3922 How an Operation Submits a Permit Renewal Application

LPPH DRAFT 10772-CCL (new)

Procedure

An operation may submit a permit renewal application online through the public and provider website or mail a paper renewal application.

If an operation received a system-generated email with instructions for completing the permit renewal application online, but prefers to submit a paper application, the Licensing inspector:

 • selects the *Provider Requests Paper* checkbox on the *Permit Renewal* page in CLASS;

 • generates the notification letter and pre-populated renewal application on the *Permit Renewal* page; and

 • prints and mails the letter and renewal application to the operation.

#### 3923 Timeframes for Reviewing a Permit Renewal Application

LPPH DRAFT 10772-CCL (new)

Policy

The Licensing inspector has 15 days from the date Licensing receives the renewal application to:

 a. review the renewal application for completeness;

 b. verify the operation has paid all fees and administrative penalties in the past two years; and

 c. either renew the operation’s permit or reject the renewal application.

40 Texas Administrative Code §§[745.475](http://texreg.sos.state.tx.us/public/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=475); [745.477](http://texreg.sos.state.tx.us/public/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=477)

#### 3924 Reviewing the Permit Renewal Application

LPPH DRAFT 10772-CCL (new)

Policy

A completed renewal application includes:

 • verification that the following information about the operation is current and accurate;

 • basic information, including mailing address, business phone, email address, hours and days of operation, and services provided;

 • a list of controlling persons;

 • a list of the governing body’s members (not applicable for registered child-care homes;

 • documentation of whether the operation continues to need any existing waivers and variances;

 • verification that the operation is complying with background check requirements; and

 • verification that the operation does not have any overdue fee or administrative penalty payments.

40 Texas Administrative Code §§[745.475](http://texreg.sos.state.tx.us/public/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=475); [745.477](http://texreg.sos.state.tx.us/public/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=477)

##### 3924.1 Reviewing a Paper Permit Renewal Application

LPPH DRAFT 10772-CCL (new)

Procedure

In CLASS, the Licensing inspector:

 a. indicates “paper submission” under the *Current Permit Renewal* section on the *Permit Renewal* page;

 b. enters the date the application was received on the *Permit Renewal Application Details* page; and

 c. reviews each section of the application.

The inspector then completes the tasks below on the *Permit Renewal Application Details* page.

Operation Details

The inspector indicates whether the operation made any updates to the operation’s information. If the operation made any updates, the inspector also updates the operation’s information in the applicable page in CLASS.

Controlling Person Details

The inspector indicates whether the operation added any controlling persons or ended any controlling person’s association with the operation. If the operation added controlling persons, the inspector indicates whether the operation submitted the addition on Form 2760 or through the provider’s online account. The inspector follows the policies in [5400](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5400) Controlling Person to end-date or add a controlling person to CLASS.

Governing Body Details (Not Applicable to Registered Child-Care Homes)

The inspector indicates whether the operation has any vacant positions in the governing body or has made any changes to the governing body. If the operation made changes to the governing body, the inspector indicates whether the operation submitted the changes on Form 2911 (DC) or Form 2819 (RC) or through the operation’s online account. The inspector follows the policies in [3213.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3000.asp#LPPH_3213_1) Governing Body and Licensing Responsibilities and makes the appropriate updates in CLASS.

Waiver/Variance Details

The inspector indicates whether the operation no longer needs a waiver or variance or needs to submit a new request for an expired waiver or variance. If the operation needs to submit a new request for an expired waiver or variance, the inspector indicates whether the operation submitted the request on Form 2937 or through the operation’s online account. The inspector follows the policies in [5100](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5100) Waivers and Variances to process the request.

The inspector must verify that the operation took action on each expired waiver or variance request.

Background Check Details

The inspector indicates whether the operation certified that the operation has submitted background checks on all person as required by 40 TAC Chapter 745, [Subchapter F](http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=5&ti=40&pt=19&ch=745&sch=F), and that they are current.

Fees Details

The Licensing inspector indicates whether all fees and administrative penalties for the past two years are paid. The inspector follows the policy in 3924.3 Verifying Fee and Administrative Penalty Payments.

DFPS Rules, 40 TAC §[745.475](http://texreg.sos.state.tx.us/public/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=475)

##### 3924.2 Reviewing a Permit Renewal Application Submitted Online

LPPH DRAFT 10772-CCL (new)

Procedure

The Licensing inspector indicates whether all fees and administrative penalties for the past two years are paid on the *Permit Renewal Application Detail* page in CLASS. The Licensing inspector follows the policy in 3924.3 Verifying Fee and Administrative Penalty Payments.

##### 3924.3 Verifying Fee and Administrative Penalty Payments

LPPH DRAFT 10772-CCL (new)

Procedure

The Licensing inspector verifies that the operation does not have any overdue fee or administrative penalty payments. The inspector verifies that fees and administrative penalties have been paid by reviewing payments on the:

 • *Payment Information Summary* page; and

 • *Administrative Penalty Details* page.

The inspector may need to contact the operation to verify fee payments or search for unlinked payments on the *Verify Payments* page in CLASS.

The inspector then indicates if any fees or administrative penalties are overdue on the *Permit Renewal Application Details* page in CLASS. An administrative penalty is not overdue until 30 days past:

 • the date the order was sent; or

 • the date the court upheld the penalty.

If one or more fees or administrative penalties are overdue, the inspector adds each fee or penalty separately. For each fee or penalty that is overdue, the inspector documents:

 a. the type of fee or penalty that is overdue (annual, background check, or administrative penalty);

 b. the amount that is overdue;

 c. the year the fee was due for annual fees; and

 d. the administrative penalty tracking number for the penalties.

If the inspector is able to verify a payment after adding the fee or penalty to the *Permit Renewal Application Details* page, the inspector may delete the row.

##### 3924.4 Working with the Operation to Complete the Renewal Application

LPPH DRAFT 10772-CCL (new)

Procedure

Before rejecting the renewal application, the Licensing inspector must assist the operation in completing the renewal application if:

 a. the inspector has any questions about the operation’s responses on the renewal application;

 b. the provider has not fully completed the paper renewal application; or

 c. the inspector needs to verify fee payments.

#### 3925 Accepting a Completed Renewal Application

LPPH DRAFT 10772-CCL (new)

Procedure

The Licensing inspector accepts the renewal application and renews the permit when the renewal application is complete. When submitted online, the renewal application is complete when no fees or penalties are overdue. For a paper renewal application, it is complete when no fees or penalties are overdue and the operation has completed all fields in the application and submitted all accompanying forms, whether in paper format or online.

The inspector renews the operation’s permit by sending the operation CLASS Form Permit Renewal Issuance Notification, which the operation must then post next to its permit.

40 Texas Administrative Code §[745.479](http://texreg.sos.state.tx.us/public/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=479)

#### 3926 Rejecting a Renewal Application

LPPH DRAFT 10772-CCL (new)

Policy

If the permit renewal application is incomplete or the operation has overdue fees or administrative penalty payments, the licensing inspector rejects the renewal application when:

 • the provider does not respond to phone calls or emails regarding the renewal application; and

 • a supervisor or program administrator has approved the decision to reject the renewal application.

Procedure

The *Permit Renewal Application Details* page displays system-generated reasons for rejecting the renewal application. The Licensing inspector may also document rejection reasons or provide further explanation in the *Rejection Reasons* narrative box on the *Permit Renewal Application Details* page.

The Licensing inspector rejects the permit renewal application by selecting *Proceed to Reject* on the *Permit Renewal Application Details* page.

##### 3926.1 Notifying the Operation of Rejecting the Permit Renewal Application During the Renewal Period

LPPH DRAFT 10772-CCL (new)

Procedure

If the operation submitted the renewal application during the renewal period, the Licensing inspector sends the CLASS Form Permit Renewal Application Rejection Notification to the operation. The notification includes a list of reasons why the permit renewal application was rejected and contains instructions and deadlines for resubmitting the permit renewal application.

Operation Has Contact Email Address

If the operation has a contact email address in CLASS and has not indicated a preference for a paper renewal application, CLASS will automatically generate and send the notification to the operation.

Operation Does Not Have Contact Email Address

If the operation does not have a contact email address in CLASS or has indicated a preference for a paper renewal application, the inspector prints and mails the rejection letter (which includes a new renewal application) to the operation.

##### 3926.2 Notifying the Operation of Rejecting the Permit Renewal Application During the Late Renewal Period

LPPH DRAFT 10772-CCL (new)

Procedure

If the operation submitted the renewal application during the late renewal period, the Licensing inspector sends the CLASS Form Final Permit Renewal Application Rejection Notification (which includes a new renewal application) to the operation. The notification includes a list of reasons why Licensing rejected the permit renewal application, and:

 • instructions and deadlines for resubmitting the permit renewal application, if the operation is eligible to submit another renewal application; or

 • a statement that the operation is not eligible to submit another renewal application.

Operation Has Contact Email Address

If the operation has a contact email address in CLASS and has not indicated a preference for a paper renewal application, CLASS will automatically generate and send the notification to the operation.

Operation Does Not Have Contact Email Address

If the operation does not have a contact email address in CLASS or has indicated a preference for a paper renewal application, the inspector prints and mails the rejection letter to the operation.

### 3930 Expiration of a Permit

LPPH DRAFT 10772-CCL (new)

Policy

There are three ways a permit can expire:

 1. The operation does not submit a permit renewal application by the end of the late renewal period.

 2. Licensing rejects a permit renewal application that the operation submitted during the renewal period, and the operation does not submit another renewal application by the end of the late renewal period.

 3. Licensing rejects a permit renewal application that the operation submitted during the late renewal period, and the operation does not submit a complete renewal application within 15 days after the date of rejection.

DFPS Rules, 40 TAC §[745.481](http://texreg.sos.state.tx.us/public/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=481)

Procedure

The CLASS system will identify any operation that meets one of the conditions for expiration of the permit.

Within five days of receiving the *To-Do* notification that an operation meets the conditions for expiration, the inspector must either work with the operation to accept the renewal application or expire the permit.

To expire the permit of an operation that meets one of the conditions for expiration, the Licensing inspector must:

 a. obtain supervisory approval to expire the permit;

 b. document the reason for the expiration, the name of the supervisor who approved the expiration, and the date of the approval in the *Comments* narrative box in the *Expire Permit* section on the *Permit Renewal* page;

 c. select *Proceed to Expire Permit*;

 d. print and sends the CLASS Form Permit Expiration Notification to the operation via certified mail; and

 e. set the *Operating Status* to “No” on the operation’s main page in CLASS and enter the date the permit was expired as the *Effective Date*.

A supervisor may provide approval for the inspector to exceed the five-day time frame. Natural disasters or other issues beyond the operation’s control that may have interrupted mail services or otherwise prevented the operation’s ability to meet the deadline should be considered before expiring the operation’s permit.

The inspector documents the supervisor’s approval to exceed the five-day timeframe in a *Chronology* (type *Renewal*). Documentation must include the supervisor’s full name and date of approval.

#### 3931 Closing the Operation Due to Expiration of the Permit

LPPH DRAFT 10772-CCL (new)

Procedure

Within 15 days of expiring the permit and sending the CLASS Form Permit Expiration Letter, the Licensing inspector conducts an inspection to verify the operation no longer cares for children. If the operation is caring for children, the inspector generates a new illegal operation investigation to ensure the operation closes or becomes permitted. The inspector or staff assigned to the operation then closes the operation in CLASS and follows the procedures in [6560](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6560) Investigations of Illegal Operations.

After conducting an inspection, the inspector takes the following actions on the *Application/Closure* page in CLASS:

 • generates the CLASS Form 2865e, 2825 Vol Suspension/Relocation/Clsr Letter, selects the appropriate statement about expiration of a permit, and mails notification to the operation;

 • enters the current date in the *Closure Date* field; and

 • selects *Permit Expired* as the reason for the closure.