



August 4, 2017

Dear Child Care Provider:

Due to recent legislation, there are upcoming changes to the structure of Child Care Licensing (CCL). The CCL program, including licensing inspectors and the Centralized Background Check Unit (CBCU) will be moved under a new Regulatory division within the Health and Human Services Commission (HHSC). Investigators who conduct investigations of alleged abuse and neglect in child care operations will remain at the Department of Family and Protective Services (DFPS).

We are confident that these changes will feel seamless to you. While your inspector's badge and email may say HHSC rather than DFPS, CCL is here to provide the same level of regulatory oversight and service to you. You can expect to hear directly from your CCL inspector in the coming weeks.

Additionally, a number of bills passed during the most recent legislative session that will impact day child care operations. CCL has posted a chart on the [Child Care Minimum Standards](#) webpage that includes the following information for such bills:

- A brief summary of the changes in the law;
- Information on how to comply with the changes in the law; and
- Information on when to comply with the new law.

Please review the chart carefully, as not all bills may impact your specific type of program. CCL will continue to communicate with you as additional decisions are made on how to implement this recent legislation.

We look forward to working with you as we implement these new requirements and continue to work toward our common goal of protecting the health, safety and well-being of children in out of home care in Texas.

Sincerely,

Jean Shaw  
Associate Commissioner  
Child Care Licensing

## Day Care Operations

Bill Number	Summary	How To Comply	When To Comply
<p>House Bill 249 – SECTIONS 2, 7, 8 and 14 Senate Bill 11 – SECTIONS 7, 23, 26 and 32 <i>This law applies to all regulated child care settings and those subject to regulation under Chapter 42 of the Human Resource Code Effective 9/1/2017</i></p>	<p>Amends the Government Code, Texas Family Code (TFC), and Human Resources Code (HRC) to:</p> <ul style="list-style-type: none"> <li>• Keep the responsibility of conducting investigations of allegations of abuse, neglect, and exploitation (A/N/E) at the Department of Family and Protective Services (while legislation from the previous legislative session moved Child Care Licensing out of DFPS and into a new Regulatory division under the Health and Human Services Commission as of September 1, 2017);</li> <li>• Require DFPS to create investigative units to specialize in investigating allegations of A/N/E at child care operations, and requires those units to:               <ul style="list-style-type: none"> <li>○ Use the definitions of A/N/E as defined in TFC §261.001 to evaluate whether abuse, neglect, or exploitation occurred at the child operation; and</li> <li>○ Share information about the investigation with Licensing.</li> </ul> </li> </ul> <p><u>Rule Changes</u> Rules will be proposed as needed implement these requirements.</p>	<p>No action on your part is required.</p>	<p>N/A</p>
<p>House Bill 4094  <i>This law applies to:</i></p> <ul style="list-style-type: none"> <li>• <i>Licensed Child Care Centers</i></li> </ul>	<p>Amends HRC §42.056 and Government Code Section §411.114, regarding DFPS authority to conduct background checks, obtain criminal history record information from Texas Department of Public Safety (DPS), and release</p>	<p>No action on your part is required until January 2018. Licensing will share more detailed information regarding the criteria and rule changes at a later date.</p>	<p>January 2018</p>

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<ul style="list-style-type: none"> <li>• <i>School-Age Programs</i></li> <li>• <i>Before or After-School Programs</i></li> <li>• <i>Licensed Child Care Homes</i></li> <li>• <i>Registered Child Care Homes</i></li> <li>• <i>Listed Family Homes</i></li> </ul> <p><i>Changes to HRC §42.056 effective 1/1/2018</i></p>	<p>such information. The changes were made to comply with federal law and include:</p> <ul style="list-style-type: none"> <li>• Removing the requirement to submit a new background check every 24 months for individuals who are required to submit a fingerprint check;</li> <li>• Adding a requirement to submit checks on certain contractors;</li> <li>• Waiving the requirement to submit new fingerprints if the individual has an active subscription with the FBI's national rap back service;</li> <li>• Granting Licensing authority to conduct background checks of any registry, repository, or database required by federal law;</li> <li>• Restricting the ability for a person whose background check is incomplete to be present at an operation, by prohibiting a person with a pending background check to provide direct care or have direct access to a child in care until the person's FBI and Central Registry checks clear and requiring the person to be supervised by a qualified individual at all times.</li> </ul> <p><u>Rule Changes:</u> Licensing will propose changes to 40 TAC Chapters 743 and 745 in September 2017. If adopted, the rules will become effective January 2018.</p> <p><u>Provider Account Changes:</u> Significant changes are being to the Child Care Licensing Provider Account pages to enhance</p>		

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	the functionality for submitting and viewing background checks. The tentative date for these changes to be made is January 2018.		
Senate Bill 213 <i>This law applies to all regulated child care settings</i> <i>Effective 9/1/2017</i>	Amends the Government Code to create an office of ombudsman for DFPS that will serve as a neutral party to assist individuals with complaints within DFPS, moves the current ombudsman for children and youth in foster care into the ombudsman for DFPS and transfers the current Office of Consumer Affairs to the proposed ombudsman for DFPS.	No action on your part is required.	N/A