

# HHSC CHILD CARE LICENSING AND DFPS INVESTIGATIONS

Presented by:

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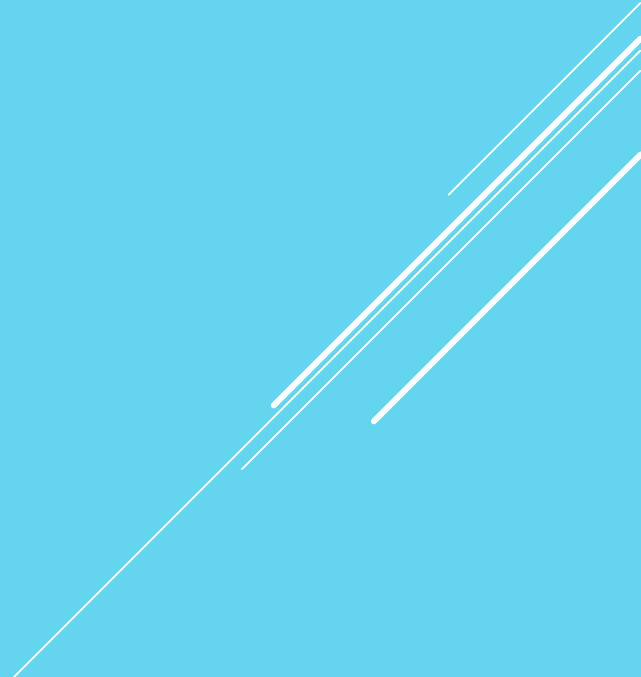
Rachelle Daniel, Director HHSC Background Check Unit

October 17, 2017

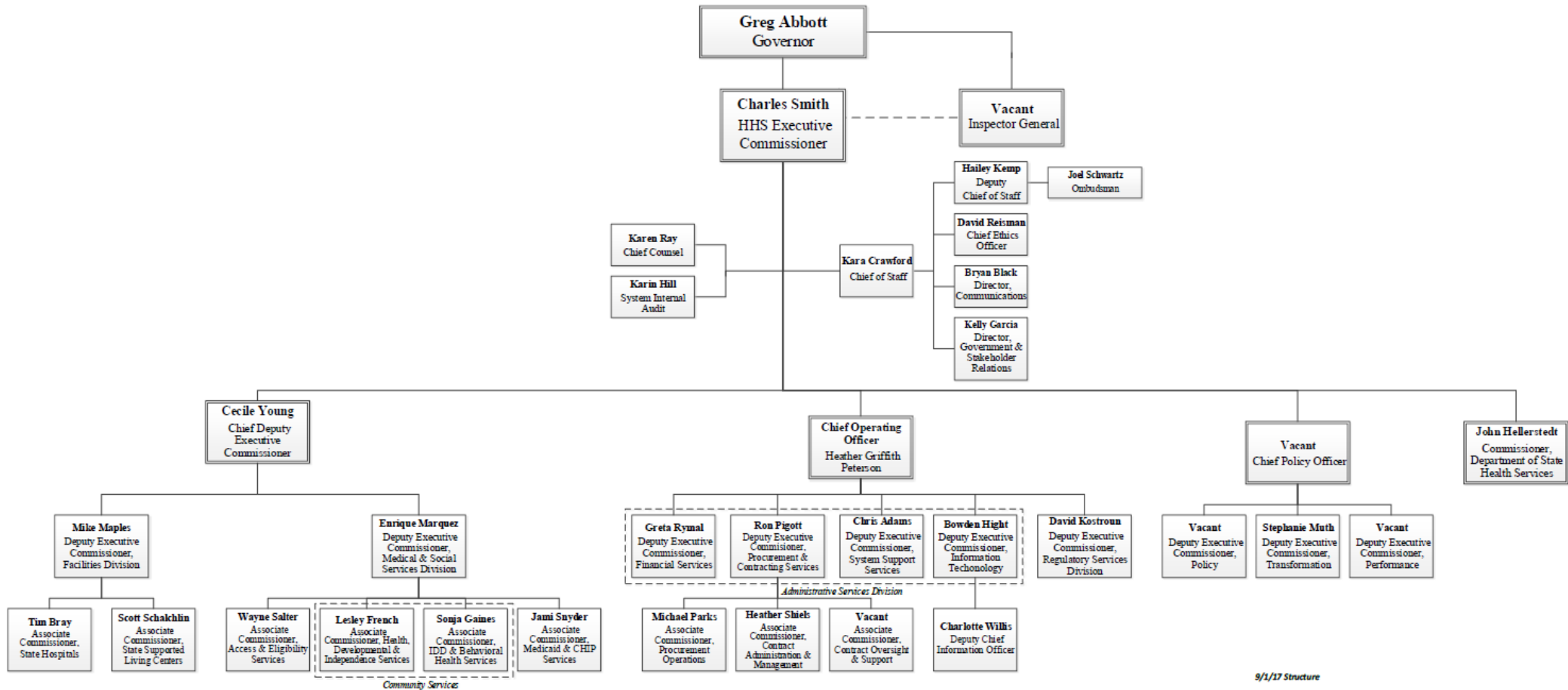
# LEGISLATION RELATED TO CCL AND INVESTIGATIONS

- SB 200, passed in the 84<sup>th</sup> Legislative session, required CCL to consolidate to HHSC with other regulatory divisions
- SB 11 and HB 5, passed in the 85<sup>th</sup> Legislative session, required CCL Abuse/Neglect investigations to remain at DFPS and the remainder of CCL to consolidate to HHSC
- In addition, HB 5 allowed DFPS to create an Investigation Division, that includes CCL Abuse/Neglect Investigations
- HB 5 also created DFPS as a stand alone agency that is no longer part of the HHS system

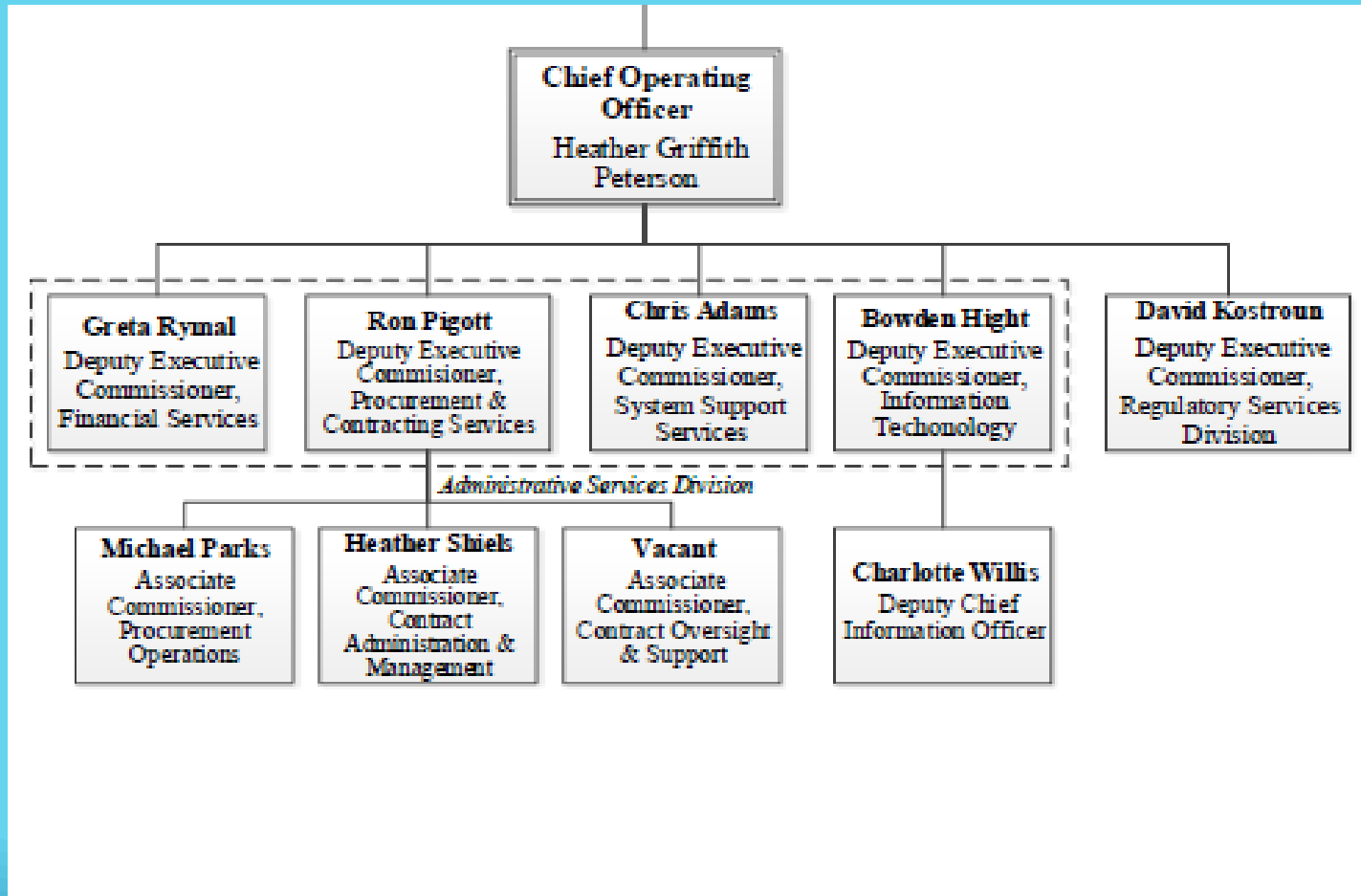
# WHAT DOES THIS LOOK LIKE?

- CCL regulatory transferred to HHSC on September 1<sup>st</sup>
  - CCL Abuse/Neglect Investigations remained at DFPS, and have been moved into the Investigations Division
  - DFPS is a stand alone agency and is no longer part of the HHS system
  - HHSC and DFPS will continue to collaborate and work together related to child care licensed operations
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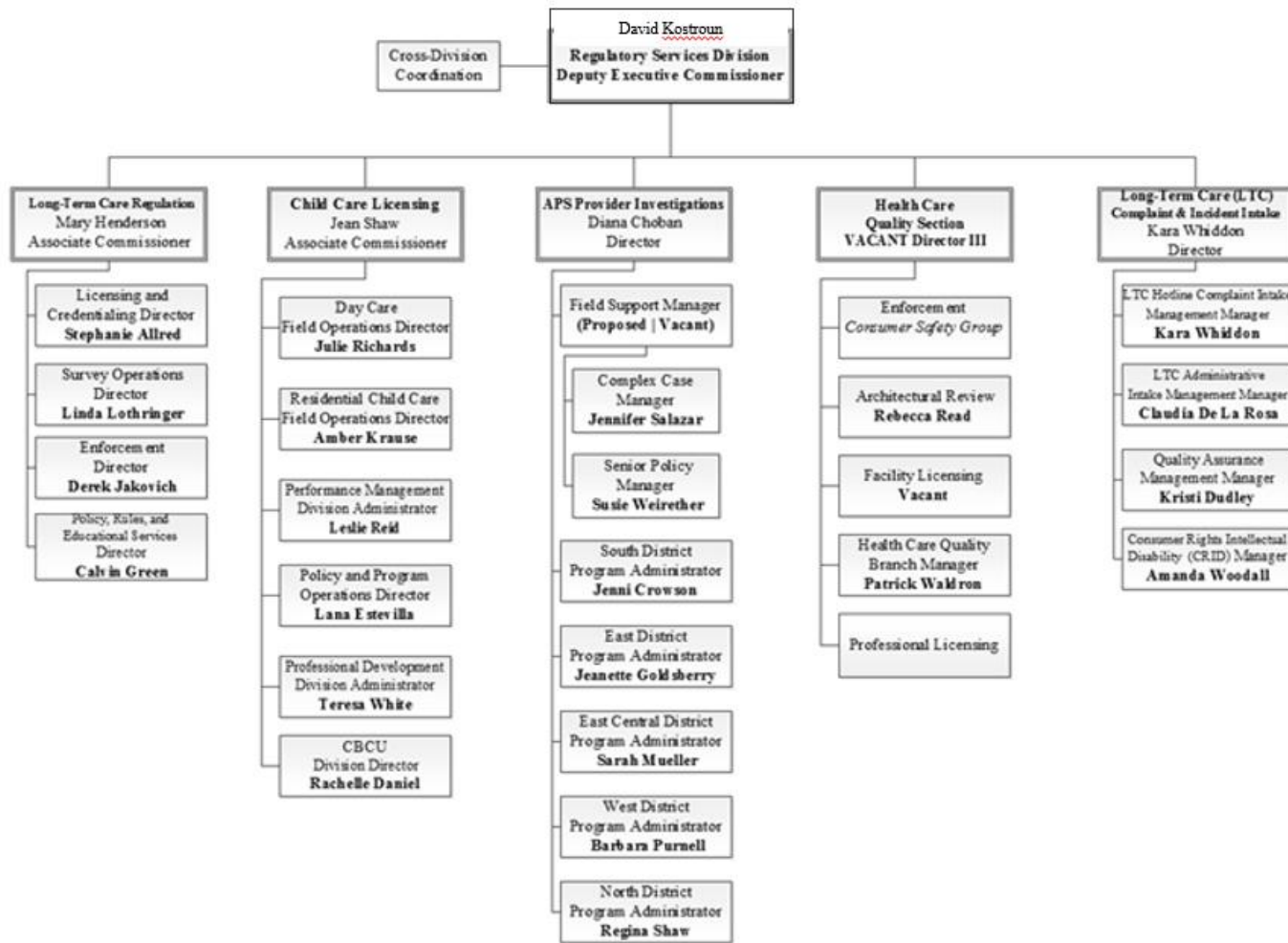
# HHSC ORGANIZATIONAL STRUCTURE



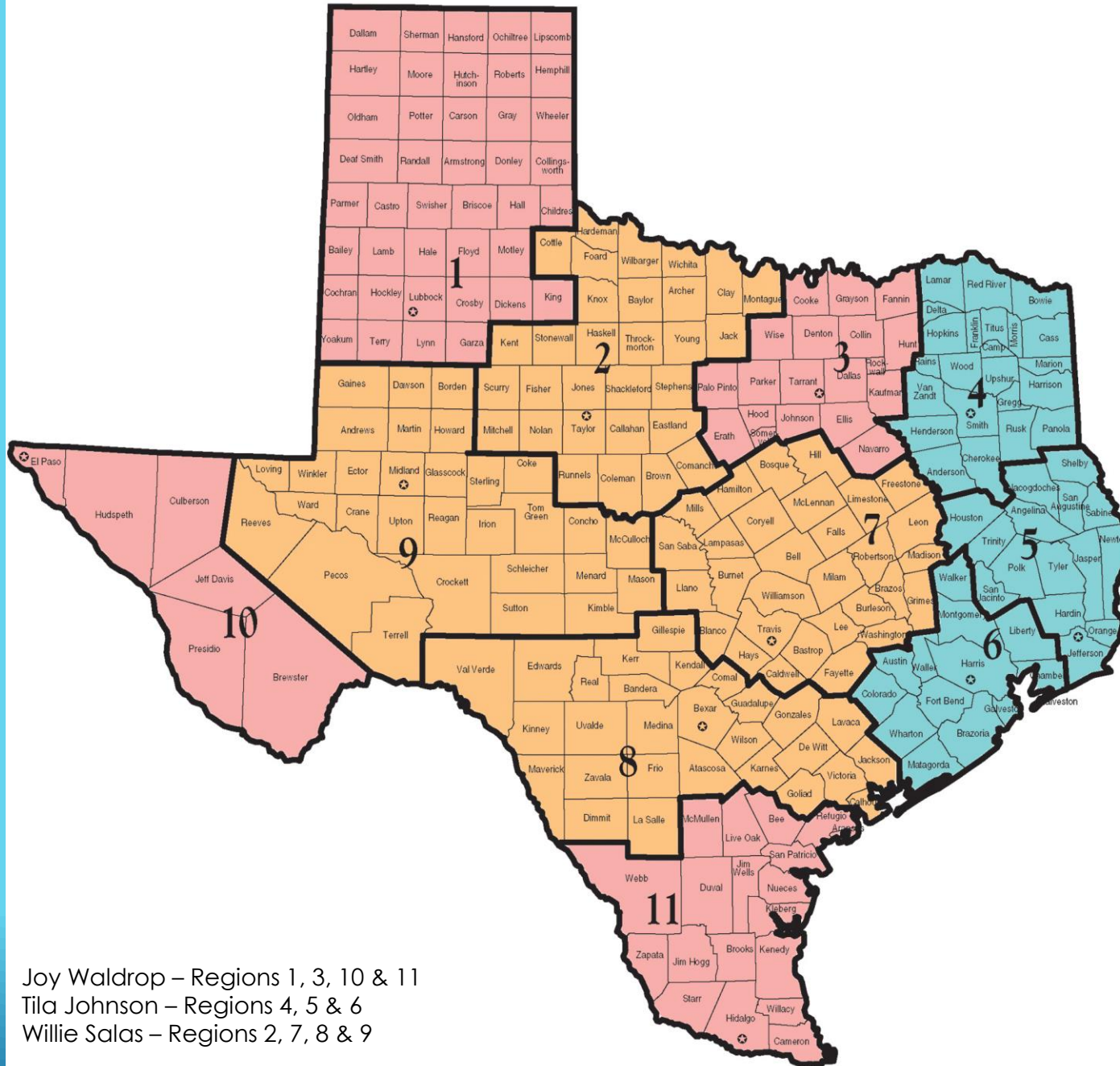
# HHSC ORGANIZATIONAL STRUCTURE



# HHSC ORGANIZATIONAL STRUCTURE



# HHSC RCCL DISTRICTS

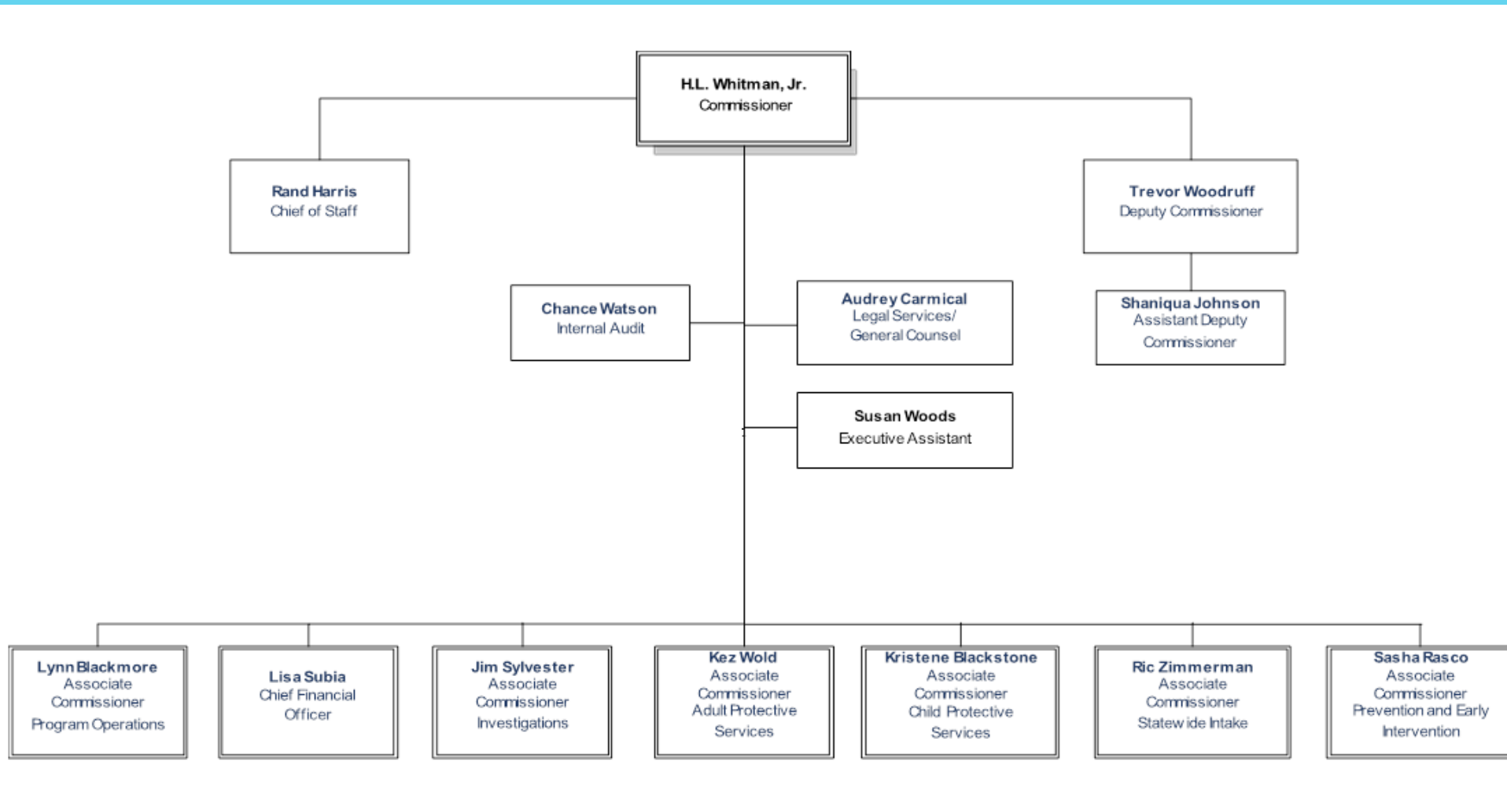


Joy Waldrop – Regions 1, 3, 10 & 11

Tila Johnson – Regions 4, 5 & 6

Willie Salas – Regions 2, 7, 8 & 9

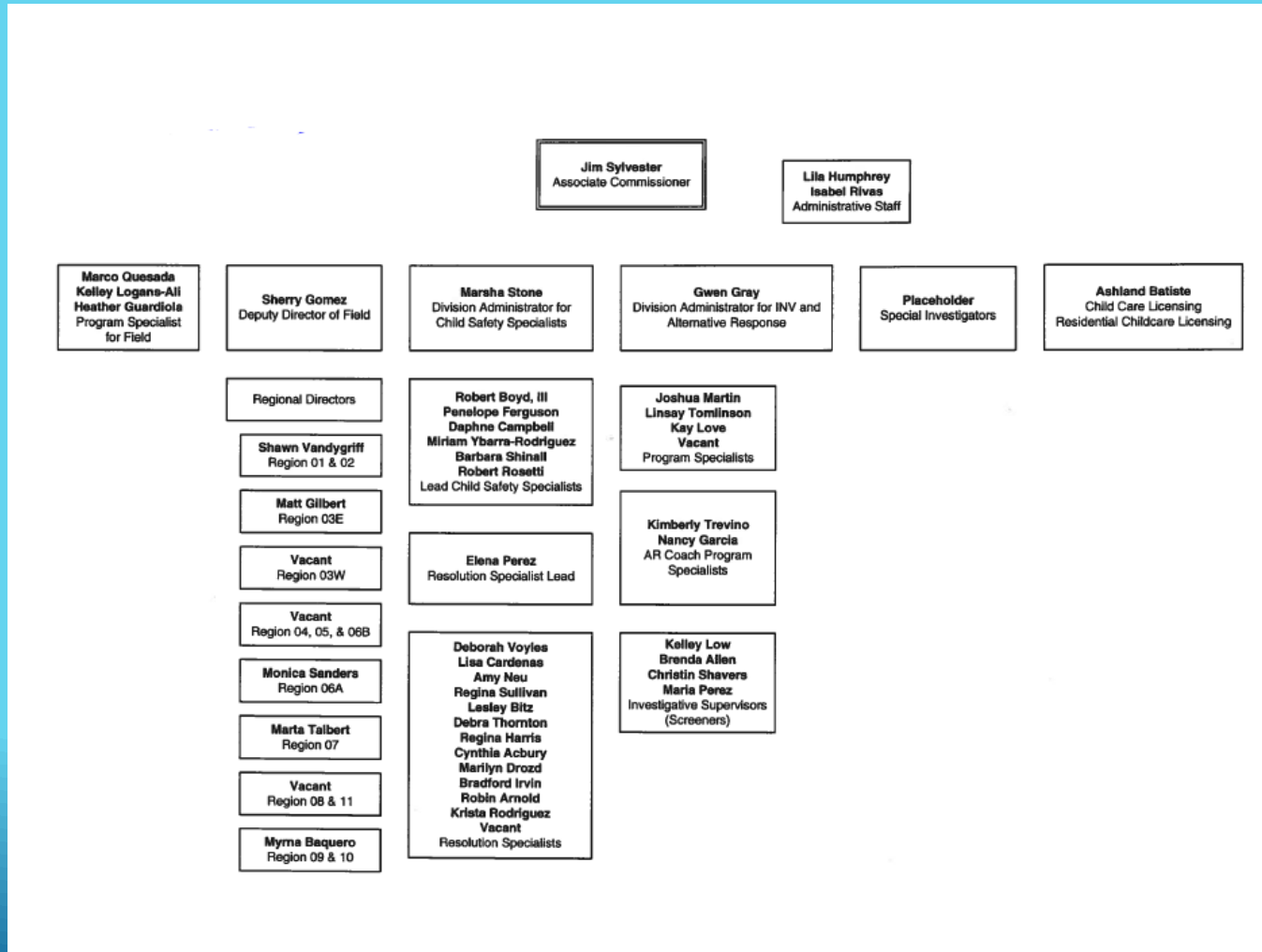
# DFPS ORGANIZATIONAL STRUCTURE





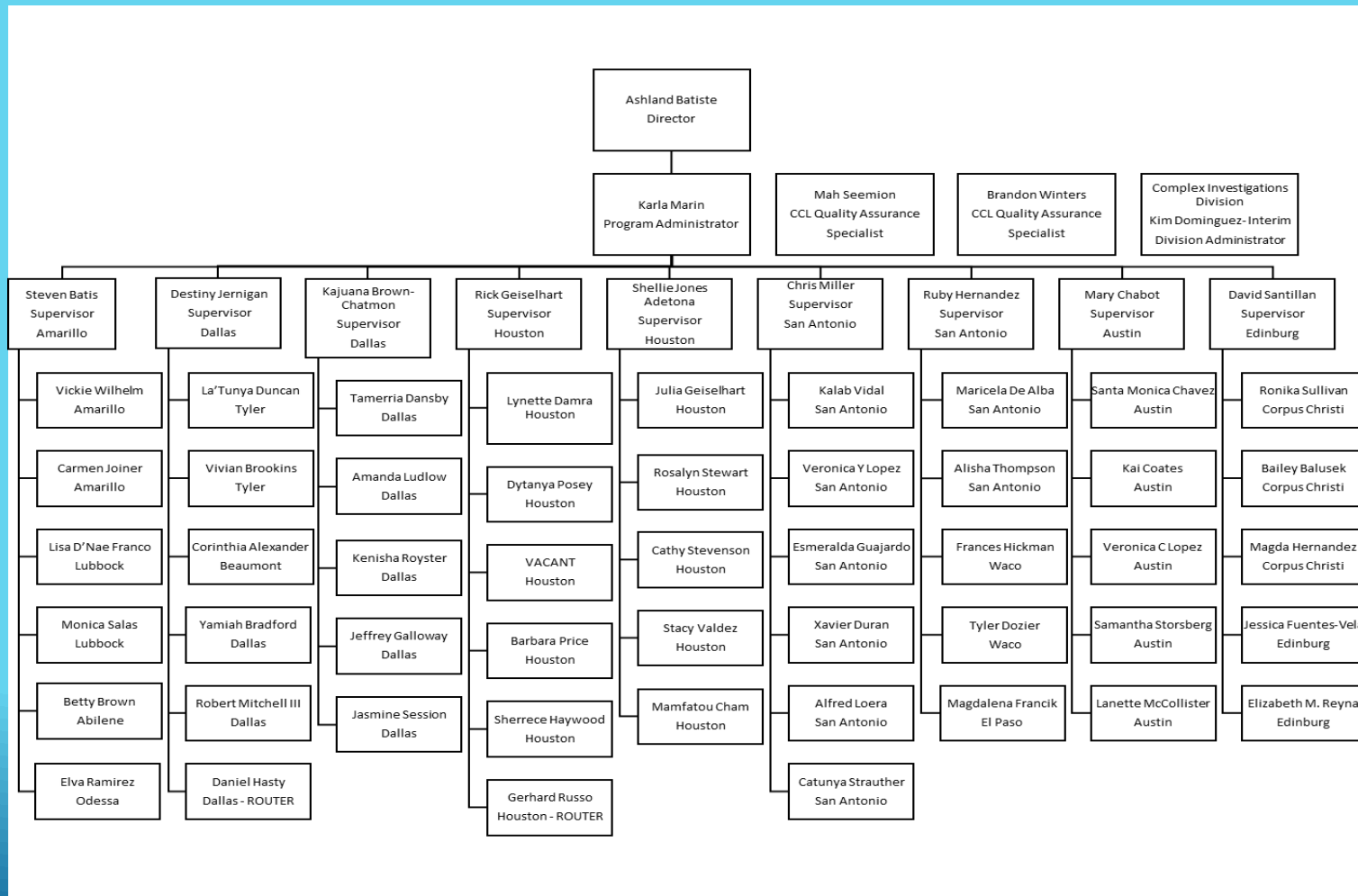
# DFPS ORGANIZATIONAL STRUCTURE

## DFPS Investigations Structure



# DFPS ORGANIZATIONAL STRUCTURE

## DFPS RCCL Investigations Structure



# WHAT DOES INVESTIGATIONS LOOK LIKE NOW?

## **Abuse/Neglect Investigations – DFPS responsibilities**

- DFPS CCL Investigators are responsible for investigating all allegations of Abuse/Neglect in child care settings. This includes both residential and daycare settings.
- DFPS CCL Investigators must still remain trained on minimum standards.
- DFPS CCL Investigations will make determinations if abuse/neglect occurred in child care settings.
- DFPS CCL Investigators will send information to HHSC CCL Regulatory related to any possible deficiencies, risk factors, or concerns related to child care settings.
- DFPS will be responsible for the Administrative Review of Investigative Findings (ARIF's) for any Reason to Believe findings made.

# WHAT DOES INVESTIGATIONS LOOK LIKE NOW?

## **Abuse/Neglect Investigations – HHSC responsibilities**

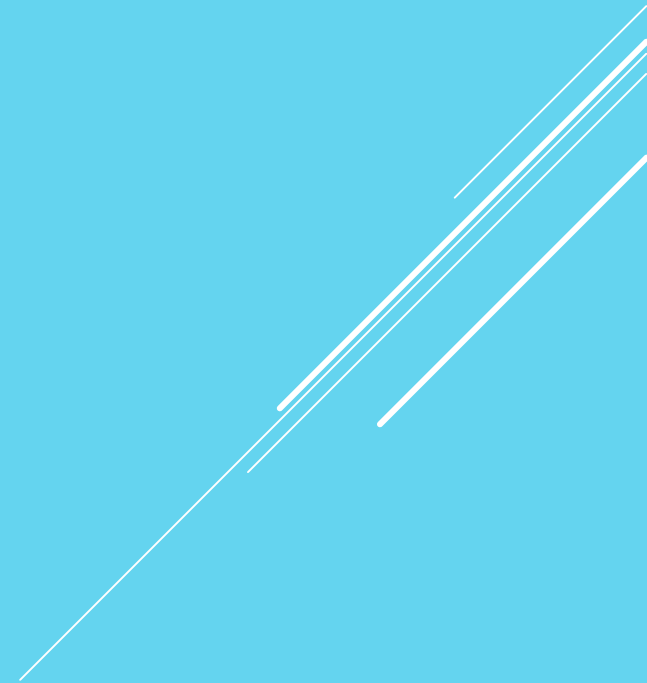
- HHSC CCL Inspectors will receive the Abuse/Neglect intake and assess if HHSC CCL needs to conduct an inspection related to the allegations. If so, then HHSC CCL will go to the operation or location.
- If the HHSC CCL Inspector does not need to conduct an inspection, the DFPS CCL Investigator will share information related to any possible deficiencies and the HHSC CCL inspector will cite deficiencies by an assessment, including any deficiency for any Abuse/Neglect finding made by the DFPS CCL Investigator.
- HHSC CCL Regulatory will conduct the administrative review of deficiencies.

# WHAT DOES INVESTIGATIONS LOOK LIKE NOW?

## **Non - Abuse/Neglect Investigations – HHSC responsibilities**

- HHSC CCL Regulatory will be responsible for conducting all investigative activities related to non – abuse/neglect investigations
- HHSC CCL will cite any deficiencies related to the investigation
- HHSC CCL will conduct the administrative review of any deficiencies

QUESTIONS?



# RESIDENTIAL LICENSE TYPES

- **Child-Placing Agency** – a person, including an organization, other than the natural parents or guardians of a child who plans for the placement of or places a child in a child-care facility, agency foster home, or adoptive home.
  - New Foster Group Homes are not allowed, but current Foster Group Homes can continue to exist until rules are adopted that will phase out these Foster Group Homes
  - Foster Family Homes have a capacity of 6, but can have a temporary exception for a capacity of 8 under certain circumstances
  - Branch offices are still allowed

# RESIDENTIAL LICENSE TYPES

- **General Residential Operation** – a child-care facility that provides care for seven or more children for 24 hours a day.
  - Capacity changed for a GRO to 7 or more children.
  - Still includes Residential Treatment and Emergency Care services
  - Still requires a contiguous campus



# RESIDENTIAL LICENSE TYPES

- **Specialized Child-Care Home** – a child-care facility that has a capacity of 6 children.
  - Allows for houseparents as opposed to foster parents
  - Does not have to be the primary residence of the houseparent
  - Does not require a licensed administrator, but does require a Director that meets specific qualifications
  - Limited to a capacity of 6 children, but would allow for a temporary exemption for a capacity of up to 8 children under certain conditions
  - This license is intended for specialized small populations of children, for example children with primary medical needs or children needing trafficking victim services

# RESIDENTIAL LICENSE TYPES

- **Cottage Home Operation** – a child-care facility that allows for multiple cottage family homes with a houseparent in each home. These homes would be in or near the same location.
  - Similar to cottage homes under the GRO license
  - Requires a licensed administrator
  - Limited to a capacity of 6 children per cottage, but would allow for a temporary exemption for a capacity of up to 8 children under certain conditions
  - Also, the capacity would not include the biological children of the houseparents under certain conditions

# RESIDENTIAL LICENSE TYPES

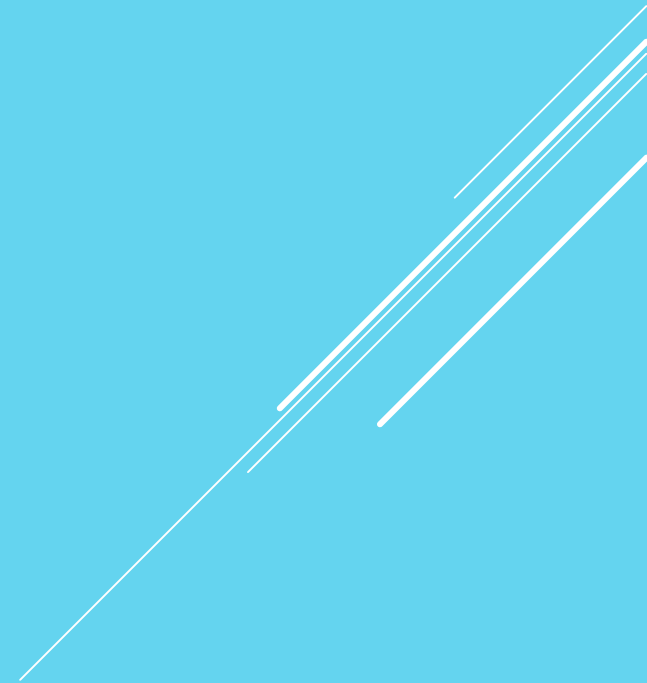
- **Continuum of Care Operation** – this license types allows for one license to cover multiple separate licenses. For example, it would include a CPA service type, a GRO service type, or a Specialize Child-Care Home type under one license.
  - There is no requirement for a contiguous location
  - Allows for children to move between a continuum of placements within the same license
  - Allows flexibility for an operation to offer services to children with varying needs without having to apply for a new license or contract

# RESIDENTIAL LICENSE TYPES

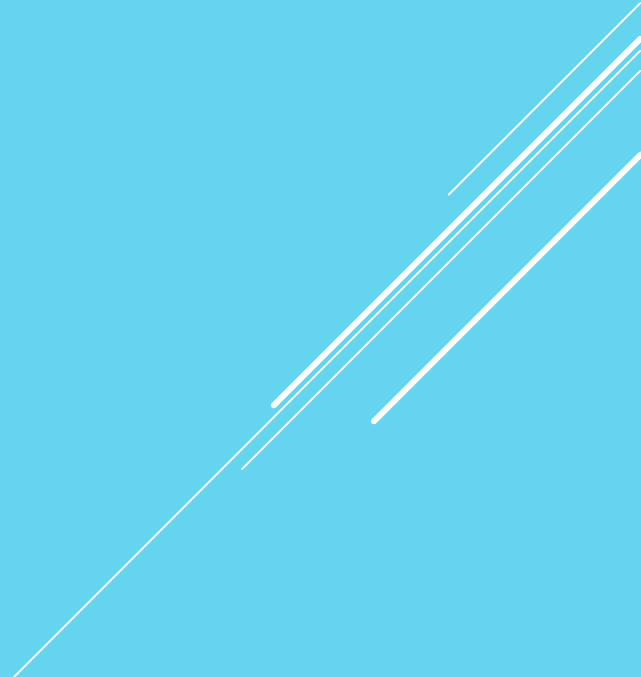
## When Can I Get One of these New License Types?

- Implementing this legislation requires automation changes as well as new minimum standards.
- This legislation was not fully funded, so there is no timeframe in which automation changes can be accomplished. HHSC is looking at options now but no final decision has been made.
- New IFFH and IFGH are not allowed, but the current IFFH and IFGH can continue to operate until a new license type can be offered.
- HHSC CCL is currently writing rules related to phasing out Foster Group Homes and rules related to exceptions to allow a foster family home to have a temporary capacity of up to 8 children under certain conditions.

QUESTIONS?



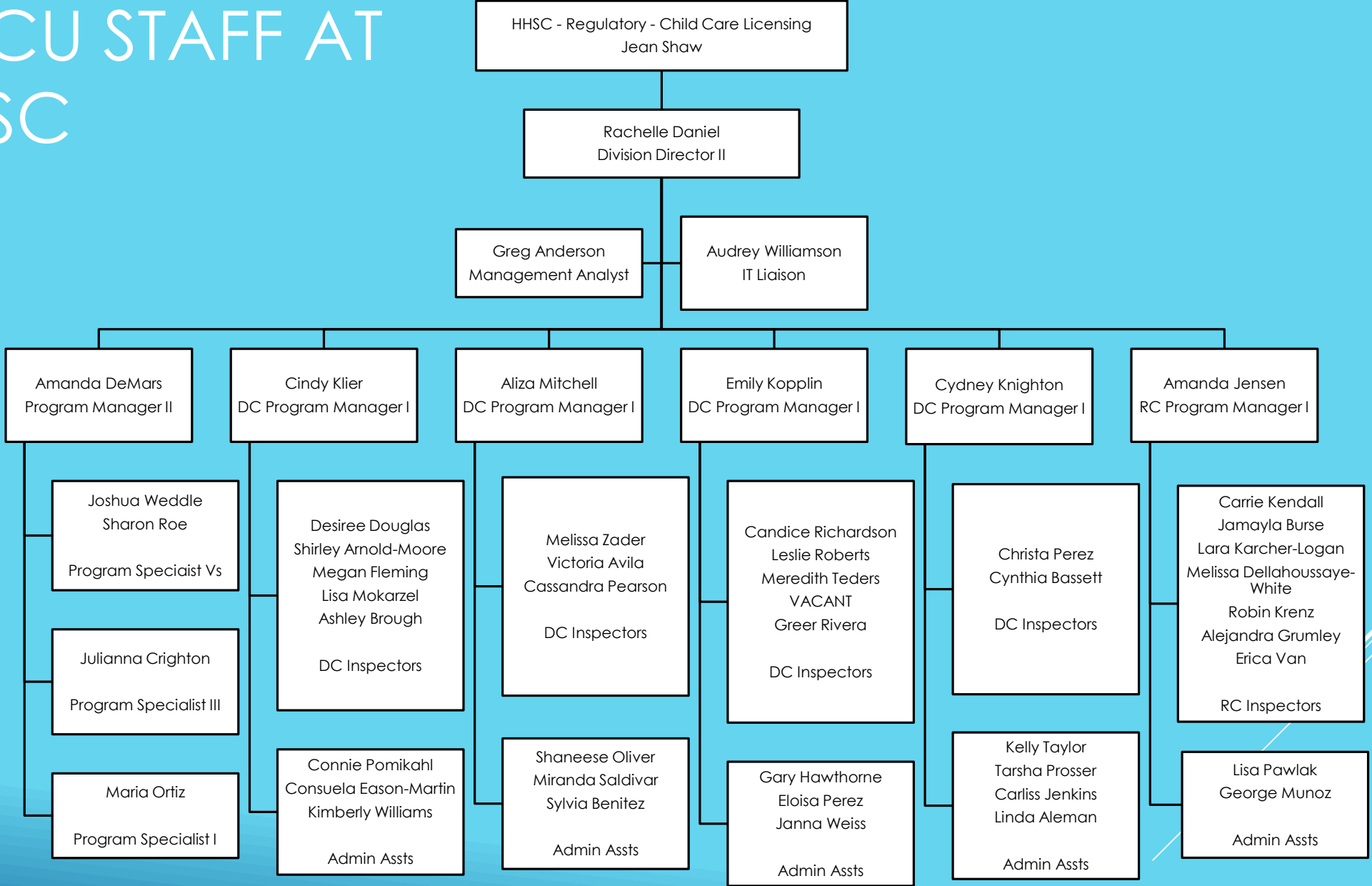
# BACKGROUND CHECK CHANGES

- Split of background check unit
  - New background check rules and automation
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# SPLIT OF CENTRALIZED BACKGROUND CHECK UNIT (CBCU)

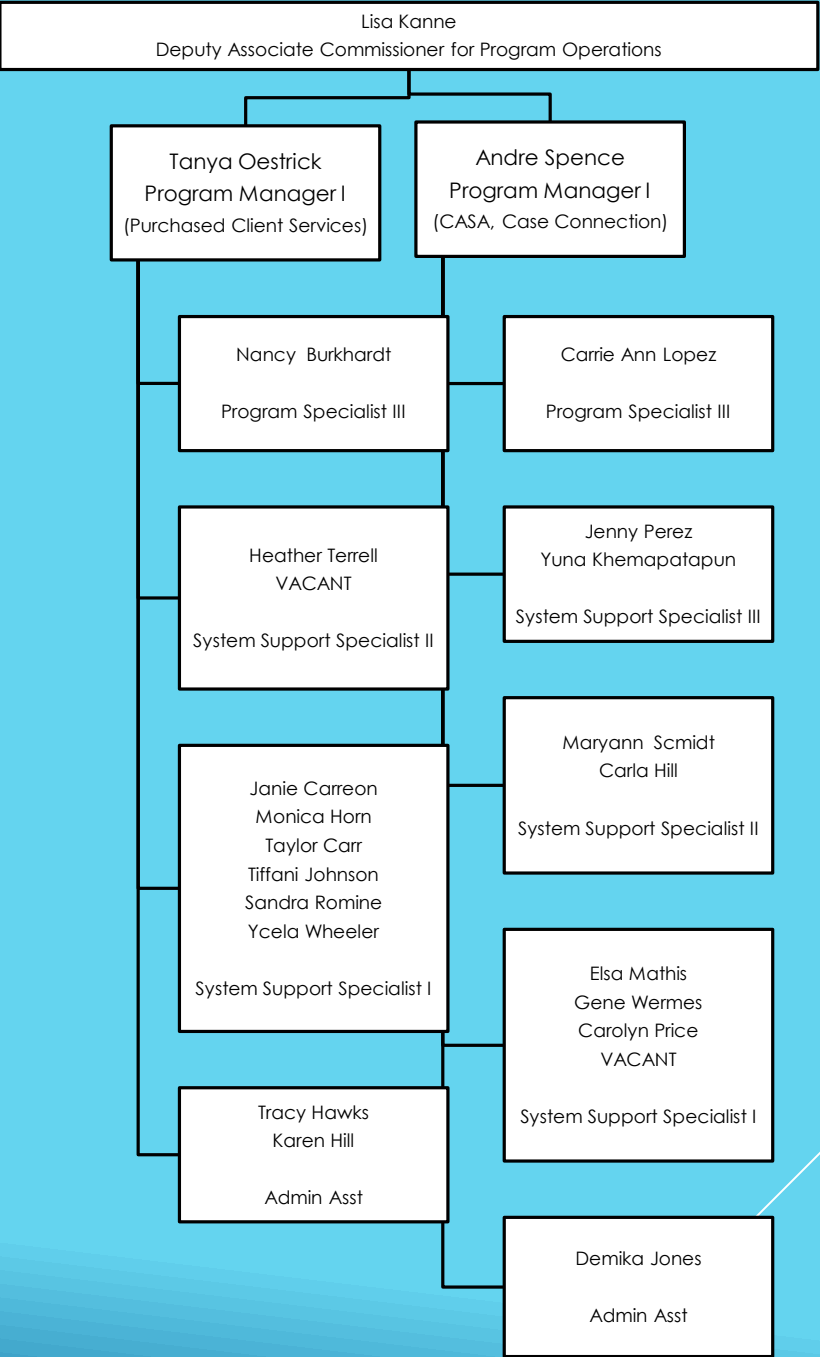
- Majority of division moved with Child Care Licensing to HHSC on 9/1/17
- Two teams remain at DFPS to process non-Licensing checks, including those for Purchased Client Services and external organizations with access to DFPS systems/client data (Case Connection users, CASA, et al)

# CBCU STAFF AT HHSC





# CBCU STAFF AT DFPS



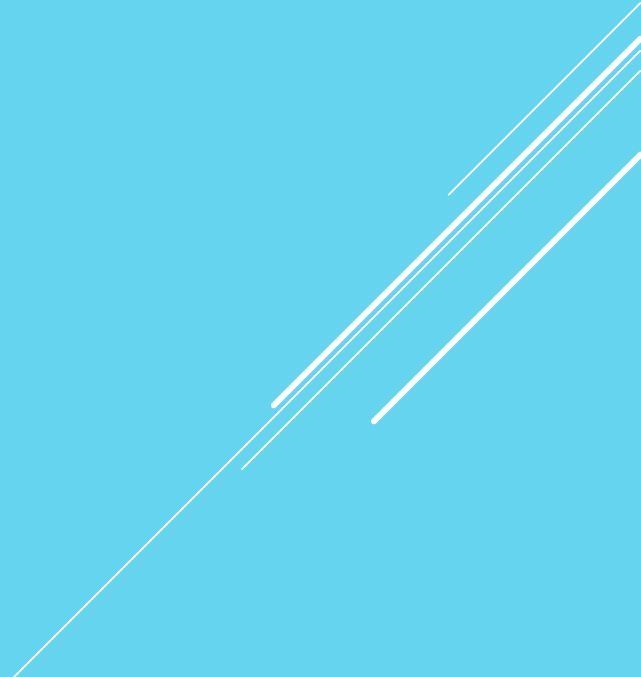
# NEW BACKGROUND CHECK RULES

## Why are there changes?

- Federal requirements (CCDBG) for daycare: Opted to be consistent between RC/DC for most requirements
  - Increase child safety
  - Streamline automation
- Removal of most name-based criminal history checks (HB 4094: changes to Human Resources Code 42.056)
- Subscribing to FBI Rap Back
- Automation and efficiencies

# NEW BACKGROUND CHECK RULES

## **When are the changes occurring?**

- Proposed rules currently out for public comment until 11/6/17
  - Effective date of changes will be January 2018
  - Automation to support changes scheduled for release 1/28/18
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# NEW BACKGROUND CHECK RULES

## **Background Check Types**

In state of current residence (usually Texas):

- Fingerprint-based criminal history
- Central Registry
- Sex Offender Registry

# NEW BACKGROUND CHECK RULES

## Background Check Types

National checks:

- FBI fingerprint-based criminal history
- NCIC National Sex Offender Registry (On Hold)\*

\* Denotes new requirements

# NEW BACKGROUND CHECK RULES

## Background Check Types

In other states of residency in past 5 years:

- Child abuse/neglect registry\* (not new for foster/adoptive parents)
- Sex Offender Registry\*
- Name-based or fingerprint-based criminal history (DC only)\*

\* Denotes new requirements

# NEW BACKGROUND CHECK RULES

## Background Check Types

Volunteers/frequent visitors: still only require name-based checks (Texas DPS and Central Registry) as long as...

- Always supervised by a qualified staff member/caregiver **AND**
- Have not lived outside of Texas in the past 5 years

# NEW BACKGROUND CHECK RULES

## Background Check Timeframes

- Checks remain valid for 5 years if fingerprinted
  - Still require 24-month recheck for those not fingerprinted
  - CBCU will internally trigger a new Central Registry check at a more frequent interval for those that remain active with an operation
  - National Rap Back implementation will ensure live nationwide criminal history results for those that are fingerprinted
- CBCU will have 45 days from date of background check request to issue a decision on eligibility



# NEW BACKGROUND CHECK RULES

## Communication Primarily with Subject of the Check

For everyone EXCEPT foster/adoptive parents and their household members, operation will **only** receive notification of eligibility

- **Eligible:** person is approved to have direct access to the operation or children in care without conditions
- **Ineligible:** subject of the background check may not have any access to the operation or children in care
- **Eligible with Conditions:** subject of the background check is approved to have access to the operation or children in care as long as specific conditions are followed
- **Provisional:** subject of the background check may have limited access to the operation or children in care according to specific conditions while actions relating to the background check are incomplete
  - temporary determination – cannot verify/approve foster/adoptive home with this background check status

# NEW BACKGROUND CHECK RULES

## Communication Primarily with Subject of the Check

For foster/adoptive parents and their household members

- Detailed background check results will still be shared with CPAs for foster/adoptive parents and household members, along with eligibility status
- CPAs will play a more limited role in the risk evaluation process for these checks (subject required to request but CPA must agree to it)

For all others:

- CBCU and CCL staff will not discuss or release any details of results with you
- Risk evaluation process will be between CBCU and subject

# NEW BACKGROUND CHECK RULES

## Person Lists in Public and Provider Site

- Person lists will show employment/affiliation status for an individual at an operation: Active, Inactive, or Pending
- Operations will be required to validate list every 90 days through the website
- Operations will be able to see entire Person List and details for each person
  - Eligibility status
  - Conditions
  - Role
- List can be sorted and filtered
- Message Board function to prompt user to take actions

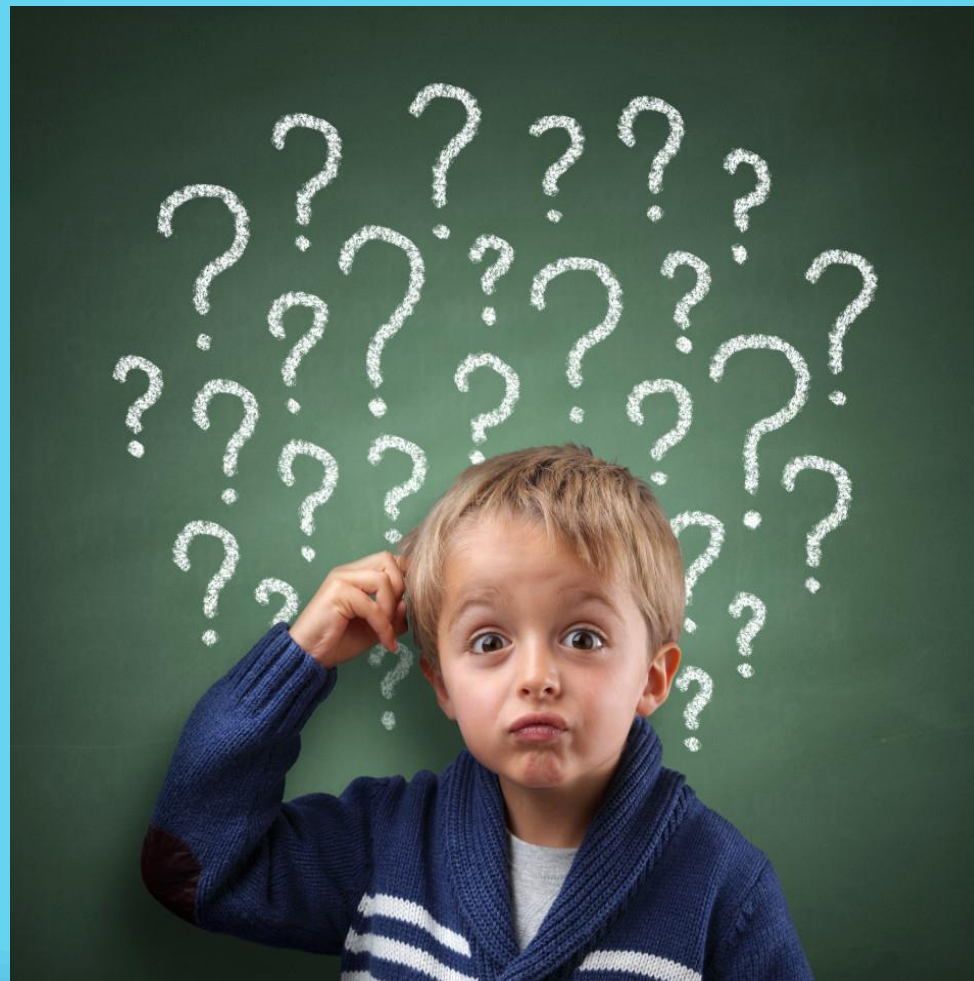
# NEW BACKGROUND CHECK RULES

## Submitting Checks Through Public and Provider Site

- Alternate ID options available for persons with no SSN
- Collecting info on states of residency in past 5 years at point of entry
- Quick notification of errors (ID/gender/DOB don't match)
- Validate DOB – no future dates and no requests for persons under 13 years and 9 months
- System automatically determines background check types required based on answers to questions
- Role options specific to operation type

# NEW BACKGROUND CHECK RULES

QUESTIONS?



# QUESTIONS?

## Contact Information:

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