

Texas Administrative Code _Title 40. Social Services and Assistance _Part 19. Department of Family and Protective Services _Chapter 746. Minimum Standards for Child-Care Centers _Subchapter O. Get-Well Care Programs

40 TAC § 746.3101
Tex. Admin. Code tit. 40, § 746.3101

§ 746.3101. May I care for children who are ill?

Yes, if you are licensed as a get-well care program to provide care for children who are ill. The primary objective of this program is to ensure that children in care receive the required attention necessary for certain ill children, as specified in this subchapter.

40 TAC § 746.3103
Tex. Admin. Code tit. 40, § 746.3103

§ 746.3103. Which children may be included in the get-well care program?

Get-well care includes care for children who are too sick to attend well-child day care according to the exclusions in Subchapter R, Division 3 of this chapter (relating to Illness and Injury), but who do not exhibit any of the excludable diseases defined by the Texas Department of State Health Services (DSHS) in 25 TAC § 97.7 (relating to Diseases Requiring Exclusion from Schools).

40 TAC § 746.3105
Tex. Admin. Code tit. 40, § 746.3105

§ 746.3105. What must I do before I admit a child to my get-well care program?

Before a child may enter your get-well care program, you must determine the child's needs and that your program can meet those needs without compromising the care of other children in the program.

40 TAC § 746.3107
Tex. Admin. Code tit. 40, § 746.3107

§ 746.3107. When must I remove a child from my get-well care program?

You must remove a child from your get-well care program immediately when the child's condition meets one of the excludable diseases or symptoms specified by DSHS. The child may return to your regular child-care program when you have obtained a doctor's statement that he no longer has the excludable condition, or when the child is free of symptoms for 24 hours.

40 TAC § 746.3109
Tex. Admin. Code tit. 40, § 746.3109

§ 746.3109. Are the parents of children in the get-well care program required to provide a doctor's statement before I may admit the child?

No. Each parent must provide you with information on the child's specific diagnosis from a health-care professional, including current status of the illness, any dietary needs, activity level, and medication plan. You must record this information and the name and telephone number of the health-care professional on the get-well care program admission form or other similar form that captures the same information. You must update this information as the child's needs or diagnosis changes.

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40 TAC § 746.3111
Tex. Admin. Code tit. 40, § 746.3111

§ 746.3111. Must I care for children in the get-well care program in an area separate from the well children in care?

If your get-well care program is located in the same building as your other child-care programs:

- (1) The get-well care program must have a separate entrance and a separate ventilation system;
- (2) Indoor hallways, bathrooms, and activity areas utilized by the get-well care program must be separate from the other child-care programs;
- (3) A single kitchen may be used if the cook has no child-care responsibility;
- (4) Separate toileting facilities must be available for the children in the get-well care program from the children in the well child-care program at a ratio of one toilet for every ten children; and
- (5) Linens, furniture, fixtures, equipment, and supplies designated for use by the get-well care program must be sanitized before being used by the well children.

40 TAC § 746.3113
Tex. Admin. Code tit. 40, § 746.3113

§ 746.3113. What extra safety features must I have in my get-well care program?

- (a) You must care for children with respiratory illnesses separately from children with gastrointestinal illnesses. Curtains, partitions, or walls can define separate rooms.
- (b) A hand-washing sink must be available in every room in your get-well care program.
- (c) If children in diapers are in care, the diaper-changing surface must be adjacent to the hand-washing sink.

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40 TAC § 746.3115
Tex. Admin. Code tit. 40, § 746.3115

§ 746.3115. May caregivers working with the get-well care program also work with other children in the child-care center?

No. Caregivers supervising and caring for children in your get-well care program must not also care for well children in the child-care center on the same day.

40 TAC § 746.3117
Tex. Admin. Code tit. 40, § 746.3117

§ 746.3117. Do caregivers in my get-well care program require special training or qualifications?

Yes, in addition to the regular caregiver qualifications, get-well care program caregivers must:

(1) Have current certification in CPR and first aid, including rescue breathing and choking; and

(2) Have five additional hours of annual training in general infection control procedures, recognition and care of children with mild childhood illnesses, and child development activities for children who are ill for a total of 20 hours per year.

40 TAC § 746.3119
Tex. Admin. Code tit. 40, § 746.3119

§ 746.3119. May the director of my well child-care program also direct my get-well care program?

Yes, although the director of your get-well care program must:

(1) Meet all qualifications specified in Subchapter D of this chapter (relating to Personnel);

(2) Not be counted in child/caregiver ratio or be responsible for supervising or caring for any children in either program;

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(3) Have current certification in CPR and first aid, including rescue breathing and choking; and

(4) Have ten additional hours of annual training in prevention and control of communicable diseases, and care of ill children, for a total of 30 hours per year.

**40 TAC § 746.3121
Tex. Admin. Code tit. 40, § 746.3121**

§ 746.3121. Must I provide activities for children in the get-well care program?

You must:

(1) Provide quiet activities appropriate to each child's developmental age and needs; outdoor play is not required;

(2) Give children access to nap or rest areas without distraction or disturbance from other activities when the child demonstrates a need for rest or desires to rest; and

(3) Follow physician's directions.

**40 TAC § 746.3123
Tex. Admin. Code tit. 40, § 746.3123**

§ 746.3123. Must my get-well care program follow any special handling procedures?

Yes. You must follow these handling procedures when providing get-well care:

(1) Sanitize all laundry each day and when soiled;

(2) Keep all garbage containers covered and take them out of the building daily;

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(3) Sanitize all toys and equipment after every use and before a different child uses them;

(4) Use disposable, single-use cups, plates, and utensils for food service and drinks; and

(5) Provide nutritious meals and snacks according to the children's needs or the directions of a health-care professional.

40 TAC § 746.3201
Tex. Admin. Code tit. 40, § 746.3201

§ 746.3201. What is nighttime care?

(a) Nighttime care is care given on a regular or frequent basis to children who are starting or continuing their night sleep, or to children who spend the night or part of the night at the child-care center between the hours of 9:00 p.m. and 6:00 a.m.

(b) Nighttime care does not include the occasional sleep-over program offered at infrequent intervals. Notify us before offering either program.

40 TAC § 746.3203
Tex. Admin. Code tit. 40, § 746.3203

§ 746.3203. May I provide nighttime care to children at my child-care center?

(a) Yes, you may care for children both during the day and night if we approve it. Even then, a child may only be in care for:

(1) No more than 16 hours within a 24-hour period on a daily basis; or

(2) No more than three consecutive 24-hour periods with a maximum of six 24-hour periods per month, as specified in § 745.383 of this title (relating to Can a licensed child day-care operation offer 24-hour care?).

(b) You cannot exceed these limits without getting a license for a residential child-care operation.

40 TAC § 746.3205
Tex. Admin. Code tit. 40, § 746.3205

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§ 746.3205. Must caregivers stay awake while supervising children during nighttime care?

Yes. Caregivers supervising children during nighttime care must be awake and supervising the children at all times, as specified in § 746.1205 of this title (relating to What does Licensing mean by “supervise children at all times”?).

40 TAC § 746.3207

Tex. Admin. Code tit. 40, § 746.3207

§ 746.3207. What are the building, furnishings, physical space, and equipment requirements for nighttime care?

In addition to all other building, furnishing, physical space, and equipment requirements specified in this chapter:

(1) All exits must be visible. This may be provided by lighted exit signs or by lighted exits (such as a hall light or lamp, which lights the exit path and door);

(2) You cannot count a window as one of the child-care center’s required fire exits;

(3) Each child 18 months and older must be provided a cot, bed, or mattress that is waterproof or washable and developmentally appropriate;

(4) Children under the age of 18 months must be provided with a crib for nighttime sleeping; and

(5) Boys and girls six years old or older must have separate sleeping and dressing areas.

40 TAC § 746.3209

Tex. Admin. Code tit. 40, § 746.3209

§ 746.3209. Must I provide activities for children in nighttime care?

Yes. Activities and routines must meet the unique needs of children in nighttime care. These may include quiet activities such as homework, reading, puzzles, or board games; time for personal care routines and preparation for sleep, such as brushing teeth, washing hands and face, toileting, and changing clothes; and an evening meal, breakfast and/or snack as specified in Subchapter Q of this chapter (relating to Nutrition and Food Service).

40 TAC § 746.3301
Tex. Admin. Code tit. 40, § 746.3301

§ 746.3301. What are the basic requirements for snack and mealtimes?

(a) You must serve all children ready for table food regular meals and morning and afternoon snacks as specified in this subchapter.

(1) If breakfast is served, a morning snack is not required.

(2) A child must not go more than three hours without a meal or snack being offered, unless the child is sleeping.

(3) If your child-care center is participating in the Child and Adult Care Food Program administered by the Texas Department of Agriculture, you may elect to meet those requirements rather than those specified in this subsection.

(b) You must ensure a supply of drinking water is always available to each child and is served at every snack, mealtime, and after active play in a safe and sanitary manner.

(c) You must not serve beverages with added sugars, such as carbonated beverages, fruit punch, or sweetened milk except for a special occasion such as a holiday or birthday celebration.

(d) You must not use food as a reward or punishment.

40 TAC § 746.3303
Tex. Admin. Code tit. 40, § 746.3303

§ 746.3303. How often must I feed children in my care?

(a) You must offer each child in care for less than four hours at least one snack as specified in § 746.3307 of this title (relating to What kind of foods must I serve for snacks?).

(b) You must offer each child in care for four to seven hours one meal, or one meal and one snack, equal to 1/3 of

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their daily food needs.

(c) You must offer each child in care for more than seven hours two meals and one snack, or two snacks and one meal, equal to 1/2 of their daily food needs.

(d) You must offer an evening meal and/or bedtime snack and breakfast to each child who receives nighttime care. The amount you offer will vary with the time the child arrives and leaves.

(e) If your child-care center is participating in the Child and Adult Care Food Program administered by the Texas Department of Agriculture, you may elect to meet those requirements rather than those specified in this section.

40 TAC § 746.3305
Tex. Admin. Code tit. 40, § 746.3305

§ 746.3305. How do I know what a child's daily food needs are?

(a) The daily food needs for children 12 months through two years are included in the following chart:

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Figure: 40 TAC §746.3305(a)

Food Groups	Number of Servings to Meet 1/3 Daily Needs	Number of Servings to Meet 1/2 Daily Needs	Serving Size
Milk	1 and 1/3	2	4 oz. Milk or 1/2 oz. Cheese or 4 oz. Yogurt
Meat/Meat Alternative	1	1 and 1/2	1/2 to 1 oz. Cooked lean meat or 1/2 to 1 Egg or 1/4 c. Cooked beans
Vegetables and Fruit	1 and 1/3 +	2 +	2 to 3 Tb. Cooked vegetables or 2 to 3 Tb. Canned fruit or 1/4 Small fresh fruit or 1/4 c. Juice
Whole Grains	1 and 1/3 +	2 +	1/2 Slice bread or 1/4 c. Cooked cereal or 1/4 c. Pasta or rice or 1 or 2 Crackers

(b) The daily food needs for children three years through five years are included in the following chart:

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Figure: 40 TAC §746.3305(b)

Food Groups	Number of Servings to Meet 1/3 Daily Requirement	Number of Servings to Meet 1/2 Daily Requirement	Serving Size
Milk	2/3 of One Serving	1	3/4 c. 1% Milk or 1 1/2 oz. Cheese or 3/4 c. Yogurt
Meat/Meat Alternative	2/3 of One Serving	1	1 1/2 oz. Cooked lean meat or 3/4 Egg or 1/4 c. Cooked beans
Vegetable	1	1 and 1/2	1/2 c. Raw or cooked vegetable or 1/2 c. Raw leafy vegetable
Fruit	2/3 of One Serving	1	1/2 c. Canned or chopped fruit or 1 Piece fruit or melon wedge or 1/2 c. Juice
Whole Grains	2	3	1/2 Slice bread or 1/4 c. Cooked cereal or 1/2 oz. Ready to eat cereal or 1/4 c. Cooked pasta or rice or 3 to 5 Crackers

c) The daily food needs for children six years and older are included in the following chart

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Figure: 40 TAC §746.3305(c)

Food Groups	Number of Servings to Meet 1/3 Daily Requirement	Number of Servings to Meet 1/2 Daily Requirement	Serving Size
Milk	2/3 to 1	1 to 1 and 1/2	1c. 1% Milk or 1 & 1/2 oz. Natural cheese or 1 c. Yogurt
Meat/Meat Alternative	2/3 to 1	1	2 oz. Cooked lean meat, poultry, or fish or 1/2 c. Cooked beans or 1/2 c. Tofu or 2 Tb. Peanut butter
Vegetables	1 to 1 and 2/3	2	1/2 c. Raw or cooked vegetables or 1/2 c. Raw leafy vegetable
Fruit	2/3 to 1 and 1/3	1 to 2	1/2 c. Canned or chopped fruit or 1 Medium piece fruit or 3/4 c. Juice
Whole Grains	2 to 3 and 2/3	3 to 5+	1 Slice bread or 1/2 c. Cooked cereal or 3/4 oz. Ready to eat cereal or 1/2 c. Cooked pasta or rice or 4-6 Crackers

(d) You must serve enough food to allow children second servings from the vegetable, fruit, grain, and milk groups.

(e) If your child-care center is participating in the Child and Adult Care Food Program administered by the Texas Department of Agriculture, you may elect to meet those requirements rather than those specified in this section.

40 TAC § 746.3307
 Tex. Admin. Code tit. 40, § 746.3307

§ 746.3307. What kind of foods must I serve for snacks?

Morning, afternoon, and nighttime snacks must be nutritious and include at least one of the following, which can be included in the child's daily food needs:

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(1) One serving from the fruit or vegetable group;

(2) One serving from the milk group;

(3) One serving from the grain group; or

(4) One serving from the meat or meat alternative group.

40 TAC § 746.3309
Tex. Admin. Code tit. 40, § 746.3309

§ 746.3309. May parents provide meals and/or snacks for their children instead of my child-care center providing these?

(a) Yes; however, your enrollment agreement signed by the parent must include a statement that the parent is choosing to provide the child's meals and/or snacks from home and the parent understands the child-care center is not responsible for its nutritional value or for meeting the child's daily food needs.

(b) If the parent provides a meal but not a snack, you are responsible for providing a snack as specified in § 746.3307 of this title (relating to What kind of foods must I serve for snacks?).

(c) You must provide safe and proper storage and service of the individual meals and snacks provided by parents.

(d) You must ensure meals and snacks provided by a parent and shared with other children meet the needs of children who require special diets.

40 TAC § 746.3311
Tex. Admin. Code tit. 40, § 746.3311

§ 746.3311. How should my child-care center meet the needs of children who require special diets or do not want to eat foods we serve?

(a) You must have written approval from a physician or a registered or licensed dietician in the child's records to serve a child a therapeutic or special diet. You must give this information to all employees preparing and serving food.

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(b) You must discuss recurring eating problems with the child's parent.

(c) You may encourage but must not force children to eat.

(d) You must not serve nutrient concentrates and supplements such as protein powders, liquid protein, vitamins, minerals, and other nonfood substances without written instructions from a physician.

40 TAC § 746.3313
Tex. Admin. Code tit. 40, § 746.3313

§ 746.3313. Must I post and maintain daily menus?

Yes. You must:

(1) Post daily menus showing all meals and snacks prepared and served by the child-care center where parents and others can see them. Substitutions must be of comparable food value. Keep a record of any substitutions made;

(2) Date menus and keep copies for review for three months; and

(3) If you rotate menus, keep a record of which menu was used for each date.

40 TAC § 746.3315
Tex. Admin. Code tit. 40, § 746.3315

§ 746.3315. May I serve powdered milk?

Yes, you may serve powdered milk if you mix the powdered milk according to label directions, and prepare, store, and serve the milk in a safe and sanitary manner.

40 TAC § 746.3316
Tex. Admin. Code tit. 40, § 746.3316

§ 746.3316. May I serve fruit or vegetable juices?

Yes, you may serve fruit or vegetable juices if you:

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(1) Serve only 100% fruit or vegetable juice;

(2) Only serve to children ages 12 months and older; and

(3) Only serve up to four ounces for children ages 12 months through five years of age and six ounces for children ages six and older per day when using towards daily food needs.

40 TAC § 746.3317
Tex. Admin. Code tit. 40, § 746.3317

§ 746.3317. What general requirements apply to food service and preparation?

All food and drinks must be of safe quality and must be stored, prepared, distributed, and served under sanitary and safe conditions, including but not limited to the following:

(1) You must sanitize food service equipment, dishes, and utensils after each use;

(2) If your child-care center lacks adequate facilities for sanitizing dishes and utensils, you must use only disposable, single-use items;

(3) You must wash re-useable napkins, bibs, and tablecloths after each use;

(4) You must discard single-service napkins, bibs, dishes, and utensils after use;

(5) Caregivers with open wounds and/or any injury that inhibits hand washing, such as casts, bandages, or braces, must not prepare food;

(6) You must serve children's food on plates, napkins, or other sanitary holders such as a high chair tray, and you must not place food on a bare table or eating surface, which includes the floor;

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(7) You must not serve foods that present a risk of choking for infants and toddlers;

(8) You must cover all food stored in the refrigerator;

(9) When meals are prepared at the child-care center, the food preparation area must be separated from the eating, play, and bathroom areas. You must not use the food preparation area as a passageway while food is being prepared; and

(10) You must not store poisonous or toxic materials and cleaning supplies with food.

40 TAC § 746.3319
Tex. Admin. Code tit. 40, § 746.3319

§ 746.3319. Must I serve meals family style?

(a) No, you do not have to use family-style meal service, although all meals and snack times must:

(1) Be unhurried; and

(2) Include adult supervision of children.

(b) If meals and snacks are served family style, caregivers must supervise children to prevent cross-contamination of the food.

40 TAC § 746.3321
Tex. Admin. Code tit. 40, § 746.3321

§ 746.3321. Are children allowed to use toothbrushes after meal and snack times?

(a) Yes, although toothbrushes and tooth powders or pastes provided for each child's individual use must be:

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- (1) Labeled with the child's full name;
 - (2) Stored out of children's reach when not in use; and
 - (3) Stored in a manner that prevents the toothbrushes from touching each other during storage.
- (b) Children must have adult supervision while brushing their teeth.

40 TAC § 746.3401
Tex. Admin. Code tit. 40, § 746.3401

§ 746.3401. Must my child-care center have an annual sanitation inspection?

(a) Your child-care center must have a sanitation inspection before we issue your initial permit and at least once every 12 months, unless your child-care center is located in a public school facility operated by the local independent school district.

(b) If an inspection is required, a local sanitation official must conduct the inspection.

(c) If an inspection is not available from a local sanitation official, you must:

(1) Obtain documentation from a state or local sanitation official or county judge stating that an inspection is not available; and

(2) Maintain this documentation at the center and make it available to us upon request.

40 TAC § 746.3403
Tex. Admin. Code tit. 40, § 746.3403

§ 746.3403. How do I document that a sanitation inspection has been completed?

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If required, you must keep a copy of the most recent sanitation report, letter, or checklist at the child-care center during hours of operation to verify the inspection date and findings. The report must include the name and telephone number of the inspector.

40 TAC § 746.3405
Tex. Admin. Code tit. 40, § 746.3405

§ 746.3405. Do I have to make corrections called for in the report?

If required, you must comply with corrections, restrictions, or conditions specified by the inspector in the sanitation report, letter, or checklist.

40 TAC § 746.3407
Tex. Admin. Code tit. 40, § 746.3407

§ 746.3407. What steps must I take to ensure a healthy environment for children at my child-care center?

You must clean, repair, and maintain the building, grounds, and equipment to protect the health of the children. This includes, but is not limited to:

- (1) Setting aside toys and equipment that are placed in children's mouths, or are otherwise contaminated by body secretion or excrement, to be sanitized before handling by another child;
- (2) Machine washing cloth toys, if used, at least weekly and when contaminated;
- (3) Machine washing all linens at least weekly, and when soiled or before another child uses them;
- (4) Sanitizing sleeping equipment before a different child uses it and when soiled;
- (5) Sanitizing potty-chairs after each child's use;
- (6) Emptying water play tables and toys used in water tables daily, sanitizing, and ensuring children and caregivers wash their hands before using the water table;

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(7) Maintaining sand boxes and sand tables in a sanitary manner;

(8) Making all garbage inaccessible to children and managing it to keep the child-care center inside and outside, free of insects, rodents, and offensive odors, and disposing of it according to local and state requirements;

(9) Keeping all floors, ceilings, and walls in good repair and clean. Paints used at the child-care center must be lead-free;

(10) Keeping all parts of the child-care center used by children well heated, lighted, and ventilated;

(11) Sanitizing table tops, furniture, and other similar equipment used by children when soiled or contaminated with matter such as food, body secretions, or excrement; and

(12) Clearly marking cleaning supplies and other toxic materials and keeping them separate from food and inaccessible to children.

**40 TAC § 746.3409
Tex. Admin. Code tit. 40, § 746.3409**

§ 746.3409. What does Licensing mean when it refers to “sanitizing”?

Sanitizing requires a four-step process. For the sanitizing process to be effective, you must follow these steps in order:

(1) Washing with water and soap;

(2) Rinsing with clear water;

(3) Soaking in or spraying on a disinfecting solution (at least two minutes). Rinsing with cool water only those items that children are likely to place in their mouths; and

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(4) Allowing the surface or article to air-dry.

40 TAC § 746.3411
Tex. Admin. Code tit. 40, § 746.3411

§ 746.3411. What is a disinfecting solution?

A disinfecting solution may be:

(1) A self-made solution, prepared as follows:

(A) One tablespoon of regular strength liquid household bleach to each gallon of water used for disinfecting such items as toys and eating utensils; or

(B) One-fourth cup of regular strength liquid household bleach to each gallon of water used for disinfecting surfaces such as bathrooms, crib rails, and diaper-changing tables; and

(C) You must prepare each solution daily and place it in a closed and labeled container; or

(2) A commercial product that is registered with the Environmental Protection Agency as an antimicrobial product and includes directions for use in a hospital as a disinfectant. You must use the product according to label directions. Commercial products must not be toxic on surfaces likely to be mouthed by children, like crib rails and toys.

40 TAC § 746.3413
Tex. Admin. Code tit. 40, § 746.3413

§ 746.3413. May I use a dishwasher or washing machine to sanitize items at my child-care center?

Items that may be washed in a dishwasher or hot cycle of a washing machine which runs at a temperature of 160 degrees Fahrenheit or higher for five or more minutes do not need additional disinfecting because these machines use water that is hot enough, for long enough, to kill most germs.

40 TAC § 746.3415
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Green &
Burgundy

§ 746.3415. When must employees wash their hands?

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Employees must wash their hands:

(1) Before eating or handling food or medication;

(2) Before feeding a child;

(3) After arriving at the child-care center;

(4) After diapering a child;

(5) After assisting a child with toileting;

(6) After personal toileting;

(7) After handling or cleaning body fluids, such as after wiping noses, mouths, or bottoms, and tending sores;

(8) After handling or feeding animals;

(9) After outdoor activities;

(10) After handling raw food products;

(11) After eating, drinking, or smoking; and

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(12) After using any cleaners or toxic chemicals.

40 TAC § 746.3417
Tex. Admin. Code tit. 40, § 746.3417

§ 746.3417. When must children wash their hands?

Children must wash their hands:

(1) Before eating;

(2) Before playing in a water play table;

(3) After toileting or having a diaper changed;

(4) After outdoor activities;

(5) After playing in sand;

(6) After feeding or touching animals; and

(7) Any other time that the caregiver has reason to believe the child has come in contact with substances that could be harmful to the child.

40 TAC § 746.3419
Tex. Admin. Code tit. 40, § 746.3419

§ 746.3419. How must children and employees wash their hands?

Texas Administrative Code _Title 40. Social Services and Assistance _Part 19. Department of Family and Protective Services _Chapter 746. Minimum Standards for Child-Care Centers _Subchapter O. Get-Well Care Programs

Children 18 months of age and older and employees must wash their hands with soap and running water. Pre-moistened towelettes or wipes and waterless hand cleaners are not a substitute for soap and running water.

**40 TAC § 746.3421
Tex. Admin. Code tit. 40, § 746.3421**

§ 746.3421. How must I wash an infant's hands?

(a) Until the infant is old enough to be raised to the faucet and reach for the water, you must wash the infant's hands using an individual cloth or disposable towel with soap, followed by a cloth or disposable towel used to rinse with clear water and dry.

(b) Use soap and running water as specified in this division when infants are old enough to be raised to the faucet and reach for the water and any other time that the caregiver has reason to believe the child has come in contact with substances that could be harmful to the child.

**40 TAC § 746.3423
Tex. Admin. Code tit. 40, § 746.3423**

§ 746.3423. Must my child-care center have hot water for hand washing?

No. We do not require you to have hot water for hand washing. However, if hot water is accessible to the children, a thermostat must control it so that the water temperature is no higher than 120 degrees Fahrenheit.

**40 TAC § 746.3425
Tex. Admin. Code tit. 40, § 746.3425**

§ 746.3425. Must caregivers wear gloves when handling bodily fluids?

Yes. Caregivers must:

(1) Use disposable, nonporous gloves when handling blood, vomit, or other bodily fluids that may contain blood;

(2) Discard the gloves immediately after one use; and

(3) Wash hands after using and disposing of the gloves.

**40 TAC § 746.3427
Tex. Admin. Code tit. 40, § 746.3427**

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§ 746.3427. Must I use a licensed exterminator to treat my child-care center for insects, rodents, and other pests?

You may treat your center for pests only if you are certified as a noncommercial applicator by the Texas Department of Agriculture. Otherwise, you must use a pest control operator licensed by the Texas Department of Agriculture to prevent, control, or eliminate pest infestations at your child-care center, including the use of over-the-counter products designed for controlling insects, rodents, and other pests.

**40 TAC § 746.3429
Tex. Admin. Code tit. 40, § 746.3429**

§ 746.3429. Are there general precautions I must take when my child-care center is being treated for insects, rodents, and other pests?

(a) Children must not be allowed in areas where there is pesticide residue that may be harmful to them. Follow written instructions from the licensed pest control operator or label directions in order to determine whether the residue may be harmful to children.

(b) Areas where children are present may be treated with chemicals only when permissible under the label directions.

**40 TAC § 746.3431
Tex. Admin. Code tit. 40, § 746.3431**

§ 746.3431. May I use water from a private water supply instead of a public water supply for my child-care center?

Yes, you may use water from a private water supply, although you must:

(1) Maintain the water supply in a safe and sanitary manner.

(2) Maintain written records indicating the private water supply meets the requirements of the Texas Commission on Environmental Quality, if applicable.

**40 TAC § 746.3433
Tex. Admin. Code tit. 40, § 746.3433**

§ 746.3433. May I use a septic system for sewage disposal?

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Yes, if the septic system is sanitary and meets the standards of the Texas Commission on Environmental Quality, including any routine inspections required by law.

**40 TAC § 746.3501
Tex. Admin. Code tit. 40, § 746.3501**

§ 746.3501. What steps must caregivers follow for diaper changing?

Caregivers must:

- (1) Promptly change soiled or wet diapers or clothing;
- (2) Thoroughly cleanse children with individual cloths or disposable towels. You must discard the disposable towels after use and launder any cloths before using them again;
- (3) Ensure that the children are dry before placing a new diaper on the child. If the child must be dried, you must use a clean, individual cloth or disposable towel to dry the child. You must discard the disposable towel after use and launder any cloth before using it again;
- (4) Not apply powders, creams, ointments, or lotions without the parent's written permission. If the parent supplies these items, permission is implicit and you do not need to obtain permission for each use;
- (5) Label powders, creams, ointments, or lotions with the individual child's name; and
- (6) Keep all diaper-changing supplies out of children's reach.

**40 TAC § 746.3503
Tex. Admin. Code tit. 40, § 746.3503**

§ 746.3503. What equipment must I have for diaper changing?

- (a) You must have a diaper-changing table or surface that is smooth, non-absorbent, and easy to clean.

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(b) You must not use areas that children come in close contact with during play or eating, such as dining tables, sofas, or floor play areas, for diaper changing.

(c) To prevent a child from falling, a diaper-changing surface that is above the floor level:

(1) Must have a safety mechanism (such as safety straps or raised sides) that is used at all times when the child is on the surface; or

(2) The caregiver's hand must remain on the child at all times when the child is on the surface.

(d) You must have a hand-washing sink in the diaper-changing area. Refer to § 746.4403 of this title (relating to Must I have a hand-washing sink in the diaper-changing area?).

40 TAC § 746.3505
Tex. Admin. Code tit. 40, § 746.3505

§ 746.3505. What must I do to prevent the spread of germs when diapering children?

(a) You must wash your hands. Refer to § 746.3419 of this title (relating to How must children and employees wash their hands?).

(b) You must wash the infant's hands or see that the child's hands are washed after each diaper change. See § 746.3421 of this title (relating to How must I wash an infant's hands?).

(c) If you use disposable gloves, you must discard them after each diaper change and wash your hands with soap and running water.

(d) Caregivers with open wounds and/or any injury that inhibits hand washing, such as casts, bandages, or braces, must not change diapers.

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(e) You must sanitize the diaper-changing surface after each use. However, if you are changing diapers on a number of children consecutively, you may cover the surface with a non-absorbent paper liner that is disposed of between each diaper change.

(f) You must cover containers used for soiled diapers or keep them in a sanitary manner, such as placing soiled diapers in individual sealed bags.

**40 TAC § 746.3601
Tex. Admin. Code tit. 40, § 746.3601**

§ 746.3601. What type of illness would prohibit a child from being admitted for care?

Unless you are licensed to provide get-well care, you must not admit an ill child for care if one or more of the following exists:

(1) The illness prevents the child from participating comfortably in child-care center activities including outdoor play;

(2) The illness results in a greater need for care than caregivers can provide without compromising the health, safety, and supervision of the other children in care;

(3) The child has one of the following, unless medical evaluation by a health-care professional indicates that you can include the child in the child-care center's activities:

(A) Oral temperature above 101 degrees and accompanied by behavior changes or other signs or symptoms of illness;

(B) Rectal temperature above 102 degrees and accompanied by behavior changes or other signs or symptoms of illness;

(C) Armpit temperature above 100 degrees and accompanied by behavior changes or other signs or symptoms of illness; or

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(D) Symptoms and signs of possible severe illness such as lethargy, abnormal breathing, uncontrolled diarrhea, two or more vomiting episodes in 24 hours, rash with fever, mouth sores with drooling, behavior changes, or other signs that the child may be severely ill; or

(4) A health-care professional has diagnosed the child with a communicable disease, and the child does not have medical documentation to indicate that the child is no longer contagious.

**40 TAC § 746.3603
Tex. Admin. Code tit. 40, § 746.3603**

§ 746.3603. What communicable diseases would exclude a child from attending my child-care center?

You must follow the communicable disease exclusions required for schools as defined by the Texas Department of State Health Services (DSHS) in 25 TAC § 97.7 (relating to Diseases Requiring Exclusion from Schools). You can access this information from DSHS or Licensing staff.

**40 TAC § 746.3605
Tex. Admin. Code tit. 40, § 746.3605**

§ 746.3605. What if a child becomes ill while in care?

If a child becomes ill while in your care, you must:

- (1) Contact the parent to pick up the child;
- (2) Care for the child apart from other children;
- (3) Give appropriate attention and supervision until the parent picks the child up; and
- (4) Give extra attention to hand washing and sanitation if the child has diarrhea or vomiting.

**40 TAC § 746.3607
Tex. Admin. Code tit. 40, § 746.3607**

§ 746.3607. How should caregivers respond to critical illness or injury?

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If critical illness or injury requires immediate attention of a physician, you must:

- (1) Contact emergency medical services or take the child to the nearest emergency room;
- (2) Give the child first-aid treatment or CPR when needed;
- (3) Contact the physician identified in the child's record;
- (4) Contact the child's parent; and
- (5) Ensure supervision of other children in the group.

**40 TAC § 746.3609
Tex. Admin. Code tit. 40, § 746.3609**

§ 746.3609. What is a vaccine-preventable disease for the purpose of this division?

A vaccine-preventable disease is a disease that is included in the most current recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

**40 TAC § 746.3611
Tex. Admin. Code tit. 40, § 746.3611**

§ 746.3611. What must a policy for protecting children from vaccine-preventable diseases include?

A policy for protecting the children in your care from vaccine-preventable diseases must:

- (1) Specify any vaccines that you have determined an employee must have for vaccine-preventable diseases based on the level of risk the employee presents to children by the employee's routine and direct exposure to children;
- (2) Require each employee to receive each specified vaccine that the employee is not exempt from having;

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(3) Include procedures for verifying whether an employee has complied with your policy;

(4) Include procedures for an employee to be exempt from having a required vaccine because of:

(A) Medical conditions identified as contraindications or precautions by the Centers for Disease Control and Prevention (CDC); or

(B) Reasons of conscience, including a religious belief;

(5) Include procedures that an exempt employee must follow to protect children in your care from exposure to disease, such as the use of protective medical equipment, including gloves and masks, based on the level of risk the employee presents to children by the employee's routine and direct exposure to children;

(6) Prohibit discrimination or retaliatory action against an exempt employee, except that required use of protective medical equipment, including gloves and masks, may not be considered retaliatory action for purposes of this section;

(7) Outline how you will maintain a written or electronic record of each employee's compliance with or exemption from your policy; and

(8) State the disciplinary actions you may take against an employee who fails to comply with your policy.