

**40 TAC § 745.8901
Tex. Admin. Code tit. 40, § 745.8901**

§ 745.8901. What is a child-care administrator?

A child-care administrator is a person who:

(1) Supervises and exercises direct control over a general residential child-care operation or a residential treatment center; and

(2) Is responsible for the operation's program(s) and personnel, regardless of whether the person has an ownership interest in the operation or shares duties with anyone.

**40 TAC § 745.8903
Tex. Admin. Code tit. 40, § 745.8903**

§ 745.8903. What is a child-placing agency administrator?

A child-placing agency administrator is a person who:

(1) Supervises and exercises direct control over a child-placing agency, as defined in § 745.37(3)(D) of this title (relating to What specific types of operations does Licensing regulate?); and

(2) Is responsible for the agency's program(s) and personnel, regardless of whether the person has an ownership interest in the agency or shares duties with anyone.

**40 TAC § 745.8905
Tex. Admin. Code tit. 40, § 745.8905**

§ 745.8905. What is a licensed administrator?

A licensed administrator is either a licensed child-care administrator or a licensed child-placing agency administrator.

**40 TAC § 745.8907
Tex. Admin. Code tit. 40, § 745.8907**

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§ 745.8907. When must I have a Child-Care Administrator's License (CCAL)?

You must have a CCAL to serve as an administrator for a residential treatment center or a general residential operation, except for certain general residential operations that only provide emergency care services (See § 745.8911 of this title (relating to For general residential operations that only provide emergency care services, in what circumstances do I not need a CCAL to be a child-care administrator?)).

40 TAC § 745.8909

Tex. Admin. Code tit. 40, § 745.8909

§ 745.8909. When must I have a Child-Placing Agency Administrator's License (CPAAL)?

You must have a CPAAL to serve as a child-placing agency administrator. You do not need this license to serve as the administrator for an independent foster family or group home.

40 TAC § 745.8911

Tex. Admin. Code tit. 40, § 745.8911

§ 745.8911. For general residential operations that only provide emergency care services, in what circumstances do I not need a CCAL to be a child-care administrator?

You do not need a CCAL if we exempt the general residential operation that only provides emergency care services from needing a licensed child-care administrator. To qualify for exemption, the governing body or designee of the emergency shelter must send to the Assistant Commissioner for Child-Care Licensing a letter that includes the following:

- (1) The name of the county where the operation is located;

- (2) The date that the operation's governing body adopted a resolution certifying that the operation made a reasonable attempt to hire a licensed child-care administrator but was unable to do so;

- (3) A statement that the governing body adopted the resolution by a majority vote;

- (4) The name of the unlicensed administrator hired; and

- (5) A statement of the administrator's qualifications, including any areas where the person's qualifications do not meet the requirements for a CCAL.

40 TAC § 745.8913

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Tex. Admin. Code tit. 40, § 745.8913

§ 745.8913. Can my licensure in another state qualify me for an administrator's license?

(a) We may waive any prerequisite for you to get an administrator's license from us if you have a valid administrator's license from another state and:

(1) The other state's license requirements are substantially equivalent to those in Texas; or

(2) There is a reciprocity agreement between Texas and the other state.

(b) We may issue a provisional license to you once you apply for a child-care administrator's license from us and meet the requirements in Human Resources Code, § 43.0081.

40 TAC § 745.8915

Tex. Admin. Code tit. 40, § 745.8915

§ 745.8915. Do I qualify for a CCAL?

You qualify for a CCAL if you:

(1) Pass an examination, which is offered by DFPS, that demonstrates competence in the field of child-care administration;

(2) Undergo a criminal history and central registry background check and do not have a criminal history or central registry history that would prohibit you from working in a residential child-care operation, as specified in Subchapter F of this chapter (relating to Background Checks);

(3) Have one year of full-time experience in management or supervision of personnel and programs as specified in § 745.8919 of this title (relating to What qualifies as one year of experience in management or supervision of personnel and programs?); and

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(4) Have one of the following qualifications:

(A) A master's or doctor of philosophy degree in social work or other area of study; or

(B) A bachelor's degree and two years' full-time experience in residential child care or a closely related field.

40 TAC § 745.8917
Tex. Admin. Code tit. 40, § 745.8917
§ 745.8917. Do I qualify for a CPAAL?

You qualify for a CPAAL if you:

(1) Pass an examination, which is offered by DFPS, that demonstrates competence in the field of child-placing administration;

(2) Undergo a criminal history and central registry background check and do not have a criminal history or central registry history that would prohibit you from working in a residential child-care operation, as specified in Subchapter F of this chapter (relating to Background Checks);

(3) Have one year of full-time experience in management or supervision of personnel and programs as specified in § 745.8919 of this title (relating to What qualifies as one year of experience in management or supervision of personnel and programs?); and

(4) Have one of the following qualifications:

(A) A master's or doctor of philosophy degree in social work or other area of study; or

(B) A bachelor's degree and two years' full-time experience in residential child care or a closely related field.

40 TAC § 745.8919

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Tex. Admin. Code tit. 40, § 745.8919

§ 745.8919. What qualifies as one year of experience in management or supervision of personnel and programs?

(a) To qualify for a CCAL, you must substantiate through an employer reference that:

(1) You have completed the one year of full-time experience in management or supervision of residential child-care personnel and programs within the past 10 years;

(2) Your experience was at a general residential operation, residential treatment center, or in a comparable residential operation in which you worked primarily with children;

(3) If you were not solely responsible for implementing the operation's child-care program, that you shared in that responsibility; and

(4) You supervised at least one member of the child-care personnel and your supervision responsibilities included assigning duties, hiring, disciplining, rewarding, approving leave requests, and conducting formal employee evaluations.

(b) To qualify for a CPAAL, you must substantiate through an employer reference that:

(1) You have completed the one year of full-time experience in management or supervision of child-placing personnel and programs within the past 10 years;

(2) Your experience was at a child-placing agency;

(3) If you were not solely responsible for implementing the agency's child-placing program, that you shared in that responsibility; and

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(4) You supervised at least one member of the child-placing agency personnel and your supervision responsibilities included assigning duties, hiring, disciplining, rewarding, approving leave requests, and conducting formal employee evaluations.

(c) Experience as a foster parent, adoptive parent, or any other type of caregiver or staff person in an agency home does not meet the requirements of subsections (a) or (b) of this section.

(d) The Assistant Commissioner for Child-Care Licensing, or his designee, may grant exceptions to this rule on a case-by-case basis, if an applicant is able to provide compelling justification that his experience qualifies him to act as a licensed administrator.

40 TAC § 745.8920

Tex. Admin. Code tit. 40, § 745.8920

§ 745.8920. What special considerations can Licensing give to a military spouse, military service member, or military veteran who applies for an administrator's license?

(a) Except as provided in subsection (b) of this section, the Assistant Commissioner for Child Care Licensing or that person's designee may:

(1) Allow a military spouse to demonstrate competency with respect to a licensing requirement of this subchapter through an appropriate alternative method if the military spouse:

(A) Currently holds a valid administrator's license in another state whose license requirements are substantially equivalent to those in Texas; or

(B) Held an administrator's license in Texas within five years preceding the application date, and that license expired while the applicant lived in another state for at least six months; and

(2) Credit verified military service, training, or education towards any of the licensing requirements under this chapter, other than the requirement that the applicant pass the appropriate administrator's examination, unless the applicant holds a professional or occupational license in another jurisdiction that is restricted.

(b) To be eligible for any special consideration as provided under this section, an applicant may not have criminal history or central registry history that would prohibit the applicant from obtaining an administrator's license, as

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provided by Subchapter F, Division 3 of this chapter (relating to Criminal Convictions and Central Registry Findings of Child Abuse or Neglect).

40 TAC § 745.8921
Tex. Admin. Code tit. 40, § 745.8921

§ 745.8921. Who are "child-placing personnel"?

(a) "Child-placing personnel" are persons, who, under the auspices of a child-placing agency, plan for the placement of or place a child in a residential child-care operation, agency foster home, or adoptive home.

(b) For the purposes of this section, planning for placement or placing a child includes any of the following activities:

(1) Developing a child's admission assessment or service plan for a child in the care of a child-placing agency;

(2) Performing case management activities for a child in the care of a child-placing agency;

(3) Conducting a home study;

(4) Conducting foster home verification activities; and/or

(5) Developing corrective or adverse actions for agency foster homes.

(c) Planning for placement or placing a child does not include serving as a foster parent or a caregiver for the child.

40 TAC § 745.8931
Tex. Admin. Code tit. 40, § 745.8931

§ 745.8931. How do I apply to become a licensed administrator?

To apply to become a licensed administrator, you must submit all required application materials and a \$100 application fee to the address on the application form. The application fee is nonrefundable.

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40 TAC § 745.8933
Tex. Admin. Code tit. 40, § 745.8933

§ 745.8933. What must a complete application to become a licensed administrator include?

(a) For all applicants, a complete application to become a licensed administrator must include:

(1) A completed application form;

(2) A transcript or letter of verification from the appropriate educational institution(s) to substantiate your educational qualifications;

(3) Two professional references that verify your professional skills, character, and if applicable, two years of full-time work experience;

(4) An employer reference that documents your one year of supervisory experience (see § 745.8919 of this title (relating to What qualifies as one year of experience in management or supervision of personnel and programs?));

(5) An application fee of \$100;

(6) A notarized affidavit documenting background information on a form provided by DFPS; and

(7) A completed background check request form and background check fee.

(b) A complete application submitted by a military spouse requesting expedited licensure under § 745.8951(b) of this title (relating to What happens after Licensing receives my application materials and fees?) or by any applicant who applies for an administrator's license under § 745.8913(a) of this title (relating to Can my licensure in another state qualify me for an administrator's license?) must also include, as applicable:

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(1) Documentation demonstrating status as a military spouse;

(2) Documentation related to each administrator's license currently held outside of Texas; and

(3) A copy of the regulations pertaining to the current out-of-state administrator's license.

(c) A complete application from a military spouse, military service member, or military veteran requesting special consideration as provided under § 745.8920 of this title (relating to What special considerations can Licensing give to a military spouse, military service member, or military veteran who applies for an administrator's license?) must also include, as applicable:

(1) Documentation demonstrating status as a military spouse, military service member, or military veteran;

(2) Documentation related to an administrator's license or any other professional or occupational license currently held outside of Texas; and

(3) Any additional documentation requested by us to determine whether you:

(A) Meet a licensing requirement through some alternative method; or

(B) Have prior military service, training, or education that may be credited towards a licensing requirement.

(d) Your application is incomplete if you fail to complete any requirement of this section, as applicable, including inadequate documentation of your qualifications.

40 TAC § 745.8934
Tex. Admin. Code tit. 40, § 745.8934

§ 745.8934. What other actions must I take to become a licensed administrator?

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In addition to submitting the background check request form required by § 745.8933 of this title (relating to What does a complete application to become a licensed administrator include?), you must submit fingerprints for a fingerprint-based criminal history check, as provided under § 745.629 of this title (relating to How do I submit fingerprints for a fingerprint-based criminal history check?), unless you have previously undergone a fingerprint-based criminal history that remains valid, as provided under § 745.630 of this title (relating to If a fingerprint-based criminal history check has already been completed on a person, must that person submit new fingerprints at the time my initial or renewal background check on that person is due?).

**40 TAC § 745.8935
Tex. Admin. Code tit. 40, § 745.8935**

§ 745.8935. How do I apply for both a Child-Care Administrator's License and a Child-Placing Agency Administrator's License?

(a) To apply for both licenses simultaneously, you must submit:

(1) An application fee for each license; and

(2) All application materials required by § 745.8933 of this title (relating to What does a complete application to become a licensed administrator include?), except that you must have two employee references, one verifying your supervisory experience in a general residential operation or a residential treatment center, and the other verifying your supervisory experience in a child-placing agency.

(b) To apply for one of the license types after you already have the other type of license, you must submit an:

(1) Application fee;

(2) Updated complete application form; and

(3) Employee reference verifying your required supervisory experience related to the license for which you are applying (see § 745.8919 of this title (relating to What qualifies as one year of experience in management or supervision of personnel and programs?)).

**40 TAC § 745.8951
Tex. Admin. Code tit. 40, § 745.8951**

§ 745.8951. What happens after Licensing receives my application materials and fees?

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(a) Within 21 days of our receipt of your application materials and fees, we will notify you in writing of one of the following:

(1) We have received a complete set of application materials and fees and determined that you meet the initial qualifications and are eligible to take the licensing examination;

(2) We have received a complete set of application materials and fees and determined that you do not meet the initial qualifications and are not eligible to take the licensing examination; or

(3) Your application is pending because it is incomplete and/or the materials submitted do not show compliance with relevant statutes and rules. The notification letter will explain what is needed to complete the application and/or why your materials do not show compliance. If your application remains pending, you will receive reminder letters regarding the status of your application at three months and six months after the first notification letter is sent. If your application remains pending for 12 months from the date we first receive any part of your application, then your application will expire. If your application expires, then you may not apply again for one year from the date your application expired.

(b) If you are a military spouse applying for an administrator's license under § 745.8913(a) of this title (relating to Can my licensure in another state qualify me for an administrator's license?), or requesting special consideration under § 745.8920 of this title (relating to What special considerations can Licensing give to a military spouse, military service member, or military veteran who applies for an administrator's license?), we will notify you as specified under subsection (a) of this section as soon as practicable, but not later than 21 days after we receive your completed application and fees.

40 TAC § 745.8955

Tex. Admin. Code tit. 40, § 745.8955

§ 745.8955. What if I disagree with Licensing's determination that I do not meet the initial qualifications required to take the licensing examination?

If you disagree with the determination, you may request an administrative review and/or a due process hearing as set forth in Subchapter M of this chapter (relating to Administrative Reviews and Due Process Hearings).

40 TAC § 745.8957

Tex. Admin. Code tit. 40, § 745.8957

§ 745.8957. What if I fail the licensing examination or do not take the examination?

(a) You may take a licensing examination up to three times within 24 months of the date that we receive your application. We cannot issue you a license until you pass the examination with a score of 70% or higher during that time period.

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(b) If you fail the examination three times within 24 months after we receive your application, you may submit a new application one year after the date you fail your third examination.

(c) If you take the examination less than three times within 24 months after we receive your application and do not pass the examination, your application will be void. You will have to reapply in order to pursue an administrator's license.

**40 TAC § 745.8959
Tex. Admin. Code tit. 40, § 745.8959**

§ 745.8959. Must I pay an examination fee each time I take a licensing examination?

Yes. You must pay the nonrefundable examination fee of \$50 each time before taking a licensing examination.

**40 TAC § 745.8961
Tex. Admin. Code tit. 40, § 745.8961**

§ 745.8961. What happens after I take a licensing examination?

(a) We will send you the results of your examination within 14 days after we receive them from the testing organization.

(b) We will issue or deny you a license within 14 days after we have your examination results and the results of your criminal history and central registry checks, including the results of any risk evaluation required based on your criminal history or central registry history.

**40 TAC § 745.8963
Tex. Admin. Code tit. 40, § 745.8963**

§ 745.8963. What if my criminal history background check or central registry check results in a positive match?

If your background check results in a positive match, we will take action in accordance with Subchapter F of this chapter (relating to Background Checks).

**40 TAC § 745.8965
Tex. Admin. Code tit. 40, § 745.8965**

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§ 745.8965. What if Licensing does not process my application within the appropriate timeframes?

If you believe that we did not process your application within the appropriate timeframes, you may request that the Assistant Commissioner for Child-Care Licensing review the situation. You must submit your written request for the review within 30 days after our time limit expires. You must send your request to: Assistant Commissioner for Child-Care Licensing, Mail Code E-550, Texas Department of Family and Protective Services, P.O. Box 149030, Austin, Texas 78714-9030. Your request must include a specific complaint and any supporting documentation.

**40 TAC § 745.8967
Tex. Admin. Code tit. 40, § 745.8967**

§ 745.8967. What happens after the Assistant Commissioner for Child-Care Licensing receives my request for review?

After receiving your request, the Assistant Commissioner will decide if we processed your application within the appropriate timeframes. If the Assistant Commissioner decides that we did not, he/she will decide if we had good cause to exceed the timeframes. We will reimburse your application fee to you if the Assistant Commissioner determines that we exceeded the time limits without good cause. The Assistant Commissioner will notify you of his/her decision within 30 days after receiving your request.

**40 TAC § 745.8969
Tex. Admin. Code tit. 40, § 745.8969**

§ 745.8969. When does Licensing have good cause for not processing my application within the established time period?

We have good cause for exceeding the timeframes if:

- (1) While we are processing your application, we are processing at least 15% more applications than we did during the same quarter of the previous calendar year;
- (2) Another public or private entity that we rely on to process all or part of the applications causes the delay;
- (3) You are the subject of a pending investigation; or
- (4) Any other conditions exist that give us good cause for exceeding the time period.

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40 TAC § 745.8991
Tex. Admin. Code tit. 40, § 745.8991

§ 745.8991. Can my administrator's license remain valid for an indefinite period of time?

No, an administrator's license is valid for two years, so you must renew your license every two years.

40 TAC § 745.8993
Tex. Admin. Code tit. 40, § 745.8993

§ 745.8993. Am I eligible to renew my administrator's license?

(a) To be eligible to renew your administrator's license, you must:

(1) Be in current compliance with all applicable laws, including these rules;

(2) Have completed 15 clock hours of continuing education each year during the two-year period before renewal;

(3) Undergo a new name-based criminal history and central registry background check and may not have a criminal history or central registry history that would prohibit you from working in a residential child-care operation, as specified in Subchapter F of this chapter (relating to Background Checks); and

(4) Submit the appropriate renewal fee.

(b) In addition to undergoing a name-based background check as provided under subsection (a) of this section, you must submit fingerprints for a fingerprint-based criminal history check, as provided under § 745.629 of this title (relating to How do I submit fingerprints for a fingerprint-based criminal history check?), unless you have previously undergone a fingerprint-based criminal history that remains valid, as provided under § 745.630 of this title (relating to If a fingerprint-based criminal history check has already been completed on a person, must that person submit new fingerprints at the time my initial or renewal background check on that person is due?).

40 TAC § 745.8994
Tex. Admin. Code tit. 40, § 745.8994

§ 745.8994. What training qualifies as continuing education for renewal of my administrator's license?

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(a) For renewal of your administrator's license, you may count training that:

(1) Is directly relevant to the type of administrator's license that you are seeking to renew; and

(2) You completed as an attendee. You may not count training you presented.

(b) If you have taken the same training more than once during the renewal period, you may only count the training once for the renewal of your license.

40 TAC § 745.8995
Tex. Admin. Code tit. 40, § 745.8995

§ 745.8995. When do I request renewal of my administrator's license?

To continue operating as a licensed administrator, you must request your administrator's license renewal before your license expires. We may not renew your administrator's license after it has been expired for more than one year.

40 TAC § 745.8997
Tex. Admin. Code tit. 40, § 745.8997

§ 745.8997. How do I request renewal of my administrator's license ?

To request an administrator's license renewal, you must send us:

(1) Evidence that you have completed 15 clock hours of continuing education each year during the two-year period before renewal;

(2) A completed renewal form;

(3) The renewal fee; and

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(4) A completed background check form and fee.

40 TAC § 745.8999
Tex. Admin. Code tit. 40, § 745.8999

§ 745.8999. If I want to maintain my administrator's license even though I am not working as an administrator, must I satisfy the continuing education requirements?

No, you may place your administrator's license on inactive status if you are not working as an administrator. You are not required to obtain continuing education while your license is on inactive status.

40 TAC § 745.9001
Tex. Admin. Code tit. 40, § 745.9001

§ 745.9001. Must I undergo a background check in order to renew my administrator's license as inactive?

No, you are not required to undergo a background check in order to renew your administrator's license as inactive.

40 TAC § 745.9003
Tex. Admin. Code tit. 40, § 745.9003

§ 745.9003. How much is the renewal fee?

(a) The amount of the renewal fee varies depending on when we receive it:

| Figure: 40 TAC §745.9003(a) | |
|--|--|
| If we receive the renewal fee... | Then your renewal fee amount will be... |
| (1) On or before the expiration date, | \$50. |
| (2) Within 90 days after the expiration date, | \$75. |
| (3) More than 90 days but less than one year after the expiration date, | \$100. |

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(b) Failure to receive notice from us of your license's expiration or impending expiration does not waive the increase of the fee for late renewals.

40 TAC § 745.9005
Tex. Admin. Code tit. 40, § 745.9005

§ 745.9005. How much is the renewal fee if I am requesting inactive status?

(a) The renewal fee for inactive status is half the amount of the regular renewal fee:

| Figure: 40 TAC §745.9005(a) | |
|--|--|
| If we receive the renewal fee... | Then your renewal fee amount will be... |
| (1) On or before the expiration date, | \$25. |
| (2) Within 90 days after the expiration date, | \$37.50. |
| (3) More than 90 days but less than one year after the expiration date, | \$50. |

(b) Failure to receive notice from us of your license's expiration or impending expiration does not waive the increase of the fee for late renewals.

40 TAC § 745.9007
Tex. Admin. Code tit. 40, § 745.9007

§ 745.9007. How do I change my administrator's license status from inactive to active?

(a) To renew your inactive administrator's license as active, you must submit to us a:

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(1) Completed renewal form;

(2) \$50 renewal fee; and

(3) Completed background check form and fee.

(b) To change your status to active in the middle of a renewal period, you must submit to us a:

(1) Written request to change your status;

(2) \$25 fee; and

(3) Completed background check form and fee.

**40 TAC § 745.9009
Tex. Admin. Code tit. 40, § 745.9009**

§ 745.9009. What are the renewal requirements if I have both a CCAL and a CPAAL?

(a) You must pay the appropriate renewal fee for each license.

(b) You must complete the renewal form for each license.

(c) You must submit a completed background check form and fee every two years, or present evidence every two years of your cleared criminal history and central registry checks as required in Subchapter F of this chapter (relating to Background Checks).

(d) You must submit evidence that you have completed 15 clock hours of continuing education each year during the two-year renewal period for each license. The same training hours may be counted toward both licenses only if the training appropriately applies to both license types. (For example, training on adoption law would count toward

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renewal of a Child-Placing Agency Administrator's License but not a Child Care Administrator's License, whereas training on federal equal employment opportunity hiring requirements and guidelines would count toward renewal of both licenses.)

40 TAC § 745.9011

Tex. Admin. Code tit. 40, § 745.9011

§ 745.9011. What happens if I do not renew my administrator's license?

(a) If you fail to renew your administrator's license before the expiration date of the license, you must cease acting as or representing yourself as a licensed administrator.

(b) If you do not renew your administrator's license within one year after its expiration date, the license is considered lapsed and is no longer eligible for renewal.

(c) If you would like to be a licensed administrator after your license has lapsed, you must reapply as if you had never been licensed. You must return the expired license certificate to us before we can accept a new application from you.

40 TAC § 745.9013

Tex. Admin. Code tit. 40, § 745.9013

§ 745.9013. How does a remedial action that is pending against my administrator's license affect renewal requirements for that license?

(a) A remedial action that is pending against your administrator's license has no effect on renewal requirements for that license. You must still submit timely and complete renewal documentation and fees.

(b) If the pending remedial action results in the revocation or refusal to renew your license, any renewal fees paid during the time the remedial action was pending will be refunded upon our receipt of a written request from you.

40 TAC § 745.9015

Tex. Admin. Code tit. 40, § 745.9015

§ 745.9015. What happens if I am not able to renew my administrator's license due to active military duty?

(a) If you are on active duty with the armed forces of the United States and are serving outside of Texas at the time that your license expires, you are exempt from the renewal requirements.

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(b) Within one year of your return to Texas or release from active duty, whichever occurs first, you may request reinstatement of your license. We will renew your license upon receipt of your request for reinstatement, documentation of your active duty status at the time your license expired, and the renewal fee.

(c) No continuing education will be required prior to reinstatement, and no extra fees for an untimely renewal will be charged for reinstatement.

40 TAC § 745.9017

Tex. Admin. Code tit. 40, § 745.9017

§ 745.9017. Will Licensing return my renewal fee if I am not eligible for renewal?

Yes, upon your written request, we will refund your renewal fee if we determine that you are not eligible for renewal.

40 TAC § 745.9019

Tex. Admin. Code tit. 40, § 745.9019

§ 745.9019. How do I get an additional copy of my current administrator's license?

You must send us your request in writing along with a \$5 fee for each replacement copy of your administrator's license. Your request must include a statement detailing the loss or destruction of your original license or be accompanied by your damaged license. Fraud or deceit related to any such request may result in remedial action per § 745.9037 of this title (relating to Under what circumstances may Licensing take remedial action against my administrator's license or administrator's license application?).

40 TAC § 745.9021

Tex. Admin. Code tit. 40, § 745.9021

§ 745.9021. What information must I report to DFPS?

(a) You must make written reports of the following to us within 30 days:

(1) A change of your mailing address, place of employment, or business or home phone number;

(2) A change in your legal name;

(3) The filing of a criminal case against you;

(4) A criminal conviction against you, other than a Class C misdemeanor traffic offense;

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(5) The filing of a civil lawsuit against you that relates to your role as a licensed administrator;

(6) The settlement of or judgment rendered in a civil lawsuit filed against you which relates to your role as a licensed administrator; and

(7) Complaints against, investigations involving, or actions against you related to abuse or neglect or another licensing or certification body regarding health, mental health, or child care services, when known by you.

(b) We may use the information received under this section when deciding to issue a license or take a remedial action.

40 TAC § 745.9023
Tex. Admin. Code tit. 40, § 745.9023

§ 745.9023. What will happen if I do not make a report as required by § 745.9021 of this title (relating to What information must I report to DFPS)?

If you fail to make a report that is required by § 745.9021 of this title, we may take remedial action against your administrator's license, up to and including revocation of your license.

40 TAC § 745.9031
Tex. Admin. Code tit. 40, § 745.9031

§ 745.9031. What remedial actions can Licensing take against my administrator's license?

We may take the following actions against your administrator's license:

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 Figure: 40 TAC §745.9031

| Remedial Action | Description of Action |
|------------------------------|---|
| (1) Reprimand | We send you a letter of reprimand by certified mail. Further disciplinary actions may result from future violations. |
| (2) Probation | We put you on probation for a specific period of time. We may impose conditions on your probation. As part of the probation, we may require you to report to us regularly on the conditions of your probation and to continue or renew professional education that is related to the conditions we impose. We may also limit your areas of practice during the probation period. We may place you on probation only once during the two-year term of your administrator's license. We may suspend or revoke your administrator's license if you do not meet the conditions of your probation. |
| (3) Refusal to Renew License | Even if you otherwise qualify for renewal, we refuse to renew your administrator's license if you are not in compliance with the laws or rules governing it. |
| (4) Suspension | We suspend your administrator's license for a specified period of time. We may require corrective actions during your suspension period. We may revoke your administrator's license if you do not complete the suspension's required corrective actions. |
| (5) Revocation | We revoke your administrator's license. |
| (6) License Denial | We deny you an administrator's license. |

40 TAC § 745.9033
 Tex. Admin. Code tit. 40, § 745.9033

§ 745.9033. What information does a letter of reprimand contain?

A letter of reprimand will contain the following information:

- (1) The reason(s) for the reprimand;
- (2) That further disciplinary actions may result from future violations; and
- (3) Your right to request an administrative review within 15 calendar days after receiving the letter.

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40 TAC § 745.9035
Tex. Admin. Code tit. 40, § 745.9035

§ 745.9035. Can any authority besides Licensing suspend my administrator's license?

A court or Title IV-D agency may suspend your administrator's license if you fail to pay child support. As set forth in Texas Family Code, § 232.011, we must follow an order suspending your administrator's license.

40 TAC § 745.9037
Tex. Admin. Code tit. 40, § 745.9037

§ 745.9037. Under what circumstances may Licensing take remedial action against my administrator's license or administrator's license application?

(a) We may take remedial action against your administrator's license or administrator's license application if you:

(1) Violate Chapter 43 of the Human Resources Code or a rule of DFPS;

(2) Circumvent or attempt to circumvent the requirements of Chapter 43 of the Human Resources Code or a Licensing rule;

(3) Engage in fraud or deceit related to the requirements of Chapter 43 of the Human Resources Code or a Licensing rule;

(4) Provide false or misleading information to us during the application or renewal process for your own or someone else's application or license;

(5) Make a statement about a material fact during the license application or renewal process that you know or should know is false;

(6) Have a criminal history or central registry record that:

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(A) Would prohibit you from working in a facility as specified in Subchapter F of this chapter (relating to Background Checks); or

(B) Is relevant to the duties of a licensed administrator, as outlined in § 745.696 of this title (relating to What criminal history and central registry findings are relevant to a person's ability to be a licensed administrator?);

(7) Use or abuse drugs or alcohol in a manner that jeopardizes your ability to function as an administrator;

(8) Perform your duties as a licensed administrator in a negligent manner; or

(9) Engage in conduct that makes you ineligible to:

(A) Receive a permit under Human Resources Code (HRC) § 42.072; or

(B) Be employed as a controlling person or serve in that capacity in a facility or family home under HRC § 42.062.

(b) If we revoke your administrator's license, you are not eligible to apply for another administrator's license for five years after the date the license was revoked.

(c) If you have both a Child Care Administrator's License and a Child-Placing Agency Administrator's License, remedial action may be taken against both licenses. If we take remedial action against both of your licenses, you will be notified that the action applies to both licenses. In such a case, any administrative review and/or due process hearing for both licenses may be combined at our discretion.

(d) If we revoke or do not renew your license, you must return your license certificate to us.

**40 TAC § 745.9039
Tex. Admin. Code tit. 40, § 745.9039**

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§ 745.9039. What can I do if I disagree with a remedial action that Licensing takes against my administrator's license?

If you disagree with a remedial action that we take against your administrator's license, you may request an administrative review. You may also request a due process hearing of our decision to deny, revoke, suspend, or refuse to renew your administrator's license. See Subchapter M of this chapter (relating to Administrative Reviews and Due Process Hearings).