Figure: 40 TAC Chapter 745

Current Rules	Move to
Title 40. Social Services and Assistance	Title 26. Health and Human Services
Part 19. Department of Family and	Part 1. Texas Health and Human Services
Protective Services	Commission
Chapter 745. Licensing	Chapter 745. Licensing
	Subchapter A. Precedence and Definitions
Subchapter A. Precedence and Definitions Division 2. Definitions for the Language	Division 1. Definitions for the Language
Used in this Chapter	Used in this Chapter
§745.11 What words must I know to	§745.11 What words must I know to
understand this chapter?	understand this chapter?
Subchapter A. Precedence and Definitions	Subchapter A. Precedence and Definitions
Division 3. Definitions for Licensing	Division 2. Definitions for Licensing
§745.21 What do the following words and	§745.21 What do the following words and
terms mean when used in this chapter?	terms mean when used in this chapter?
Subchapter B. Child Care and Other	Subchapter B. Child Care and Other
Operations that We Regulate	Operations that We Regulate
§745.31 What operations does the Licensing	§745.31 What operations does the Licensing
Division regulate?	Division regulate?
§745.33 What is child day care?	§745.33 What is child day care?
§745.35 What is residential child care?	§745.35 What is residential child care?
§745.37 What specific types of operations	§745.37 What specific types of operations
does Licensing regulate?	does Licensing regulate?
§745.39 Does Licensing regulate state	§745.39 Does Licensing regulate state
agencies that run child-care operations?	agencies that run child-care operations?
§745.41 How do I start a child day care or	§745.41 How do I start a child day care or
residential child-care operation, including a	residential child-care operation, including a
child-placing agency?	child-placing agency?
Subchapter C. Operations that are Exempt	Subchapter C. Operations that are Exempt
from Regulation	from Regulation
Division 1. Definitions	Division 1. Definitions
§745.101 What words must I know to	§745.101 What words must I know to
understand this subchapter?	understand this subchapter?
Subchapter C. Operations that are Exempt	Subchapter C. Operations that are Exempt
from Regulation	from Regulation
Division 2. Exemptions from Regulation	Division 2. Exemptions from Regulation
§745.111 What does "exempt from	§745.111 What does "exempt from
regulation" mean?	regulation" mean?
§745.113 What programs are exempt from	§745.113 What programs are exempt from
regulation by Licensing?	regulation by Licensing?
§745.115 What programs regulated by other governmental entities are exempt from	§745.115 What programs regulated by other governmental entities are exempt from
Licensing regulation?	Licensing regulation?
Licensing regulation:	Licensing regulation:

§745.117 Which programs of limited duration	§745.117 Which programs of limited duration
are exempt from Licensing regulation?	are exempt from Licensing regulation?
§745.119 What educational facilities are	§745.119 What educational facilities are
exempt from Licensing regulation?	exempt from Licensing regulation?
§745.121 What if my educational facility	§745.121 What if my educational facility
meets every criterion for an education	meets every criterion for an education
exemption, except some of the children in	exemption, except some of the children in
care are younger than the exemption allows?	care are younger than the exemption allows?
§745.123 What if my educational facility	§745.123 What if my educational facility
meets every criterion for an education	meets every criterion for an education
exemption, except some of the children in	exemption, except some of the children in
care stay in care longer than the number of	care stay in care longer than the number of
hours the exemption allows?	hours the exemption allows?
§745.125 Are additional exemption criteria	§745.125 Are additional exemption criteria
required for an educational facility that	required for an educational facility that
provides residential child care?	provides residential child care?
§745.127 What does an accrediting	§745.127 What does an accrediting
organization need to submit to Licensing to	organization need to submit to Licensing to
determine exemption from regulation for its	determine exemption from regulation for its
educational facilities under §745.119(4) of	educational facilities under §745.119(4) of
this title (relating to What educational	this title (relating to What educational
facilities are exempt from Licensing	facilities are exempt from Licensing
regulation?)?	regulation?)?
§745.129 What miscellaneous programs are	§745.129 What miscellaneous programs are
exempt from Licensing regulation?	exempt from Licensing regulation?
§745.131 How do I request an exemption?	§745.131 How do I request an exemption?
§745.133 When will I know if my program is	§745.133 When will I know if my program is
exempt?	exempt?
§745.135 What if Licensing determines that	§745.135 What if Licensing determines that
my program does not meet the exemption	my program does not meet the exemption
criteria outlined in this subchapter?	criteria outlined in this subchapter?
§745.137 What if I disagree with Licensing's	§745.137 What if I disagree with Licensing's
determination that my program is not exempt?	determination that my program is not exempt?
§745.139 What will Licensing do if I operate	§745.139 What will Licensing do if I operate
a combination of exempt and regulated	a combination of exempt and regulated
programs?	programs?
§745.141 In what circumstances may I apply	§745.141 In what circumstances may I apply
for a permit even though my program is	for a permit even though my program is
exempt?	exempt?
§745.143 If my program is exempt and does	§745.143 If my program is exempt and does
not need regulation for funding purposes, can	not need regulation for funding purposes, can
I still obtain a permit from Licensing?	I still obtain a permit from Licensing?
Subchapter D. Application Process	Subchapter D. Application Process
Division 1. Definitions	Division 1. Definitions
§745.201 What words must I know to	§745.201 What words must I know to
understand this subchapter?	understand this subchapter?
understand uns subchapter:	anderstand tins subchapter:

Subchapter D. Application Process	Subchapter D. Application Process
Division 2. Stages of the Application	Division 2. Stages of the Application
Process and Pre-Application Interview	Process and Pre-Application Interview
§745.211 What are the different parts of the	§745.211 What are the different parts of the
application process?	application process?
§745.213 What is the purpose of the pre-	§745.213 What is the purpose of the pre-
application interview?	application interview?
§745.215 How does Licensing conduct the	§745.215 How does Licensing conduct the
pre-application interview?	pre-application interview?
Subchapter D. Application Process	Subchapter D. Application Process
Division 3. Submitting the Application	Division 3. Submitting the Application
Materials	Materials
§745.241 Who must submit the application	§745.241 Who must submit the application
for a permit?	for a permit?
§745.243 What does a completed application	§745.243 What does a completed application
for a permit include?	for a permit include?
§745.245 How do I demonstrate that the	§745.245 How do I demonstrate that the
governing body is not delinquent in paying	governing body is not delinquent in paying
the franchise tax?	the franchise tax?
§745.247 What happens if the governing	§745.247 What happens if the governing
body is delinquent in paying the tax after	body is delinquent in paying the tax after
receiving a permit from Licensing?	receiving a permit from Licensing?
§745.249 What insurance coverage must I	§745.249 What insurance coverage must I
have for my licensed operation?	have for my licensed operation?
§745.251 What are acceptable reasons for not	§745.251 What are acceptable reasons for not
obtaining liability insurance?	obtaining liability insurance?
§745.253 How does not obtaining liability	§745.253 How does not obtaining liability
insurance affect my application for a permit?	insurance affect my application for a permit?
Subchapter D. Application Process	Subchapter D. Application Process
Division 4. Public Notice and Hearing	Division 4. Public Notice and Hearing
Requirements for Residential Child-Care	Requirements for Residential Child-Care
Operations	Operations
§745.273 Which residential child-care	§745.273 Which residential child-care
operations must meet the public notice and	operations must meet the public notice and
hearing requirements?	hearing requirements?
§745.275 What are the specific requirements	§745.275 What are the specific requirements
for a public notice and hearing?	for a public notice and hearing?
§745.277 What will happen if I fail to comply	§745.277 What will happen if I fail to comply
with the public notice and hearing	with the public notice and hearing
requirements?	requirements?
§745.279 How may the results of a public	§745.279 How may the results of a public
hearing affect my application for a permit or a	hearing affect my application for a permit or a
request to amend my permit?	request to amend my permit?
Subchapter D. Application Process	Subchapter D. Application Process
Division 5. Accepting or Returning the	Division 5. Accepting or Returning the
Application	Application

8745 201 Hayy long door Ligansing have to	8745 201 How long door Licensing hove to
§745.301 How long does Licensing have to	§745.301 How long does Licensing have to
review my application and let me know my	review my application and let me know my
application status?	application status?
§745.303 How many chances do I have to	§745.303 How many chances do I have to
submit all of the required information?	submit all of the required information?
Subchapter D. Application Process	Subchapter D. Application Process
Division 6. Reviewing the Application for	Division 6. Reviewing the Application for
Compliance with Minimum Standards,	Compliance with Minimum Standards,
Rules, and Statutes	Rules, and Statutes
§745.321 What will Licensing do after	§745.321 What will Licensing do after
accepting my application?	accepting my application?
§745.323 What if Licensing exceeds its	§745.323 What if Licensing exceeds its
timeframes for processing my application?	timeframes for processing my application?
§745.325 How do I file a complaint?	§745.325 How do I file a complaint?
§745.327 When does Licensing have good	§745.327 When does Licensing have good
cause for exceeding its timeframes for	cause for exceeding its timeframes for
processing my application?	processing my application?
Subchapter D. Application Process	Subchapter D. Application Process
Division 7. The Decision to Issue or Deny a	Division 7. The Decision to Issue or Deny a
Permit	Permit
§745.341 What type of permit will Licensing	§745.341 What type of permit will Licensing
issue me if I qualify for a permit after my	issue me if I qualify for a permit after my
application is accepted?	application is accepted?
§745.343 What is the difference between an	§745.343 What is the difference between an
initial license and full license?	initial license and full license?
§745.345 When does Licensing issue an	§745.345 When does Licensing issue an
initial license?	initial license?
§745.347 How long is an initial license valid?	§745.347 How long is an initial license valid?
§745.349 What if I am not able to care for	§745.349 What if I am not able to care for
children during the initial period?	children during the initial period?
§745.351 If I have an initial license, when	§745.351 If I have an initial license, when
will I be eligible for a full license?	will I be eligible for a full license?
§745.353 What can I do if Licensing denies	§745.353 What can I do if Licensing denies
me a permit?	me a permit?
Subchapter D. Application Process	Subchapter D. Application Process
Division 8. Dual and Multiple Permits	Division 8. Dual and Multiple Permits
§745.371 Can Licensing issue more than one	§745.371 Can Licensing issue more than one
registration or listing for a single child-care	registration or listing for a single child-care
home?	home?
§745.373 May I have more than one licensed	§745.373 May I have more than one licensed
child-care home?	child-care home?
§745.375 May I offer child day care at my	§745.375 May I offer child day care at my
, and a second s	
agency foster home or independent foster	agency foster home or independent foster
agency foster home or independent foster home?	agency foster home or independent foster home?

§745.379 Can a single operation have more	§745.379 Can a single operation have more
than one child day-care license at the same	than one child day-care license at the same
location?	location?
§745.381 Do I need Licensing's permission	§745.381 Do I need Licensing's permission for my child day-care operation to provide
for my child day-care operation to provide	
occasional overnight care?	occasional overnight care?
§745.383 Can a licensed or registered child	§745.383 Can a licensed or registered child
day-care operation offer 24-hour care?	day-care operation offer 24-hour care?
§745.385 Can multiple operations operate	§745.385 Can multiple operations operate
under one permit?	under one permit?
Subchapter D. Application Process	Subchapter D. Application Process
Division 9. Reapplying for a Permit	Division 9. Reapplying for a Permit
§745.401 What fees must I pay when I	§745.401 What fees must I pay when I
reapply for a permit?	reapply for a permit?
§745.403 Can I apply for another permit after	§745.403 Can I apply for another permit after
Licensing denies or revokes my permit?	Licensing denies or revokes my permit?
§745.405 Can I operate after I apply for a	§745.405 Can I operate after I apply for a
permit?	permit?
§745.407 What fees must I pay when I apply	§745.407 What fees must I pay when I apply
for another permit after Licensing revokes my	for another permit after Licensing revokes my
permit?	permit?
Subchapter D. Application Process	Subchapter D. Application Process
Division 10 Relocation of Operation	Division 10 Relocation of Operation
Division 10. Relocation of Operation	Division 10. Relocation of Operation
§745.429 What must I do if I relocate my	§745.429 What must I do if I relocate my
§745.429 What must I do if I relocate my operation after I receive my compliance	§745.429 What must I do if I relocate my operation after I receive my compliance
§745.429 What must I do if I relocate my operation after I receive my compliance certificate?	§745.429 What must I do if I relocate my operation after I receive my compliance certificate?
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§745.464 What are my responsibilities	§745.464 What are my responsibilities
* ±	regarding criminal background check
regarding criminal background check	9 9
requirements?	requirements?
§745.465 When must my employer-based	§745.465 When must my employer-based
child care report a serious incident to	child care report a serious incident to
Licensing?	Licensing?
§745.467 What are my responsibilities	§745.467 What are my responsibilities
regarding the report of abuse, neglect, or	regarding the report of abuse, neglect, or
exploitation?	exploitation?
Subchapter D. Application Process	Subchapter D. Application Process
Division 12. Permit Renewal	Division 12. Permit Renewal
§745.471 What types of permits need to be	§745.471 What types of permits need to be
renewed?	renewed?
§745.473 When do I need to apply to renew	§745.473 When do I need to apply to renew
my full license, certificate, or registration?	my full license, certificate, or registration?
§745.475 What does a completed renewal	§745.475 What does a completed renewal
application for a permit include?	application for a permit include?
§745.477 What happens after Licensing	§745.477 What happens after Licensing
receives my renewal application?	receives my renewal application?
§745.479 Will I need to post the written	§745.479 Will I need to post the written
notice of my permit's renewal?	notice of my permit's renewal?
§745.481 When does my permit expire?	§745.481 When does my permit expire?
§745.483 What must I do if my permit	§745.483 What must I do if my permit
expired?	expired?
§745.485 Do I have to comply with the	§745.485 Do I have to comply with the
renewal requirements if Licensing is taking an	renewal requirements if Licensing is taking an
enforcement action against my permit?	enforcement action against my permit?
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§745.501 What type of fees may Licensing	§745.501 What type of fees may Licensing
charge me?	charge me?
§745.503 Is anyone exempt from paying fees?	§745.503 Is anyone exempt from paying fees?
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before I correct them? before I correct them?		
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§745.9151 What are my rights if I disagree	§745.9151 What are my rights if I disagree
with Licensing imposing probation on my	with Licensing imposing probation on my
organization?	organization?
§745.9153 What happens at the end of the	§745.9153 What happens at the end of the
probation period?	probation period?
§745.9155 Does Licensing charge fees for the	§745.9155 Does Licensing charge fees for the
application, recognition approval, and	application, recognition approval, and
renewal process?	renewal process?
§745.9157 If I currently hold a Certificate of	§745.9157 If I currently hold a Certificate of
Recognition, when will I have to meet the	Recognition, when will I have to meet the
criteria specified in this subchapter?	criteria specified in this subchapter?
§745.9159 What if my application materials	§745.9159 What if my application materials
do not comply within this period?	do not comply within this period?
§745.9161 How many chances do I have to	§745.9161 How many chances do I have to
submit all of the required information?	submit all of the required information?