

POLICY AND PROCEDURE MANUAL

[AGENCY NAME]

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WWW





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TABLE OF CONTENTS

TABLE OF CONTENTS	3
INTRODUCTION	8
STATEMENT OF PURPOSE	8
STATEMENT OF POLICY	8
DOCUMENT CONTROL & APPROVALS	9
RECORD KEEPING MANAGEMENT POLICY	10
Procedures:	10
Serious Incident Reporting	11
Personnel Records	23
Child Records	24
Active Child Record	24
Record Retention	25
Unauthorized Absences	25
Strategies for service continuity and record recovery	Error! Bookmark not defined.
Operation Records	Error! Bookmark not defined.
Designation of person responsible for records management	Error! Bookmark not defined.
Disposition of records	Error! Bookmark not defined.
PERSONNEL POLICIES AND PROCEDURES	Error! Bookmark not defined.
Organizational Chart	Error! Bookmark not defined.
Job Descriptions	Error! Bookmark not defined.
Chief Executive Officer.....	Error! Bookmark not defined.
Child-Care Administrator	Error! Bookmark not defined.
Registered Nurse.....	Error! Bookmark not defined.
Caregiver	Error! Bookmark not defined.
Therapist	Error! Bookmark not defined.
Psychologist	Error! Bookmark not defined.
Staffing Plan	Error! Bookmark not defined.
Types of Services Provided and Service Descriptions	Error! Bookmark not defined.
Adjustments in Staffing and Emergency	Error! Bookmark not defined.
Employee Training and Development	Error! Bookmark not defined.
Medication Administration	Error! Bookmark not defined.
Behavioral Management.....	Error! Bookmark not defined.
Emergency Preparedness	Error! Bookmark not defined.
Record Keeping in Employee Personnel Records	Error! Bookmark not defined.
Taking Children Away from Operations and Overnight Visit Policy	Error! Bookmark not defined.



Background Check and Drug-Free Workplace	Error! Bookmark not defined.
Drug-Free and Non-Smoking Policies.....	Error! Bookmark not defined.
Employee Verification.....	Error! Bookmark not defined.
Background Check.....	Error! Bookmark not defined.
Recruitment	Error! Bookmark not defined.
Abuse, Neglect, Or Exploitation	Error! Bookmark not defined.
Procedures:.....	Error! Bookmark not defined.
Disciplinary sanctions.....	Error! Bookmark not defined.
Investigation Procedures	Error! Bookmark not defined.
Evidence	Error! Bookmark not defined.
Protective Custody	Error! Bookmark not defined.
Identification of Suspect/Custody Considerations	Error! Bookmark not defined.
Notifications	Error! Bookmark not defined.
Documentation	Error! Bookmark not defined.
Impact of Investigation	Error! Bookmark not defined.
Confidentiality	Error! Bookmark not defined.
Drug Testing Policy	Error! Bookmark not defined.
CONFLICT OF INTEREST POLICY	Error! Bookmark not defined.
Code of Ethics and Conduct	Error! Bookmark not defined.
Conflict of Interest	Error! Bookmark not defined.
ADMISSION POLICIES	Error! Bookmark not defined.
Policy:	Error! Bookmark not defined.
Procedure:	Error! Bookmark not defined.
Admission Criteria	Error! Bookmark not defined.
Intake Assessment	Error! Bookmark not defined.
Program for Children in Care	Error! Bookmark not defined.
CHILD-CARE POLICIES	Error! Bookmark not defined.
Children Rights	Error! Bookmark not defined.
Visitation, Outings, Mail and Telephones	Error! Bookmark not defined.
Visitation and Communication Procedures	Error! Bookmark not defined.
Outing Procedures	Error! Bookmark not defined.
Visiting Hours	Error! Bookmark not defined.
Children’s Clothing and Personal Belongings	Error! Bookmark not defined.
Policy:	Error! Bookmark not defined.
Procedure:	Error! Bookmark not defined.
Nominated Supervisors and Responsibilities	Error! Bookmark not defined.
Limitations and The Reasons for The Limitations	Error! Bookmark not defined.



Behavior Management	Error! Bookmark not defined.
Policy:	Error! Bookmark not defined.
Procedure:	Error! Bookmark not defined.
Disruptive Behavior	Error! Bookmark not defined.
Behavior Interventions	Error! Bookmark not defined.
Positive Behavior Support Strategies	Error! Bookmark not defined.
Responding to Disruptive Behavior	Error! Bookmark not defined.
Children Discipline and Behavior	Error! Bookmark not defined.
Restricted Behavior Management Practices	Error! Bookmark not defined.
Physical Restraints	Error! Bookmark not defined.
Religion, Culture, And Ethic Heritage	Error! Bookmark not defined.
Policy:	Error! Bookmark not defined.
Procedure:	Error! Bookmark not defined.
Educational and Vocational Services; Work Assignments and Trips	Error! Bookmark not defined.
Policy:	Error! Bookmark not defined.
Educational Services	Error! Bookmark not defined.
Vocational Services	Error! Bookmark not defined.
Work Assignments	Error! Bookmark not defined.
Trips	Error! Bookmark not defined.
Grievances	Error! Bookmark not defined.
Policy:	Error! Bookmark not defined.
Procedures:	Error! Bookmark not defined.
Summary of the Grievance Resolution	Error! Bookmark not defined.
Grievance Handling	Error! Bookmark not defined.
Filing and Resolution of Grievance Process	Error! Bookmark not defined.
Family Involvement and Communication	Error! Bookmark not defined.
Medical and Health Care	Error! Bookmark not defined.
Policy:	Error! Bookmark not defined.
Procedure:	Error! Bookmark not defined.
General Health Care	Error! Bookmark not defined.
Medical Care	Error! Bookmark not defined.
Dental Care	Error! Bookmark not defined.
EMERGENCY BEHAVIOR INTERVENTION POLICIES	Error! Bookmark not defined.
Emergency Behavior Interventions Permit to Caregivers	Error! Bookmark not defined.
Specific Techniques and Qualifications	Error! Bookmark not defined.
Restrictions on the Use of Permitted Emergency Behavior Interventions	Error! Bookmark not defined.
Orientation and Emergency Behavior	Error! Bookmark not defined.



Training for Emergency Behavior Intervention	Error! Bookmark not defined.
Prohibitions for Discharging	Error! Bookmark not defined.
DISCIPLINE POLICIES	Error! Bookmark not defined.
Methods Used and Positive Response	Error! Bookmark not defined.
Trauma Informed Care	Error! Bookmark not defined.
Corporal Punishment.....	Error! Bookmark not defined.
Prohibited Punishment.....	Error! Bookmark not defined.
Importance of Nurturing Behavior and Stimulation	Error! Bookmark not defined.
TRANSITIONAL LIVING PROGRAM	Error! Bookmark not defined.
Criteria used to select participants for the program	Error! Bookmark not defined.
Supervision Requirements	Error! Bookmark not defined.
Expected Behavior, Training, Education and Roles of Individuals	Error! Bookmark not defined.
VOLUNTEERS	Error! Bookmark not defined.
ABUSE AND NEGLECT POLICIES	Error! Bookmark not defined.
Annual Training.....	Error! Bookmark not defined.
Awareness and Warning	Error! Bookmark not defined.
Prevention Techniques.....	Error! Bookmark not defined.
Parent Coordination and Actions.....	Error! Bookmark not defined.
PROTECTING CHILDREN FROM VACCINE- PREVENTABLE DISEASES	Error! Bookmark not defined.
OSHA Regulations, Bloodborne Pathogens and Infection Control	Error! Bookmark not defined.
Bloodborne Pathogens.....	Error! Bookmark not defined.
Hepatitis C Virus (HCV).....	Error! Bookmark not defined.
HIV	Error! Bookmark not defined.
Hepatitis B Virus (HBV)	Error! Bookmark not defined.
PPE	Error! Bookmark not defined.
Hazard Communication/ MSDS	Error! Bookmark not defined.
Radiation	Error! Bookmark not defined.
Chemical and Blood Spills	Error! Bookmark not defined.
WEAPONS, FIREARMS, EXPLOSIVE MATERIALS, AND PROJECTILES	Error! Bookmark not defined.
TOBACCO AND E-CIGARETTE USE.....	Error! Bookmark not defined.
LIST OF ANNEXURES	Error! Bookmark not defined.
Annexure 01: Record Keeping Log	Error! Bookmark not defined.
Annexure 02: Record Retrieval Form.....	Error! Bookmark not defined.
Annexure 03: Authorization to Release Information Form.....	Error! Bookmark not defined.
Annexure 04: Unauthorized Leave Form	Error! Bookmark not defined.
Annexure 05: Serious Incident Form.....	Error! Bookmark not defined.
Annexure 06: Employee Checklist.....	Error! Bookmark not defined.



Annexure 07: Acknowledgment	Error! Bookmark not defined.
Annexure 08: Staff Training and Development Form	Error! Bookmark not defined.
Annexure 09: Active Child Form	Error! Bookmark not defined.
Annexure 10: Child Unauthorized Leave Debrief Form	Error! Bookmark not defined.
Annexure 11: Continuous Unauthorized Leave	Error! Bookmark not defined.
Annexure 12: Annual Summary Log	Error! Bookmark not defined.
Annexure 13: Information Breach Form	Error! Bookmark not defined.
Annexure 14: Monthly Records Management Review	Error! Bookmark not defined.
Annexure 15: Training Form	Error! Bookmark not defined.
Annexure 16: Daily Medication Form	Error! Bookmark not defined.
Annexure 17: Disruptive Behavior Form	Error! Bookmark not defined.
Annexure 18: Fire Safety Drill Form	Error! Bookmark not defined.
Annexure 19: Emergency Preparedness Numbers	Error! Bookmark not defined.
Annexure 20: Safety Drill Form	Error! Bookmark not defined.
Annexure 21: Caretaker Acknowledgement Form	Error! Bookmark not defined.
Annexure 22: Parental Consent Form	Error! Bookmark not defined.
Annexure 23: Criminal Disclosure Form	Error! Bookmark not defined.
Annexure 24: Child Maltreatment Form	Error! Bookmark not defined.
Annexure 25: Investigative Form	Error! Bookmark not defined.
Annexure 26: Child Intake Form	Error! Bookmark not defined.
Annexure 27: Child Medication Form	Error! Bookmark not defined.
Annexure 28: Child Inventory Form	Error! Bookmark not defined.
Annexure 29: Child Acknowledgment	Error! Bookmark not defined.
Annexure 30: Medical and Dental Consent Form	Error! Bookmark not defined.
Annexure 31: Medical Refusal Form	Error! Bookmark not defined.
Annexure 32: Sign in and Sign out Log	Error! Bookmark not defined.
Annexure 33: Transfer/ Discharge Form	Error! Bookmark not defined.
Annexure 34: Money Holding Log	Error! Bookmark not defined.

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INTRODUCTION

[AGENCY NAME] is an organization that is committed to providing children the highest quality of service and the best living environment. Committed to Providing a caring, safe and nurturing environment where children can experience unconditional love. [AGENCY NAME] understands that each child is unique and requires a structured, caring and nurturing environment, fit to meet his/her individual needs. Committed to keeping records and documenting the children's daily activities, behaviors, needs, and accomplishments.

[AGENCY NAME] is comprised of experienced individuals in health care, counseling, human services and youth programming. We have Board Members and Staff from several areas of the country, giving us a broader view into the issues that youth face and how to deal with each individual situation. [AGENCY NAME] staff are educated in counseling, social work, human services, and have a combined 20+ years of experience with youth.

STATEMENT OF PURPOSE

The purpose of this policy is to define organization-wide processes and activities that maximize the coordination of quality and safe services to children/youth at [AGENCY NAME]. The goal of this plan is to coordinate children's care in a manner that is seamless from their perspective. This policy shall be made available for review, upon request, to clients and their designated representatives and shall be readily available for staff use at all times within [AGENCY NAME].

STATEMENT OF POLICY

[AGENCY NAME] prohibits discrimination in all its activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, gender identity, genetic information, and any political beliefs.

[AGENCY NAME] is consistent with the:

- Federal and State Law of Texas
- Needs of our staff and the community we serve;
- Agency policies and procedures;

We strongly adhere to compliance requirements stated by Texas State Law, Department of Health and follow the best practices implemented in terms of policies and procedures within [AGENCY NAME].



DOCUMENT CONTROL & APPROVALS

Document Revisions shall be recorded in the table below;

Ver. No.	Rev. No.	Page No.	Description of Amendment	Approved By	Date

Document review and approvals shall be recorded in the table below;

Description	Title	Signature	Date
Prepared By			
Reviewed By			
Approved By			

Note: All policies and procedures shall be reviewed at least annually, with recommended changes submitted to the governing body for approval, as necessary.



RECORD KEEPING MANAGEMENT POLICY

In order to comply with the regulation a written policy has been established for record management and includes incident reporting, confidentiality, accessibility, security and retention of records pertaining to children being served.

(Please refer Annexure 01 for Record Keeping Log)

Procedures:

An individual file will be maintained as a record of services delivered for all children in the care of [AGENCY NAME]. Records will be paper unless noted as electronic file.

- A. Access and limitation of access, duplication, or dissemination of children information to persons who are authorized to access such information according to federal and state laws of Texas.
 - 1. The files cabinets containing the service record for each child will a locked, flame retardant file cabinet which will be located in the administrative office: this office has a locked door and must be opened by the employees authorized to share the key.
 - 2. Access to the child's file will be limited to employees having a role in the development of the Individual Support Plan (ISP), and dependent on the level of support being provided.
 - 3. Limited access to the child's files will be determined by the role of the professional requesting access and having responsibilities for supports such as: assessment and admission determination, medical care, direct care, and clinical interventions etc.
 - a) Supervisor and directors or designees will determine level of employees and grant permission to access the children file of record.
 - b) Limited access the file by the child's is dependent on their capacity as determined by a medical professional such as a psychiatrist, primary physician etc.
 - 4. Duplication of the child's file may only be completed by the supervisor, director or designee and the purpose of the duplication must be documented on the "Record Retrieval Form" and include the date of the duplication, and employee name and title.

(Please refer Annexure 02 for Record Retrieval Form)

- 5. Dissemination of the record must be with written approval of the child when applicable,



placing agent, legally authorized representative (LAR), authorized representative (AR) etc. and documented on the "Authorization to Release Information Form."

- a) The written approval to disseminate record must be placed in the file
- b) No general written approval will be accepted for dissemination of record
- c) The written notice must have the name of the recipient, business name, business address, relationship to the child, name of the person given the permission to disseminate the record and the time frame in which the written authorization is valid
- d) Provider will comply with the state licensing representative and grant access, duplication and dissemination of the children file of records when requested and or during required agency business such as investigation, inspections and annual reviews etc.

(Please refer Annexure 03 for Authorization to Release Information Form)

Serious Incident Reporting

Report and Document A Serious Incident

- a) The reports must be made to the following entities, and the reporting and documenting must be within the specified time frames:

Serious Incident	(i) To Licensing? If so, when?	(i) To Parents? (ii) If so, when?	(i) To Law Enforcement? (ii) If so, when?
(1) A child dies while in [AGENCY NAME] care.	(A)(i) YES (A)(ii) Within 2 hours after the child's death.	(B)(i) YES (B)(ii) Within 2 hours after the child's death.	(C)(i) YES (C)(ii) Immediately, but no later than 1 hour after the child's death.



Serious Incident	(i) To Licensing? If so, when?	(i) To Parents? (ii) If so, when?	(i) To Law Enforcement? (ii) If so, when?
<p>(2) A substantial physical injury or critical illness that a reasonable person would conclude needs treatment by a medical professional or hospitalization.</p>	<p>(A)(i) YES (A)(ii) Report as soon as possible, but no later than 24 hours after the incident or occurrence. Note: For further clarification see "Helpful Information" at the end of this rule.</p>	<p>(B)(i) YES (B)(ii) Immediately after ensuring the safety of the child</p>	<p>(C)(i) NO (C)(ii) Not Applicable.</p>
<p>(3) Allegations of abuse, neglect, or exploitation of a child; or any incident where there are indications that a child in care may have been abused, neglected, or exploited.</p>	<p>(A)(i) YES (A)(ii) As soon as [AGENCY NAME] become aware of it.</p>	<p>(B)(i) YES (B)(ii) Immediately after ensuring the safety of the child.</p>	<p>(C)(i) NO (C)(ii) Not applicable.</p>



Serious Incident	(i) To Licensing? If so, when?	(i) To Parents? (ii) If so, when?	(i) To Law Enforcement? (ii) If so, when?
<p>(4) Physical abuse committed by a child against another child. For the purpose of this subsection, physical abuse occurs when there is substantial physical injury, excluding any accident; or failure to make a reasonable effort to prevent an action by another person that results in substantial physical injury to a child.</p>	<p>(A)(i) YES (A)(ii) As soon as [AGENCY NAME] become aware of it.</p>	<p>(B)(i) YES (B)(ii) As soon as [AGENCY NAME] become aware of it.</p>	<p>(C)(i) NO (C)(ii) Not applicable.</p>
<p>(5) Sexual abuse committed by a child against another child. For the purpose of this subsection, sexual abuse is: conduct harmful to a child's mental, emotional or physical welfare, including</p>	<p>(A)(i) YES (A)(ii) As soon as [AGENCY NAME] become aware of it.</p>	<p>(B)(i) YES (B)(ii) As soon as [AGENCY NAME] become aware of it.</p>	<p>(C)(i) NO (C)(ii) Not applicable.</p>



Serious Incident	(i) To Licensing? If so, when?	(i) To Parents? (ii) If so, when?	(i) To Law Enforcement? (ii) If so, when?
<p>nonconsensual sexual activity between children of any age, and consensual sexual activity between children with more than 24 months difference in age or when there is a significant difference in the developmental level of the children; or failure to make a reasonable effort to prevent sexual conduct harmful to a child.</p>			

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Serious Incident	(i) To Licensing? If so, when?	(i) To Parents? (ii) If so, when?	(i) To Law Enforcement? (ii) If so, when?
<p>(6) A child is indicted, charged, or arrested for a crime, not including being issued a ticket at school by law enforcement or any other citation that does not result in the child being detained; or when law enforcement responds to an alleged incident at the operation.</p>	<p>(A)(i) YES (A)(ii) As soon as possible, but no later than 24 hours after [AGENCY NAME] become aware of it.</p>	<p>(B)(i) YES (B)(ii) As soon as [AGENCY NAME] become aware of it.</p>	<p>(C)(i) NO (C)(ii) Not applicable.</p>
<p>(7) The unauthorized absence of a child who is developmentally or chronologically under 6 years old.</p>	<p>(A)(i) YES (A)(ii) Within 2 hours of notifying law enforcement.</p>	<p>(B)(i) YES (B)(ii) Within 2 hours of notifying law enforcement.</p>	<p>(C)(i) YES (C)(ii) Immediately upon determining the child is not on the premises and the child is still missing.</p>



Serious Incident	(i) To Licensing? If so, when?	(i) To Parents? (ii) If so, when?	(i) To Law Enforcement? (ii) If so, when?
<p>(8) The unauthorized absence of a child who is developmentally or chronologically 6 to 12 years old.</p>	<p>(A)(i) YES (A)(ii) Within 2 hours of notifying law enforcement, if the child is still missing.</p>	<p>(B)(i) YES (B)(ii) Within 2 hours of determining the child is not on the premises, if the child is still missing.</p>	<p>(C)(i) YES (C)(ii) Within 2 hours of determining the child is not on the premises, if the child is still missing.</p>
<p>(9) The unauthorized absence of a child who is 13 years old or older.</p>	<p>(A)(i) YES (A)(ii) No later than 6 hours from when the child's absence is discovered and the child is still missing. However, [AGENCY NAME] must report the child's absence immediately if the child has previously been alleged or determined to be a trafficking victim, or [AGENCY NAME] believe the child has been abducted or has no intention of returning to the</p>	<p>(B)(i) YES (B)(ii) No later than 6 hours from when the child's absence is discovered and the child is still missing. However, [AGENCY NAME] must report the child's absence immediately if the child has previously been alleged or determined to be a trafficking victim, or [AGENCY NAME] believe the child has been abducted or has no intention of returning to the operation.</p>	<p>(C)(i) YES (C)(ii) No later than 6 hours from when the child's absence is discovered and the child is still missing. However, [AGENCY NAME] must report the child's absence immediately if the child has previously been alleged or determined to be a trafficking victim, or [AGENCY NAME] believe the child has been abducted or has no intention of returning to the operation.</p>



Serious Incident	(i) To Licensing? If so, when?	(i) To Parents? (ii) If so, when?	(i) To Law Enforcement? (ii) If so, when?
	operation.		
(10) A child in [AGENCY NAME] care contracts a communicable disease that the law requires [AGENCY NAME] to report to the Department of State Health Services (DSHS) as specified in 25 TAC Chapter 97, Subchapter A, (relating to Control of Communicable Diseases).	(A)(i) YES, unless the information is confidential. (A)(ii) As soon as possible, but no later than 24 hours after [AGENCY NAME] become aware of the communicable disease.	(B)(i) YES, if their child contracted the communicable disease or has been exposed to it. (B)(ii) As soon as possible, but no later than 24 hours after [AGENCY NAME] become aware of the communicable disease.	(C)(i) NO (C)(ii) Not applicable.



Serious Incident	(i) To Licensing? If so, when?	(i) To Parents? (ii) If so, when?	(i) To Law Enforcement? (ii) If so, when?
(11) A suicide attempt by a child.	(A)(i) YES (A)(ii) As soon as [AGENCY NAME] become aware of the incident.	(B)(i) YES (B)(ii) As soon as [AGENCY NAME] become aware of the incident.	(C)(i) NO (C)(ii) Not applicable.

- b) If there is a medically pertinent incident, such as a seizure, that does not rise to the level of a serious incident, [AGENCY NAME] do not have to report the incident but [AGENCY NAME] must document the incident in the same manner as a serious incident.
- c) [AGENCY NAME] must document an unauthorized absence that does not meet the reporting time requirements defined in subsection (a)(7) - (9) of this section within 24 hours after [AGENCY NAME] become aware of the unauthorized absence. [AGENCY NAME] must document the absence
 - 1. In the same manner as for a serious incident, as described in §748.311 of this division; and;
 - 2. Complete an addendum to the serious incident report to finalize the documentation requirements, if the child returns to an operation after 24 hours.

(Please refer Annexure 04 for unauthorized absences)

- d) If there is a serious incident involving a child, [AGENCY NAME] do not have to report the incident to Licensing, but [AGENCY NAME] must document the incident in the same manner as a serious incident. [AGENCY NAME] do have to report the incident to:
 - 1. Law enforcement, as outlined in the chart above
 - 2. The parents, if the child is not capable of making decisions about the child’s own care; and
 - 3. Child Protective Services through the Texas Abuse and Neglect Hotline, if there is reason to believe the child has been abused, neglected or exploited.

(Please refer Annexure 05 for Serious Incident)



- e) [AGENCY NAME] must report and document the following types of serious incidents involving [AGENCY NAME] operation, an employee, a professional level service provider, contract staff, or a volunteer to the following entities within the specified time frame:

Serious Incident	(i) To Licensing? (ii) If so, when?	(i) To Parents? (ii) If so, when?
(1) Any incident that renders all or part of [AGENCY NAME] operation unsafe or unsanitary for a child, such as a fire or a flood.	(A)(i) YES (A)(ii) As soon as possible, but no later than 24 hours after the incident.	(B)(i) YES (B)(ii) As soon as possible, but no later than 24 hours after the incident.
(2) A disaster or emergency that requires [AGENCY NAME] operation to close.	(A)(i) YES (A)(ii) As soon as possible, but no later than 24 hours after the incident.	(B)(i) YES (B)(ii) As soon as possible, but no later than 24 hours after the incident.
(3) An adult who has contact with a child in care contracts a communicable disease noted in 25 TAC 97, Subchapter A, (relating to Control of Communicable Diseases).	(A)(i) YES, unless the information is confidential. (A)(ii) As soon as possible, but no later than 24 hours after [AGENCY NAME] become aware of the communicable disease.	(B)(i) YES, if their child has contracted the communicable disease or has been exposed to it. (B)(ii) As soon as possible, but no later than 24 hours after [AGENCY NAME] become aware of the communicable disease.
(4) An allegation that a person under the auspices of [AGENCY NAME] operation who directly cares for or has access to a child in the operation has abused drugs within the past seven days.	(A)(i) YES (A)(ii) Within 24 hours after learning of the allegation.	(B)(i) NO (B)(ii) Not applicable.



Serious Incident	(i) To Licensing? (ii) If so, when?	(i) To Parents? (ii) If so, when?
<p>(5) An investigation of abuse or neglect by an entity (other than Licensing) of an employee, professional level service provider, contract staff, volunteer, or other adult at the operation.</p>	<p>(A)(i) YES (A)(ii) As soon as possible, but no later than 24 hours after [AGENCY NAME] become aware of the investigation.</p>	<p>(B)(i) NO (B)(ii) Not applicable.</p>
<p>(6) An arrest; indictment; a county or district attorney accepts an “Information” regarding an official complaint against an employee, professional level service provider, contract staff, volunteer, or other adult at the operation alleging commission of any crime as provided in §745.661 of this title (relating to What types of criminal convictions may affect a subject’s ability to be present at an operation?); or when law enforcement responds to an alleged incident to the operation.</p>	<p>(A)(i) YES (A)(ii) As soon as possible, but no later than 24 hours after [AGENCY NAME] become aware of the situation.</p>	<p>(B)(i) NO (B)(ii) Not applicable.</p>



Report of A Serious Incident or Occurrence to Licensing

All serious incident reports must be made directly to the Texas Abuse and Neglect Hotline.

Document a Serious Incident

A serious incident must be documented in a written report that includes the following information:

1. The name of the operation, physical address, and telephone number;
2. The time and date of the incident;
3. The name, age, gender, and date of admission of the child or children involved;
4. The names of all adults involved and their role in relation to the child(ren);
5. The names or other means of identifying witnesses to the incident, if any;
6. The nature of the incident;
7. The circumstances surrounding the incident;
8. Interventions made during and after the incident, such as medical interventions, contacts made, and other follow-up actions;
9. The treating licensed health-care professional's name, findings, and treatment, if any.
10. The resolution of the incident.

(Please refer Annexure 05 for Serious Incident)

Serious Incident Reporting

Serious Incident	Documentation
(1) Child death, substantial physical injury, or a suicide attempt reportable under §748.303(a)(1), (2), and (11) of this division (relating to When must I report and document a serious incident?).	Any emergency behavior interventions implemented on the child within 48 hours prior to the serious incident.



Serious Incident	Documentation
<p>(2) Any substantial physical injury reportable under §748.303(a)(2) of this division that resulted from a short personal restraint.</p>	<p>Documentation of the short personal restraint, including the precipitating circumstances and specific behaviors that led to the emergency behavior intervention.</p>
<p>(3) Unauthorized absence of a child.</p>	<p>(A) Any efforts made to locate the child;</p> <p>(B) The date and time [AGENCY NAME] notified the parent(s) and the appropriate law enforcement agency and the names of the persons with whom [AGENCY NAME] spoke regarding the child's absence and subsequent location or return to the operation;</p> <p>(C) If the parent cannot be located, dates and times of all efforts made to notify the parent regarding the child's absence and subsequent location or return to the operation;</p> <p>(D) Whether the child has returned to the operation, and if so, the length of time the child was gone from the operation; and</p> <p>If the child returns to the operation after 24 hours, an addendum to the report that documents the child's return.</p>
<p>(4) Any physical or sexual abuse committed by a child against another child reportable under §748.303(a)(4) or (5) of this division.</p>	<p>The difference in size, age, and developmental level of the children involved in the physical or sexual abuse.</p>



Incident Reports Retention Period

[AGENCY NAME] must keep the incident reports on file at the operation for two years. The reports must be easily accessible to Licensing upon request.

Personnel Records

Maintaining Personnel Records

- a) [AGENCY NAME] must maintain all active personnel records at the operation.
- b) [AGENCY NAME] must maintain archived personnel records at the operation and/or in a designated location, as long as they are available for our review within 48 hours.
- c) [AGENCY NAME] may archive entire closed personnel records electronically.
- d) [AGENCY NAME] system for maintaining all personnel records must be uniform throughout the operation.
- e) [AGENCY NAME] must maintain in the main office of the operation a master list of active and archived personnel records with a notation of the location of those records.

For each employee, the personnel record must include:

1. Documentation showing the date of employment;
2. Documentation showing how the person meets the minimum age and qualifications for the position;
3. A current job description;
4. Evidence of any valid professional licensures, certifications, or registrations the person must have to meet qualifications for the position, such as a current renewal card or a letter from the credentialing entity verifying that the person has met the required renewal criteria;
5. A copy of the record of tuberculosis screening conducted prior to the person having contact with children in care showing that the employee is free of contagious tuberculosis as provided in §748.1583 of this title (relating to Who must have a tuberculosis (TB) examination?);
6. A notarized Licensing *Affidavit for Applicants for Employment* form as specified in Human Resources Code, §42.059;
7. A statement signed and dated by the employee documenting that the employee has read



- a copy of the operational policies required by §748.103 of this title (relating to What
- a. policies and procedures, must I submit for Licensing’s approval as part of the application
 - b. process?):
8. A statement signed and dated by the employee indicating the employee must immediately report any suspected incident of child abuse, neglect, or exploitation to the Texas Abuse and Neglect Hotline and to the operation’s administrator or administrator’s designee;
 9. Proof of request for background checks required by state law of this title (relating to Background Checks);
 10. For each person who transports a child, a copy of: The person’s valid driver’s license; or A driver’s license check conducted through the Texas Department of Public Safety within the last 12 months;
 11. A record of training, including the date of the training, the number of training hours, and the curriculum covered;
 12. Any documentation of the person’s performance with the operation; and
 13. The date and reason for the person’s separation, if applicable.

All background check results must be kept confidential, in accordance with HRC §40.005, subsections (d) and (e). Background check results must be protected from unauthorized access or release.

(Please refer Annexure 06 for Employee Checklist)

(Please refer Annexure 07 for Acknowledgment)

(Please refer Annexure 08 for Staff Training and Development Form)

Child Records

An active child record consists of the child’s record for the most recent 12 months of service.

Active Child Record

- a) [AGENCY NAME] must keep active child records at the operation where the child is receiving services. This may include electronic records.
- b) On an on-going basis, [AGENCY NAME] must ensure that each child’s record:
 1. Includes the child’s full name and another method of identifying the child, such as a client number;
 2. Includes documentation of known allergies and chronic health conditions on the



- exterior of the child's record or in another place where the information is clearly visible to persons with access to the record, including a notation of "no known allergies" when applicable;
3. Is kept accurate and current;
 4. Is locked and kept in a safe location; and
 5. Is kept confidential as required by law.

(Please refer Annexure 09 Active Child Form)

- b) All documentation must be in the record: No later than 30 days after the occurrence or event.
- c) Unless [AGENCY NAME] are releasing the record to the parents, to us, or as required by law, [AGENCY NAME] may not release any portion of a child's record to any agency, organization, or individual without the written consent of the person legally authorized to consent to the release.
- d) [AGENCY NAME] must make all active records available for our immediate review and reproduction.
- e) We must have reasonable access to [AGENCY NAME] storage and file areas in order to monitor [AGENCY NAME] record keeping.
- f) These records must be available for our review within 48 hours. Otherwise, the records may be archived electronically or kept anywhere and, in any manner, as long as they are safe from damage or destruction.

Record Retention

- a) [AGENCY NAME] must maintain annual training records for current personnel for the last full training year and current training year.
- b) With the exception of subsection (a) of this section, [AGENCY NAME] must maintain personnel records for a year after an employee's last day of employment or until any investigation involving the employee is resolved, whichever is longer.
- c) [AGENCY NAME] must maintain a child's complete record from admittance to discharge for two years from the date of discharge, or until the resolution of any investigation involving the child, whichever is longer.

Unauthorized Absences

- a) For each unauthorized absence of a child, [AGENCY NAME] must:
 1. Document the unauthorized absence in an annual summary log, as required by §748.453



of this division and

2. Debrief the child, as required by §748.455 of this division.
- b) If a child has three unauthorized absences within a 60-day timeframe, [AGENCY NAME] must conduct a triggered review of the child's unauthorized absences that is consistent with the rules in this division; and
- c) [AGENCY NAME] must conduct an overall operation evaluation for unauthorized absences every six months, as required by §748.463 of this division.
- d) For each unauthorized absence during the relevant year, [AGENCY NAME] must document the following information in an annual summary log:
 1. The name, age, gender, and date of admission of the child who was absent;
 2. The time and date the unauthorized absence was discovered;
 3. How long the child was gone or if the child did not return;
 4. The name of the caregiver responsible for the child at the time the child's absence was discovered;
 5. The intake report number, if a report was made to Licensing or the Department of Family and Protective Services; and
 6. Whether law enforcement was contacted, including the name of any law enforcement agency that was contacted and the number of the police report, if applicable.
- e) [AGENCY NAME] must maintain each annual summary log for five years.
- f) [AGENCY NAME] must make the annual summary logs available to Licensing for review and reproduction, upon request.
- g) Every six months, [AGENCY NAME] must conduct an overall operation evaluation for unauthorized absences that have occurred at [AGENCY NAME] operation during that time period.
- h) The objectives of the evaluation are to:
 1. Develop and maintain a trauma informed environment that supports positive and constructive behaviors by children in care; and
 2. Ensure the overall safety and well-being of children in care.
- i) The evaluation must include:
 1. The frequency and patterns of unauthorized absences of children in [AGENCY NAME] operation; and
 2. Specific trauma informed strategies to reduce the number of unauthorized absences in [AGENCY NAME] operation.
- j) [AGENCY NAME] must maintain the results of each six-month overall operation evaluation for



unauthorized absences for five years.

- k) [AGENCY NAME] must make the results of each overall operation evaluation for unauthorized absences available to Licensing for review and reproduction, upon request.

(Please refer Annexure 10 Child Unauthorized Leave Debrief Form)

(Please refer Annexure 11 Continuous Unauthorized Leave)

(Please refer Annexure 12 Annual Summary Log)

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***For inquiries or assistance, please reach out to us at www.carepolicy.us**