

DISTRICT ORDER NO. 2013-2

NORTHEAST TEXAS PUBLIC HEALTH DISTRICT

REVISING THE PREVIOUS PROVISIONS OF DISTRICT ORDER 1999-2 ESTABLISHING THE INSPECTION FEES AND ENFORCEMENT OF STATE LAW AND STATE RULES FOR INSPECTION OF DAY CARE CENTERS, CHILD CARE CENTERS, FOSTER HOMES AND OTHER FACILITIES AS REQUIRED BY THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES LICENSING DIVISION FOR ANNUAL LICENSING; EFFECTIVE JUNE 23, 2013. PROVIDING FOR SEVERANCE AND PROVIDING FOR PUBLICATION.

WHEREAS, the Texas Department of Family and Protective Services Licensing Division licenses day care centers, child care centers, foster homes and other facilities.

WHEREAS, Chapter 42 of the Texas Human Resources Code requires the Texas Department of Family and Protective Services to regulate child care and child placing activities in Texas, to create and enforce minimum standards;

WHEREAS, the Texas Department of Family and Protective Services requires an annual sanitation inspection of certain day care centers, child care centers, foster homes and other facilities they regulate by a state or local sanitation official in accordance with Title 40, Texas Administrative Code, Part 19, Department of Family and Protective Services, Chapter 745, Licensing, Subchapter B, Child Care and Other Operations We Regulate, et al;

WHEREAS, Title 40, Texas Administrative Code, Part 19, Department of Family and Protective Services, Chapter 746 establishes minimum standards for child care centers and requires the applicant to obtain a license to operate through the Texas Department of Family and Protective Services;

WHEREAS, Title 40, Texas Administrative Code, Part 19, Department of Family and Protective Services, Chapter 749, Child Placing Agencies, Subchapter O, Division 1, Health and Safety provides for sanitation requirements pertinent to the environmental inspection for foster

family homes;

WHEREAS, minimum standards for certain facilities licensed by the Texas Department of Family and Protective Services require an annual sanitation inspection to be conducted by the state or local sanitation official;

WHEREAS, Sec. 121.006. Public Health Services Fees: State Support (a) The governing body of a municipality, the commissioners' court of a county, or the administrative board of a public health district may adopt ordinances or rules to charge fees for public health services.

THEREFORE, BE IT RESOLVED that the Northeast Texas Public Health District Board hereby adopts the following Northeast Texas Public Health District Order pertaining to Day Care Centers, Child Care Centers, Foster Homes and other Facilities licensed by the Texas Department of Family and Protective Services. Rules and regulations and orders as follows:

#### PART I: NORTHEAST TEXAS PUBLIC HEALTH DISTRICT

#### DAY CARE CENTERS, CHILD CARE CENTERS, FOSTER HOMES AND OTHER FACILITIES LICENSED BY THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES RULES AND REGULATIONS

##### SECTION 1. Definitions; relationship to state regulations.

(1) Foster Home. The term "Foster Home" means a home that is the primary residence of the foster parent(s) and provides care for six or fewer children or young adults, under the regulation of a child-placing agency.

(2) Child Care Center. A child-care facility that is licensed to care for seven or more children for less than 24 hours per day, at a location other than the permit holder's home.

(3) The term Day Care Center means an operation that provides care for 13 or more

children, birth through 13 years.

(4) Certificate of Inspection means the annual sanitation inspection conducted at the request of the owner/operator of a Foster Home, Child Care Center, Day Care Center or any other Facility that is required to obtain an annual sanitation Inspection conducted by the local sanitation officer.

(5) Local sanitation officer(s) is a Registered Sanitarian of the Northeast Texas Public Health District.

## SECTION 2. Request for inspection.

(1) Application: A person desiring to operate a Day Care Center, Child Care Center, Foster Home or other Facilities licensed by the Texas Department of Family and Protective Services requiring an inspection by the Northeast Texas Public Health District local sanitation officer shall make written application for an inspection on a form or forms provided by the Northeast Texas Public Health District.

(2) Application shall include the name, telephone number, facsimile number and business or residence address of the owner.

(3) If the owner is a partnership, the application shall include the name, telephone number, facsimile number and business or residence address of each general or managing partner.

(4) If the owner is a corporation, the application shall include the name, telephone number, facsimile number and business or residence address of the registered agent.

(5) Other facilities requesting an inspection to comply with licensing from the Texas Department of Family and Protective Services such as School Age and Before or After School Programs, and General Residential Operations may also request the required inspection.

**SECTION 3. Fee Schedule.**

(1) An inspection fee shall be charged for inspections of Day Care Center, Child Care Center, Foster Home, or any other Facilities required to have an inspection conducted by the local sanitation official and will cover a 12 (twelve) month period. The initial fee must be paid with the initial request and shall be payable in advance for each 12 (twelve) month period. Failure to pay the annual fee in a timely manner shall result in a late fee charge in the amount of \$50.00 (Fifty Dollars). The renewal fee and the late charge must be paid prior to the expiration of the Certificate of Inspection to obtain the annual sanitation inspection.

*Fee Schedule*

Day Care Facility 13 or more children	\$150.00
Child Care Center 7 or more children	\$150.00
Foster Homes	\$50.00
Other Facilities Requiring Inspection	\$150.00

**PART II**

If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this Order shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this Order. It is the definite intent of the Northeast Texas Public Health District Board that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

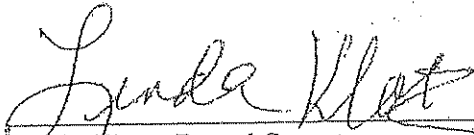
**PART III**

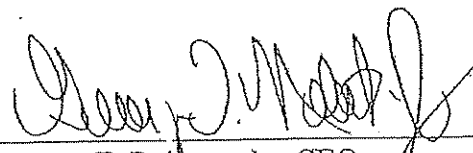
That any person, firm, or corporation violating any of the provisions of this Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as

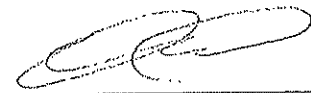
provided by law. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this Order has a penalty for violation, it shall become effective upon proper notice to the public by publication of the notice that the Order exists.

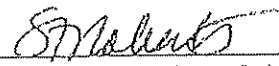
PASSED AND APPROVED by the Northeast Texas Public Health District Board of Health this 23<sup>rd</sup> day of May, 2013.

ATTEST:

  
Linda Klotz, Board Secretary  
Northeast Texas Public Health District

  
George T. Roberts, Jr., CEO  
Northeast Texas Public Health District

  
Danny Cace, Board Chair  
Northeast Texas Public Health District

  
Sharon Roberts, Board Attorney  
Northeast Texas Public Health District