

Maternity Home

Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Home

Name of Home: _____ Date: _____

Rule Number	Brief Description	Comply	Deficiency	N/A
Maternity Home Structure				
1100.1	Legally Established to Operate in Texas and Comply with Applicable Statutes			
1100.2	With Application for a License, Submit Documentation of the Legal Basis for Operation			
1200.1	Governing Body Responsible for Policies and Activities			
1200.2	Names, Addresses, Titles of Governing Body			
1200.5	Policies Must State Responsibilities of Governing Body			
1200.6	Governing Body Must Carry Out Responsibilities Assigned in Policies			
1300.5	Must Not Offer Other Types of Care In the Facility			
1410.1	Must be Established and Maintained on Sound Fiscal Basis			
1410.2	Must Maintain Complete Financial Records			
1410.3	Fee Policy that Describes Fees Charged and Services Covered by Fees			
1410.4	Facility Must Not Accept Payment for Adoption Referrals			
1420.1	Submit a 12-Month Budget with Submitted Signed Application			
1420.2	Reserved Funds or Available Credit Equal to Operating Costs for First Three Months			
1420.3	Predicable Funds Sufficient for First Year of Operation			
1500.1	Governing Body Approved Policies Meet Minimum Standards			
1500.2	Policies Must Describe Facility Services and Who it Will Serve			
1500.3	Maintain Approved Copies of Current Policies and Effective Date			
1500.4	Policies Must be Available for Review by Department and Clients			
1600.3	Requirement for Policies and Procedures for Absences Without Permission			
1600.3.a	Time Frames for Determining When a Client is Absent Without Permission			
1600.3.b	Actions Staff Must Take to Locate the Client			
1600.3.c	Procedures to Notify Parents of a Minor Client and Law Enforcement			
Maternity Home Personnel				
2100.1	Organizational Chart of the Administrative Structure and Staffing			
2100.2	Written Job Descriptions for Employees			
2100.3	Volunteers Policies Describing How Volunteers Will be Used			
2100.4	Written Policies Covering Volunteer Qualifications, Orientation			
2200.1	Background Check Requirements			
2310.1	Must Have an Administrator with Overall Facility Responsibility			
2310.2.a	Administrator Must Manage the Home According to Governing Body Adopted Policies			
2310.2.b	Administrator Must Ensure Home's Operation Complies with Minimum Standards			
2310.3.a	Administrator Qualifications - Masters Degree, 1 year experience			
2310.3.b	Administrator Qualifications – Bachelor's Degree, 2 years experience			
2310.3.c	Administrator Qualifications – Associate's Degree, 4 years experience			

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2310.3.d	Administrator Qualifications – High School Diploma or G.E.D., 6 years experience			
2310.4	Must Employ a Person Responsible for Overall Services Provided			
2310.5.a	Person Responsible for Facility Services must Approve Maternity Home Admissions			
2310.5.b	Person Responsible for Facility Services must Develop and Update Service Plans			
2310.5.c	Person Responsible for Facility Services must Provide General Program Oversight			
2310.6	Minimum Qualification Options for Persons Responsible for Facility Services			
2400.1	Training Plan- Time Frames, Content, and Number of Hours Required			
Service Management				
3100.1	Admission Policies- Age and Type of Client Served			
3120.6.a	Rules and Guidelines for Group Living Including Visits, Gifts, Mail, and Telephone calls			
3120.6.b	Type and Frequency of Reports the Facility Will Make to Parents of Minor Clients			
3120.6.c	The Maternity Home's Religious Policy or Program, if Any			
3120.6.d	The Maternity Home's Fee Policy			
3200.6	Develop a Policy for Reviewing Service Plans			
Client Services				
4210.1	Buildings and Grounds Constructed, Maintained, Repaired and Clean			
4210.2	No Hazards to the Health and Safety of Clients			
4210.3	Approved Annual Fire, Health, and Safety Inspections.			
4210.3.a	Requirements for Annual Fire Inspections			
4210.3.b	Requirements for Annual Sanitation Inspections			
4210.3.c	Documented Annual Gas-Pipe Inspection if the Maternity Home Uses Gas			
4210.3.d	Liquid Petroleum Gas Systems Inspected			
4210.4	Plans and Procedures for Assuring Safety of Clients in Case of a Disaster or Emergency			
4210.5	First Aid Supplies Readily Available			
4220.1	Adequate Living Space, Appropriate Furnishings, and Bathroom Facilities			
4220.2	Square Footage of Bedroom Area and Window Requirements			
4220.3	Must have Her Own Bed and Provisions for Personal Storage Space			
4220.4	Requirements for Indoor Activity Space Per Client			
4220.5	Bathrooms Must be Located Convenient to Client Bedrooms			
4220.6	One Lavatory, Commode for Each Six Clients; One Tub or Shower for Each Ten Clients			
4220.7	Food Preparation and Dining Areas Appropriate			
4300.1	Policies & Procedures for Health Care			
4300.2	Requirements for Prenatal, Delivery, Postpartum Health Care			

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4300.4	Provide for Emergency Health and Dental Diagnosis and Treatment			
4400.1	Counseling About Different Options Regarding Pregnancy			
4400.2	Information, Training, and Counseling Available			
4400.3	Provisions for Minor Clients to Continue Their Education			
4400.4	Must Provide a Recreational Program Planned According to Individual Needs of Clients			
4400.5	Must Provide Transportation for Clients' medical and Counseling Appointments			
Drug Testing				
745.4151(a)	Operation must adopt the DFPS drug testing policy or have its own			
745.4151(b)	Operation must pay for drug tests, except as provided in subsection (c)(7)			
745.4151(c)	The criteria for the Model DFPS Drug Testing policy include purpose, scope, and definitions			
745.4151(c)(1)	Purpose. Ensure the safety of resident children and protect employee rights			
745.4151(c)(2)	Scope. Applies to all employees and applicants that have direct contact with children in care and volunteers; regarding drug abuse allegations, applies to any person who works under the auspices of the operation and who directly cares for or has access to a child in care			
745.4151(c)(4)(A)	Mandatory drug testing-all applicants intended to be hired are subject to pre-employment testing prior to child access			
745.4151(c)(4)(B)	Mandatory drug testing-all employees are subject to random, unannounced drug testing			
745.4151(c)(4)(C)	Mandatory drug testing-any employee that is subject of child abuse or neglect investigation must be drug tested within 24 hr of notification by DFPS			
745.4151(c)(4)(D)	Mandatory drug testing-any person who works under the auspices of the operation who is alleged to be abusing drugs must be tested within 24 hours			
745.4151(c)(5)	Drug testing procedures			
745.4151(c)(5)(A)	All drug testing will at a minimum screen for marijuana, cocaine, opiates, amphetamines, and phencyclidine			
745.4151(c)(5)(B)	All drug testing will use one of the following drug-testing methods			
745.4151(c)(5)(B)(i)	Drug testing method - performed by a certified laboratory			
745.4151(c)(5)(B)(ii)	Drug testing method - a testing kit with proven rates of false positives below 2% and false negatives below 8%			
745.4151(c)(5)(B)(iii)	Drug testing method- another testing method with proof of accuracy comparable to either of the first two choices			
745.4151(c)(5)(C)	Ensure the integrity and identity of the specimen collected from the time of collection to the time of disposal			
745.4151(c)(5)(D)	Preserve the privacy and rights of the person tested			
745.4151(c)(6)	Discipline			
745.4151(c)(6)(A)	An applicant or employee's consent to submit to drug testing is required as a condition of employment			

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745.4151(c)(6)(B)	An employee tested because there is "good cause to believe the employee may be abusing drugs," may be suspended			
745.4151(c)(6)(C)	An employee determined to have abused drugs is subject to discipline including discharge			
745.4151(c)(6)(D)	An applicant or employee determined to have abused drugs may not have direct contact with children if he presents a risk			
745.4151(c)(6)(E)	An employee determined to have abused drugs may complete a rehabilitation program at the employee's expense			
745.4151(c)(7)	Appeal. An applicant or employee whose drug test is positive may appeal at the applicant or employee's expense			
745.4151(c)(7)(A)	Appeal drug test results. Explain or offer documentation for the positive drug test			
745.4151(c)(7)(B)	Appeal drug test results. Request that remaining portion of the sample that yielded positive results be submitted for additional independent test			
745.4151(c)(7)(C)	Appeal drug test results. Employee may submit the written test result for independent medical review			
745.4151(c)(8)	Documentation of drug testing			
745.4151(c)(8)(A)	All applicants and employees must be provided a copy of the drug testing policy and sign a document consenting to these terms of employment			
745.4151(c)(8)(B)	Drug test results for employees must be kept for one year after an employee's last work day or until any investigation involving the person is resolved; all other drug test results required will be kept for one year from the date the drug test was administered			
Controlling Person				
745.903(1)	Controlling Person - Submit Controlling Person Form to local Licensing office when applying for a permit. See §745.901			
745.903(2)	Controlling Person - Submit Controlling Person Form to Licensing within two days after a person becomes a controlling person. See §745.901			
745.911(a)(1)	Employment Prohibited-Person may not be employed if DFPS denied the person's permit due to being barred from operating in another state			
745.911(a)(2)	Employment Prohibited-Person may not be employed if DFPS denied the person's permit due to being revoked in another state			