

# New law requires information about the *controlling person*

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Child Care Licensing is a division of the Department of Family and Protective Services (DFPS). It regulates and monitors child care operations in Texas. For more information about child care licensing and its services, visit [www.dfps.state.tx.us/child\\_care](http://www.dfps.state.tx.us/child_care).

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Senate Bill 1178 passed during the last legislative session requires child care providers to identify all individuals considered to be in a *controlling person* role at the operation or home.

## What is a controlling person?

A controlling person is one who, either alone or in connection with others, has the ability to directly or indirectly influence or direct the management, expenditures, or policies of a child care operation.

According to the *Texas Register*, the controlling person designation allows Licensing, with other Health and Human Services agencies, “to track and take action against individual persons who have been an administrative or governing body official in an operation that had a license denied, revoked, or suspended.”

## Which child care operations must provide information?

The following child care operations must submit controlling person information to Licensing:

- licensed child care centers
- school-age programs
- before or after-school programs
- licensed child care homes
- registered family homes (also known as registered child care homes)
- listed family homes

## Which individuals in a child care facility might be a controlling person?

Certain individuals who are always considered to be a controlling person include an owner, a sole proprietor and the sole proprietor’s spouse, the primary caregiver at a child care home, and the primary caregiver’s spouse.

In addition, a controlling person can be:

- a member of the operation’s governing body, including an executive, an officer, a board member, and a partner;
- any individual who manages, administers, or directs the operation or the governing body, such as a child care director, operation director, or program director;
- any person who, either alone or in connection with others, has the ability to influence or direct the management, expenditures, or policies of the operation. For example, a person may have influence over an operation due to a personal, familial, or other relationship with the governing body, manager, or other controlling person of the operation.

Important to note: A person does not have to be present at the operation or home or hold an official title at the operation or on the governing body to be a controlling person.

## How do I submit information?

**New programs:** Licensing has begun collecting information about the controlling person from applicants who are in the process of opening a child care operation or home.

**Existing programs:** Because it will take time to process the new information, Licensing is phasing in the collection of information from existing programs between now and August 2013. **Do not submit controlling person information until your inspector contacts you.**

When asked to submit this information, you will have the option of submitting it electronically using the online Child Care Provider Login system or sending in Form 2760 (Controlling Person Form) to your Licensing inspector. The form is available for download from the Forms page of the Texas Department of Family and Protective Services website.

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## **What happens after information is collected?**

Once Licensing collects the information for your program, the inspector will determine if the person is eligible to serve as a controlling person. An individual is not eligible to serve if he or she 1) was not eligible to receive a permit or 2) was serving as a controlling person for an operation at the time the permit was revoked.

If a person is not eligible, Licensing will notify you that the person must be removed from the role as a controlling person. If the person is not removed from this role, the law requires Licensing to revoke your permit or deny a permit if in the application phase.

## **What if the controlling person changes?**

You must submit updates to your Licensing inspector as soon as possible but not later than two days after there is a change. Changes that require notification to Licensing are 1) a new controlling person is added, and 2) an individual ceases to be a controlling person.

## **Where can I get more information?**

If you have questions, contact your Licensing inspector for assistance. Or go online to [www.dfps.state.tx.us/Child\\_Care/Information\\_for\\_Providers/faqs.asp](http://www.dfps.state.tx.us/Child_Care/Information_for_Providers/faqs.asp). ■

# New rules on health checks

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**N**ew minimum standard requirements, effective Dec. 1, 2012, require you to ensure that parents are informed if you conduct health checks on children in care. A health check is defined in the minimum standards as a visual or physical assessment of a child to identify potential concerns about a child's health, including signs or symptoms of illness and injury, or marked changes in the child's behavior since the last date of attendance.

Licensing offers a form that may help your program develop policies and procedures for health checks. The form, Information on Health Checks (Form 7295), is available on the DFPS website at [www.dfps.state.tx.us/Child\\_Care/Information\\_for\\_Providers/cclforms.asp](http://www.dfps.state.tx.us/Child_Care/Information_for_Providers/cclforms.asp). In addition, the Child Assessment Form (7293) has been updated to include information on health checks and is also available online.

If your program does not conduct health checks, you are not required to add anything to your program's operational policies.

Daily health checks are a way to identify concerns about a child's health. They can be done as you greet each child and parent upon arrival as well as while observing the child throughout the day. Ideally, the health check is conducted in a relaxed manner that respects the family's culture and is sensitive to the child's body and feelings. Talking with the parent about the child can help you gather important and relevant information.

Health checks may help to reduce the spread of communicable disease by identifying children whose symptoms suggest they need to be taken home. They are also a way to identify possible outbreaks so you can increase sanitation and hygiene measures to prevent more widespread illness in your program. ■