#### 4421 Enforcement Team Conferences for Child-Placing Agencies

LPPH July 2012

Policy

Licensing conducts at least one annual enforcement team conference for each child-placing agency (CPA), even if the CPA is on voluntary suspension. These conferences are a part of Licensing’s effort to monitor and enforce a CPA’s compliance with law, administrative rules, and minimum standard rules.

During an enforcement team conference, Licensing staff conducts a comprehensive assessment of a CPA based on thoroughly reviewing information from inspections and investigations that Licensing has conducted relating to the CPA and the CPA’s foster homes.

Texas Human Resources Code (HRC) [§42.044(e)(4)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.044)

The conference may be conducted by phone as a conference call, or as a face-to-face meeting.

##### 4421.1 Frequency and Scheduling Enforcement Team Conferences for a CPA

LPPH July 2012

Frequency of Enforcement Team Conferences

Procedure

The monitoring supervisor assigned to the main office of a child-placing agency (CPA) is responsible for ensuring that the enforcement team conference is conducted annually.

The conference is conducted within the same calendar month as the issuance date of the main CPA’s full license.

Scheduling an Enforcement Team Conference

Procedure

The monitoring supervisor assigned to the CPA’s main office is responsible for:

• scheduling the enforcement team conference; and

• notifying participants of the date, time, and location of the conference.

See [4421.31](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4300.jsp#LPPH_4421_31) Responsibilities of the Monitoring Supervisor for the CPA's Main Office.

The monitoring supervisor assigned to the CPA's main office coordinates with other monitoring supervisors when scheduling the enforcement team conference.

If a CPA has three or more branch offices, in addition to the main office, the monitoring supervisor assigned to the CPA’s main office determines whether to schedule the conference to take place as:

• one meeting or conference call where participants for all branch offices and the main office meet as one large group; or

• one meeting or conference call during which participants for some branch offices are scheduled to call in at different times during the meeting.

###### 4421.11 Individual Branch Reviews

LPPH July 2012

If the CPA has three or more branch offices, in addition to the main office, the supervisor for the main CPA may decide whether individual reviews that cover one branch or region at a time are appropriate. Individual reviews are held before the date of the enforcement team conference, where the overall performance of the CPA is assessed.

###### 4421.12 Closed Branch Offices

LPPH July 2012

It is not necessary to conduct individual branch reviews on closed branch offices. However, if a branch office has closed since the last enforcement team conference, Licensing staff review the following information related to the branch office closure during the conference as part of the comprehensive assessment of the CPA’s performance of the CPA as a whole:

a. Any significant compliance history associated with the branch office

b. Reasons for the branch office closure

c. Significant outcomes of the branch office closure

##### 4421.2 Requirements of an Enforcement Team Conference for a CPA

LPPH July 2012

Procedure

During an enforcement team conference for a CPA, conference participants thoroughly review the results of inspections, investigations (if any), and any other relevant compliance history available on the CPA and the CPA’s foster homes. Participants should pay particular attention to:

a. patterns of deficiency;

b. serious violations;

c. enforcement actions; and

d. communication barriers and breakdowns.

Before concluding the conference, participants recommend an enforcement plan based on the results of the review.

##### 4421.3 Conference Participants and Duties for the CPA Enforcement Team Conference

LPPH July 2012

Procedure

The scope of the review determines the number of conference participants.

At a minimum, the enforcement team conference must include:

a. the assigned monitoring supervisor for the main CPA;

b. the assigned inspector for the main CPA;

c. the assigned inspector or supervisor for each branch *or*, if individual branch reviews were held, at least one staff member who participated in the individual branch review; and

d. an investigation supervisor *if* there have been investigations of abuse or neglect at the operation within the past year.

Additional persons may participate in the conference, such as:

a. investigators;

b. investigation supervisors;

c. managers;

d. risk analysts or safety specialists; and

e. state office staff.

###### 4421.31 Responsibilities of the Monitoring Supervisor for the CPA’s Main Office

LPPH July 2012

Procedure

The monitoring supervisor assigned to the main office of a CPA is responsible for the enforcement team conference. To fulfill these responsibilities, the monitoring supervisor for the main office:

a. schedules the enforcement team conference (See [4421.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4300.jsp#LPPH_4421_1) Frequency and Scheduling an Enforcement Team Conference for a Child-Placing Agency);

b. informs his or her manager or designee of the enforcement team conference date;

c. selects and invites team members;

d. consults with the assigned inspector regarding the inspector’s completion of [Form 2907](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2907.doc) CPA Enforcement Team Pre-Conference Synopsis for the CPA’s main office, as needed;

e. with the assigned inspector, identifies issues to discuss during the enforcement team conference;

f. prepares the enforcement team conference agenda;

g. determines if individual branch office reviews should be held before the enforcement team conference and informs the appropriate monitoring supervisors;

h. facilitates the enforcement team conference or delegates the task to another staff member;

i. identifies follow-up action, if needed;

j. conducts a post-conference review with the assigned inspector, if needed; and

k. within 15 days of the enforcement team conference:

• completes [Form 2956](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2956.doc) Annual CPA Enforcement Team Conference Report for the entire CPA (main office and all branch offices),

• uploads an electronic version of the completed Form 2956 to the designated shared folder for CPA Enforcement Team Conferences on the DFPS network,

• sends an electronic version of the completed Form 2956 to all conference participants, and

• reports enforcement team conference recommendations involving adverse or corrective action to the director of Residential Child Care Licensing (or designee), if applicable.

###### 4421.32 Responsibilities of the CPA Main Office Inspector

LPPH July 2012

Procedure

The inspector assigned to the CPA’s main office:

a. completes [Form 2907](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2907.doc) CPA Enforcement Team Pre-Conference Synopsis to compile information about the CPA from the CLASS system and the hard copy file;

b. consults with the assigned supervisor regarding CPA main office synopsis (Form 2907), as needed;

c. collects Form 2907 CPA Enforcement Team Pre-Conference Synopsis from each branch CPA inspector, if applicable;

d. with the supervisor, identifies areas of discussion for the enforcement team conference;

e. takes notes at the enforcement team conference;

f. documents the completion of the enforcement team conference in the CLASS *Chronology* field;

g. conducts follow-up activities, if needed; and

h. reports to the supervisor the outcomes of compliance recommendations or follow-up activities.

###### 4421.33 Responsibilities of the Monitoring Supervisor and Inspector of a CPA Branch Office

LPPH July 2012

Procedure

The monitoring supervisor or inspector (or both) responsible for a CPA branch office participate in the enforcement team conference, unless an individual branch office review was held and another staff member who attended the review is participating on his or her behalf.

CPA branch office monitoring supervisors:

a. coordinate planning for the individual branch office review;

b. identify which staff members participating in the individual branch office review will participate in the enforcement team conference, if applicable;

c. consult with the assigned inspector regarding the branch office synopsis (Form 2907), as needed;

d. identify follow-up action, if needed; and

e. report the outcomes of conference recommendations or the follow-up activities to the main CPA monitoring supervisor, if needed.

Branch office inspectors:

a. complete [Form 2907](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2907.doc) CPA Enforcement Team Pre-Conference Synopsis to compile information from the CLASS system and hard copy file about his or her assigned branch;

b. consult with his or her supervisor regarding the branch office synopsis (Form 2907), as needed;

c. forward a copy of Form 2907 to the main CPA inspector before the enforcement team conference as directed by the CPA main office monitoring supervisor**;**

d. conduct follow-up activities, if needed; and

e. report to his or her supervisor the outcomes of compliance recommendations or follow-up activities.

###### 4421.34 Responsibilities of an Investigation Supervisor

LPPH July 2012

If there have been abuse or neglect investigations at the operation within the last year, an investigation supervisor who is familiar with the operation summarizes the findings of all investigations, including any identified risk to children in care, during the enforcement team conference.

### 4440 Monitoring General Residential Operations

New section

#### 4441 Enforcement Team Conferences for General Residential Operations Licensed to Provide Residential Treatment Services

LPPH July 2012 (new item)

Policy

Licensing staff conduct at least one annual enforcement team conference for each general residential operation that is licensed to provide residential treatment services (RTC), even if the RTC is on voluntary suspension. These conferences are a part of Licensing’s effort to monitor and enforce an RTC’s compliance with law, administrative rules, and minimum standard rules.

During an enforcement team conference, Licensing staff conducts a comprehensive assessment of the RTC by thoroughly reviewing information from inspections and investigations that Licensing has conducted of the RTC.

The conference may be conducted by phone as a conference call, or as a face-to-face meeting.

##### 4441.1 Frequency of Enforcement Team Conferences for an RTC

LPPH July 2012 (new item)

Procedure

The monitoring supervisor is responsible for ensuring that the enforcement team conference is conducted annually.

The conference is conducted within the same calendar month as the issuance date of the RTC’s full license.

##### 4441.2 Requirements of an Enforcement Team Conference for an RTC

LPPH July 2012 (new item)

Procedure

During an enforcement team conference, conference participants thoroughly review the results of inspections, investigations (if any), and any other relevant compliance history available on the general residential operation that is licensed to provide residential treatment services (RTC). Participants should pay particular attention to:

a. patterns of deficiency;

b. serious violations;

c. enforcement actions;

d. patterns identified through reviewing investigation history;

e. emergency behavior intervention data, including any identified patterns; and

f. communication barriers and breakdowns.

Before concluding the conference, participants recommend an enforcement plan based on the results of the review before concluding the conference.

##### 4441.3 Conference Participants and Duties for the RTC Enforcement Team Conference

LPPH July 2012 (new item)

Procedure

The scope of the review determines the number of conference participants.

At a minimum, the enforcement team conference must include:

a. the assigned monitoring supervisor;

b. the assigned inspector; and

c. an investigation supervisor *if* there have been investigations of abuse or neglect at the operation within the past year.

Additional persons may participate in the conference, such as:

a. investigators;

b. investigation supervisors;

c. managers;

d. risk analysts or safety specialists; and

e. state office staff.

###### 4441.31 Responsibilities of the Monitoring Supervisor

LPPH July 2012 (new item)

Procedure

The monitoring supervisor is responsible for the enforcement team conference. To fulfill these responsibilities, the monitoring supervisor:

a. sets the date, time, and location of the enforcement team conference;

b. informs their manager or designee of the enforcement team conference date;

c. selects and invites team members;

d. completes - or designates that the assigned Licensing inspector complete - sections 1 through 10 on [Form 2825](http://intranet/application/Forms/showFile.aspx?NAME=2825.doc) Annual RTC Enforcement Team Conference Report to compile information about the RTC from the CLASS system and the hard copy file;

e. consults with the assigned inspector regarding completion of Form 2825, as needed;

f. with the assigned inspector, identifies issues for discussion during the enforcement team conference;

g. prepares the enforcement team conference agenda;

h. facilitates the enforcement team conference or delegates the task to another staff member;

i. identifies follow-up action, if needed;

k. conducts a post-conference review with the assigned inspector, if needed; and

l. within 15 days of the enforcement team conference:

• finalizes Form 2825 by completing sections 11 and 12,

• uploads an electronic version of the completed Form 2825 to the designated shared folder for RTC Enforcement Team Conferences on the DFPS network,

• sends an electronic version of the completed Form 2825 to all conference participants, and

• reports enforcement team conference recommendations involving adverse or corrective action to the director of Residential Child Care Licensing (or designee), if applicable.

###### 4441.32 Responsibilities of the Inspector

LPPH July 2012 (new item)

Procedure

The inspector assigned to the RTC:

a. consults with assigned supervisor regarding [Form 2825](http://intranet/application/Forms/showFile.aspx?NAME=2825.doc) Annual RTC Enforcement Team Conference Report, as needed;

b. completes Form 2825, if the supervisor directs the inspector to complete the form;

c. with the supervisor, identifies of discussion for the enforcement team conference;

d. takes notes at the enforcement team conference;

e. documents the completion of the enforcement team conference in the CLASS *Chronology* field;

f. conducts follow-up activities, if needed; and

g. reports to his or her supervisor the outcomes of compliance recommendations or follow-up activities.

###### 4441.33 Responsibilities of an Investigation Supervisor

LPPH July 2012 (new item)

Procedure

If there have been abuse or neglect investigations at the operation within the last year, an investigation supervisor who is familiar with the operation summarizes the findings of all investigations, including any identified risk to children in care, during the enforcement team conference.