Licensing Policy and Procedures Handbook Revision \_\_

This revision of the Licensing Policy and Procedures Handbook was published on \_\_\_\_. Summaries of new or revised items are provided below.

For Licensing revisions only: Immediately following signoff, Licensing staff will prepare a highlighted document showing significant changes that we will post with the revision memo.

CLASS Search Function: Updates to 1000, 3000, 4000, 5400, 6000, 9000 (PATS 6382)

The following items are revised to add policy and procedures on the Search function in the CLASS system.

Display of Revisions with Changes Highlighted (Word Document)

See:

1500 Conducting a Search in CLASS

1510 Types of Searches in CLASS

1520 When to Conduct Searches in CLASS

1521 When to Conduct an Operation Search in CLASS

1522 When to Conduct a Background Check – Results Search in CLASS

1523 When to Conduct a Controlling Person Search in CLASS

1524 When to Conduct a Global Person Search in CLASS

1530 How to Conduct a Search in CLASS

1531 Conducting a Search in CLASS That Yields Phonetic Search Results

1532 Conducting a Search in CLASS That Yields Exact Search Results

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5430 Processing and Reviewing the Information on Controlling Persons Submitted by an Operation

5431 Processing Information on a Controlling Person Before Issuing a Permit

5432 Processing Information on New Controlling Persons When Submitted by an Operation That Has a Permit

6342.2 Reviewing the Alleged Perpetrator’s Investigation History

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## 1500 Conducting a Search in CLASS (NEW Section)

### 1510 Types of Searches in CLASS

LPPH DRAFT 2468-CCL (new item)

Policy

There are four primary searches available in CLASS system:

a. Operation Search

b. Background Check – Results Search

c. Controlling Person Search

d. Global Person Search

### 1520 When to Conduct Searches in CLASS

LPPH DRAFT 2468-CCL (new item)

Policy

#### 1521 When to Conduct an Operation Search in CLASS

Licensing staff conduct an *Operation Search*:

a. to verify whether a provider is operating with or without a permit or to determine whether the provider has a history of operating illegally;

b. to search for the operation for the purposes of linking an intake, investigation, or e-application to the operation;

c. to review an operation’s compliance history.

#### 1522 When to Conduct a Background Check – Results Search in CLASS

Licensing staff may conduct a *Background Check – Results Search* to review an individual’s background check records in the CLASS system. A *Global Person Search* may also be conducted in this circumstance.

Residential Licensing inspectors must conduct a *Background Check – Results Search* when a child-placing agency (CPA) or general residential operation (GRO) designates a new administrator. The search is conducted so that any criminal history matches for the new administrator may be evaluated. See [5351](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5300.asp#LPPH_5351) Determining Appropriate Actions Based on Criminal History.

#### 1523 When to Conduct a Controlling Person Search in CLASS

A *Controlling Person Search* is conducted in the CLASS system when:

• an operation submits the name of a new controlling person; or

• Licensing staff need to review an individual’s record as a controlling person in CLASS.

See 5430 Processing and Reviewing the Information on Controlling Persons Submitted by an Operation.

#### 1524 When to Conduct a Global Person Search in CLASS

Licensing staff must conduct a *Global Person Search* in the CLASS system under these circumstances:

a. When an application is submitted – To determine whether the applicant is eligible to receive a permit. (See 3242 How to Evaluate an Application for a Permit.)

b. When an operation submits the name of a new controlling person – To determine whether the person is eligible to serve in the role of a controlling person. (See 5430 Processing and Reviewing the Information on Controlling Persons Submitted by an Operation.)

c. When an operation submits the name of a new director – To determine whether the director is serving as a director at another operation.

d. When an applicant for an administrator’s license submits an application – To determine whether the applicant is a sustained controlling person and to review other relevant history in CLASS.

e. When an allegation of abuse or neglect is being investigated – To determine whether an alleged perpetrator has an investigation history in CLASS. (See 6342.2 Reviewing the Alleged Perpetrator’s Investigation History.)

### 1530 How to Conduct a Search in CLASS

LPPH DRAFT 2468-CCL (new item)

Policy

To obtain the most accurate search results, it may be necessary to conduct multiple searches using a variety of approaches, including the following:

Phonetic Searches

Conduct a phonetic search when searching by an operation’s name, a person’s name, or an address. A phonetic search involves using exact spelling but selecting the *Phonetic* option so that the results include phonetic similarities. See 1531 Conducting a Search in CLASS That Yields Phonetic Search Results.

Narrowed Searches

To narrow the results of a search:

• begin searching by entering fewer search criteria in the fields on the search page; and then

• narrow the results by entering additional search criteria or different combinations of search criteria.

Social Security and Driver’s License Searches

When searching by a Social Security number (SSN) or driver’s license number (DLN), conduct follow-up searches using additional criteria to find records in which the SSN or DLN is incorrect or blank.

#### 1531 Conducting a Search in CLASS That Yields Phonetic Search Results

LPPH DRAFT 2468-CCL (new item)

Policy

The phonetic search feature is the default search option in CLASS.

When conducting a CLASS search using the phonetic search feature, Licensing staff receive a broader set of results. A phonetic search captures more results by searching for words or names that sound similar to or are spelled slightly differently than the search criteria and words or names that contain typographical (data entry) errors that are common to the search criteria.

Before conducting a phonetic search, Licensing staff must ensure that the *Phonetic* checkbox is selected.

Before searching by *Operation Number*, Licensing staff must uncheck the *Phonetic* checkbox.

Procedure

With the exception of the operation number, Licensing staff can enter any search criteria when conducting a phonetic search.

Certain search criteria are treated as an exact filter (explained in more detail below). An exact filter filters out, or removes, any search result that does not exactly match the search criteria that are treated as exact filters.

Operation Search

Licensing may conduct a phonetic search on the *Operation Search* page by entering any of the search criteria, except for the operation number.

When a phonetic search is performed, the following fields are treated as exact filters:

a. County

b. Operation Type

c. Care Type

Background Check Results Search

Licensing may conduct a phonetic search on the *Background Check Results Search* page by entering any of the search criteria.

When a phonetic search is performed, the following fields are treated as exact filters:

a. Operation Number

b. Batch Number

c. Licensing Representative ID

d. Employee ID

e. Region

f. Batch Date

g. Status

Controlling Persons Search

Licensing may conduct a phonetic search on the *Controlling Persons Search* page by entering any of the search criteria.

When a phonetic search is performed, the following fields are treated as exact filters:

a. State

b. Phone Number

Global Person Search

Licensing may conduct a phonetic search on the *Global Person Search* page by entering any of the search criteria. When a phonetic search is performed, only *Date of Birth* is treated as an exact filter.

All Searches

When conducting a phonetic search, the best results are obtained by entering the operation’s full name, the person’s full name, or the full street name.

To search by entering partial information, see 1532 Conducting a Search in CLASS That Yields Exact Search Results.

#### 1532 Conducting a Search in CLASS That Yields Exact Search Results

LPPH DRAFT 2468-CCL (new item)

Policy

The purpose of conducting a search that yields exact results, or an exact search, is to identify a smaller set of results that exactly or partially match the search criteria that were entered.

Before conducting an exact search, Licensing staff must uncheck the *Phonetic* checkbox.

Procedure

Licensing staff must conduct an exact search when searching by the operation number. Licensing staff are able, but not required, to conduct an exact search on any other search criteria.

#### 1533 Conducting a Global Person Search in CLASS to Obtain All Records on an Individual

LPPH DRAFT 2468-CCL (new item)

Policy

The purpose of conducting a *Global Person Search* is to identify each record related to an individual in CLASS. See 1520 When to Conduct Searches in CLASS.

Procedure

A *Global Person Search* in CLASS, may pull up records for the following roles:

a. Background Check

b. CEO

c. Designee

d. Director

e. Second Director

f. Program Director

g. Site Director

h. Partner

i. Perpetrator (Intake or Investigation)

j. Controlling Person

k. Administrator

Handling Errors in Data

When conducting a *Global Person Search*, Licensing staff may detect errors in data entry in an individual’s various records in CLASS.

When staff detect variations in an individual’s records, such as inconsistent Social Security numbers, staff attempt to verify and correct the records in CLASS *only* if correcting the records is within the staff person’s responsibility.

Licensing staff do not submit a formal request to correct data or ask other Licensing staff to correct data that is outside of the staff person’s responsibility.

## 1600 Validating an Address in CLASS (NEW Section)

### 1610 When and How to Validate an Address in CLASS

LPPH DRAFT 2468-CCL (new item)

Policy

Licensing staff complete the address validation process in CLASS to ensure that addresses entered into CLASS conform to the standards of the United States Postal Service (USPS).

Except for addresses entered as part of an intake or investigation, Licensing staff must attempt to validate all location and mailing addresses stored in CLASS, including the addresses found on the following pages:

a. Main page for all operations

b. Application page for all operations

*c. Exemption Requests & Background Check Only Entities*

*d. Illegal Operation*

*e. Controlling Person Details*

*f. Governing Body Designation*

*g. Administrator Details*

*h. Background Check – Person Details*

*i. Agency Home*

Procedure

Licensing staff must select *Validate Location Address* or *Validate Mailing Address* each time a location address or mailing address is entered for the first time or is updated in CLASS.

After selecting the appropriate validation button, Licensing staff are given the following options:

a. Accept the USPS standardized format, if one is found

b. Correct the address and re-validate

c. Use the address which was originally entered and explain the reason the address is not validated in the text box *Reason Location Address Not Validated* or in the text box *Reason Mailing Address Not Validated*.

If a USPS standardized address is found, CLASS displays a *Validated* status for the address.

If a USPS standardized address is not found, CLASS displays a *Not Validated* status for the address.

### 1620 Addresses That Are Not Validated

LPPH DRAFT 2468-CCL (new item)

Policy

In some cases, the United States Postal Service (USPS) does not return a valid address when *Validate Location Address* or *Validate Mailing Address* is selected.

The reasons that a validated address may not be returned include, but are not limited to, the following:

a. The location address is an area of new construction.

b. The location address is in a rural area.

c. USPS cannot determine in which county the address is located.

d. The address that was entered is incomplete or otherwise incorrect.

#### 1621 When a Validation Check in CLASS Does Not Return a Valid Address

LPPH DRAFT 2468-CCL (new item)

Procedure

If, after entering an address in CLASS and selecting *Validate Location Address* or *Validate Mailing Address*, a validation check does not return a validated address, Licensing staff contact the applicant or operation to determine whether the address is correct.

If the address is not correct, Licensing staff:

a. obtain the correct address;

b. enter the correct address in CLASS; and

c. attempt to validate the address again.

If the address is correct, Licensing staff:

a. attempt to determine why the address may not be recognized as correct;

b. accept the address in CLASS, even though it is not validated; and

c. enter in the text box *Reason Location Address Not Validated* or the text box *Reason Mailing Address Not Validated* the reason that the address may not be recognized as correct and the date the reason was entered.

See 1630 How to Enter a Valid Address.

#### 1622 When an Address That Is Not Validated Is Submitted Through the DFPS Public and Provider Website

LPPH DRAFT 2468-CCL (new item)

Procedure

If a provider submits an address with a *Not Validated* status through the DFPS Public and Provider website, Licensing staff contact the applicant or operation if:

• the reason that is entered in the text box *Reason Location Address Not Validated* or the text box *Reason Mailing Address Not Validated* is not clear; or

• the address appears to be obviously incorrect.

If the address is not correct, Licensing staff:

a. obtain the correct address;

b. enter the correct address in CLASS; and

c. attempt to validate the address again.

If the address is correct, Licensing staff:

a. attempt to determine why the address may not be recognized as correct;

b. accept the address in CLASS, even though it is not validated; and

c. enter in the text box *Reason Location Address Not Validated* or the text box *Reason Mailing Address Not Validated* the reason that the address may not be recognized as correct and the date that the reason was entered.

See 1630 How to Enter a Valid Address.

#### 1623 Routinely Attempting to Validate Addresses Not Validated in CLASS

LPPH DRAFT 2468-CCL (new item)

Policy

Because the USPS system is routinely updated with new addresses, a Licensing inspector must attempt to validate an operation’s location or mailing address at each monitoring inspection, if either address has a status of *Not Validated.* See 4171 Discussing the Results of an Inspection.

### 1630 How to Enter a Valid Address

LPPH DRAFT 2468-CCL (new item)

Policy

Licensing staff must enter only valid addresses in the *Location Address* and *Mailing Address* fields in CLASS.

The address fields must not contain the following types of information:

a. Phone numbers

b. Directions

c. More than one address

Procedure

Licensing staff do as follows when entering an address:

a. Spell out uncommon abbreviations.

Examples of abbreviations that must be spelled out include the following:

• Any variation of County Road (such as CR, CNTY RD, VZCR, CO RD, ACR)

• State Highway (ST HWY)

• Private Road (PR)

b. Enter only street numbers, street names, and P.O. boxes on the first address line.

c. Enter only apartment, lot, suite, building, and trailer numbers on the second address line.

If an address does not validate, re-enter it as explained in this item and attempt to validate the address again.

#### 3242 How to Evaluate an Application for a Permit

LPPH ~~September 2012~~ DRAFT CLASS Search Function: Updates to 1000, 3000, 4000, 5400, 6000, 9000

Procedure

Licensing uses the following procedures to evaluate an application for a permit:

• The inspector reviews the information supplied on the application form. This may be one of the following, as appropriate:

a. [Form 2841](http://www.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=2841.doc) Small Employer Based Child Care or Temporary Shelter Child Care Facility Application

b. [Form 2910](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2910.doc) Child Daycare Licensing Application

c. [Form 2919e](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2919e.doc) Request for a Registration Permit

d. [Form 2960](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2960.doc) Application for a License to Operate a Residential Child Care Facility or Child-Placing Agency

e. [Form 2986](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2986.doc) Listing Request

• The inspector reviews DFPS files using CLASS or reviews other available records maintained in Licensing offices to verify information submitted in the application packet. The review of DFPS files must go back five years from the effective date of the application. Staff must use available information, such as a Certificate of Formation and DFPS files, to cross-check the names of an entity given on the application. The review must include conducting a *Global Person Search.*

If the review of DFPS files reflects that the applicant is not prohibited from obtaining a license, certificate, registration, or listing permit, the inspector documents it in the operation’s record.

Texas Human Resources Code [§42.072](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.072)

For residential child care licensing, if an application for a foster home is received, and the foster home receives children only through the Interstate Compact on the Placement of Children (ICPC), the inspector forwards the application to CPS for verification.

See also:

1500 Conducting a Search in CLASS

[3243](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3000.asp#LPPH_3243) Checking the Application for Errors and Omissions

[3250](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3000.asp#LPPH_3250) Withdrawal of an Application for a Permit

[3313](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3300.asp#LPPH_3313) When Not to Accept an Application

[3322.3](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3300.asp#LPPH_3322_3) Denial of an Application or Amendment for Failure to Comply With Public Notice and Hearing Rules

[3413](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3400.asp#LPPH_3413) When Not to Accept an Application

[3512](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3400.asp#LPPH_3512) When to Accept the Application

[3514](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3400.asp#LPPH_3514) When Not to Accept an Application

[3613](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3400.asp#LPPH_3613) When Not to Accept an Application

[5260](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5260) Verification of Fee Payment

CLASS Online Help: Determining Whether the Application Should Be Entered

### 4140 Preparing for Inspections

#### 4141 Preparing for All Inspections Except Investigation Inspections

LPPH ~~September 2012~~ DRAFT CLASS Search Function: Updates to 1000, 3000, 4000, 5400, 6000, 9000

Policy

Licensing staff prepare for each inspection (except investigation inspections) by reviewing the:

a. operation’s record;

b. last enforcement action recommended for the operation;

c. frequency of inspections made of the operation;

d. operation’s compliance history, as documented in the CLASS system;

e. operation’s fee payment history;

f. operation’s background check records, as documented in the CLASS system;

g. operation’s controlling person list, as documented in the CLASS system;

h. recommendations from enforcement team conferences, for inspections of child-placing agencies (CPAs) and general residential operations licensed to provide residential treatment services (RTCs); and

i. results of random-sampling inspections of CPA foster homes, for inspections of CPAs.

Licensing staff use the information obtained during the review to determine which minimum standards to evaluate during the planned inspection.

If deficiencies with standards that pose a risk to the health and safety of children were cited during a previous inspection, Licensing staff must re-evaluate the same and related standards at the inspection.

Draft Form 2936 Child-Care Facility Inspection

Staff must create and save the initial draft of Form 2936 Child-Care Facility Inspection in CLASS before conducting the inspection. See [4161](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4000.asp#LPPH_4161) Completing CLASS Form 2936 Child-Care Facility Inspection.

For information on preparing for investigation inspections, see [4142](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4000.asp#LPPH_4142) Preparing for Investigation Inspections.

Procedure

Reviewing Background Materials

To prepare for an inspection, Licensing staff review all of the following:

a. The most recent information in the CLASS system on enforcement recommendations for the operation, including the recommendation, the enforcement actions taken by other Licensing staff, and the operation’s recommended monitoring frequency

b. The capacity of the operation, the ages of the children served, the hours of operation (including days and months), and the services provided

c. The operation’s address, including the *Location Address Validation Status* and *Mailing Address Validation Status*, to determine whether either status is set to *Not Validated*

d. The directions to the operation

e. The name of the designated director, operator, or licensed administrator

f. The qualifications of the designated director or operator

g. The last renewal date of the license of a designated director or licensed administrator, if applicable

h. A history of the operation, including all of the following:

• Prior investigations, including investigation and inspection findings and technical assistance provided

• Prior inspections, including findings and technical assistance provided

• Minimum standard rules that may need to be reevaluated for compliance

• Conditions and expiration dates of any waivers, variances, and risk evaluations

• Results of random-sampling inspections for CPA foster homes, for inspections of child-placing agencies (see [4431](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4300.asp#LPPH_4431) Using Random-Sampling Inspections to Regulate a Child-Placing Agency)

i. The operation’s fee payment history to determine whether the operation is current on all applicable fees, unless the operation is exempt from paying all fees (see [5260](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5260) Verification of Fee Payment)

j. The operation’s background check records in CLASS to verify that the operation has complied with all background check requirements (see [5300](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5300.asp#LPPH_5300) Central Registry and Criminal History Searches)

k. The operation’s controlling person list in CLASS to determine whether any person on the list has a status of *Review* (see [7773.4](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7773_4) Reviewing the Status of a Sustained Controlling Person in CLASS for procedures to follow when a person has a status of *Review)*

l. Recommendations from enforcement team conferences, for inspections of CPAs and RTCs (see [4421](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4300.asp#LPPH_4421) Enforcement Team Conferences for Child-Placing Agencies and [4441](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4300.asp#LPPH_4441) Enforcement Team Conferences for General Residential Operations Licensed to Provide Residential Treatment Services)

m. Optional checklists, forms, reading guides, and applicable technical assistance materials

Create a Draft Inspection Form in CLASS

After reviewing the background materials related to an operation but before conducting the inspection, Licensing staff:

• complete a draft inspection Form 2936 Child-Care Facility Inspection, in CLASS; and

• download the draft Form 2936 to CLASSMate.

See [4161](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4000.asp#LPPH_4161) Completing CLASS Form 2936 Child-Care Facility Inspection.

#### 4171 Discussing the Results of an Inspection

LPPH ~~November 2012~~ DRAFT CLASS Search Function: Updates to 1000, 3000, 4000, 5400, 6000, 9000

Procedure

During each exit conference, Licensing staff do as follows:

• Allow the person in charge an opportunity to discuss the findings

• Provide the person in charge with the following, if applicable:

a. Any technical assistance needed to address issues that were identified and documented during the inspection, if applicable. (See [4154](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4000.asp#LPPH_4154) Technical Assistance.)

b. Information about how high-risk deficiencies or a pattern of deficiencies may affect the frequency of inspections

c. Information about how failure to comply within specified deadlines or repeated deficiencies may result in remedial action without further opportunity to correct the deficiencies

d. Information about how to comment on the inspection by completing the [CCL Inspection Feedback Survey](http://www.surveymonkey.com/s/2Y53382). (The Web address for the survey is printed on CLASS Form 2936 Child-Care Inspection Form, which Licensing staff provide before leaving the operation.)

e. Information about how the operation may request an administrative review in writing within 15 days of receiving the results of the inspection and information on what the request must include to be considered complete. (See [7713](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7713) Receiving a Request for an Administrative Review.)

Additional Requirements for Initial and Monitoring Inspections

During each exit conference for an inspection with a category of *Initial* or *Monitoring*, Licensing staff also:

• review with the person in charge the operation’s compliance history since the previous monitoring inspection, including any concerns or patterns of deficiencies; and

• verify the accuracy of the information entered on the *Operation Main* page in CLASS.

If either the *Location Address Validation Status* or *Mailing Address Validation Status* is set to *Not Validated,* Licensing staff must review the address with the person in charge. If the person in charge indicates that either the location or mailing address in CLASS is inaccurate, the inspector:

• documents the correct information in a *Chronology* (category, *Operation General*); and

• enters the corrected address in CLASS and attempts to validate the address according to the procedures in 1600 Validating an Address in CLASS following the inspection.

### 5350 Acting on the Results of a Criminal History Check

#### 5351 Determining Appropriate Actions Based on Criminal History

LPPH ~~April 2013~~ DRAFT CLASS Search Function: Updates to 1000, 3000, 4000, 5400, 6000, 9000

Procedure

When notified that a person at an operation has a criminal history, the Centralized Background Check Unit (CBCU) uses the [DFPS criminal convictions charts](http://www.dfps.state.tx.us/Child_Care/Child_Care_Standards_and_Regulations/Criminal_Convictions.asp) to determine whether the person’s criminal history contains criminal offenses that:

a. are minimum standards violations;

b. are eligible for a risk evaluation; or

c. permanently bar the person from the operation while children are in care.

The CBCU inspector notifies the appropriate Licensing inspector if a person is permanently barred from the operation.

Criminal offenses that result in deferred adjudication – regardless of whether the court has dismissed the proceedings and discharged the person with deferred adjudication – are treated like convictions when the person is an applicant for a permit or an administrator’s license.

A person required to register as a sex offender in Texas may not be present at an operation while children are in care.

Criminal History Matches for Newly Designated Administrators

When a child-placing agency (CPA) or general residential operation (GRO) designates a new administrator, the residential Licensing inspector conducts a *Background Check – Results Search* on the designee in CLASS.

If there is a criminal history match for the administrator, the residential Licensing inspector contacts the CBCU inspector assigned to the operation so that the match can be evaluated for any bars or risk evaluations that may apply to the person in his or her role of administrator.

The residential Licensing inspector subsequently documents:

• the time, date, and type of contact with the CBCU; and

• the reason for the contact in *Chronology* with the category type *“Background Check,”* under the operation in CLASS.

If the CBCU inspector determines that the administrator is barred from being an administrator, the following actions are taken:

1. The CBCU inspector notifies the operation and residential Licensing inspector that the person may not serve as administrator.

2. The residential Licensing inspector contacts the Licensing staff person at the CCL state office who handles the administrator licensing program, so that remedial action may be taken against the administrator’s license.

If the CBCU inspector determines that the administrator qualifies for a risk evaluation for the role of administrator and the operation requests a risk evaluation, the CBCU inspector informs the operation that the person may not be present at the operation as administrator while the risk evaluation is being processed.

DFPS Rules, 40 TAC §§[745.651](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=651); [745.655](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=655); [745.656](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=656); [745.695](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=695); [745.696](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=696)

### 5430 Processing and Reviewing the Information on Controlling Persons Submitted by an Operation

#### 5431 Processing Information on a Controlling Person Before Issuing a Permit

LPPH ~~March 2013~~ DRAFT CLASS Search Function: Updates to 1000, 3000, 4000, 5400, 6000, 9000

Policy

Before issuing a permit to an applicant, Licensing staff determine whether each person whose name was submitted by the operation is eligible to be a controlling person and document the decision, as follows:

a. Reviews the controlling person information that the applicant submitted (see [5433](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5433) Reviewing Form 2760 Controlling Person for Completeness and [5434](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5434) Reviewing Controlling Person Information Submitted Online)

b. Conducts a *Controlling Person Search* and a *Global Person Search* in the CLASS system and searches the HHSC Adverse Action Record Sharing (AARS) systems for records on the person

c. Associates (links) a controlling person’s existing record with the applicant’s record in CLASS or adds a new record for the controlling person, under the applicant’s record in CLASS (see [5442](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5442) Searching for and Adding a Controlling Person Record in CLASS)

d. Determines the person’s eligibility to be a controlling person by resolving any matches found as a result of searches conducted in the CLASS or AARS systems

e. Documents the person’s eligibility in CLASS

f. Notifies the controlling person or applicant about the person’s eligibility

**Exception:** Persons applying for a permit to operate a temporary shelter child-care operation or small employer-based child care operation are not required to submit information on controlling persons.

See:

1500 Conducting a Search in CLASS

[5420](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5420) When and How Applicants and Operations Submit Information on Controlling Persons

[5440](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5440) Conducting Searches for Controlling Persons in the CLASS and AARS Systems and Adding Controlling Persons to CLASS

[5450](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5450) Determining and Documenting the Eligibility of a Controlling Person

[5460](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5460) Notifying an Applicant, Permit Holder, or Controlling Person About a Person’s Eligibility to Serve as a Controlling Person

DFPS Rules, 40 TAC [§745.913](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=T&app=9&p_dir=N&p_rloc=155151&p_tloc=&p_ploc=1&pg=2&p_tac=&ti=40&pt=19&ch=745&rl=913)

#### 5432 Processing Information on New Controlling Persons When Submitted by an Operation That Has a Permit

LPPH ~~March 2013~~ DRAFT CLASS Search Function: Updates to 1000, 3000, 4000, 5400, 6000, 9000

Policy

Within 10 days after an operation with a permit (other than a temporary shelter child-care operation or small employer-based child care operation) submits information on a new controlling person for the operation (see [5421](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5421) When Applicants and Operations Submit Information on Controlling Persons and [5422](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5422) How Applicants and Operations Submit Controlling Person Information), the inspector determines whether each person is eligible to be a controlling person and documents the decision, as follows:

a. Reviews the information that the operation submitted (see [5433](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5433) Reviewing Form 2760 Controlling Person for Completeness and [5434](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5434) Reviewing Controlling Person Information Submitted Online)

b. Conducts a *Controlling Person Search* and a *Global Person Search* in the CLASS system for a record on the person

c. Associates (links) the controlling person’s existing record with the record for an operation in CLASS or adds a new record for the controlling person under the record for the operation’s record in CLASS ([5442](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5442) Searching for and Adding a Controlling Person Record in CLASS)

d. Determines the person’s eligibility to be a controlling person by resolving any matches found as a result of the search in CLASS

e. Documents the person’s eligibility in CLASS

f. Notifies the controlling person or operation about the person’s eligibility

See:

1500 Conducting a Search in CLASS

[5420](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5420) When and How Applicants and Operations Submit Information on Controlling Persons

[5440](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5440) Conducting Searches for Controlling Persons in the CLASS and AARS Systems and Adding Controlling Persons to CLASS

[5450](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5450) Determining and Documenting the Eligibility of a Controlling Person

[5460](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5460) Notifying an Applicant, Permit Holder, or Controlling Person About a Person’s Eligibility to Serve as a Controlling Person

DFPS Rules, 40 TAC [§745.913](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=T&app=9&p_dir=N&p_rloc=155151&p_tloc=&p_ploc=1&pg=2&p_tac=&ti=40&pt=19&ch=745&rl=913)

##### 6342.2 Reviewing the Alleged Perpetrator’s Investigation History

LPPH ~~December 2012~~ DRAFT CLASS Search Function: Updates to 1000, 3000, 4000, 5400, 6000, 9000

Procedure

For investigations of abuse or neglect, the investigator views the alleged perpetrator’s investigation history by reviewing the alleged perpetrator’s *Case List* in IMPACT and by conducting a *Global Person Search* in CLASS. The investigator reviews all previous and open investigations, regardless of program type, in which the alleged perpetrator is listed as an alleged perpetrator of abuse or neglect of a child.

The investigator reviews the investigations to determine:

a. whether there is a pattern of allegations made against the alleged perpetrator;

b. the outcome of previous investigations; and

c. the status of all open investigations.

If the investigator determines that there is a pattern of similar allegations or that the current investigation may interfere with an open investigation, the investigator discusses this information with a supervisor to determine the next step to take.

A person search must be conducted and all person merges completed before reviewing the alleged perpetrator’s history.

See operating policy [OP-7102](http://intranet/CPI/Handbooks_and_Operating_Policies/Operations_Division/OP-7102.asp) Directive: Merging Persons in IMPACT and the related [Appendix A](http://intranet/CPI/Handbooks_and_Operating_Policies/Operations_Division/Appendix_A.asp): Person Merge Process and Guidelines.

See also 1500 Conducting a Search in CLASS.