

Thursday, August 6, 2020

Senator Menéndez received the information below from DFPS in response to [this letter](#) sent to the Governor and DFPS Commissioner Masters, and wishes to share this information with you all. DFPS response:

- **In the event that a residential facility temporarily closes due to an internal outbreak, where will the children go?**
 - Facilities that contract with DFPS are required (by state and federal law?) to maintain appropriate emergency protocols on how they will ensure child safety in emergency situations. If a provider is unable to ensure the safety of the children that they have accepted into their care under their contract, they should contact DFPS to transition children to safe and appropriate placements. Single Source Continuum Contractors who hold the contracts for Community-Based Care are required by contract to ensure appropriate placement for all of the children in their catchment area, so the SSCCs would need to coordinate safe and appropriate placements for children if one of their subcontractors was unable to ensure said placement. If an operation closes, all children must be moved prior to closing. While the operation has a license and is operating, the operation must meet all regulatory standards. HHSC does not have any involvement with decisions involving placement.

- **Is there a plan for relief staff to assist if multiple employees test positive and are unable to work, leading to an inability to meet staffing requirements?**
 - HHSC Residential Child Care Licensing allows for submission of and considers variance requests related to staffing requirements outlined in minimum standards. Again, if a provider is unable to maintain the staffing ratios required by minimum standards, they would need to let the SSCC or DFPS (if child is a part of the legacy system) know so alternate arrangements could be made for the children in their care. If an operation is unable to meet the child to staff ratio, they can request a variance from Child Care Regulation. The variance request will be considered on a case-by-case basis.

- **Will the state consider standing up additional tent facilities/hospitals in areas that have been hard hit?**
 - Per the Office of the Governor, the state is continuing to follow the medical surge facility plan as discussed by Governor Abbott, Dr. John Zerwas, Dr. John Hellerstedt, and Chief Nim Kidd at the following press conference held on June 16, 2020.
<https://gov.texas.gov/news/post/governor-abbott-doctor-john-zerwas-provide-update-on-texas-hospital-capacity>. The state is activating different levels of surge capacity in different areas of the state based on the needs of a particular region. Response activities range from sending surge staff into hospitals that have additional space but need staffing help, to activating alternate care sites. These decisions are being made in consultation with DSHS, TDEM, local hospitals, and local officials.

- **In addition to the difficulty with fingerprint background checks, accessing requirements such as Tuberculosis testing and CPR training is becoming increasingly difficult. What can be done to assist organizations with maintaining compliance?**
 - Immunization requirements, which include Tuberculosis screening, are required by statute in Human Resource Code, Chapter 42. As such, HHSC can't provide any variances. HHSC

- understands the challenges with obtaining this screening, but HHSC can't vary statute. HHSC has provided guidance to providers to document all efforts to meet the requirements. CPR training is required by rule. HHSC has been reviewing variance requests for CPR on a case-by-case basis. HHSC has accepted online CPR training for annual renewal through the variance process. If someone has never had CPR training before, HHSC is approving variances if the operation has other CPR trained employees or foster parents at the operation or foster home.
- The Department of Public Safety has also assisted in conducting necessary fingerprint checks in Bexar County and other area counties.
 - **What is the DFPS protocol for when a caseworker tests positive? How is contact tracing taking place for families and organizational staff?**
 - DFPS staff who are positive for COVID-19 or have been exposed to the virus must notify their supervisor. Supervisors must then notify DFPS Human Resources as soon as possible. Notifications are then sent to anyone who may have been exposed by the DFPS staffer to further reduce the spread of the virus to children, other employees, and families. This policy is consistent with DSHS guidance.
 - **What is the plan for handling youth who run away and return and were possibly exposed to COVID-19?**
 - Beginning in March 2020, CPS placement staff were directed to ask the following questions to all caseworkers and then present the information to all prospective placements:
 - Has the child been in contact with anyone who could have been exposed to COVID-19 in the last two weeks? If yes, what were the circumstances?
 - Does the child have symptoms of a respiratory infection (eg., cough, sore throat, fever, or shortness of breath)? If yes, when was the child taken to a physician and what was the diagnosis?
 - Staff were advised that if the answers to the questions were “yes” then the placement staff must find out if the child received any medical treatment or if there are any medical appointments scheduled for a future date.
 - CPS also provided each region with thermometers with instructions to take temperatures for any children awaiting placement; that includes children returning from runaway. Staff were advised to share the daily temperatures with prospective placements.
 - This is how we are handling situations for children seeking placement in the legacy system, this protocol was shared with the SSCC's. (For specific information on what protocol Family Tapestry is using for children in its network, we would need to reach out to them to help in drafting this a response.)
 - **How/where can children be tested quickly? Many organizations are having trouble accessing COVID-19 testing for their youth.**
 - We are unaware of any specialized testing resources that would allow foster children to receive priority testing. Medically necessary COVID-19 diagnostic testing and medical

screening services when ordered, can be received at the child's in-network doctor's office, in-network independent laboratory, in-network urgent care facility and in-network emergency department, as well as through the local health department. Superior Health covers the cost of medically necessary COVID-19 diagnostic testing, medical screenings, associated doctor visits and treatment. Some residential providers have requested access to immediate or onsite testing. In response, Superior has advised (and this has been shared with the provider community through the Alliance meeting and the Committee for Advancing Residential Practices meeting in July 2020) that the caregiver can contact the Superior Member Help Line (866-912-6283), which is available 24/7 and has English and Spanish options, and request to speak with a Superior Member Advocate. While there is not an available listing of testing options that are immediate or onsite, Superior Member Advocates can assist by doing research and helping to find an available test source in that requested area. Testing sites can run out of tests or are temporary, making a posted or published listing a challenge.

- **Personal Protective Equipment (PPE) is still a concern for many agencies. Will the state assist with providing PPE for both staff and youth at child welfare agencies throughout the pandemic?**
 - As cases continue to surge, DFPS, like medical personnel and other first responders and frontline personnel, continues to remain vigilant in our attempts to secure adequate PPE for the thousands of DFPS Caseworkers that continue to fulfill their statutorily required duties. DFPS has partnered with TDEM and the Office of the Governor in this effort, along with purchasing emergency supplies from a variety of vendors. DFPS has shared a list of vendors where we have successfully purchased PPE with the provider organizations to share with their members. Similarly to the staffing levels question, if a provider is unable to maintain the safety of the children in their care, they should contact DFPS to secure safe and appropriate placement for the children in their care.