

Figure: 40 TAC §745.671(a)

<u>Types of Findings from the Central Registry (DFPS Findings) and Out-of-State Child Abuse or Neglect Registries</u>	<u>Is the Subject Eligible for a Risk Evaluation?</u>	<u>If the Subject Is Eligible for a Risk Evaluation, May the Subject be Present at an Operation Pending the Outcome of the Risk Evaluation?</u>
<u>(1) A Sustained DFPS Finding of Physical Abuse.</u>	<u>Unless the subject is described in subsection (b) of this section, this subject is permanently barred from being present at an operation. Subjects described in subsection (b) of this section are eligible for a risk evaluation.</u>	<u>Except for a subject described in subsection (b) of this section, this is not applicable, because the subject is not eligible for a risk evaluation. The subject must not be present at an operation. Subjects described in subsection (b) of this section cannot be present at an operation pending a risk evaluation. However, if the CBCU approves the risk evaluation, then the subject may be present at an operation.</u>
<u>(2) A Sustained DFPS Finding of Sexual Abuse.</u>	<u>No, the subject is permanently barred from being present at an operation.</u>	<u>Not applicable, because the subject is not eligible for a risk evaluation. The subject must not be present at an operation.</u>
<u>(3) A Sustained DFPS Finding of Labor Trafficking.</u>	<u>No, the subject is permanently barred from being present at an operation.</u>	<u>Not applicable, because the subject is not eligible for a risk evaluation. The subject must not be present at an operation.</u>
<u>(4) A Sustained DFPS Finding of Sex Trafficking</u>	<u>No, the subject is permanently barred from being present at an operation.</u>	<u>Not applicable, because the subject is not eligible for a risk evaluation. The subject must not be present at an operation.</u>
<u>(5) A Sustained DFPS Finding of Emotional Abuse.</u>	<u>Yes</u>	<u>Yes,</u> <u>(i) If the subject continued to work at the operation pending the outcome of due process for the designated finding because the CBCU had determined the</u>

		<p><u>subject's presence at the operation was not an immediate threat or danger to the health or safety of children; or</u></p> <p><u>(ii) If the CBCU previously approved for the subject to be present at the operation without conditions for the same finding, the more recent check does not reveal new information about the finding, and the circumstances of the subject's contact with children at the operation are the same as when the CBCU approved the subject to be present at the operation.</u></p>
<p><u>(6) A Sustained DFPS Finding of Neglect (including abandonment, neglectful supervision, physical neglect, medical neglect, and refusal to accept parental responsibility).</u></p>	<p><u>Yes</u></p>	<p><u>Yes,</u></p> <p><u>(i) If the subject continued to work at the operation pending the outcome of due process for the designated finding because the CBCU had determined the subject's presence at the operation was not an immediate threat or danger to the health or safety of children; or</u></p> <p><u>(ii) If the CBCU previously approved for the subject to be present at the operation without conditions for the same finding, the more recent check does not reveal new information about the finding, and the circumstances of the subject's contact with children at the operation are the same as when the CBCU previously</u></p>

		<u>approved the subject to be present at the operation.</u>
<u>(7) A DFPS Finding, Not Sustained, of Any Type of Child Abuse or Neglect Previously Mentioned In This Chart, and the CBCU Has Determined the Presence of the Subject at an Operation Does Not Present an Immediate Threat or Danger to the Health or Safety of Children.</u>	<p><u>Yes, if a sustained finding of child abuse or neglect would not bar the subject from being present at an operation.</u></p> <p><u>No, if a sustained finding of the child abuse or neglect would bar the subject from being present at an operation.</u></p>	<p><u>(i) If eligible for a risk evaluation, then the subject may be present at an operation pending the outcome of the risk evaluation:</u></p> <p><u>(I) If the subject continued to work at the operation pending the outcome of due process for the designated finding because the CBCU had determined the subject's presence at the operation was not an immediate threat or danger to the health or safety of children; or</u></p> <p><u>(II) If the CBCU previously approved for the subject to be present at the operation without conditions for the same finding, the more recent check does not reveal new information about the finding, and the circumstances of the subject's contact with children at the operation are the same as when the CBCU previously approved the subject to be present at the operation.</u></p> <p><u>(ii) If not eligible for a risk evaluation, then not applicable.</u></p>
<u>(8) A DFPS Finding, Not Sustained, of Any Types of Child Abuse or Neglect Previously Mentioned In This Chart, and the CBCU Has</u>	<u>No, the subject is temporarily barred from being present at an operation.</u>	<u>Not applicable, because the subject is not eligible for a risk evaluation. This subject must not be present at an operation. Note: The determination not to be present at an operation is not permanent until the finding is sustained.</u>

<u>Determined the Presence of the Subject at an Operation Is an Immediate Threat or Danger to the Health or Safety of Children.</u>		
<u>(9) A Finding of Abuse or Neglect from another state or jurisdiction, regardless of whether the finding is sustained.</u>	<u>The subject's eligibility for a risk evaluation is the same as the relevant sustained DFPS finding noted in sections (1) - (6) of this chart.</u>	<u>The subject's ability to be present at an operation pending the outcome of a risk evaluation is the same as the relevant sustained DFPS finding noted in sections (1) - (6) of this chart.</u>