

1-1 By: Paxton S.B. No. 225
 1-2 (In the Senate - Filed December 2, 2020; March 3, 2021, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 26, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 26, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 225 By: Perry

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the regulation of certain child-care facilities and
 1-22 family homes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. This Act may be cited as Ellie's Law.

1-25 SECTION 2. Section 42.025, Human Resources Code, is amended
 1-26 to read as follows:

1-27 Sec. 42.025. SEARCHABLE DATABASE. (a) The commission
 1-28 ~~[department]~~ shall permanently maintain on the commission's
 1-29 ~~[department's]~~ Internet website a searchable database that lists
 1-30 ~~[includes the name, the address, and any identification number, as~~
 1-31 ~~applicable, of]~~ each group day-care home and family home licensed,
 1-32 registered, or listed under this chapter:

1-33 (1) that previously had a license, registration, or
 1-34 listing under this chapter involuntarily suspended or revoked; or

1-35 (2) for which the commission refused to renew a
 1-36 license, registration, or listing [under this chapter with a
 1-37 permanent notation indicating the involuntary suspension or
 1-38 revocation and the year in which the suspension or revocation took
 1-39 effect or was final under this chapter].

1-40 (b) The database maintained under Subsection (a) must
 1-41 include for each group day-care home and licensed or registered
 1-42 family home:

1-43 (1) the name of the facility;

1-44 (2) the address of the facility, including the county
 1-45 in which the facility is located;

1-46 (3) any identification number associated with the
 1-47 facility;

1-48 (4) the name of the sole proprietor or each partner who
 1-49 owns the child-care operation or, if the owner is a business entity,
 1-50 the name of each officer responsible for the management of the
 1-51 child-care operation as determined by the commissioner; and

1-52 (5) the year in which:

1-53 (A) the involuntary suspension or revocation of
 1-54 the facility's license, registration, or listing took effect or was
 1-55 final under this chapter; or

1-56 (B) the commission refused to renew the
 1-57 facility's license, registration, or listing.

1-58 (c) The commission shall include the name of each individual
 1-59 described by Subsection (b)(4) who is associated with the license,
 1-60 registration, or listing in any database entry made under this

2-1 section.

2-2 (d) The executive commissioner may adopt rules as necessary
2-3 to implement this section.

2-4 SECTION 3. Subchapter C, Chapter 42, Human Resources Code,
2-5 is amended by adding Section 42.04291 to read as follows:

2-6 Sec. 42.04291. SUPERVISION STANDARDS FOR INFANT DURING TIME
2-7 SPENT ON STOMACH. The executive commissioner by rule shall
2-8 establish standards for the visual and auditory supervision of an
2-9 infant engaged in time on the infant's stomach while awake. Each
2-10 group day-care home and listed and registered family home shall
2-11 comply with the supervision standards.

2-12 SECTION 4. Section 42.046, Human Resources Code, is amended
2-13 by amending Subsection (a) and adding Subsection (a-1) to read as
2-14 follows:

2-15 (a) An applicant for a license to operate a child-care
2-16 facility, child-placing agency, or continuum-of-care residential
2-17 operation or for a listing or registration to operate a family home
2-18 shall submit to the commission [~~department~~] the appropriate fee
2-19 prescribed by Section 42.054 and a completed application on a form
2-20 provided by the commission [~~department~~].

2-21 (a-1) The commission shall require the applicant for a
2-22 license, registration, or listing for a group day-care home or a
2-23 family home to provide the applicant's name and the name of the sole
2-24 proprietor or each partner who owns the child-care operation or, if
2-25 the owner is a business entity, the name of each officer responsible
2-26 for the management of the child-care operation as determined by the
2-27 commissioner on the application form.

2-28 SECTION 5. Section 42.048, Human Resources Code, is amended
2-29 by adding Subsection (a-1) to read as follows:

2-30 (a-1) The commission shall associate a license issued under
2-31 this chapter for a group day-care home with the applicant's name as
2-32 stated in the applicant's license application.

2-33 SECTION 6. Section 42.050(c), Human Resources Code, is
2-34 amended to read as follows:

2-35 (c) The commission shall evaluate the application for
2-36 renewal of a license to determine if all licensing requirements are
2-37 met and whether the facility has been cited for repeated violations
2-38 or has established a pattern of violations during the preceding
2-39 five [~~two~~] years. The evaluation may include a specified number of
2-40 visits to the facility and must include a review of all required
2-41 forms and records. If the commission determines the facility has
2-42 repeated violations or an established pattern of violations, before
2-43 the commission renews the license the commission may place
2-44 restrictions, conditions, or additional requirements on the
2-45 license to ensure the violations cease.

2-46 SECTION 7. Section 42.052, Human Resources Code, is amended
2-47 by adding Subsection (l) to read as follows:

2-48 (l) The commission shall associate a listing or
2-49 registration of a family home issued under this chapter with the
2-50 applicant's name as stated in the applicant's listing or
2-51 registration application.

2-52 SECTION 8. Subchapter C, Chapter 42, Human Resources Code,
2-53 is amended by adding Section 42.0562 to read as follows:

2-54 Sec. 42.0562. INFORMATION REGARDING CERTAIN GROUP DAY-CARE
2-55 HOME AND FAMILY HOME EMPLOYEES. (a) The commission shall collect
2-56 information regarding group day-care home and family home employees
2-57 who have had a license, registration, or other occupational
2-58 authorization revoked by a licensing authority.

2-59 (b) The commission shall collaborate with licensing
2-60 authorities to determine the most efficient method for identifying
2-61 group day-care home or family home employees who have had a license
2-62 revoked by the licensing authority.

2-63 (c) In this section:

2-64 (1) "License" means a license, registration,
2-65 certificate, permit, or other authorization issued by a licensing
2-66 authority that a person must obtain to practice or engage in a
2-67 particular business, occupation, or profession.

2-68 (2) "Licensing authority" means a department,
2-69 commission, board, office, or other agency of the state that issues

3-1 a license.

3-2 SECTION 9. The executive commissioner of the Health and
3-3 Human Services Commission is required to implement this Act only if
3-4 the legislature appropriates money specifically for that purpose.
3-5 If the legislature does not appropriate money specifically for that
3-6 purpose, the executive commissioner may, but is not required to,
3-7 implement this Act using other appropriations available for the
3-8 purpose.

3-9 SECTION 10. This Act takes effect September 1, 2021.

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