

1-1 By: Campos (Senate Sponsor - LaMantia) H.B. No. 4170
 1-2 (In the Senate - Received from the House May 3, 2023;
 1-3 May 5, 2023, read first time and referred to Committee on Health &
 1-4 Human Services; May 18, 2023, reported favorably by the following
 1-5 vote: Yeas 7, Nays 1; May 18, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to enforcement actions taken against a child-care or
 1-20 child-placing agency administrator's license.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 43.010(a), (b), and (d), Human
 1-23 Resources Code, are amended to read as follows:

1-24 (a) The commission [~~department~~] may deny, revoke, suspend,
 1-25 or refuse to renew a license, or place on probation or reprimand a
 1-26 license holder for:

1-27 (1) violating this chapter or a rule adopted under
 1-28 this chapter;

1-29 (2) circumventing or attempting to circumvent the
 1-30 requirements of this chapter or a rule adopted under this chapter;

1-31 (3) engaging in fraud or deceit related to the
 1-32 requirements of this chapter or a rule adopted under this chapter;

1-33 (4) providing false or misleading information to the
 1-34 commission [~~department~~] during the license application or renewal
 1-35 process for any person's license;

1-36 (5) making a statement about a material fact during
 1-37 the license application or renewal process that the person knows or
 1-38 should know is false;

1-39 (6) having:

1-40 (A) a criminal history or central registry record
 1-41 that would prohibit a person from working in a child-care facility,
 1-42 as defined by Section 42.002, under rules applicable to that type of
 1-43 facility; or

1-44 (B) a criminal history relevant to the duties of
 1-45 a licensed child-care or child-placing administrator, as those
 1-46 duties are specified in rules adopted by the executive
 1-47 commissioner;

1-48 (7) using drugs or alcohol in a manner that
 1-49 jeopardizes the person's ability to function as an administrator;

1-50 (8) performing duties as a child-care administrator in
 1-51 a negligent manner; or

1-52 (9) engaging in conduct that makes the license holder
 1-53 ineligible for:

1-54 (A) a license, listing, registration, or
 1-55 certification of approval [~~permit~~] under Section 42.072; or

1-56 (B) employment as a controlling person or service
 1-57 in that capacity in a facility or family home under Section 42.062.

1-58 (b) A person whose license is revoked or refused renewal by
 1-59 the commission under Subsection (a) is not eligible to apply for
 1-60 another license under this chapter for a period of five years after
 1-61 the date the commission revoked the license [~~was revoked~~] or

2-1 refused to renew the license.

2-2 (d) If a license holder is placed on probation, the
2-3 commission [~~department~~] may require the license holder:

2-4 (1) to report regularly to the commission [~~department~~]
2-5 on the conditions of the probation;

2-6 (2) to limit practice to the areas prescribed by the
2-7 commission [~~department~~]; or

2-8 (3) to continue or renew professional education until
2-9 the practitioner attains a degree of skill satisfactory to the
2-10 commission [~~department~~] in those areas in which improvement is a
2-11 condition of the probation.

2-12 SECTION 2. Section 43.011, Human Resources Code, is
2-13 repealed.

2-14 SECTION 3. The change in law made by this Act to Section
2-15 43.010(b), Human Resources Code, applies only to a person whose
2-16 license is refused renewal by the Health and Human Services
2-17 Commission on or after the effective date of this Act. A person
2-18 whose license is refused renewal by the Health and Human Services
2-19 Commission before the effective date of this Act is governed by the
2-20 law in effect on the date the Health and Human Services Commission
2-21 refused to renew the license, and the former law is continued in
2-22 effect for that purpose.

2-23 SECTION 4. This Act takes effect September 1, 2023.

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