

By: Deuell

S.B. No. 1015

A BILL TO BE ENTITLED

AN ACT

relating to minimum standards for day-care centers serving children with special care needs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0422 to read as follows:

Sec. 42.0422. STANDARDS FOR CERTAIN DAY-CARE CENTERS. (a) The executive commissioner by rule shall provide for the required modification or waiver of minimum standards or rules generally governing day-care centers to the extent necessary to permit effective and efficient operation by day-care centers that serve children with special care needs, including children with physical or mental disabilities.

(b) In modifying or waiving standards as required by Subsection (a), the executive commissioner must consider:

(1) additional documentation needed for a child with special care needs, including medical records regarding medication and special health problems;

(2) appropriate training requirements for caregivers, including whether any training requirements duplicate training otherwise received by a caregiver and whether additional training is necessary to address medical or other equipment used by a child with special care needs;

(3) the developmental age of a child with special care

1 needs, regardless of the child's biological age, and the
2 appropriateness of increasing the age range for day-care services
3 based on the child's developmental age;

4 (4) the appropriate child per caregiver ratio based on
5 the special care needs of children in the day-care center;

6 (5) the provision of developmental equipment for a
7 child with special care needs;

8 (6) changes in health practices necessary to serve
9 children with special care needs; and

10 (7) safety practices, including fire safety and
11 emergency practices.

12 SECTION 2. Not later than December 1, 2005, the executive
13 commissioner of the Health and Human Services Commission shall
14 adopt the rules required by Section 42.0422, Human Resources Code,
15 as added by this Act.

16 SECTION 3. This Act takes effect September 1, 2005.