

BILL ANALYSIS

C.S.H.B. 1180
By: Burkett
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Department of Family and Protective Services currently maintains a searchable database through which an individual seeking to make an informed decision regarding a child-care provider is able to obtain information concerning the background and operations of certain licensed child-care facilities and family homes. There is concern, however, that the information available through this database may not adequately inform users of the details surrounding a revocation or suspension of a registration or listing of a family home. Interested parties assert that this is especially true considering that an individual may reapply with the state as a child-care provider after five years, but information on the individual is retained in the database for only two years. C.S.H.B. 1180 seeks to ensure that pertinent information regarding family homes is available to the general public so that the data may be utilized by individuals to the greatest extent possible.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1180 amends the Human Resources Code to require the Department of Family and Protective Services (DFPS), not later than December 31, 2015, to maintain on the DFPS website a searchable database that includes the name of each registered or listed family home that previously had a registration or listing involuntarily suspended or revoked with a permanent notation indicating the involuntary suspension or revocation and the year in which suspension or revocation took effect or was final. The bill authorizes the executive commissioner of the Health and Human Services Commission to adopt rules as necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1180 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter B, Chapter 42, Human Resources Code, is amended by adding Section 42.025 to read as follows:

Sec. 42.025. SEARCHABLE CHILD-CARE FACILITY DATABASE.

(a) The department shall establish on the department's Internet website a searchable database that allows an individual who is seeking child-care facility information to obtain information on the child-care facilities and residential child-care facilities licensed under this chapter and the family homes registered under this chapter. To assist the individual in making an informed decision when selecting child care, the database must allow searches to be made by a facility's or home's name, operation type, and location and by the ages of children served at the facility or home.

(b) For each child-care facility and residential child-care facility licensed under this chapter and each family home registered under this chapter, the database must include:

(1) summary information for at least the five preceding years, if available, on:

(A) the facility's or home's compliance with minimum standards required under this chapter and department rule;

(B) department inspection results for the facility or home; and

(C) disciplinary actions imposed on the facility or home, including corrective or adverse actions, temporary closures, conditions on license or registration, or suspension or revocation of license or registration; and

(2) for a facility or home that previously had a license or registration suspended or revoked under this chapter, a permanent notation indicating the suspension or revocation and the year in which suspension or revocation was imposed.

(c) The executive commissioner may adopt rules as necessary to implement this section.

SECTION 2. Not later than September 30, 2015, the Department of Family and Protective Services shall establish the database on its Internet website as required by Section 42.025, Human Resources Code, as added by this Act.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 42, Human Resources Code, is amended by adding Section 42.025 to read as follows:

Sec. 42.025. SEARCHABLE DATABASE.

(a) The department shall maintain on the department's Internet website a searchable database that includes the name of each family home registered or listed under this chapter that previously had a registration or listing involuntarily suspended or revoked under this chapter with a permanent notation indicating the involuntary suspension or revocation and the year in which the suspension or revocation took effect or was final under Section 42.072.

(b) The executive commissioner may adopt rules as necessary to implement this section.

SECTION 2. Not later than December 31, 2015, the Department of Family and Protective Services shall include in a searchable database the information required by Section 42.025, Human Resources Code, as added by this Act.

SECTION 3. This Act takes effect
September 1, 2015.

SECTION 3. Same as introduced version.