

BILL ANALYSIS

Senate Research Center
84R7269 YDB-D

S.B. 1814
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Health & Human Services
4/10/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas parents can locate child-care providers by using the Texas Department of Family and Protective Services (DFPS) searchable online database. The available data allows parents to locate providers that can best meet their needs and ensure that settings are safe. However, the existing database is not currently statutorily mandated.

The limited information available does not allow parents to gain a comprehensive picture of provider performance, quality, and possible risk factors. Additional improvements are needed to ensure that Texas parents have the information needed to make well-informed and confident decisions about their child's daily care and ensure that those charged with caring for children are safe.

Currently, an individual who was previously barred by the State of Texas from caring for children may reapply to become a child-care provider five years after revocation or suspension of the license. However, an involuntary revocation or suspension of child-care licensure is not required to appear on an individual's background check.

Also, providers whose license or registration is involuntarily revoked or suspended remain on the public website for only two years, after which it is removed permanently. Parents should have detailed information about a child-care provider's performance and compliance in order to make well-informed, appropriate, and safe decisions about their child's care.

This bill statutorily requires DFPS to establish the already operational searchable public database on the DFPS website that allows individuals to obtain information on residential child-care facilities, including family homes. Information regarding residential child-care facilities and homes must contain summary information for five previous years, including information on standards compliance, inspection results, and disciplinary actions imposed on a home. Finally, S.B. 1814 would require permanent notation upon re-application if the individual's license was involuntarily revoked or suspended.

As proposed, S.B. 1814 amends current law relating to establishment of a child-care facility database on the Department of Family and Protective Services' Internet website.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 42.025, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 42, Human Resources Code, by adding Section 42.025, as follows:

Sec. 42.025. SEARCHABLE CHILD-CARE FACILITY DATABASE. (a) Requires the Department of Family and Protective Services (DFPS) to establish on DFPS'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. Requires that the database, to assist the individual in making an informed decision when selecting child care, 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) Requires that the database, for each child-care facility and residential child-care facility licensed under this chapter and each family home registered under this chapter, 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 DFPS rule;

(B) DFPS 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) Authorizes the executive commissioner of the Health and Human Services Commission to adopt rules as necessary to implement this section.

SECTION 2. Requires DFPS, not later than September 30, 2015, to establish the database on its Internet website as required by Section 42.025, Human Resources Code, as added by this Act.

SECTION 3. Effective date: September 1, 2015.