

## **BILL ANALYSIS**

Senate Research Center  
86R20239 MCK-D

H.B. 2177  
By: Miller (Perry)  
Health & Human Services  
5/13/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 84th Legislature passed a bill addressing foster homes that provide shelter to victims of human trafficking. Within that legislation, the specified fee amounts for child-care facilities, child-placing agencies, or continuum of care residential operation licenses were removed from statute and authority for setting the fees was given to the Health and Human Services Commission (HHSC).

H.B. 2177 repeals the need for license renewals for a child-care facility, a child-placing agency, or a continuum-of-care residential operation. The license is now valid until surrendered or revoked.

The bill also puts the fee amounts back into statute to what they were prior to being removed during the 84th in the following amounts:

- \$35 for the nonrefundable application fee for an initial license to operate a child-care facility, a child-placing agency, or a continuum-of-care residential operation;
- \$35 for the fee for an initial license for a child-care facility;
- \$50 for the fee for an initial license for a child-placing agency or continuum-of-care residential operation;
- \$35 plus \$1 multiplied by the maximum number of children for whom a licensed child-care facility is authorized to provide care for the annual license fee for each such facility;
- \$100 for the annual license fee for each licensed child-placing agency and continuum-of-care residential operation;
- \$20 for the annual fee charged to each family home listed with HHSC; and
- \$35 for the annual fee charged to each family home registered with HHSC.

H.B. 2177 amends current law relating to license terms and fees and registration and listing fees for certain child-care facilities.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is rescinded in SECTION 3 (Sections 42.050 and 42.054, Human Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 42.048(f), Human Resources Code, as follows:

- (f) Requires a license to be issued to a certain facility, home, or agency if the Health and Human Services Commission (HHSC), rather than the Department of Family and

Protective Services (DFPS) determines that a facility meets all requirements. Provides that a license is valid until revoked or surrendered, rather than until the license expires, is revoked, or is surrendered.

SECTION 2. Amends Sections 42.054(a), (b), (c), (d), and (e), Human Resources Code, as follows:

(a) Requires HHSC to charge an applicant a nonrefundable application fee in the amount of \$35, rather than requiring DFPS to charge an applicant a nonrefundable application fee, for an initial license to operate a child-care facility, child-placing agency, or a continuum-of-care residential operation.

(b) Requires HHSC to charge each child-care facility a fee in the amount of \$35 for an initial license, rather than requiring DFPS to charge each child-care facility a fee for an initial license. Requires HHSC, rather than DFPS, to charge each child-placing agency and continuum-of-care residential operation a fee in the amount of \$50 for an initial license, rather than requiring DFPS to charge each child-placing agency and continuum-of-care residential operation a fee for an initial license.

(c) Requires HHSC to charge each licensed child-care facility an annual license fee in an amount equal to \$35 plus \$1 multiplied by the maximum number of children for whom the child-care facility is authorized to provide care, rather than requiring DFPS to charge each licensed child-care facility an annual license fee. Provides that the fee is due on the date on which HHSC, rather than DFPS, issues the child-care facility's initial license and on the anniversary of that date.

(d) Requires HHSC to charge each licensed child-placing agency and continuum-of-care residential operation an annual license fee in the amount of \$100, rather than requiring DFPS to charge each licensed child-placing agency and continuum-of-care residential operation an annual license fee. Provides that the fee is due on the date on which HHSC, rather than DFPS, issues the initial license to the child-placing agency or continuum-of-care residential operation and on the anniversary of that date.

(e) Requires HHSC to charge each family home that is listed or registered with HHSC an annual fee to cover a part of HHSC's cost in regulating family homes, rather than requiring DFPS to charge each family home that is listed or registered with DFPS an annual fee. Provides that the amount of the fee is \$20 for a listed home or \$35 for a registered home. Provides that the fee is due on the date on which HHSC, rather than DFPS, initially lists or registers the home and on the anniversary of that date.

SECTION 3. Repealer: Section 42.050 (License Renewal), Human Resources Code.

Repealer: Section 42.054(h) (relating to requiring the executive commissioner of HHSC to set certain fees), Human Resources Code.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2019.