

By: Davis of Dallas

H.B. No. 4286

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of child-care providers by the Texas Workforce Commission.

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

SECTION 1. Section 2308.315, Government Code, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding Subsection (b), a board may not reimburse a provider under the reimbursement rates provided by Subsection (b), unless the provider completes the commission's market rate survey.

SECTION 2. Subchapter G, Chapter 2308, Government Code, is amended by adding Sections 2308.3172, 2308.3173, 2308.3174, 2308.3175, and 2308.3176 to read as follows:

Sec. 2308.3172. CRITICAL LICENSING DEFICIENCY. (a) If a Texas Rising Star Program provider with a 3-star or 4-star rating receives two or more critical licensing deficiencies during the preceding 12 months, the commission shall reduce the provider's rating to a 2-star rating.

(b) If a Texas Rising Star Program provider with a 2-star rating receives two or more critical licensing deficiencies during the preceding 12 months, the commission shall revoke the provider's Texas Rising Star Program certification.

Sec. 2308.3173. PROBATIONARY PERIOD FOR CERTAIN LICENSING DEFICIENCIES. (a) If a Texas Rising Star Program provider with a

1 4-star or 3-star rating receives a licensing or critical licensing
2 deficiency, the commission shall place the provider on probation
3 for 60 days. During the 60-day probationary period, the provider
4 shall continue to be reimbursed as a Texas Rising Star Program
5 provider.

6 (b) A Texas Rising Star Program provider is not eligible for
7 probation if:

8 (1) the provider receives a licensing deficiency
9 related to the abuse, neglect, or exploitation of a child; or

10 (2) the provider receives a critical deficiency during
11 the preceding 12 months.

12 Sec. 2308.3174. SITE VISITS TO TEXAS RISING STAR PROGRAM
13 PROVIDERS. (a) The commission may not conduct an unannounced site
14 visit to a Texas Rising Star Program provider with a 4-star or
15 3-star rating unless the provider has received a citation for
16 noncompliance or for a critical deficiency during the preceding 12
17 months.

18 (b) If the provider has not received a citation for
19 noncompliance or for a critical deficiency during the preceding 12
20 months, the commission shall conduct at least one announced site
21 visit of the provider.

22 Sec. 2308.3175. BACKGROUND CHECKS FOR CERTAIN TEXAS RISING
23 STAR PROGRAM EMPLOYEES. A person who volunteers with a Texas Rising
24 Star Program provider who undergoes a background and criminal
25 history check is not required to have an additional background
26 check if the person becomes an employee of the provider.

27 Sec. 2308.3176. REVIEW OF TEXAS RISING STAR PROGRAM

1 PROVIDER REGULATIONS. The Health and Human Services Commission,
2 the commission, and the boards shall review the commission's Texas
3 Rising Star Program rules to ensure that the rules do not:

4 (1) negatively affect the ability of local providers
5 to provide quality child-care in the community; and

6 (2) prevent providers from using best practices.

7 SECTION 3. As soon as practicable after the effective date
8 of this Act, the commissioner of the Texas Workforce Commission
9 shall adopt rules necessary to implement Section 2308.315,
10 Government Code, as amended by this Act, and Sections 2308.3172,
11 2308.3173, 2308.3174, 2308.3175, and 2308.3176, Government Code,
12 as added by this Act.

13 SECTION 4. This Act takes effect September 1, 2019.