

BILL ANALYSIS

C.S.S.B. 225
By: Paxton
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Millions of Texans must decide where to entrust the care of their children and, to aid in this decision, the legislature directed the Health and Human Services Commission (HHSC) to provide a searchable database on its website to help a parent seeking to make an informed decision regarding a child-care provider. There are concerns, however, that license and registration numbers are associated with the address of the child-care facility and that if a provider moves to a different address and receives a new license, any past deficiencies or violations are unknown to the parent unless the provider chooses to provide all past license or registration numbers. It has been suggested that, in order to better safeguard children, parents and guardians need complete and accurate information about caregivers. C.S.S.B. 225 seeks to address these concerns by making certain past violations and deficiencies remain associated with the child-care provider, increasing the number of years considered by HHSC when evaluating past violations, and requiring HHSC to establish standards for visual and auditory supervision of an infant engaged in time on the infant's stomach while awake.

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 3 of this bill.

ANALYSIS

C.S.S.B. 225 amends the Human Resources Code to make the following changes with respect to the searchable database of certain information related to each registered or listed family home:

- remove the requirement for the Department of Family and Protective Services (DFPS) to maintain on its website the 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;
- require the Health and Human Services Commission (HHSC) instead to maintain permanently on its website the database that lists each licensed, registered, or listed group day-care home and family home that previously had a license, registration, or listing involuntarily suspended or revoked or for which HHSC refused to renew a license, registration, or listing;
- require the database to include the following information for each group day-care home and licensed or registered family home:
 - the name of the facility;
 - the address of the facility, including the county in which the facility is located;

- any identification number associated with the facility;
- the name of the sole proprietor or each partner who owns the child-care operation or, if the owner is a business entity, the name of each officer responsible for the management of the child-care operation as determined by the commissioner of DFPS; and
- the year in which the involuntary suspension or revocation of the facility's license, registration, or listing took effect or was final or the year in which HHSC refused to renew the facility's license, registration, or listing; and
- require HHSC to include the name of each sole proprietor, partner, or officer associated with the license, registration, or listing in any database entry.

C.S.S.B. 225 requires the executive commissioner of HHSC by rule to establish standards for the visual and auditory supervision of an infant engaged in time on the infant's stomach while awake. The bill requires each group day-care home and listed and registered family home to comply with the supervision standards.

C.S.S.B. 225 requires HHSC to require the applicant for a license, registration, or listing for a group day-care home or a family home to provide the applicant's name and the name of the sole proprietor or each partner who owns the child-care operation or, if the owner is a business entity, the name of each officer responsible for the management of the child-care operation as determined by the commissioner on the application form.

C.S.S.B. 225 requires HHSC to associate a license for a group day-care home with the applicant's name as stated in the applicant's license application. The bill makes a license issued for the operation of a child-care facility or child-placing agency transferable with the facility location stated in the license application. The bill repeals provisions establishing that a change in location of a child-placing agency does not automatically revoke the license and prohibiting a residential child-care facility operating under the license of a continuum-of-care residential operation that changes location from continuing to operate under that license unless HHSC approves the new location after the operation meets all requirements related to the new location. The bill removes statutory provisions establishing that a change in location of a school-age program that provides child-care services operated exclusively during the summer period or any other time when school is not in session does not automatically revoke the license to operate the program. The bill requires a licensed child-care facility that changes location to inform HHSC regarding the new location before changing location, in addition to the requirement for HHSC to approve the new location after the facility meets all requirements related to the new location.

C.S.S.B. 225 increases from the preceding two years to the preceding five years the number of preceding years HHSC is required to evaluate when determining if all licensing requirements are met and whether a facility that submits an application for the renewal of a license has been cited for repeated violations or has established a pattern of violations.

C.S.S.B. 225 requires HHSC to collect information regarding group day-care home and family home employees who have had a license, registration, or other occupational authorization revoked by a licensing authority. The bill requires HHSC to collaborate with licensing authorities to determine the most efficient method for identifying those employees who have had a license revoked by the licensing authority.

C.S.S.B. 225 requires the executive commissioner to implement the bill's provisions only if the legislature appropriates money specifically for that purpose.

C.S.S.B. 225 repeals Sections 42.048(e-1) and (e-2), Human Resources Code.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 225 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes the following provisions not included in the engrossed:

- a provision that makes a license issued for the operation of a child-care facility or child-placing agency transferable with the facility location stated in the license application;
- a provision that repeals statutory provisions establishing that a change in location of a child-placing agency does not automatically revoke the license and prohibiting a residential child-care facility operating under the license of a continuum-of-care residential operation that changes location from continuing to operate under that license unless HHSC approves the new location after the operation meets all requirements related to the new location;
- a provision that removes the statutory provision establishing that a change in location of a school-age program that provides child-care services operated exclusively during the summer period or any other time when school is not in session does not automatically revoke the license to operate the program;
- a provision that requires a licensed child-care facility that changes location to inform HHSC regarding the new location before changing location; and
- a provision increasing from the preceding two years to the preceding five years the number of preceding years HHSC is required to evaluate when determining if all licensing requirements are met and whether a facility that submits an application for the renewal of a license has been cited for repeated violations or has established a pattern of violations.