87R25624 MM-F

By:  Paxton S.B. No. 225

(Sanford)

Substitute the following for S.B. No. 225:

By:  Frank C.S.S.B. No. 225

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain child-care facilities and family homes.

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

SECTION 1.  This Act may be cited as Ellie's Law.

SECTION 2.  Section 42.025, Human Resources Code, is amended to read as follows:

Sec. 42.025.  SEARCHABLE DATABASE. (a) The commission [~~department~~] shall permanently maintain on the commission's [~~department's~~] Internet website a searchable database that lists [~~includes the name, the address, and any identification number, as applicable, of~~] each group day-care home and family home licensed, registered, or listed under this chapter:

(1)  that previously had a license, registration, or listing under this chapter involuntarily suspended or revoked; or

(2)  for which the commission refused to renew a license, registration, or listing [~~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 this chapter~~].

(b)  The database maintained under Subsection (a) must include for each group day-care home and licensed or registered family home:

(1)  the name of the facility;

(2)  the address of the facility, including the county in which the facility is located;

(3)  any identification number associated with the facility;

(4)  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; and

(5)  the year in which:

(A)  the involuntary suspension or revocation of the facility's license, registration, or listing took effect or was final under this chapter; or

(B)  the commission refused to renew the facility's license, registration, or listing.

(c)  The commission shall include the name of each individual described by Subsection (b)(4) who is associated with the license, registration, or listing in any database entry made under this section.

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

SECTION 3.  Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.04291 to read as follows:

Sec. 42.04291.  SUPERVISION STANDARDS FOR INFANT DURING TIME SPENT ON STOMACH. The executive commissioner by rule shall establish standards for the visual and auditory supervision of an infant engaged in time on the infant's stomach while awake. Each group day-care home and listed and registered family home shall comply with the supervision standards.

SECTION 4.  Section 42.046, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a)  An applicant for a license to operate a child-care facility, child-placing agency, or continuum-of-care residential operation or for a listing or registration to operate a family home shall submit to the commission [~~department~~] the appropriate fee prescribed by Section 42.054 and a completed application on a form provided by the commission [~~department~~].

(a-1)  The commission shall 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.

SECTION 5.  Section 42.048, Human Resources Code, is amended by adding Subsection (a-1) and amending Subsections (e) and (e-3) to read as follows:

(a-1)  The commission shall associate a license issued under this chapter for a group day-care home with the applicant's name as stated in the applicant's license application.

(e)  A license issued under this chapter is not transferable and applies only to the operator [~~and facility location~~] stated in the license application. A [~~Except as provided by Subsections (e-1), (e-2), and (e-3), a~~] change in [~~location or~~] ownership automatically revokes a license.

(e-3)  [~~A change in location of a school-age program 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 school-age program.~~] A licensed child-care facility [~~school-age program~~] that changes location:

(1)  must inform the commission regarding the new location before changing location; and

(2)  may not operate at the new location unless the commission approves the new location after the licensed child-care facility [~~school-age program~~] meets all requirements related to the new location.

SECTION 6.  Section 42.050(c), Human Resources Code, is amended to read as follows:

(c)  The commission shall evaluate the application for renewal of a license to determine if all licensing requirements are met and whether the facility has been cited for repeated violations or has established a pattern of violations during the preceding five [~~two~~] years. The evaluation may include a specified number of visits to the facility and must include a review of all required forms and records. If the commission determines the facility has repeated violations or an established pattern of violations, before the commission renews the license the commission may place restrictions, conditions, or additional requirements on the license to ensure the violations cease.

SECTION 7.  Section 42.052, Human Resources Code, is amended by amending Subsection (f-2) and adding Subsection (l) to read as follows:

(f-2)  The commission shall evaluate an application for renewal of a facility certification or family home registration to determine if all requirements are met and whether the applicant has been cited for repeated violations or has established a pattern of violations during the preceding five [~~two~~] years. The evaluation may include a specified number of visits to the facility or family home subject to this section and must include a review of all required forms and records. If the commission determines the facility or family home has repeated violations or an established pattern of violations, before the commission renews the certification or registration the commission may place restrictions, conditions, or additional requirements on the certification or registration to ensure the violations cease.

(l)  The commission shall associate a listing or registration of a family home issued under this chapter with the applicant's name as stated in the applicant's listing or registration application.

SECTION 8.  Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0562 to read as follows:

Sec. 42.0562.  INFORMATION REGARDING CERTAIN GROUP DAY-CARE HOME AND FAMILY HOME EMPLOYEES. (a) The commission shall 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.

(b)  The commission shall collaborate with licensing authorities to determine the most efficient method for identifying group day-care home or family home employees who have had a license revoked by the licensing authority.

(c)  In this section:

(1)  "License" means a license, registration, certificate, permit, or other authorization issued by a licensing authority that a person must obtain to practice or engage in a particular business, occupation, or profession.

(2)  "Licensing authority" means a department, commission, board, office, or other agency of the state that issues a license.

SECTION 9.  Sections 42.048(e-1) and (e-2), Human Resources Code, are repealed.

SECTION 10.  The executive commissioner of the Health and Human Services Commission is required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the executive commissioner may, but is not required to, implement this Act using other appropriations available for the purpose.

SECTION 11.  This Act takes effect September 1, 2021.