

By: Paxton

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;

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

3 (3) any identification number associated with the
4 facility;

5 (4) the name of the sole proprietor or each partner who
6 owns the child-care operation or, if the owner is a business entity,
7 the name of each officer responsible for the management of the
8 child-care operation as determined by the commissioner; and

9 (5) the year in which:

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

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

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

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

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

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

1 comply with the supervision standards.

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

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

11 (a-1) The commission shall require the applicant for a
12 license, registration, or listing for a group day-care home or a
13 family home to provide the applicant's name and the name of the sole
14 proprietor or each partner who owns the child-care operation or, if
15 the owner is a business entity, the name of each officer responsible
16 for the management of the child-care operation as determined by the
17 commissioner on the application form.

18 SECTION 5. Section 42.048, Human Resources Code, is amended
19 by adding Subsection (a-1) to read as follows:

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

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

25 (c) The commission shall evaluate the application for
26 renewal of a license to determine if all licensing requirements are
27 met and whether the facility has been cited for repeated violations

1 or has established a pattern of violations during the preceding
2 five [~~two~~] years. The evaluation may include a specified number of
3 visits to the facility and must include a review of all required
4 forms and records. If the commission determines the facility has
5 repeated violations or an established pattern of violations, before
6 the commission renews the license the commission may place
7 restrictions, conditions, or additional requirements on the
8 license to ensure the violations cease.

9 SECTION 7. Section 42.052, Human Resources Code, is amended
10 by adding Subsection (1) to read as follows:

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

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

17 Sec. 42.0562. INFORMATION REGARDING CERTAIN GROUP DAY-CARE
18 HOME AND FAMILY HOME EMPLOYEES. (a) The commission shall collect
19 information regarding group day-care home and family home employees
20 who have had a license, registration, or other occupational
21 authorization revoked by a licensing authority.

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

26 (c) In this section:

27 (1) "License" means a license, registration,

1 certificate, permit, or other authorization issued by a licensing
2 authority that a person must obtain to practice or engage in a
3 particular business, occupation, or profession.

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

7 SECTION 9. The executive commissioner of the Health and
8 Human Services Commission is required to implement this Act only if
9 the legislature appropriates money specifically for that purpose.
10 If the legislature does not appropriate money specifically for that
11 purpose, the executive commissioner may, but is not required to,
12 implement this Act using other appropriations available for the
13 purpose.

14 SECTION 10. This Act takes effect September 1, 2021.