

By: Paxton
(Sanford)

S.B. No. 225

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;

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) and amending Subsections (e) and (e-3)
20 to read as follows:

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

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

1 automatically revokes a license.

2 (e-3) [~~A change in location of a school-age program operated~~
3 ~~exclusively during the summer period or any other time when school~~
4 ~~is not in session does not automatically revoke the license to~~
5 ~~operate the school-age program.~~] A licensed child-care facility
6 [~~school-age program~~] that changes location:

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

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

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

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

26 SECTION 7. Section 42.052, Human Resources Code, is amended
27 by amending Subsection (f-2) and adding Subsection (1) to read as

1 follows:

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

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

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

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

26 (b) The commission shall collaborate with licensing
27 authorities to determine the most efficient method for identifying

1 group day-care home or family home employees who have had a license
2 revoked by the licensing authority.

3 (c) In this section:

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

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

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

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

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