

BILL ANALYSIS

Senate Research Center
88R6162 AMF-F

H.B. 4170
By: Campos (LaMantia)
Health & Human Services
5/15/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Department of Family and Protective Services must be able to ensure that operators of child-placing agencies (CPAs) with demonstrated histories of significant health and safety violations may not open new CPAs immediately upon the Health and Human Services Commission's (HHSC) refusal to renew their current licenses.

H.B. 4170 seeks to address this issue by clarifying the administrative hearing process following an HHSC license denial or proposal to suspend, revoke, or refuse to renew a license.

H.B. 4170 amends current law relating to enforcement actions taken against a child-care or child-placing agency administrator's license.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 43.010(a), (b), and (d), Human Resources Code, as follows:

(a) Authorizes the Health and Human Services Commission (HHSC), rather than the Department of Family and Protective Services (DFPS), to deny, revoke, suspend, or refuse to renew a license, or place on probation or reprimand a license holder for:

(1)-(3) makes no change to these subdivisions;

(4) makes a conforming change to this subdivision;

(5)-(8) makes no change to these subdivisions; or

(9) engaging in conduct that makes the license holder ineligible for a license, listing, registration, or certification of approval, rather than permit, under a certain section.

(b) Provides that a person whose license is revoked or refused renewal by HHSC under Subsection (a) is not eligible to apply for another license under Chapter 43 (Regulation of Child-Care and Child-Placing Agency Administrators) for a period of five years after the date HHSC revoked the license or refused to renew the license. Makes a nonsubstantive change.

(d) Makes conforming changes to this subsection.

SECTION 2. Repealer: Section 43.011 (Appeals), Human Resources Code.

SECTION 3. Makes application of the change in law made by this Act to Section 43.010(b), Human Resources Code, prospective.

SECTION 4. Effective date: September 1, 2023.