

BILL ANALYSIS

Senate Research Center

S.B. 593
By: Sparks
Health & Human Services
5/26/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised that the regulatory oversight process in place for agencies and families serving children in the foster care system is inefficient, overly burdensome, and has contributed to a shortage of high-quality potential placements. There is a need for clarity in child welfare regulations so that these children may be served safely and effectively.

C.S.S.B. 593 requires an independent third party to conduct an assessment of foster care and adoption rules and regulations and provide recommendations for how the state may streamline regulations while both prioritizing child safety and reducing barriers to entry for potential childplacing agencies, residential child-care facilities, foster families, kinship families, and adoptive families.

The bill contains guidelines for the assessment, and the third party's recommendations must be published online and shared with the Health and Human Services Commission (HHSC), the Department of Family and Protective Services (DFPS), the governor, and the legislature.

C.S.S.B. 593 requires DFPS and HHSC to work together to develop a plan for implementing the author's recommendations and to share the plan with the governor and the legislature.

S.B. 593 amends current law relating to an independent assessment of the Health and Human Services Commission's and the Department of Family and Protective Services' rules, minimum standards, and contract requirements that apply to certain residential child-care providers.

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 Subchapter B, Chapter 42, Human Resources Code, by adding Section 42.027, as follows:

Sec. 42.027. INDEPENDENT ASSESSMENT. (a) Requires the Health and Human Services Commission (HHSC), not later than March 31, 2024, to contract with an independent entity that has demonstrated expertise in evaluating state child welfare systems and conducting statistical and operational analysis to conduct an assessment of:

(1) HHSC's and the Department of Family and Protective Services' (DFPS) rules, minimum standards, and contract requirements that apply to child-placing agencies, residential child-care facilities including foster homes, relative caregivers, and adoptive homes; and

(2) the standards or oversight requirements prescribed by law to determine:

(A) the relevance of the standard or oversight requirement;

(B) whether the standard or oversight requirement complies with federal laws, rules, or guidelines; and

(C) whether the standard or oversight requirement is the best practice.

(b) Requires the independent entity, not later than September 30, 2024, or the date of the next comprehensive review required under Section 42.042(b) (relating to requiring DFPS to conduct a comprehensive review of all rules and standards at least every six years), whichever occurs first, to complete the assessment and submit to HHSC and DFPS a report that includes the findings of the assessment and recommendations for:

(1) simplifying HHSC's minimum standards for the purposes of:

(A) prioritizing the health, safety, and well-being of children residing in a residential child-care facility including a foster home or the home of a relative caregiver or an adoptive parent; and

(B) reducing any barriers to opening a child-placing agency or a residential child-care facility or becoming a relative caregiver, a foster parent, or an adoptive parent;

(2) adjusting HHSC's system for assigning weights to minimum standards to ensure that the system is methodical, consistent, and reflective of a strategic model for increasing the focus on the health, safety, and well-being of children residing in a residential child-care facility including a foster home or the home of a relative caregiver or an adoptive parent, including an explanation of the recommended adjustments;

(3) taking into consideration the model licensing standards recommended by the Administration for Children and Families of the United States Department of Health and Human Services, eliminating any minimum standards that are weighted as low, medium-low, or medium by HHSC and are not directly related to child safety;

(4) addressing any licensing, training, or oversight requirements that are barriers to retaining high-quality residential child-care facilities including foster homes, relative caregivers, or adoptive parents;

(5) updating licensing standards for the purposes of:

(A) prioritizing the health, safety, and well-being of children residing in a residential child-care facility including a foster home or the home of a relative caregiver or an adoptive parent; and

(B) reducing any barriers to the hiring and retention of high-quality leadership, administrators, and staff at child-placing agencies and residential child-care facilities;

(6) providing maximum flexibility in applying standards to ensure that services are provided in response to the needs of each individual child residing in a residential child-care facility including a foster home or the home of a relative caregiver or an adoptive parent;

(7) defining HHSC's and DFPS' role in licensing, investigating, contract oversight, and any other regulatory activity to eliminate duplicate functions among HHSC and DFPS or divisions within HHSC or DFPS; and

(8) promoting transparency and clarity of HHSC's and DFPS' expectations for child-placing agencies, residential child-care facilities including foster homes, relative caregivers, and adoptive parents.

(c) Requires the independent entity conducting the assessment under this section to make any recommendations for legislative action, including recommendations for retaining, repealing, or modifying existing state laws or rules or adopting new state laws or rules, necessary to implement the entity's recommendations described by Subsection (b).

(d) Requires the independent entity, in conducting the assessment, to solicit and consider the input of relevant stakeholders, including those affected by HHSC's or DFPS' rules, minimum standards, and contract requirements that apply to child-placing agencies, residential child-care facilities including foster homes, relative caregivers, or adoptive parents.

(e) Requires HHSC to publish the independent entity's report on HHSC's Internet website and submit a copy of the report to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over HHSC.

(f) Requires HHSC, in collaboration with DFPS, to submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over HHSC, not later than the 90th day after the date HHSC receives the independent entity's report, a report that includes a description of:

(1) HHSC's and DFPS' plan to implement the independent entity's assessment recommendations; and

(2) any recommendation HHSC or DFPS decides not to implement and a written justification for not implementing the recommendation.

(g) Provides that this section expires September 1, 2025.

SECTION 2. Effective date: upon passage or September 1, 2023.