

BILL ANALYSIS

Senate Research Center

S.B. 593
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Health & Human Services
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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.

S.B. 593 requires an independent third party auditor to conduct an audit 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 child-placing agencies, residential child-care facilities, foster families, kinship families, and adoptive families.

The bill contains guidelines for the audit, and the auditor's recommendations must be published online and shared with HHSC, DFPS, the governor, and the legislature.

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.

As proposed, S.B. 593 amends current law relating to licensing and oversight of certain facilities and homes providing substitute care for children in the conservatorship of the Department of Family and Protective Services.

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 Chapter 42, Human Resource Code, by adding Section 42.069, as follows:

Sec. 42.069. REQUIRED AUDIT OF RULES AND STANDARDS. (a) Requires the Health and Human Services Commission (HHSC) to engage an independent third party to conduct an audit of the rules, minimum standards, and contract requirements that apply to licensed child-placing agencies, residential child-care facilities, foster homes, kinship care homes, and adoptive homes, not later than December 31, 2023. Requires that the audit make recommendations for:

- (1) simplifying minimum standards to prioritize child safety and reduce barriers to entry for child-placing agencies, residential child-care facilities, foster families, kinship families, and adoptive families;
- (2) eliminating any standards weighted "low," "medium-low," and "medium" that are not directly related to child safety or in line with model licensing standards recommended by the United States Department of Health and Human Services Administration for Children and Families;

- (3) easing ongoing licensing, training, and oversight requirements that act as barriers to retaining high-quality foster, kinship, and adoptive homes;
- (4) updating professional licensing standards to prioritize child safety and reduce barriers to hiring and retaining high-quality child placing agency leadership, administrators, and staff;
- (5) providing maximum flexibility for the application of standards to ensure that services are responsive to the unique needs of children in care; and
- (6) defining the role of entities responsible for licensing, investigations, contract oversight, and any other regulatory activities to eliminate duplicative functions between entities and promote transparency and clarity of expectations for all child-placing agencies, residential child-care facilities, foster families, kinship families, and adoptive families.

(b) Requires that the audit also include a review of any standards or oversight requirements contained in Texas statute for relevance, best practice, and compliance with federal guidelines and make recommendations to the legislature on any statutes that should be repealed, put into rule, or remain in code.

(c) Requires that the audit required by this section be completed not later than the earlier of December 31, 2024, or the date HHSC conducts the next review required by Section 42.042(b) (relating to requiring the Department of Family and Protective Services (DFPS) to review rules and standards for the regulation of certain facilities, homes, and agencies).

(d) Requires that the audit and recommendations be posted on HHSC's public Internet website and be delivered to the executive commissioner of HHSC (executive commissioner), the commissioner of DFPS, the governor, the lieutenant governor, the speaker of the house, and the chairs of the house human services and senate health and human services committees.

(e) Requires the executive commissioner and the commissioner of DFPS to jointly deliver an implementation plan to the governor, the lieutenant governor, the speaker of the house, and the chairs of the house human services and senate health and human services committees within 90 days of receipt of the audit and recommendations required by this section. Requires that the implementation plan include a detailed justification for any recommendations DFPS and HHSC decline to implement.

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