88R11944 JG-D

By:  Noble H.B. No. 4236

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of an interagency child protection database.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Title 9, Health and Safety Code, is amended by adding Subtitle D to read as follows:

SUBTITLE D. CHILD SAFETY

CHAPTER 810. INTERAGENCY CHILD PROTECTION DATABASE

Sec. 810.001.  DEFINITIONS. In this chapter:

(1)  "Database" means the interagency child protection database established under this chapter.

(2)  "Department" means the Department of Information Resources.

(3)  "Participating state agency" means a state agency listed in Section 810.002.

(4)  "Reportable conduct" means a finding by a state agency to which this chapter applies:

(A)  that an individual engaged in abuse, neglect, exploitation, or misconduct; and

(B)  for which a final determination has been issued.

Sec. 810.002.  APPLICABILITY. This chapter applies to the following state agencies:

(1)  the Department of Family and Protective Services;

(2)  the Health and Human Services Commission;

(3)  the Texas Education Agency; and

(4)  the Texas Juvenile Justice Department.

Sec. 810.003.  ESTABLISHMENT OF DATABASE. (a) The department, in collaboration with each participating state agency, shall establish an interagency child protection database to compile and aggregate reportable conduct information maintained by:

(1)  the Department of Family and Protective Services in the central registry established under Section 261.002, Family Code;

(2)  the Health and Human Services Commission in the employee misconduct registry established under Chapter 253;

(3)  the Texas Education Agency in the registry established under Section 22.092, Education Code; and

(4)  the Texas Juvenile Justice Department in the integrated certification information system.

(b)  The department shall ensure the database is machine-readable and accessible to each participating state agency and to other eligible persons in accordance with this chapter for the purpose of identifying individuals who may be ineligible for employment or licensure based on reportable conduct.

Sec. 810.004.  ELIGIBILITY TO ACCESS DATABASE; USER CREDENTIALS. (a) The executive head of each participating state agency shall designate agency employees or contractors who are eligible to access information stored in the database to determine whether an individual has engaged in reportable conduct that makes the individual ineligible for:

(1)  employment with the agency or an establishment licensed by the agency; or

(2)  licensure by the agency in a profession that the agency regulates.

(b)  In addition to the eligible individuals described by Subsection (a), the department and each participating state agency shall collaborate to designate additional persons who are eligible to access information stored in the database to determine whether an individual has engaged in reportable conduct that makes the individual ineligible for employment with the person. The designated persons must include:

(1)  licensed child-care providers, including child-care facilities licensed under Chapter 42, Human Resources Code;

(2)  licensed long-term care providers, including:

(A)  nursing facilities licensed under Chapter 242;

(B)  assisted living facilities licensed under Chapter 247; and

(C)  intermediate care facilities licensed under Chapter 252;

(3)  providers under a Section 1915(c) waiver program, as defined by Section 531.001, Government Code;

(4)  county juvenile justice departments; and

(5)  independent school districts and charter schools.

(c)  A person's determination under Subsection (a) or (b) regarding the ineligibility of an individual for employment or licensure must be based on standards authorized or required by law.

(d)  The department and each participating state agency shall develop a process to issue user credentials to each eligible person described by this section that authorizes the person to access information on reportable conduct stored in the database. The process must require the revocation of user credentials for a person who is no longer eligible to access information stored in the database.

Sec. 810.005.  INFORMATION STORED IN AND ACCESSIBLE THROUGH DATABASE. (a) For each individual identified by a participating state agency as having engaged in reportable conduct, the database information for that individual must include:

(1)  the individual's full name;

(2)  the individual's date of birth;

(3)  the last four digits of the individual's social security number;

(4)  a description of any reportable conduct in which the individual engaged; and

(5)  the date on which the reportable conduct occurred.

(b)  An individual who engaged in reportable conduct that requires the individual's inclusion in the database is not entitled to notice or an opportunity for a hearing before the individual's information is included in the database.

Sec. 810.006.  MEMORANDUM OF UNDERSTANDING. The department and each participating state agency shall enter into a memorandum of understanding to implement this chapter. The memorandum must specify each agency's roles and duties with respect to establishing and maintaining the database.

Sec. 810.007.  CONFIDENTIALITY. Information in or obtained from the database, including documents, is confidential and not subject to disclosure under Chapter 552, Government Code.

SECTION 2.  As soon as practicable after the effective date of this Act, the Department of Information Resources shall collaborate with the Department of Family and Protective Services, the Health and Human Services Commission, the Texas Education Agency, and the Texas Juvenile Justice Department to establish the interagency child protection database as required by Chapter 810, Health and Safety Code, as added by this Act.

SECTION 3.  This Act takes effect September 1, 2023.