

By: Frank, Rose, Noble

H.B. No. 1517

Substitute the following for H.B. No. 1517:

By: Rose

C.S.H.B. No. 1517

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an independent assessment of the Health and Human
3 Services Commission's rules, minimum standards, and contract
4 requirements that apply to certain residential child-care
5 providers.

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

7 SECTION 1. Subchapter B, Chapter 42, Human Resources Code,
8 is amended by adding Section 42.027 to read as follows:

9 Sec. 42.027. INDEPENDENT ASSESSMENT. (a) Not later than
10 March 31, 2024, the commission shall contract with an independent
11 entity that has demonstrated expertise in evaluating state child
12 welfare systems and conducting statistical and operational
13 analysis to conduct an assessment of:

14 (1) the commission's rules, minimum standards, and
15 contract requirements that apply to child-placing agencies,
16 residential child-care facilities, relative caregivers, and
17 adoptive homes; and

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

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

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

24 (C) whether the standard or oversight

1 requirement is the best practice.

2 (b) Not later than September 30, 2024, or the date of the
3 next comprehensive review required under Section 42.042(b),
4 whichever occurs first, the independent entity shall complete the
5 assessment and submit to the commission and the department a report
6 that includes the findings of the assessment and recommendations
7 for:

8 (1) simplifying the commission's minimum standards for
9 the purposes of:

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

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

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

24 (3) taking into consideration the model licensing
25 standards recommended by the Administration for Children and
26 Families of the United States Department of Health and Human
27 Services, eliminating any minimum standards that are weighted as

1 low, medium-low, or medium by the commission and are not directly
2 related to child safety;

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

7 (5) updating licensing standards for the purposes of:

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

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

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

19 (7) defining the commission's role in licensing,
20 investigating, contract oversight, and any other regulatory
21 activity to eliminate duplicate functions among divisions within
22 the commission; and

23 (8) promoting transparency and clarity of the
24 commission's expectations for child-placing agencies, residential
25 child-care facilities, relative caregivers, and adoptive parents.

26 (c) The independent entity conducting the assessment under
27 this section shall make any recommendations for legislative action

1 necessary to implement the entity's recommendations described by
2 Subsection (b).

3 (d) In conducting the assessment, the independent entity
4 shall solicit and consider the input of relevant stakeholders,
5 including those affected by the commission's rules, minimum
6 standards, and contract requirements that apply to child-placing
7 agencies, residential child-care facilities, relative caregivers,
8 or adoptive parents.

9 (e) The commission shall publish the independent entity's
10 report on the commission's Internet website and submit a copy of the
11 report to the governor, the lieutenant governor, the speaker of the
12 house of representatives, and the standing committee of each house
13 of the legislature with primary jurisdiction over the commission.

14 (f) Not later than the 90th day after the date the
15 commission receives the independent entity's report, the
16 commission, in collaboration with the department, shall submit to
17 the governor, the lieutenant governor, the speaker of the house of
18 representatives, and the standing committee of each house of the
19 legislature with primary jurisdiction over the commission a report
20 that includes a description of:

21 (1) the commission's and department's plan to
22 implement the independent entity's assessment recommendations; and

23 (2) any recommendation the commission or department
24 decides not to implement and a written justification for not
25 implementing the recommendation.

26 (g) This section expires September 1, 2025.

27 SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2023.