

AN ACT

relating to enforcement actions taken against a child-care or child-placing agency administrator's license.

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

SECTION 1. Sections 43.010(a), (b), and (d), Human Resources Code, are amended to read as follows:

(a) The commission [~~department~~] may deny, revoke, suspend, or refuse to renew a license, or place on probation or reprimand a license holder for:

(1) violating this chapter or a rule adopted under this chapter;

(2) circumventing or attempting to circumvent the requirements of this chapter or a rule adopted under this chapter;

(3) engaging in fraud or deceit related to the requirements of this chapter or a rule adopted under this chapter;

(4) providing false or misleading information to the commission [~~department~~] during the license application or renewal process for any person's license;

(5) making a statement about a material fact during the license application or renewal process that the person knows or should know is false;

(6) having:

(A) a criminal history or central registry record that would prohibit a person from working in a child-care facility,

1 as defined by Section 42.002, under rules applicable to that type of  
2 facility; or

3 (B) a criminal history relevant to the duties of  
4 a licensed child-care or child-placing administrator, as those  
5 duties are specified in rules adopted by the executive  
6 commissioner;

7 (7) using drugs or alcohol in a manner that  
8 jeopardizes the person's ability to function as an administrator;

9 (8) performing duties as a child-care administrator in  
10 a negligent manner; or

11 (9) engaging in conduct that makes the license holder  
12 ineligible for:

13 (A) a license, listing, registration, or  
14 certification of approval [~~permit~~] under Section 42.072; or

15 (B) employment as a controlling person or service  
16 in that capacity in a facility or family home under Section 42.062.

17 (b) A person whose license is revoked or refused renewal by  
18 the commission under Subsection (a) is not eligible to apply for  
19 another license under this chapter for a period of five years after  
20 the date the commission revoked the license [~~was revoked~~] or  
21 refused to renew the license.

22 (d) If a license holder is placed on probation, the  
23 commission [~~department~~] may require the license holder:

24 (1) to report regularly to the commission [~~department~~]  
25 on the conditions of the probation;

26 (2) to limit practice to the areas prescribed by the  
27 commission [~~department~~]; or

1           (3) to continue or renew professional education until  
2 the practitioner attains a degree of skill satisfactory to the  
3 commission [~~department~~] in those areas in which improvement is a  
4 condition of the probation.

5           SECTION 2. Section 43.011, Human Resources Code, is  
6 repealed.

7           SECTION 3. The change in law made by this Act to Section  
8 43.010(b), Human Resources Code, applies only to a person whose  
9 license is refused renewal by the Health and Human Services  
10 Commission on or after the effective date of this Act. A person  
11 whose license is refused renewal by the Health and Human Services  
12 Commission before the effective date of this Act is governed by the  
13 law in effect on the date the Health and Human Services Commission  
14 refused to renew the license, and the former law is continued in  
15 effect for that purpose.

16           SECTION 4. This Act takes effect September 1, 2023.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 4170 was passed by the House on May 2, 2023, by the following vote: Yeas 133, Nays 11, 3 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4170 was passed by the Senate on May 21, 2023, by the following vote: Yeas 29, Nays 2.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor