A BILL TO BE ENTITLED
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,
as defined by Section 42.002, under rules applicable to that type of
facility; or
(B) a criminal history relevant to the duties of
a licensed child-care or child-placing administrator, as those
duties are specified in rules adopted by the executive
commissioner;
(7) using drugs or alcohol in a manner that
jeopardizes the person's ability to function as an administrator;
(8) performing duties as a child-care administrator in
a negligent manner; or
(9) engaging in conduct that makes the license holder
ineligible for:
(A) a license, listing, registration, or
certification of approval [permit] under Section 42.072; or
(B) employment as a controlling person or service
in that capacity in a facility or family home under Section 42.062.
(b) A person whose license is revoked or refused renewal by
the commission under Subsection (a) is not eligible to apply for
another license under this chapter for a period of five years after
the date the commission revoked the license [was revoked] or
refused to renew the license.
(d) If a license holder is placed on probation, the
commission [department] may require the license holder:
(1) to report regularly to the commission [department]
on the conditions of the probation;
(2) to limit practice to the areas prescribed by the
commission [department]; or
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(3) to continue or renew professional education until
the practitioner attains a degree of skill satisfactory to the
commission [department] in those areas in which improvement is a
condition of the probation.

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repealed.

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

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