

By: Noble

H.B. No. 4236

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the establishment of an interagency child protection  
3 database.

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

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

7 SUBTITLE D. CHILD SAFETY

8 CHAPTER 810. INTERAGENCY CHILD PROTECTION DATABASE

9 Sec. 810.001. DEFINITIONS. In this chapter:

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

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

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

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

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

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

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

24 (1) the Department of Family and Protective Services;

1           (2) the Health and Human Services Commission;

2           (3) the Texas Education Agency; and

3           (4) the Texas Juvenile Justice Department.

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

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

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

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

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

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

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

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

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

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

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

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

16                   (A) nursing facilities licensed under Chapter  
17 242;

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

20                   (C) intermediate care facilities licensed under  
21 Chapter 252;

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

24           (4) county juvenile justice departments; and

25           (5) independent school districts and charter schools.

26           (c) A person's determination under Subsection (a) or (b)  
27 regarding the ineligibility of an individual for employment or

1 licensure must be based on standards authorized or required by law.

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

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

- 13 (1) the individual's full name;  
14 (2) the individual's date of birth;  
15 (3) the last four digits of the individual's social  
16 security number;  
17 (4) a description of any reportable conduct in which  
18 the individual engaged; and  
19 (5) the date on which the reportable conduct occurred.

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

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

1 and maintaining the database.

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

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

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