

By: Sparks

S.B. No. 593

A BILL TO BE ENTITLED

AN ACT

relating to licensing and oversight of certain facilities and homes providing substitute care for children in the conservatorship of the Department of Family and Protective Services.

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

SECTION 1. Chapter 42, Human Resources Code, is amended by adding Section 42.069 to read as follows:

Sec. 42.069. REQUIRED AUDIT OF RULES AND STANDARDS. (a) Not later than December 31, 2023, the commission shall engage an independent third party to conduct an audit of the rules, minimum standards, and contract requirements that apply to licensed child-placing agencies, residential child-care facilities, foster homes, kinship care homes, and adoptive homes. The audit shall make recommendations for:

(1) simplifying minimum standards to prioritize child safety and reduce barriers to entry for child-placing agencies, residential child-care facilities, foster families, kinship families, and adoptive families;

(2) eliminating any standards weighted "low," "medium-low," and "medium" that are not directly related to child safety or in line with model licensing standards recommended by the United States Department of Health and Human Services Administration for Children and Families;

(3) easing ongoing licensing, training, and oversight

1 requirements that act as barriers to retaining high-quality foster,
2 kinship, and adoptive homes;

3 (4) updating professional licensing standards to
4 prioritize child safety and reduce barriers to hiring and retaining
5 high-quality child placing agency leadership, administrators, and
6 staff;

7 (5) providing maximum flexibility for the application
8 of standards to ensure that services are responsive to the unique
9 needs of children in care; and

10 (6) defining the role of entities responsible for
11 licensing, investigations, contract oversight, and any other
12 regulatory activities to eliminate duplicative functions between
13 entities and promote transparency and clarity of expectations for
14 all child-placing agencies, residential child-care facilities,
15 foster families, kinship families, and adoptive families.

16 (b) The audit shall also include a review of any standards
17 or oversight requirements contained in Texas statute for relevance,
18 best practice, and compliance with federal guidelines and make
19 recommendations to the Legislature on any statutes that should be
20 repealed, put into rule, or remain in code.

21 (c) The audit required by this Section shall be completed
22 not later than the earlier of December 31, 2024 or the date the
23 commission conducts the next review required by Section [42.042\(b\)](#).

24 (d) The audit and recommendations shall be posted on the
25 commission's public internet website and be delivered to the
26 executive commissioner of the Health and Human Services Commission,
27 the commissioner of the Department of Family and Protective

1 Services, the Governor, the Lieutenant Governor, the Speaker of the
2 House, and the Chairs of the House Human Services and Senate Health
3 and Human Services Committees.

4 (e) Within 90 days of receipt of the audit and
5 recommendations required by this section, the executive
6 commissioner of the Health and Human Services Commission and the
7 commissioner of the Department of Family and Protective Services
8 shall jointly deliver an implementation plan to the Governor,
9 Lieutenant Governor, Speaker of the House, and the Chairs of the
10 House Human Services and Senate Health and Human Services
11 Committees. The implementation plan shall include a detailed
12 justification for any recommendations the department and
13 commission decline to implement.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2023.