

1-1 By: Sparks, West S.B. No. 593  
1-2 (In the Senate - Filed January 25, 2023; February 17, 2023,  
1-3 read first time and referred to Committee on Health & Human  
1-4 Services; April 11, 2023, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 April 11, 2023, sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Kolkhorst	X			
1-10	Perry	X			
1-11	Blanco	X			
1-12	Hall	X			
1-13	Hancock	X			
1-14	Hughes	X			
1-15	LaMantia	X			
1-16	Miles	X			
1-17	Sparks	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 593 By: Perry

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to an independent assessment of the Health and Human  
1-22 Services Commission's and the Department of Family and Protective  
1-23 Services' rules, minimum standards, and contract requirements that  
1-24 apply to certain residential child-care providers.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter B, Chapter 42, Human Resources Code,  
1-27 is amended by adding Section 42.027 to read as follows:

1-28 Sec. 42.027. INDEPENDENT ASSESSMENT. (a) Not later than  
1-29 March 31, 2024, the commission shall contract with an independent  
1-30 entity that has demonstrated expertise in evaluating state child  
1-31 welfare systems and conducting statistical and operational  
1-32 analysis to conduct an assessment of:

1-33 (1) the commission's and the department's rules,  
1-34 minimum standards, and contract requirements that apply to  
1-35 child-placing agencies, residential child-care facilities  
1-36 including foster homes, relative caregivers, and adoptive homes;  
1-37 and

1-38 (2) the standards or oversight requirements  
1-39 prescribed by law to determine:

1-40 (A) the relevance of the standard or oversight  
1-41 requirement;

1-42 (B) whether the standard or oversight  
1-43 requirement complies with federal laws, rules, or guidelines; and

1-44 (C) whether the standard or oversight  
1-45 requirement is the best practice.

1-46 (b) Not later than September 30, 2024, or the date of the  
1-47 next comprehensive review required under Section 42.042(b),  
1-48 whichever occurs first, the independent entity shall complete the  
1-49 assessment and submit to the commission and the department a report  
1-50 that includes the findings of the assessment and recommendations  
1-51 for:

1-52 (1) simplifying the commission's minimum standards for  
1-53 the purposes of:

1-54 (A) prioritizing the health, safety, and  
1-55 well-being of children residing in a residential child-care  
1-56 facility including a foster home or the home of a relative caregiver  
1-57 or an adoptive parent; and

1-58 (B) reducing any barriers to opening a  
1-59 child-placing agency or a residential child-care facility or  
1-60 becoming a relative caregiver, a foster parent, or an adoptive

parent;

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

(3) taking into consideration the model licensing standards recommended by the Administration for Children and Families of the United States Department of Health and Human Services, eliminating any minimum standards that are weighted as low, medium-low, or medium by the commission and are not directly related to child safety;

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

(5) updating licensing standards for the purposes of:

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

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

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

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

(8) promoting transparency and clarity of the commission's and the department's expectations for child-placing agencies, residential child-care facilities including foster homes, relative caregivers, and adoptive parents.

(c) The independent entity conducting the assessment under this section shall make any recommendations for legislative action, including recommendations for retaining, repealing, or modifying existing state laws or rules or adopting new state laws or rules, necessary to implement the entity's recommendations described by Subsection (b).

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

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

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

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

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

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