

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

MAY 24, 2019

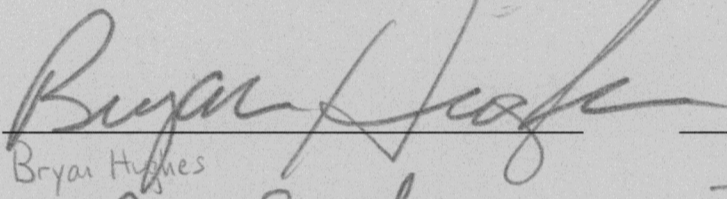
Date

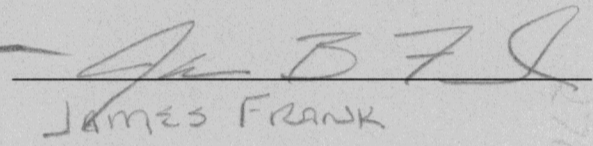
Honorable Dan Patrick  
President of the Senate

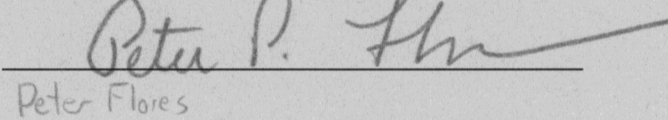
Honorable Dennis Bonnen  
Speaker of the House of Representatives

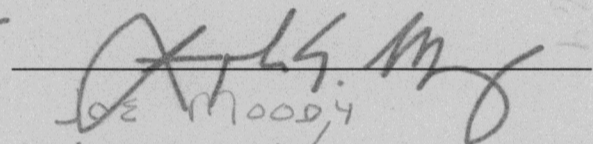
Sirs:

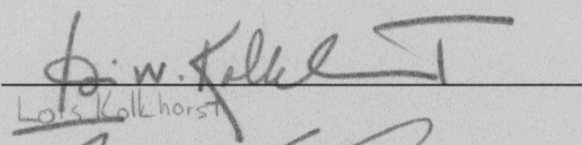
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2764 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

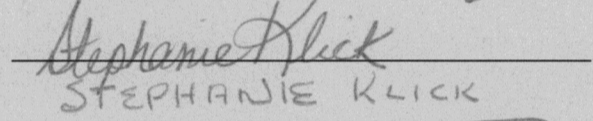
  
Bryan Hughes

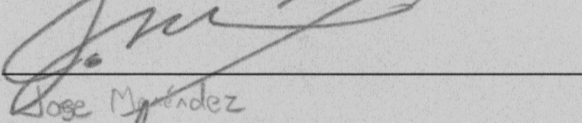
  
JAMES FRANK

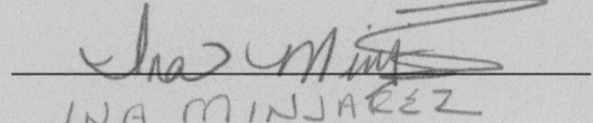
  
Peter Flores

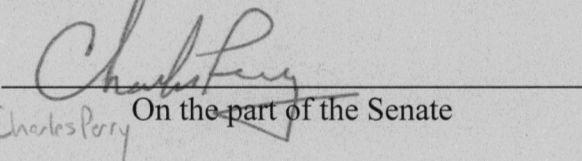
  
JOE MOODY

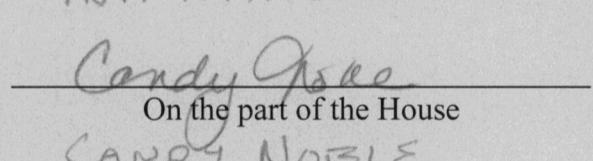
  
Lois Kolkhorst

  
STEPHANIE KLICK

  
Jose Mendez

  
INA MINJAREZ

  
Charles Perry  
On the part of the Senate

  
CANDY NOBLE  
On the part of the House

### Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.



# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 2764

A BILL TO BE ENTITLED

1 AN ACT

2 relating to minimum standards and caregiver training for substitute  
3 care providers for children in the conservatorship of the  
4 Department of Family and Protective Services.

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

6 SECTION 1. Section 42.042, Human Resources Code, is amended  
7 by adding Subsections (b-1) and (t) to read as follows:

8 (b-1) Not later than the earlier of December 31, 2020, or  
9 the date the commission conducts the next review required by  
10 Subsection (b), the commission shall create and implement a process  
11 to simplify, streamline, and provide for greater flexibility in the  
12 application of the minimum standards to licensed child-placing  
13 agencies, agency foster homes, and adoptive homes with the goal of  
14 increasing the number of foster and adoptive homes in this state.  
15 This subsection expires September 1, 2021.

16 (t) The commission by rule shall grant to each child-placing  
17 agency and each single source continuum contractor the authority to  
18 wave certain minimum standards related to preservice training,  
19 annual training, or other requirements that are not directly  
20 related to caring for the child for:

21 (1) the child's foster or prospective adoptive parent;

22 or

23 (2) foster homes that have no citations or violations  
24 reported to the commission.

1 SECTION 2. Section 42.0537, Human Resources Code, is  
2 amended by amending Subsections (a) and (b) and adding Subsections  
3 (d), (e), and (f) to read as follows:

4 (a) The department and each single source continuum  
5 contractor shall include a provision in each contract with a  
6 child-placing agency with whom children in the managing  
7 conservatorship of the department are placed that requires the  
8 child-placing agency to provide [~~at least 35 hours of~~]  
9 competency-based, preservice training to a potential caregiver  
10 before the child-placing agency verifies or approves the caregiver  
11 as a foster or adoptive home. Except as provided by Subsection (d),  
12 the amount of training required by this subsection may not exceed 35  
13 hours.

14 (b) The department shall adopt policies to ensure that each  
15 potential caregiver receives [~~at least 35 hours of~~]  
16 competency-based, preservice training before the department  
17 verifies or approves the caregiver as a foster or adoptive home.  
18 Except as provided by Subsection (d), the amount of training  
19 required by this subsection may not exceed 35 hours.

20 (d) The department and each single source continuum  
21 contractor providing foster care placement or case management  
22 services may include in each contract with a child-placing agency  
23 with whom children in the managing conservatorship of the  
24 department are placed provisions that:

25 (1) require the child-placing agency to, before  
26 verifying or approving a prospective caregiver as a foster or  
27 adoptive home, provide to the prospective caregiver

1 competency-based, preservice training in addition to other  
2 training required under this section, based on the needs of the  
3 child being placed, including training regarding:

4 (A) the treatment of:

5 (i) children with complex medical needs;

6 (ii) children with emotional disorders;

7 (iii) children with intellectual or  
8 developmental disabilities; and

9 (iv) victims of human trafficking; and

10 (B) any other situation the department  
11 determines would require additional training; and

12 (2) allow the child-placing agency to provide  
13 training, in addition to other training required under this section  
14 for a prospective caregiver, that:

15 (A) meets the eligibility standards for federal  
16 financial participation under the requirements of the federal  
17 Family First Prevention Services Act (Title VII, Div. E, Pub. L.  
18 No. 115-123);

19 (B) meets the standards set by a nationally  
20 recognized accrediting organization; or

21 (C) meets the standards described by Paragraphs  
22 (A) and (B).

23 (e) The department may require training in addition to other  
24 training required under this section described by Subsection  
25 (d)(2), as appropriate, for certified child-placing agencies  
26 operated by the department.

27 (f) A child-placing agency may issue a provisional

1 verification as provided by Section 42.053(e) to a prospective  
2 foster caregiver while the caregiver completes the training  
3 required under Subsection (d).

4 SECTION 3. The changes in law made by this Act apply only to  
5 a contract for foster care services entered into or renewed on or  
6 after the effective date of this Act.

7 SECTION 4. This Act takes effect September 1, 2019.

**House Bill 2764**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

*No equivalent provision.*

SECTION \_\_. Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.3072, Required Notifications During Investigation and Interview. [FA1]

Same as House version.

*No equivalent provision.*

SECTION \_\_. Subchapter B, Chapter 40, Human Resources Code, is amended by adding Section 40.045, Notice Regarding Recording of Investigative Interviews. [FA1]

Same as House version.

SECTIONS 1-2. Provisions of the Human Resources Code are amended with respect to minimum standards and caregiver training for substitute care providers for children in the conservatorship of the Department of Family and Protective Services.

SECTIONS 1-2. Same as House version.

SECTIONS 1-2. Same as House version.

SECTION 3. Saving provision.

SECTION 3. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Effective date.

SECTION 4. Same as House version.

SECTION 4. Same as House version.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 25, 2019**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2764** by Frank (Relating to minimum standards and caregiver training for substitute care providers for children in the conservatorship of the Department of Family and Protective Services.), **Conference Committee Report**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Human Resources Code to require the Health and Human Services Commission (HHSC) no later than December 31, 2020, to create and implement a process to simplify and provide greater flexibility in application of the minimum standards for child placing agencies, agency foster homes and adoptive homes.

The bill would also require HHSC to grant each child placing agency and the Single Source Continuum Contractor (SSCC) the ability to waive certain standard related to training not related to caring for the child.

The bill would require DFPS and the SSCC to include a provision in contracts with child-placing agencies to adopt a policy that training for potential caregivers may not exceed 35 hours and require additional provisions in contracts related to training and allow the child placing agency to provide training to meet the requirements of the Federal Family First Prevention Services Act.

Based on the LBB's analysis of HHSC's duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2019.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**        529 Health and Human Services Commission, 530 Family and Protective Services, Department of

**LBB Staff:** WP, AKi, AN, EP