

SUBJECT: Communication disorder screening requirements for child-care facilities

COMMITTEE: Human Services — committee substitute recommended

VOTE: 6 ayes — Naishtat, Maxey, Chavez, Christian, Noriega, Wohlgemuth

0 nays

3 absent — J. Davis, Telford, Truitt

WITNESSES: For — Elaine Barber, Prevent Blindness Texas; John Marr, Hear-Say

Against — None

BACKGROUND: Under Health and Safety Code, chapter 36, the Board of Health has adopted rules that require children who attend public or private preschools and day-care centers to be screened for vision and hearing disorders and for any other special senses or communication disorders. The rules for day-care facilities apply only to four- and five-year-olds newly admitted to a facility. Group day-care homes do not fall under the screening requirement. The Human Resources Code, chapter 42, defines day-care centers as facilities caring for 13 or more children and group day-care homes as facilities caring for seven to 12 children.

Day-care facilities must maintain screening records just as they keep immunization records. They also must submit an annual report to the Texas Department of Health (TDH) on the screening status of the children in attendance. TDH requires the screening to occur within 120 days after a child is admitted to the facility and to be performed by appropriately licensed or trained individuals.

Although parents are responsible for obtaining screening services, the day-care facility can arrange for the screening. Nonprofit agencies sometimes provide these services at no cost. Depending on resources, the child-care facility or the parent may pay for the screening, which usually costs \$5 to \$10.

**DIGEST:** CSHB 908 would require the Texas Department of Protective and Regulatory Services (DPRS) to adopt rules, after consulting with TDH, to ensure that children in licensed day-care centers or group day-care homes are screened for vision, hearing, or other special senses or communication disorders in compliance with the rules adopted by the Board of Health.

The bill would require each facility to maintain individual screening records for children attending the facility who are required to be screened. DPRS could inspect the screening records at any reasonable time.

CSHB 909 would not apply to day-care centers or group day-care homes that are accredited by an accreditation organization approved by DPRS.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. DPRS would have to adopt the required rules as soon as possible after the effective date.

**SUPPORTERS SAY:** Even though current law requires hearing and vision screening for children in licensed child-care facilities and for those in public and private preschools, only about one-third of Texas' 7,000 child-care facilities are in compliance with TDH reporting requirements.

TDH provides screening training and certification for child-care employees and provides screening equipment free of charge, but the agency has no tools to enforce compliance with reporting rules. If some centers are not reporting on screening status as required, the screening may not be taking place.

As the licensing agency for day-care centers, DPRS is the logical agency to be charged with ensuring that newly admitted four- and five-year olds are screened, because DPRS annually inspects licensed facilities, checking on other requirements for licensure. CSHB 908 would give DPRS enforcement power over noncompliant facilities.

Texas has about 1,700 group day-care homes. Requiring them to ensure that newly admitted four- and five-year olds are screened for vision, hearing, and other communication disorders would increase the number of children receiving screening services. Children in these facilities need and deserve screening services like those that children in larger facilities receive. Research shows that about 80 percent of what a child learns is learned visually, so it is

important to detect vision problems early. Also, if a child cannot hear well, the child's ability to learn is seriously hampered.

OPPONENTS  
SAY:

Requiring children in group day-care homes to be screened could impose a financial burden on these smaller facilities, since they care for small numbers of children.

OTHER  
OPPONENTS  
SAY:

To avoid a duplication of services between TDH and DPRS, the bill should clarify that enforcement of the bill's provisions would reside solely with DPRS.

NOTES:

The committee substitute would require DPRS, after consulting with TDH, to adopt rules to ensure that children are screened, whereas the original bill would have required DPRS to require each licensed day-care center and group day-care home to screen for vision and hearing disorders as a condition of continued licensure. The original bill would have required the rules to specify certain requirements, including that the child-care facility report the results of the screening to TDH. The committee substitute added "other special senses or communications disorders" to the screening requirements.