

SUBJECT: Revising statutes on regulation of child-care services

COMMITTEE: Human Services — favorable, without amendment

VOTE: 5 ayes — Uresti, Naishtat, McCall, Olivo, Reyna,
0 nays
4 absent — Christian, Miller, Villarreal, Wohlgemuth,

WITNESSES: For — None
Against — None
On — Judy Lutz, Texas Department of Protective and Regulatory Services

BACKGROUND: Human Resources Code, chapters 42 and 43 govern child-care services, including day-care centers, foster care, other facilities, and administrators, and gives rulemaking authority to the Department of Protective and Regulatory Services (DPRS). Sec. 42.072©) prohibits a person whose license is revoked from applying for a new license within two years of the date of revocation.

DIGEST: HB 586 would make conforming changes to the regulation of child-care services in regard to defining certain facilities and removing obsolete language related to alternative accreditation, licensure requirements, and family homes.

The bill also would prohibit a corporation with more than 20 percent interest owned by a person whose license had been revoked from applying for a new license for two years following the revocation.

The bill would take effect September 1, 2003.

SUPPORTERS SAY: HB 586 would clean up the statutes governing child-care services and bring them into line with other statutes, agency rules, and child-care regulations. For example, it would change the term for DPRS’ evaluation of a facility for licensure from “investigate,” which implies a reaction to a complaint, to

“inspect,” which more accurately reflects what DPRS does. It would expand the definition of schools that are exempt from licensure to include open-enrollment charter schools, which did not exist when the statute was written. Also, the bill would remove obsolete language by striking references to an alternative accreditation process that expired in 1999.

A corporation more than 20 percent owned by a person whose license has been revoked should not be able to apply for a new license for at least two years after the revocation. HB 586 would broaden the current prohibition and ensure that someone who had lost a license could not turn around and open another day-care center with a husband or daughter as a silent partner. That person has shown an inability in the recent past to care for children properly and should not be allowed to recommence operations the next day.

**OPPONENTS
SAY:**

The bill should not broaden the prohibition against applying for a new license to include a corporation. A license can be lost for many reasons, including reasons relating to the upkeep of a building. If a person finds new funding by forming a corporation with a partner who can pay for what needs to be fixed, the corporation should be able to get a license.

NOTES:

During the 77th Legislature’s 2001 regular session, a similar bill, HB 3550 by Raymond, was reported favorably by the House Human Services Committee but died in the Local and Consent Calendars Committee.