

SUBJECT: Revising regulations for certain child-care facilities and family homes

COMMITTEE: Human Services — committee substitute recommended

VOTE: 6 ayes — Frank, Hull, Klick, Noble, Rose, Shaheen

0 nays

3 absent — Hinojosa, Meza, Neave

SENATE VOTE: On final passage, May 3 — 30-0

WITNESSES: For — (*Registered, but did not testify*: Kevin Stewart, American Association of University Women of Texas; Katie Mitten, Texans Care for Children; Ashley Harris, United Ways of Texas; Knox Kimberly, Upbring; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Lana Estevilla, Health and Human Services Commission)

BACKGROUND: Under Human Resources Code ch. 42, the Department of Family and Protective Services (DFPS) establishes minimum standards for and licenses certain facilities, homes, and agencies that provide child-care services.

Under sec. 42.002, "group day-care home" means a child-care facility that provides care at the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years old for less than 24 hours a day but for at least two hours a day, at least three days a week.

"Family home" means a home that provides regular care in the caretaker's own residence for a maximum of six children under 14 years old.

Sec. 42.025 requires DFPS to maintain on its website a searchable database that includes the name, address, and any identification number, as applicable, of each registered or listed family home that previously had a registration or listing involuntarily suspended or revoked under ch. 42 with a permanent notation indicating the involuntary suspension or revocation and the year in which the suspension or revocation took effect or was final.

Under secs. 42.050(c) and 42.052(f-2), HHSC must evaluate the application for renewal of a license or facility certification or family home registration to determine if all requirements are met and whether the applicant has been cited for repeated violations or has established a pattern of violations during the preceding two years.

Concerns have been raised that if a child-care provider moves to a different address and receives a new license, any previous violations are unknown to the parent unless the provider chooses to provide all previous license or registration numbers. To address these concerns, some have suggested improving accuracy of caregiver information when parents seek child care services by permanently associating previous violations with the child-care provider.

**DIGEST:**

CSSB 225 would require the Health and Human Services Commission (HHSC), rather than the Department of Family and Protective Services, to permanently maintain on its website the searchable database under Human Resources Code sec. 42.025 that listed each group day-care home and family home, licensed, registered, or listed:

- that previously had a license, registration, or listing involuntarily suspended or revoked; or
- for which HHSC refused to renew a license, registration, or listing.

**Database.** The database would have to include for each group day care home and licensed or registered family home:

- the name of the facility;

- the address of the facility, including the county in which the facility was located;
- any identification number associated with the facility;
- the name of the sole proprietor or each partner who owned the child-care operation or, if the owner was a business entity, the name of each officer responsible for the management of the child-care operation as determined by the commissioner; and
- the year in which the involuntary suspension or revocation of the facility's license, registration, or listing took effect or was final, or the year in which HHSC refused to renew the facility's license, registration, or listing.

The bill would require HHSC to include the name of each individual as specified in the bill who was associated with the license, registration, or listing in any database entry.

The executive commissioner of HHSC could adopt rules to implement these provisions.

**Names of certain persons.** Under the bill, HHSC would require the applicant for a license, registration, or listing for a group day-care home or a family home to provide the applicant's name and certain other individuals' names on the application form.

Under the bill, HHSC would have to associate an applicant's name with a group day-care home license and the listing or registration of a family home.

**Location changes.** A licensed child-care facility that changed location would be required to inform HHSC regarding the new location before changing location.

**Evaluations.** The bill would increase the number of preceding years in which HHSC would be required to evaluate an applicant's pattern of violations from two to five years under Human Resources Code secs. 42.050(c) and 42.052(f-2).

**Data collection.** The bill would require HHSC to collection information regarding group day-care home and family home employees who have had a license, registration, or other occupational authorization revoked by a licensing authority.

HHSC would have to collaborate with licensing authorities to determine the most efficient method for identifying group day-care home or family home employees who have had a license revoked by the licensing authority.

**Supervision standards for infants.** The bill would require the executive commissioner of HHSC by rule to establish supervision standards for an infant who was awake and on his or her stomach. Each group day-care home and listed and registered family home would have to comply with the supervision standards.

**Other provisions.** The HHSC executive commissioner would be required to implement the bill only if the Legislature appropriated money specifically for that purpose. If the Legislature did not appropriate money specifically for that purpose, the executive commissioner could, but would not be required to, implement the bill using other appropriations available for that purpose.

The bill would make certain conforming changes under current law.

The bill would take effect September 1, 2021.

**NOTES:**

According to the Legislative Budget Board, the bill would have a negative impact of about \$998,600 to general revenue through fiscal 2023.