

## **BILL ANALYSIS**

Senate Research Center  
87R16133 MM-F

C.S.S.B. 225  
By: Paxton  
Health & Human Services  
4/22/2021  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Millions of Texans must decide where to entrust the care of their children and to aid in this decision, the legislature directed the Health and Human Services Commission (HHSC) to provide a searchable database on its website. Yet after a tragic event, a family in our district was frustrated to learn license and registration numbers are associated with the address of the facility. So if the caregiver moves to a different address and receives a new license, then any past deficiencies or violations are unknown to the parent unless the caregiver chooses to provide all past license or registration numbers.

In order to best safeguard children, parents and guardians need complete and accurate information about caregivers and to that end, S.B. 225 makes certain past violations and deficiencies remain associated with the individual caregiver. S.B. 225 increases the number of years considered by HHSC from two year to five years when evaluating past violations, and adds that HHSC shall establish, by rule, standards for visual and auditory supervision of an infant engaged in tummy time which group day-care homes and listed and registered family homes must adhere to.

C.S.S.B. 225 amends current law relating to the regulation of certain child-care facilities and family homes.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 2 (Section 42.025, Human Resources Code) of this bill.

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 (Section 42.04291, Human Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Provides that this Act may be cited as Ellie's Law.

SECTION 2. Amends Section 42.025, Human Resources Code, as follows:

Sec. 42.025. SEARCHABLE DATABASE. (a) Requires the Health and Human Services Commission (HHSC) to permanently maintain on HHSC's Internet website a searchable database that lists each group day-care home and family home licensed, registered, or listed under Chapter 42 (Regulation of Certain Facilities, Homes, and Agencies That Provide Child-Care Services):

- (1) that previously had a license, registration, or listing under Chapter 42 involuntarily suspended or revoked; or
- (2) for which HHSC refused to renew a license, registration, or listing.

Deletes existing text requiring the Department of Family and Protective Services (DFPS) to maintain on DFPS's Internet website a searchable database that includes the name, the address, and any identification number, as applicable, of each family home registered or listed under Chapter 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 Chapter 42. Makes nonsubstantive changes.

(b) Requires that the database maintained under Subsection (a) include for each group day-care home and licensed or registered family home:

(1) the name of the facility;

(2) the address of the facility, including the county in which the facility is located;

(3) any identification number associated with the facility;

(4) the name of the sole proprietor or each partner who owns the child-care operation or, if the owner is a business entity, the name of each officer responsible for the management of the child-care operation as determined by the commissioner of DFPS (commissioner); and

(5) the year in which:

(A) the involuntary suspension or revocation of the facility's license, registration, or listing took effect or was final under Chapter 42; or

(B) HHSC refused to renew the facility's license, registration, or listing.

(c) Requires HHSC to include the name of each individual described by Subsection (b)(4) who is associated with the license, registration, or listing in any database entry made under this section.

(d) Creates this subsection from existing text and makes no further changes.

SECTION 3. Amends Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.04291, as follows:

Sec. 42.04291. SUPERVISION STANDARDS FOR INFANT DURING TIME SPENT ON STOMACH. Requires the executive commissioner of HHSC (executive commissioner) by rule to establish standards for the visual and auditory supervision of an infant engaged in time on the infant's stomach while awake. Requires that each group day-care home and listed and registered family home comply with the supervision standards.

SECTION 4. Amends Section 42.046, Human Resources Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires an applicant for a license to operate a child-care facility, child-placing agency, or continuum-of-care residential operation or for a listing or registration to operate a family home to submit to HHSC, rather than DFPS, the appropriate fee prescribed by Section 42.054 (Fees) and a completed application on a form provided by HHSC, rather than DFPS.

(a-1) Requires HHSC to 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 the name of the sole proprietor or each partner who owns the child-care operation or, if the owner is a

business entity, the name of each officer responsible for the management of the child-care operation as determined by the commissioner on the application form.

SECTION 5. Amends Section 42.048, Human Resources Code, by adding Subsection (a-1), to require HHSC to associate a license issued under Chapter 42 for a group day-care home with the applicant's name as stated in the applicant's license application.

SECTION 6. Amends Section 42.050(c), Human Resources Code, to increase from two years to five years the number of preceding years HHSC is required to evaluate when determining if all licensing requirements are met and whether a facility that submits an application for the renewal of a license has been cited for repeated violations or has established a pattern of violations.

SECTION 7. Amends Section 42.052, Human Resources Code, by adding Subsection (l), to require HHSC to associate a listing or registration of a family home issued under this chapter with the applicant's name as stated in the applicant's listing or registration application.

SECTION 8. Amends Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.0562, as follows:

Sec. 42.0562. INFORMATION REGARDING CERTAIN GROUP DAY-CARE HOME AND FAMILY HOME EMPLOYEES. (a) Requires HHSC to collect 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.

(b) Requires HHSC 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.

(c) Defines "license" and "licensing authority" for purposes of this section.

SECTION 9. Provides that the executive commissioner is required to implement this Act only if the legislature appropriates money for that purpose. Authorizes, but does not require, the executive commissioner, if the legislature does not appropriate money specifically for that purpose, to implement this Act using other appropriations available for the purpose.

SECTION 10. Effective date: September 1, 2021.