

BILL ANALYSIS

Senate Research Center
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S.B. 1849
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1849 seeks to reduce the risk of harm to children in schools, child-care, and juvenile justice facilities and to vulnerable adults in long-term care facilities by creating a search engine to pull information from connecting the databases of reportable conduct at the Texas Education Agency (TEA), the Texas Juvenile Justice Department (TJJD), the Health and Human Services Commission (HHSC), and the Department of Family and Protective Services' (DFPS) Central Registry of abuse and neglect findings to ensure that workers fired in one of these settings for reportable conduct cannot not gain employment in another setting.

Although some data sharing agreements are in place between these agencies, there is no centralized source of data to ensure providers who serve vulnerable populations do not hire "bad actors" with a demonstrated history of harming children or vulnerable adults. This presents a gap in the state's ability to protect these populations.

S.B. 1849 seeks to fill the gap by directing the Department of Information Resources to develop the Texas Interagency Reportable Conduct Search Engine, a centralized technology platform to search data registries within four state agencies – DFPS, HHSC, TEA and TJJD – that contain the list of individuals who have been determined to have engaged in abuse, neglect, exploitation or misconduct within school, long-term care, child care or juvenile justice settings.

S.B. 1849 also requires the licensed providers that serve vulnerable populations in schools, long-term care settings, child care and juvenile justice facilities to conduct a search of these registries when they are hiring applicants seeking employment in these facilities, and requires HHSC's Centralized Background Check Unit to include a search of these registries or databases when conducting background checks for applicants to child-care facility employment.

S.B. 1849 also directs agencies to adopt rules outlining bars to employment considerations and requirements. The bill aims to ensure that a worker who is listed in a database in one agency due to a finding of abuse, neglect, exploitation, or misconduct cannot apply and be hired in another setting regulated by a different agency with a separate database.

As proposed, S.B. 1849 amends current law relating to the establishment of an interagency child protection database.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 9, Health and Safety Code, by adding Subtitle D, as follows:

SUBTITLE D. CHILD SAFETY

CHAPTER 810. INTERAGENCY CHILD PROTECTION DATABASE

Sec. 810.001. DEFINITIONS. Defines "database," "department," "participating state agency," and "reportable conduct."

Sec. 810.002. APPLICABILITY. Provides that this chapter applies to the Department of Family and Protective Services (DFPS), the Health and Human Services Commission (HHSC), the Texas Education Agency (TEA), and the Texas Juvenile Justice Department (TJJD).

Sec. 810.003. ESTABLISHMENT OF DATABASE. (a) Requires the Texas Department of Information Resources (DIR), in collaboration with each participating state agency, to establish an interagency child protection database to compile and aggregate reportable conduct information maintained by certain state agencies.

(b) Requires DIR to ensure the database is machine-readable and accessible to each participating state agency and to other eligible persons in accordance with this chapter for the purpose of identifying individuals who may be ineligible for employment or licensure based on reportable conduct.

Sec. 810.004. ELIGIBILITY TO ACCESS DATABASE; USER CREDENTIALS. (a) Requires the executive head of each participating state agency to designate agency employees or contractors who are eligible to access information stored in the database to determine whether an individual has engaged in reportable conduct that makes the individual ineligible for:

(1) employment with the agency or an establishment licensed by the agency; or

(2) licensure by the agency in a profession that the agency regulates.

(b) Requires DIR and each participating state agency to collaborate to designate additional persons who are eligible, in addition to the eligible individuals described by Subsection (a), to access information stored in the database to determine whether an individual has engaged in reportable conduct that makes the individual ineligible for employment with the person. Requires the designated persons to include:

(1) licensed child-care providers, including child-care facilities licensed under Chapter 42 (Regulation of Certain Facilities, Homes, and Agencies, that Provide Child-Care Services), Human Resources Code;

(2) certain licensed long-term care providers;

(3) providers under a Section 1915(c) waiver program, as defined by Section 531.001 (Definitions), Government Code;

(4) county juvenile justice departments; and

(5) independent school districts and charter schools.

(c) Requires that a person's determination under Subsection (a) or (b) regarding the ineligibility of an individual for employment or licensure be based on standards authorized or required by law.

(d) Requires DIR and each participating state agency to develop a process to issue user credentials to each eligible person described by this section that authorizes the person to access information on reportable conduct stored in the database. Requires that the process require the revocation of user credentials for a person who is no longer eligible to access information stored in the database.

Sec. 810.005. INFORMATION STORED IN AND ACCESSIBLE THROUGH DATABASE. (a) Requires that the database information for each individual identified by a participating state agency as having engaged in reportable conduct, include the individual's full name, the individual's date of birth, the last four digits of the individual's social security number, a description of any reportable conduct in which the individual engaged, and the date on which the reportable conduct occurred.

(b) Provides that an individual who engaged in reportable conduct that requires the individual's inclusion in the database is not entitled to notice or an opportunity for a hearing before the individual's information is included in the database.

Sec. 810.006. MEMORANDUM OF UNDERSTANDING. Requires DIR and each participating state agency to enter into a memorandum of understanding to implement this chapter. Requires that the memorandum specify each agency's roles and duties with respect to establishing and maintaining the database.

Sec. 810.007. CONFIDENTIALITY. Provides that information in or obtained from the database, including documents, is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code.

SECTION 2. Requires DIR, as soon as practicable after the effective date of this Act, to collaborate with DFPS, HHSC, TEA, and TJJD to establish the interagency child protection database as required by Chapter 810, Health and Safety Code, as added by this Act.

SECTION 3. Effective date: September 1, 2023.