

BILL ANALYSIS

C.S.H.B. 781
By: Burkett
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties maintain that there is a need for increased oversight of substitute care providers by the Department of Family and Protective Services and for a greater awareness regarding the evaluation and training process required to be undertaken by these caregivers. The parties contend that the implementation of best practice standards and additional training requirements for potential caregivers would promote transparency and provide future caregivers with the knowledge needed to be a positive influence in the lives of the children they serve. C.S.H.B. 781 seeks to ensure that the welfare of children receiving substitute care services is properly monitored by individuals and organizations upholding a high standard of practice.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 781 amends the Human Resources Code to require a contract for residential child-care services provided by a general residential operation or by a child-placing agency to include provisions that enable the Department of Family and Protective Services (DFPS) to monitor the effectiveness of the services; specify performance outcomes; authorize DFPS to terminate the contract or impose sanctions for a violation of a contract provision that specifies performance criteria; authorize DFPS, an agent of DFPS, and the state auditor to inspect all contract-related books, records, and files maintained by a contractor; and are necessary, as determined by DFPS, to ensure accountability for the delivery of services and for the expenditure of public funds. The bill requires a DFPS contract with a private agency for the provision of substitute care or case management services for a child to include provisions that require the agency to provide access to the agency's information and records relating to the child to the child's attorney ad litem and guardian ad litem. The bill requires DFPS, in contracting with licensed child-placing agencies for residential child-care services, to determine and evaluate, using best practice standards, the home screening, assessment, and preservice training requirements used by substitute care providers before the verification and approval of caregivers, including the risk assessment evaluations used and the curriculum and models used and topics covered in caregiver training. The bill requires DFPS to publish the information collected by DFPS regarding the curriculum and training models used and topics covered during caregiver training by substitute care providers on DFPS's website.

C.S.H.B. 781 requires DFPS to include a provision in each contract with a child-placing agency

with whom children in the managing conservatorship of DFPS are placed that requires the child-placing agency to provide at least 35 hours of competency-based, preservice training to a potential caregiver before the child-placing agency verifies or approves the caregiver as a foster or adoptive home. The bill requires DFPS to adopt policies to ensure that each potential caregiver receives at least 35 hours of competency-based, preservice training before DFPS verifies or approves the caregiver as a foster or adoptive home.

C.S.H.B. 781 repeals Section 40.058(b-1), Human Resources Code, requiring a DFPS contract for the purchase of substitute care services to be procured using DFPS procurement procedures or procurement procedures approved by the executive commissioner of the Health and Human Services Commission that promote open and fair competition.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 781 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Sections 264.106(b) and (e), Family Code, are amended to read as follows:

(b) The department shall~~[-in accordance with Chapter 45, Human Resources Code]~~:

(1) assess the need for substitute care services throughout the state;

(2) contract with substitute care providers for the provision of all necessary substitute care services when the department determines that entering into a contract will improve services to children and families;

(3) monitor the quality of services for which the department contracts under this section;

(4) determine and evaluate, using best practice standards, the home screening, assessment, and preservice training requirements used by substitute care providers before the verification and approval of caregivers, including:

(A) risk assessment evaluations used; and

(B) the curriculum and models used and topics covered in caregiver training;

(5) publish on the department's Internet website the information collected by the department regarding the curriculum and training models used and topics covered during caregiver training by substitute care providers; and

(6) [(4)] ensure that the services are

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision. *(But see SECTIONS 1 and 2 below.)*

provided in accordance with federal law and the laws of this state, including department rules and rules of the Department of State Health Services and the Texas Commission on Environmental Quality.

(e) In addition to the requirements of Section 40.058(b), Human Resources Code, a contract authorized under this section must include provisions that:

(1) enable the department to monitor the effectiveness of the services;

(2) specify performance outcomes;

(3) authorize the department to terminate the contract or impose sanctions for a violation of a provision of the contract that specifies performance criteria;

(4) ensure that a private agency that is providing substitute care or case management services for a child shall provide to the child's attorney ad litem and guardian ad litem access to the agency's information and records relating to the child;

(5) authorize the department, an agent of the department, and the state auditor to inspect all books, records, and files maintained by a contractor relating to the contract;

(6) require each substitute care provider to provide at least 35 hours of competency-based, preservice training to potential caregivers before verifying or approving the caregiver; and

(7) [~~(6)~~] the department determines are necessary to ensure accountability for the delivery of services and for the expenditure of public funds.

No equivalent provision. (But see SECTION 1 above.)

SECTION 1. Section 40.058, Human Resources Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) A contract for residential child-care services provided by a general residential operation or by a child-placing agency must include provisions that:

(1) enable the department to monitor the effectiveness of the services;

(2) specify performance outcomes;

(3) authorize the department to terminate the contract or impose sanctions for a violation of a provision of the contract that specifies performance criteria;

(4) authorize the department, an agent of the department, and the state auditor to inspect all books, records, and files maintained by a contractor relating to the contract; and

(5) are necessary, as determined by the department, to ensure accountability for the delivery of services and for the expenditure of public funds.

(g) A contract with a private agency for the provision of substitute care or case management services for a child must include provisions that require the agency to provide access to the agency's information and records relating to the child to the child's attorney ad litem and guardian ad litem.

(h) In contracting with licensed child-placing agencies for residential child-care services, the department shall:

(1) determine and evaluate, using best practice standards, the home screening, assessment, and preservice training requirements used by substitute care providers before the verification and approval of caregivers, including:

(A) risk assessment evaluations used; and

(B) the curriculum and models used and topics covered in caregiver training; and

(2) publish on the department's Internet website the information collected by the department regarding the curriculum and training models used and topics covered during caregiver training by substitute care providers.

No equivalent provision. (But see SECTION 1 above.)

SECTION 2. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0537 to read as follows:

Sec. 42.0537. CAREGIVER TRAINING REQUIREMENT. (a) The department shall include a provision in each contract with a child-placing agency with whom children in the managing conservatorship of the department are placed that requires the child-placing agency to provide at least 35 hours of competency-based, preservice training to a potential caregiver before the child-placing agency verifies or approves the caregiver as a foster or adoptive home.

(b) The department shall adopt policies to ensure that each potential caregiver receives at least 35 hours of competency-based, preservice training before the department verifies or approves the caregiver as a foster or adoptive home.

No equivalent provision.

SECTION 3. Section 40.058(b-1), Human Resources Code, is repealed.

No equivalent provision.

SECTION 4. The preservice training requirement under Section 42.0537, Human Resources Code, as added by this Act, does not apply to an individual who was verified or approved as a caregiver by a substitute care provider before the effective date of this Act, to an individual who is in the process of being verified or approved as a caregiver by a substitute care provider on the effective date of this Act, or to an individual who has been designated as a kinship caregiver and who, on the effective date of this Act, is pursuing verification or licensure as a foster parent or approval as an adoptive parent with the Department of Family and Protective Services.

SECTION 2. This Act takes effect September 1, 2015.

SECTION 5. Same as introduced version.