

BILL ANALYSIS

C.S.H.B. 1682
By: Raney
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that the state's current standards on the number of children that one adult may supervise at a child-care facility is out of line with best practices and threatens both the safety and learning of children. Moreover, despite the noted importance of caregiver-child ratios in keeping children safe, the state does not keep or report adequate data on these ratios or on other child safety data points. C.S.H.B. 1682 seeks to provide for the enhanced collection and use of licensed day-care center child safety data.

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. 1682 amends the Human Resources Code to require the Health and Human Services Commission (HHSC), in collaboration with the Department of Family and Protective Services (DFPS) and using existing resources, to collect, compile, and publish on the HHSC website the following data aggregated by child age on reported incidents in licensed day-care centers that threaten or impair the basic health, safety, or welfare of a child:

- the number of incidents investigated by HHSC or DFPS and assigned the highest HHSC priority;
- the number of incidents investigated by HHSC or DFPS and assigned the second-highest HHSC priority;
- the number of violations;
- the number of confirmed serious injuries to children; and
- the number of child fatalities.

C.S.H.B. 1682 requires HHSC, during each monitoring inspection of a center, to collect for each group of children four years of age and younger in the center, using existing resources, the specified age of the children in the group, the number of children in the group, and the number of caregivers supervising the children in the group. "Group of children" and "specified age" are determined by the formula provided in the HHSC minimum standards for child-care centers.

C.S.H.B. 1682 requires HHSC to make the collected data available to persons researching the factors related to child injury, maltreatment, and death in licensed day-care centers on request

but specifies that HHSC is not required to comply with that requirement until January 31, 2020. The bill adds a temporary provision set to expire September 1, 2023, requiring the executive commissioner of HHSC, not later than January 1, 2021, to review that data and prepare and submit to the legislature a report that includes recommendations regarding modifications to the minimum standards by age group to enhance child safety.

C.S.H.B. 1682 requires HHSC, using existing resources, to provide an annual report to the legislature that includes certain specified information relating to the collected data.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1682 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute requires HHSC to work in collaboration with DFPS in collecting, compiling, and publishing the data. The substitute includes incidents investigated by DFPS among the incidents for which data is collected, compiled, and published and regarding which certain information is reported to the legislature. The substitute changes the requirement to collect, compile, and publish data on the number of incidents confirmed as serious to a requirement to collect, compile, and publish data on the number of violations.

The substitute does not include a requirement for the executive commissioner to review the collected data to determine whether to modify the minimum standards by age group to enhance child safety. The substitute includes a requirement for the executive commissioner instead to review that data and prepare and submit to the legislature a report that includes recommendations regarding such modifications.