

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1180
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas parents locating child care providers can utilize the Texas Department of Family and Protective Services (DFPS) searchable database online. The available data allows a person to locate providers that can best meet their needs and ensure settings are safe. However, the existing database is not currently statutorily mandated.

The limited information available does not allow parents to gain a comprehensive picture of provider performance, quality, and possible risk-factors. Additional improvements are needed to ensure Texas parents have the information needed to make well-informed and confident decisions about their child's daily care and ensure those charged with caring for children are safe.

Currently, individuals previously barred by the State of Texas from caring for children may reapply to become a child care provider after five years of revocation or suspension of license. However, an involuntary revocation or suspension of childcare licensure isn't required to appear on an individual's background check.

Also, providers whose license or registration is involuntarily revoked or suspended remain on the public website for only two years, when it is removed permanently. Parents should have detailed information about a child care providers' performance and compliance in order to make well-informed, appropriate, and safe decisions about their child's care.

This bill statutorily requires DFPS to establish the already operational searchable public database on the DFPS website that allows individuals to obtain information on residential child-care facilities, including family homes. Information regarding residential child-care facilities and homes must contain summary information for five previous years, including information on standards compliance, inspection results, and disciplinary actions imposed on a home. Finally, H.B. 1180 requires permanent notation upon reapplication if the individual's license was involuntarily revoked or suspended.

The substitute to the house bill expands what must be included on the database to the name, address, and identification number as applicable of each family home registered or listed that has had its registration or listing involuntarily suspended or revoked. The bill also broadens the cross-reference at the end of Subsection (a) to apply to a revocation or suspension that occurred under Chapter 42 (Regulation of Certain Facilities, Homes, and Agencies That Provide Child-Care Services) as opposed to only Section 42.072 (License, Listing, or Registration Denial, Suspension, or Revocation). Finally, the substitute broadens the transition language to require DFPS to place the information required by 42.025 for at least five years preceding the date the Act becomes effective.

C.S.H.B. 1180 amends current law relating to certain information included on a searchable database on the Department of Family and Protective Services' Internet website.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 42.025, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 42, Human Resources Code, by adding Section 42.025, as follows:

Sec. 42.025. SEARCHABLE DATABASE. (a) Requires 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 this chapter that previously had a registration or listing involuntarily suspended or revoked under this chapter 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 this chapter.

(b) Authorizes the executive commissioner of the Health and Human Services Commission to adopt rules as necessary to implement this section.

SECTION 2. Requires DFPS, not later than December 31, 2015, to include in a searchable database the information required by Section 42.025, Human Resources Code, as added by this Act, and the involuntary suspension and revocation information on a registered or listed family home for at last the five years preceding the date information is added to the database.

SECTION 3. Effective date: September 1, 2015.