

## **BILL ANALYSIS**

Senate Research Center

S.B. 225  
By: Paxton  
Health & Human Services  
5/31/2021  
Enrolled

### **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 years 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 to which group day-care homes and listed and registered family homes must adhere.

(Original Author's / Sponsor's Statement of Intent)

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 childcare 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) and amending Subsections (e) and (e-3), as follows:

(a-1) Requires 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.

(e) Deletes existing text providing that a license issued under Chapter 42 is not transferable and applies only to the operator and facility location stated in the license application. Deletes existing text creating exceptions under Subsections (e-1) (relating to providing that a change in location of a child-placing agency does not automatically revoke the license to operate the agency), (e-2) (relating to prohibiting a residential child-care facility that changes location from continuing to operate unless HHSC takes certain action), and (e-3) to the requirement that a change in location or ownership automatically revokes a license. Provides that a change in ownership automatically revokes a license. Makes conforming and nonsubstantive changes.

(e-3) Requires that a licensed child-care facility, rather than a school age program, that changes location inform HHSC regarding the new location before changing location. Deletes existing text providing that a change in location of a school-age program operated exclusively during the summer period or any other time when school is not in session does not automatically revoke the license to operate the school-age program. Makes conforming and nonsubstantive changes.

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 amending Subsection (f-2) and adding Subsection (l), as follows:

(f-2) Makes a conforming change to this subsection.

(l) Requires HHSC to associate a listing or registration of a family home issued under Chapter 42 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. Repealer: Section 42.048(e-1) (relating to providing that a change in location of a child-placing agency does not automatically revoke the license to operate the child-placing agency), Human Resources Code.

Repealer: Section 42.048(e-2) (relating to prohibiting a residential child-care facility operating under the license of a continuum-of-care residential operation that changes location from continuing to operate under that license), Human Resources Code.

SECTION 10. Provides that the executive commissioner is required to implement this Act only if the legislature appropriates money for that purpose. Provides that, if the legislature does not appropriate money specifically for that purpose, the executive commissioner is authorized, but is not required, to implement this Act using other appropriations available for the purpose.

SECTION 11. Effective date: September 1, 2021.