

BILL ANALYSIS

Senate Research Center
87R7819 MLH-F

S.B. 764
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current statute allows a childcare operation to stay open pending the appeal of a revocation or refusal to renew a license unless the Child Care Regulation (CCR) department within the Health and Human Services Commission (HHSC) determines that the operation poses a risk to the health or safety of children.

Statute currently does not include "suspension" as a type of adverse action for which an operation may stay open pending appeal. This is due to the fact that CCR will most likely suspend a permit if the agency has determined that the operation poses a serious risk to the health or safety of children.

Despite legislation during the 82nd Legislative Session to explicitly prohibit an operation from staying open pending the appeal of a denial, a district judge recently issued an injunction allowing an operation to stay open pending the appeal of a denial.

This legislation ultimately adds a clarification that a child care operation cannot continue to operate during the appeal of a suspension or denial of a license, certification, registration or listing. This is to ultimately ensure safety of children in those facilities until the appeal is resolved.

As proposed, S.B. 764 amends current law relating to the operation of certain child-care facilities during an appeal of a suspension or denial of a license, certification, registration, or listing.

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 Section 42.072, Human Resources Code, by adding Subsection (d-1), to prohibit a person from operating a facility or family home during an appeal of a suspension or denial of a license, certification, registration, or listing.

SECTION 2. Effective date: September 1, 2021.