

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 1238  
By: Moncrief  
Health & Human Services  
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As Filed

### **DIGEST AND PURPOSE**

As proposed, S.B. 1238 requires the Department of Protective and Regulatory Services to establish and maintain a registry of child-care providers who meet certain requirements. The registry voluntarily registers nannies, baby-sitters, and au pairs and maintains information regarding an individual's criminal history and educational history with regard to shaken baby syndrome.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of Protective and Regulatory Services in SECTION 1 (Section 41.010, Human Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 2D, Human Resources Code, by adding Chapter 41, as follows:

#### **CHAPTER 41. CHILD-CARE REGISTRY**

Sec. 41.001. DEFINITIONS. Defines "child-care provider," "registered child-care provider" and "registry."

Sec. 41.002. CREATION. Requires the Department of Protective and Regulatory Services (department) to establish and maintain a registry of child-care providers who meet the requirements of this chapter.

Sec. 41.003. ADMINISTRATION OF CHAPTER. Requires the department to make rules, employ sufficient personnel, and provide training for the personnel to carry out the provisions of this chapter. Requires the department to also provide standard forms for applications and for the submission of fingerprints.

Sec. 41.004. APPLICATION PROCEDURE. Requires an applicant for registration in the registry to submit certain items to the department. Requires the application for registration to provide certain information. Requires the department, after receiving the application, fingerprints, and fee as provided by this section, to complete the background and criminal history check required by Section 41.005. Requires an applicant to obtain the sets of fingerprints from an agency authorized by law to take fingerprints. Authorizes the agency providing the fingerprints to charge a reasonable fingerprinting fee.

Sec. 41.005. BACKGROUND AND CRIMINAL HISTORY CHECKS. Requires the department to conduct a background and criminal history check on an applicant using certain information. Requires the background and criminal history check to be complete and the application for registration accepted or denied not later than two months after the date the department received the application.

Sec. 41.006. DENIAL OF APPLICATION FOR REGISTRATION. Requires the

department to deny the application for registration in the registry under certain conditions. Authorizes the department to make provisions governing the right of appeal by an applicant from the denial of an application for registration under this section.

Sec. 41.007. REGISTRATION. Requires the department, if it determines that no grounds exist to deny the person's application under Section 41.006, to register the applicant and notify the applicant of the registration. Provides that a registration remains valid until revoked or surrendered.

Sec. 41.008. REVOCATION OF REGISTRATION. Requires the department to revoke the registration of a registered child-care provider under certain conditions. Requires the child-care provider's listing as a registered child-care provider, if the department revokes the registration, to be removed from the registry.

Sec. 41.009. UPDATE OF REGISTRY. Requires the department to continually update the registry to reflect criminal convictions and substantiated child abuse information concerning registered child-care providers.

Sec. 41.010. FEES. Requires the department, by rule, to require an applicant to pay to the department a fee in an amount not to exceed the administrative costs the department incurs in conducting a background and criminal history check under Section 41.005. Requires fees authorized by this chapter and received by the department to be deposited in the general revenue fund.

Sec. 41.011. INFORMATION PROVIDED. Authorizes an individual to receive information about a registered child-care provider from the department if the individual provides certain information identifying the registered child-care provider to the department. Requires the information provided by the department about a registered child-care provider to include certain items.

Sec. 41.012. TOLL-FREE TELEPHONE NUMBER. Requires the department to provide a toll-free telephone number for use by the public to obtain access to registry information. Authorizes a caller to inquire whether an individual is a registered child-care provider and receive the information available under Section 41.011.

Sec. 41.013. PROMOTION OF REGISTRY. Requires the department to develop a plan to publicize the availability, benefits, and methods of accessing the registry and to distribute applications for registration.

Sec. 41.014. ACCESS TO REGISTRY. Requires the department to prepare and maintain a written plan that describes how persons who do not speak English can be provided reasonable access to the registry.

Sec. 41.015. REFERRAL BY PRIVATE EMPLOYMENT AGENCY. Requires a private employment agency to only refer for employment as a child-care provider an individual who is a registered child-care provider under this chapter.

SECTION 2. Amends Section 411.114(a)(2), Government Code, to require the Department of Protective and Regulatory Services to obtain from the Department of Public Safety of the State of Texas (department) criminal history record information maintained by the department that relates to a person who is an applicant for registration or is registered in the child-care registry under Chapter 41 (Child-Care Registry), Human Resources Code.

SECTION 3. Effective date: September 1, 2001.