

## **BILL ANALYSIS**

Senate Research Center  
78R3733 KEG-F

S.B. 1194  
By: Carona  
Health & Human Services  
3/24/2003  
As Filed

### **DIGEST AND PURPOSE**

Current Texas law provides the licensing and regulation standards for child-care facilities. As proposed, S.B. 1194 requires any person who operates a child care institution or facility to be licensed and would eliminate alternative accreditation options for these entities.

### **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 42.001, Human Resources Code, to delete existing text requiring child-care facilities to be regulated by alternative accreditation bodies.

SECTION 2. Amends Sections 42.002(4)-(11), Human Resources Code, to redefine “child-care institution,” “foster group home,” “foster home,” “day-care center,” “group day-care home,” “family home,” “agency foster group home,” and “agency foster home.”

SECTION 3. Amends the heading to Section 42.041, Human Resources Code, to read as follows:

Sec. 42.041. REQUIRED LICENSE.

SECTION 4. Amends Sections 42.041 (a), (b), and (d), as follows:

- (a) Deletes existing text relating to a certificate to operate a child-care facility.
- (b) Adds new language to provide that this section does not apply to certain entities.
- (d) Makes a conforming change.

SECTION 5. Amends Section 42.042, by adding Subsection (j-1), to authorize the Texas Department of Human Services (TDHS) to grant a variance of an individual standard prescribed in the applicable standards for good and just cause.

SECTION 6. Amends Sections 42.046(c) and (d), Human Resources Code, to make a nonsubstantive change.

SECTION 7. Amends Section 42.048, Human Resources Code, by adding Subsection (e-1), to authorize a licensed child-placing agency that maintains an office location at which no children reside to change the office location without automatically revoking the agency’s license under Subsection (e) if the child-placing agency provides TDHS with written notice of the proposed relocation before the relocation occurs.

Section 8. Amends Section 42.0522(a), Human Resources Code, to delete language in text relating to a provision regarding a public advertisement.

SECTION 9. Amends Section 42.071(a), Human Resources Code, to delete existing text relating to the suspension of a license.

SECTION 10. Amends Section 42.072(c), Human Resource Code, to add new language prohibiting certain individuals from applying for a license.

SECTION 11. Amends Section 42.076(a), Human Resource Code, to make a conforming change.

SECTION 12. Amends Section 42.077(d), Human Resources Code, to add new language relating to a notification by mail that a license, listing, or registration is revoked or suspended.

SECTION 13. Amends the heading to Section 43.003, Human Resources Code, to read as follows:

Sec. 43.003. LICENSE REQUIRED.

SECTION 14. Amends Section 43.003(c), Human Resources Code, to provide that an individual is not required to have a child-care administrator license to serve as a child-care administrator for an agency foster home or an agency foster group home. Deletes current language regarding eligibility of a person to serve as a child-care administrator of a child-care institution.

SECTION 15. Repealer:

- (1) Section 42.0431(c), Human Resources Code (Enforcement of Screening Requirements Relating to Vision, Hearing, and other Special Senses and Communication Disorders);
- (2) Section 42.048(c), Human Resources Code (Licensing);
- (3) Section 42.0505, Human Resources Code (Renewal of License);

and

- (4) Chapter 42E, Human Resources Code.

SECTION 16. Effective date: September 1, 2003.