

BILL ANALYSIS

Senate Research Center
86R33258 MM-F

C.S.H.B. 4090
By: Noble (Kolkhorst)
Health & Human Services
5/19/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Section 42.048, Human Resources Code, the licenses of facilities considered "child care operations" are automatically revoked if the child care operation changes locations. This includes school age programs (SAPs), even those that operate as few as two hours a day, three days a week during the summer when school is not in session. Examples of summer school age programs include district summer camps and even some Head Start programs.

H.B. 4090 would create an exemption of an automatic license revocation for school age programs that operate exclusively in the summer period, or any other time when school is not in session.

This exemption will reduce the rigorous process on the SAP to apply for a new license, and reduce workload for Child Care Licensing staff, who are responsible for approving applications and conducting inspections before approval.

However, the SAP must still alert the Department of Family and Protective Services (DFPS) of the new location. And DFPS would still have to grant approval to the SAP before the SAP can begin programming in the new location.

The bill unanimously passed the House and there is no known opposition. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 4090 amends current law relating to the licensing of certain school-age programs that provide child-care services.

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 42.048, Human Resources Code, by amending Subsections (a), (b), (c), (e), and (f) and adding Subsections (e-1), (e-2), and (e-3), as follows:

- (a) Requires the Health and Human Services Commission (HHSC), rather than the Department of Family and Protective Services (DFPS), to issue a license after determining that an applicant has satisfied all requirements.
- (b) Authorizes HHSC, rather than DFPS, when issuing a license, to impose restrictions on a facility, including the number of children to be served and the type of children to be served.
- (c) Authorizes HHSC, rather than DFPS, to grant a variance of an individual standard set forth in the applicable standards for good and just cause.

(e) Provides that, except as provided by Subsections (e-1), (e-2), and (e-3), rather than except as provided by this subsection, a change in location or ownership of certain child-care facilities and programs automatically revokes a license.

(e-1) Creates this subsection from existing text of Subsection (e) and makes no further changes.

(e-2) Creates this subsection from existing text of Subsection (e). Prohibits 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 unless HHSC, rather than DFPS, approves the new location after the continuum-of-care residential operation meets all requirements related to the new location.

(e-3) Provides 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. Prohibits a school-age program that changes location from operating at the new location unless HHSC approves the new location after the school-age program meets all requirements related to the new location.

(f) Requires a license to be issued if HHSC, rather than DFPS, determines that a facility meets all requirements.

SECTION 2. Effective date: September 1, 2019.