



## Bills that Require Residential Child Care Operations to Comply by September 1, 2023

Please review the first column to confirm if the bill requirements apply to your operation type

Bill Number and Operation Types	Bill Summary and Implementation Tasks	How to Comply	When to Comply
<p><a href="#">HOUSE BILL 2969</a></p> <p>This law applies to:</p> <ul style="list-style-type: none"> <li>• Child-Placing Agencies</li> <li>• Adoptive Homes</li> </ul> <p><i>Effective 9/01/2023</i></p>	<p><b>Summary</b> Adds Section 162.604 to the Family Code, which:</p> <ul style="list-style-type: none"> <li>• Prohibits CPAs from having a policy that sets a maximum age for any prospective adoptive parents;</li> <li>• Prohibits CPAs from setting a maximum age differential between a child and any prospective adoptive parent; and</li> <li>• Allows a CPA to consider the health and expected lifespan of each prospective adoptive parent when determining the best interest of a child.</li> </ul> <p><b>Rule Changes</b> CCR will propose relevant rule amendments in 26 TAC Chapter 749.</p>	<p>Beginning 09/01/23, CPA's will no longer be permitted to place maximum age restrictions on adoptive parents or set a maximum age differential between a child and any prospective adoptive parent. CPA's will be allowed to consider the health and expected lifespan of each prospective adoptive parent when determining the best interest of a child. A provider communication will be sent out to further explain these updates.</p> <p>Until rules are adopted, CCR staff will monitor for compliance with this statute and answer questions and provide operations with technical assistance upon request.</p>	<p>09/01/2023</p>

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<p><a href="#">SENATE BILL 29</a></p> <p>This law applies to:</p> <ul style="list-style-type: none"> <li>• General Residential Operations</li> <li>• Child-Placing Agencies</li> <li>• Agency Foster Homes</li> <li>• Licensed Child-Care Centers</li> <li>• School-Age Programs</li> <li>• Before and After-School Programs</li> <li>• Licensed Child-Care Homes</li> <li>• Registered Child-Care Homes</li> <li>• Listed Family Homes</li> <li>• Small Employer-Based Child Care</li> <li>• Temporary Shelter Child-Care Programs.</li> </ul> <p><i>Effective 09/01/2023</i></p>	<p><b>Summary</b></p> <p>Adds new Chapter 81B to the Health and Safety Code, which:</p> <ul style="list-style-type: none"> <li>• Prohibits specific governmental entities from imposing mask, vaccine, and closure mandates for coronavirus preventative measures at a private business, public schools, open-enrollment charter schools, or private schools.</li> </ul> <p><b>Rule Changes and Technical Assistance</b></p> <p>CCR will not need to make any rule changes because CCR rules on vaccinations simply refer to DSHS rules. However, if DSHS updates rules, CCR will update Technical Assistance boxes in the Minimum Standards publications.</p> <p>In addition, CCR will continue to defer to the local or state health authority regarding how to manage communicable diseases in regulated operations.</p>	<p>If your operation is a governmental entity as defined in the new statute, you must follow the new law beginning 09/01/2023.</p> <p>If your operation is not a governmental entity, you do not need to take any action to comply.</p>	<p>09/01/2023, if your operation is a governmental entity.</p>
<p><a href="#">SENATE BILL 510</a></p> <p>This law applies to:</p>	<p><b>Summary</b></p> <p>Adds Government Code Section 552.11765, which makes certain</p>		

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<ul style="list-style-type: none"> <li>• General Residential Operations</li> <li>• Child-Placing Agencies</li> <li>• Child-Care Administrators</li> <li>• Child-Placing Agency Administrators</li> <li>• Listed Family Homes</li> <li>• Registered Child-Care Homes</li> <li>• Licensed Child-Care Homes Licensed Child-Care Centers</li> <li>• Small Employer-Based Child Care</li> <li>• Temporary Shelter Care</li> </ul> <p><i>Effective 09/01/2023</i></p>	<p>personal information confidential and not available for public release for the following persons:</p> <ul style="list-style-type: none"> <li>• An applicant for a permit;</li> <li>• An applicant for an administrator’s license;</li> <li>• A person who currently holds or previously held a permit; and</li> <li>• A person who currently holds or previously held an administrator’s license.</li> </ul> <p>The following is the personal information for a governing body or administrator that will not be releasable, once the bill is implemented:</p> <ul style="list-style-type: none"> <li>• Home address (unless it is the same as the operation location address)</li> <li>• Home telephone number (unless it is the same phone number as the operation)</li> <li>• Electronic mail address (unless it is the same email address as the operation)</li> <li>• Social security number (except for the last four digits for</li> </ul>		

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	<p>employment verification/misconduct check)</p> <ul style="list-style-type: none"> <li>• Date of birth</li> <li>• Driver 's license number</li> <li>• State identification number</li> <li>• Passport number</li> <li>• Emergency contact information</li> <li>• Payment information.</li> </ul> <p><b>Processing Requests for Information</b> Beginning 09/01/2023, any requests for information that is considered to be confidential will automatically be withheld from public release.</p> <p><b>Ensuring Confidential Information is Not on Documents an Operation is Required to Post</b> CCR staff will take steps to ensure that permits, forms, or letters that CCR creates and the operation must post does not include confidential information.</p> <p><b>Form Changes</b> CCR updated <a href="#">Form 2911, Child-Care Licensing Governing Body/Director Designation</a> to add language advising</p>		

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	<p>the person completing the form to not provide a home address for the governing body.</p> <p><b>Rule Changes</b> CCR will propose relevant rule changes to 26 TAC Chapter 745 to list the confidentiality requirements. During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> <li>• You have the opportunity to comment on proposed rule changes; and</li> <li>• Rules are adopted and will be effective.</li> </ul> <p><b>Public Website Changes (Licensed Administrators only)</b> Contact information listed on the Licensed Administrator Directory on the Search Texas Child Care site no longer includes confidential information.</p>		
<p><a href="#">SENATE BILL 1469</a></p> <p>This law applies to:</p>	<p><b>Summary</b> Adds Human Resource Code Section 42.0563 requiring applicants seeking employment in certain child-care operations to complete and submit to the</p>	<p>Beginning 09/01/2023, the operation types listed in the first column must:</p> <ul style="list-style-type: none"> <li>• Ensure applicants complete and submit to you the pre-employment</li> </ul>	<p>09/01/2023</p>

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<ul style="list-style-type: none"> <li>• General Residential Operations</li> <li>• Licensed Child-Care Centers</li> <li>• School-Age Programs</li> <li>• Before and After-School Programs</li> <li>• Licensed Child-Care Homes</li> <li>• Registered Child-Care Homes</li> </ul> <p><i>Effective 09/01/2023</i></p>	<p>operation a pre-employment affidavit for the purpose of disclosing any charge, adjudication or conviction related to having an inappropriate relationship with a minor. For any charges listed, the applicant must indicate whether it was determined to be true or false.</p> <p>When completing the affidavit, applicants must use a form developed by CCR.</p> <p>An applicant may be employed at the operation based on a disclosed charge if the operation determines that the charge was false.</p> <p>Operations may terminate an employee's employment if the operation determines that the employee failed to disclose information required by the affidavit.</p> <p><b>Rule Changes</b> CCR will propose relevant rule amendments to 26 TAC Chapters 744, 745, 746, 747, and 748.</p> <p>During the rule revision process, CCR will email you to notify you when:</p>	<p>affidavit using <i>Form 2912 Pre-Employment Affidavit for Applicants for Employment at Certain Child-Care Operations</i>; and</p> <ul style="list-style-type: none"> <li>• Retain the form in the employee's personnel file.</li> </ul> <p><a href="#">Form 2912</a> is available on the HHSC Public Website.</p> <p>The affidavit requirement applies only to individuals who are hired as employees on or after 09/01/2023.</p> <p>This new requirement is in addition to requirement that applicants must complete <a href="#">Form 2985</a>, Affidavit for Applicants for Employment with a Licensed Operation or Registered Child-Care Home. Therefore, applicants for employment must now complete two affidavits.</p> <p><b>Technical Assistance</b> CCR has created a TA document, titled <i>Pre-Employment Affidavit for Applicants for Employment at Certain Child Care Operations - How Can I Determine if a Criminal Charge is False</i>, to aid providers in meeting new bill</p>	

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	<ul style="list-style-type: none"> <li>• You have the opportunity to comment on proposed rule changes; and</li> <li>• Rules are adopted and will be effective.</li> </ul>	requirements. This document will be accessible in the <a href="#">TA library</a> on 9/1/23.	

## Bills that May Impact Your Operation but Only CCR Must Take Action to Implement

*Please review the first column to confirm if the bill applies to your operation type*

Bill Number and Operation Types	Bill Summary
<p><a href="#">HOUSE BILL 4170</a></p> <p>This law applies to:</p> <ul style="list-style-type: none"> <li>• Child-Care Administrators</li> <li>• Child-Placing Agency Administrators</li> </ul> <p><i>Effective 09/01/2023</i></p>	<p><b>Summary</b></p> <p>Amends Human Resources Code (HRC) Section 42.010 to:</p> <ul style="list-style-type: none"> <li>• Prohibit a person from reapplying whose license is refused renewal is not eligible to apply for another administrator license for five years from the date when HHSC Commission refused to renew the person’s administrator license; and</li> <li>• Repeals HRC Section 43.011 (Appeals) because the content of how an administrator appeals an HHSC decision is covered by 43.0106 (Administrative Hearing).</li> </ul>



Bill Number and Operation Types	Bill Summary
<p><a href="#">HOUSE BILL 4696</a></p> <p>This law applies to:</p> <ul style="list-style-type: none"> <li>• General Residential Operations</li> <li>• Child-Placing Agencies</li> <li>• Agency Foster Homes</li> <li>• Adoptive Homes</li> </ul> <p><i>Effective 09/01/2023</i></p>	<p><b>Summary</b></p> <p>Amends Section 261.005 of the Family Code to:</p> <ul style="list-style-type: none"> <li>• Transfer investigations of abuse, neglect, and exploitation of an elderly person or an adult with a disability who resides in a residential child-care facility from The Department of Family and Protective Services (DFPS) to the Health and Human Services Commission's Long-Term Care Regulation Department; and</li> <li>• amend requirements related to the on-site investigation and survey of certain other providers by the Health and Human Services Commission's Long-Term Care Regulation Department.</li> </ul> <p>An adult with a disability is defined as a person:</p> <ul style="list-style-type: none"> <li>• With a mental, physical, or intellectual or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection; and</li> <li>• Who is 18 years of age or older.</li> </ul> <p>An elderly person is defined as a person 65 year of age or older.</p> <p><b>Rule Changes</b></p> <p>CCR will propose relevant rule amendments to the following chapters in 26 TAC: Chapters 745, 748, and 749.</p> <p>During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> <li>• You have the opportunity to comment on proposed rule changes; and</li> <li>• Rules are adopted and will be effective.</li> </ul>

Bill Number and Operation Types	Bill Summary
<p><a href="#">SENATE BILL 422</a></p> <p>This law applies to:</p> <ul style="list-style-type: none"> <li>• Child-Care Administrators</li> <li>• Child-Placing Agencies Administrators</li> </ul> <p><i>Effective 09/01/2023</i></p>	<p><b>Summary</b></p> <p>Amends Occupations Code Sections 55.004, 55.0041, and 55.005 to require the Health and Human Services Commission to:</p> <ul style="list-style-type: none"> <li>• Recognize an equivalent out-of-state administrator license for a military member and a military spouse by 09/01/2023;</li> <li>• Allow a military member with an equivalent out-of-state administrator license to serve as an administrator without obtaining the applicable license if the equivalent out-of-state license is currently in good standing for a period not to exceed three years from the date confirmation was received;</li> <li>• Allow a military spouse with an equivalent out-of-state administrator license may continue to serve as administrator without a license for a time period not to exceed three years after confirmation was received in the event of a divorce or similar event that affects the spouse’s military status; and</li> <li>• Process an administrator licensing application and issue a license no later than 30 days from the date of application receipt for a military member, military spouse or military veteran who hold an equivalent out-of-state administrator license.</li> </ul>
<p><a href="#">SENATE BILL 593</a></p> <p>This law applies to:</p> <ul style="list-style-type: none"> <li>• Child-Placing Agencies</li> <li>• General Residential Operations</li> <li>• Agency Foster Homes</li> <li>• Adoptive Homes</li> </ul> <p><i>Effective 09/01/2023</i></p>	<p><b>Summary</b></p> <p>Adds Section 42.027 to the Human Resource Code, which requires:</p> <ul style="list-style-type: none"> <li>• By 03/31/2024, Health and Human Services Commission (HHSC) to contract with an independent entity to conduct an assessment of HHSC and the Department of Family and Protective Services (DFPS) rules, HHSC minimum standards, and DFPS contract requirements that apply to child-placing agencies and residential child-care facilities including, agency foster homes, relative caregivers, and adoptive homes;</li> <li>• By 09/30/2024, the contractor to submit a report that includes assessment and recommendations for: <ul style="list-style-type: none"> <li>○ Simplifying the minimum standards;</li> <li>○ Adjusting the system for assigning weights to minimum standards;</li> <li>○ Taking into consideration the model licensing standards recommended by the U.S. Health and Human Services Administration for Children and Families;</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>○ Addressing HHSC and DFPS requirements that are barriers to retaining high-quality facilities;</li> <li>○ Providing flexibility in applying minimum standards;</li> <li>○ Defining HHSC and DFPS’s roles in regulation and oversight, including eliminating duplicate functions; and</li> <li>○ Promoting transparency and clarity of HHSC and DFPS expectations.</li> <li>● HHSC must publish a copy of the contractor’s report on the HHSC website.</li> <li>● No later than the 90<sup>th</sup> day after the date HHSC receives the contractor’s report, HHSC and DFPS must complete a report that: <ul style="list-style-type: none"> <li>○ Describes HHSC’s and DFPS’s plan to implement the contractor’s recommendations; and</li> <li>○ Justification for not implementing any recommendation HHSC or DFPS will not implement.</li> <li>○ In addition, the statute requires the contractor to solicit and consider the input of relevant stakeholders, including those affected by HHSC rules and minimum standards, DFPS rules, and DFPS contract requirements that apply to child-placing agencies, general residential operations, foster homes, relative caregivers, and adoptive parents.</li> </ul> </li> </ul> <p>In addition, the statute requires the contractor to solicit and consider the input of relevant stakeholders, including those affected by HHSC rules and minimum standards, DFPS rules, and DFPS contract requirements that apply to child-placing agencies, general residential operations, foster homes, relative caregivers, and adoptive parents.</p>

Bill Number and Operation Types	Bill Summary
<p><a href="#">SENATE BILL 1849</a></p> <p>This law applies to:</p> <ul style="list-style-type: none"> <li>• Listed Family Homes</li> <li>• Registered Child-Care Homes</li> <li>• Licensed Child-Care Homes Licensed Child-Care Centers</li> <li>• Small Employer Based Child Care</li> <li>• Temporary Shelter Care</li> <li>• General Residential Operations</li> <li>• Child-Placing Agencies</li> <li>• Agency Foster Homes</li> <li>• Adoptive Homes</li> <li>• Child-Care Administrators</li> <li>• Child-Placing Agency Administrators</li> </ul> <p><i>Effective 09/01/23</i></p>	<p><b>Summary</b></p> <p>Amends Title 9, Health and Safety Code, by adding Subtitle D, amends Section 253.010, Health and Safety Code and Section 42.159(c), Human Resources Code, to require the Department of Information Resources (DIR) to create a name-based Interagency Reportable Conduct Search Engine that will generate results from information pulled from HHSC, DFPS, TJJD, and TEA. The results will include names of individuals who have engaged in reportable conduct, which is a final determination that an individual engaged in abuse, neglect, exploitation, or misconduct. Each agency will develop rules to determine whether a person on the search engine is ineligible for employment, a volunteer position, a contract with the agency, or a permit with the agency. If an agency does not enter into a contract or issue a permit to an individual based on the individual's inclusion in the search engine, the agency must notify the individual and may provide the individual with a hearing regarding an individual's ineligibility. The bill also requires HHSC/CCR to use the search engine and information provided by TJJD under an MOU when conducting background checks.</p> <p>CCR will participate in DIR's development of the search engine.</p> <p>The timeline for CCR to develop rules to begin including this as a type of background check to determine eligibility to be present at a child-care operation is to be determined.</p>

## Bills that May Impact Your Operation but do Not Impact CCR’s Regulation of Your Operation

*Please review the first column to confirm if the bill requirements apply to your operation type*

Bill Number and Operation Types	Bill Summary
<p><a href="#">HOUSE BILL 1905</a></p> <p>This law applies to:</p> <ul style="list-style-type: none"> <li>• General Residential Operations</li> <li>• Licensed Child-Care Centers</li> <li>• School-Age Programs</li> <li>• Before and After-School Programs</li> <li>• Licensed Child-Care Homes</li> <li>• Registered Child-Care Homes</li> </ul> <p><i>Effective 09/01/2023</i></p>	<p><b>Summary</b></p> <p>Amends Chapter 37 of the Education Code to:</p> <ul style="list-style-type: none"> <li>• Allow school districts to provide school safety training courses at no cost to the employees of accredited private schools, certain child-care operations, and other organizations providing out-of-school time care to children.</li> </ul>

Bill Number and Operation Types	Bill Summary
<p><a href="#">SENATE BILL 780</a></p> <p>This law applies to:</p> <ul style="list-style-type: none"> <li>• Child-Placing Agencies that: <ul style="list-style-type: none"> <li>○ Agree to serve as a designated emergency infant care provider; and</li> <li>○ Have a licensed registered nurse on staff or provides emergency medical services</li> </ul> </li> </ul> <p><i>Effective 09/01/2023</i></p>	<p>Amends Texas Family Code Sections 262.301 and 262.302 (Baby Moses Law) and adds Texas Family Code Section 262.3025 to:</p> <ul style="list-style-type: none"> <li>• Allow certain fire departments to act as emergency infant care providers;</li> <li>• Allow a designated emergency infant care provider to, without a court order, take possession of a child who appears to be 60 days old or younger, if the parent leaves the child with an employee of the provider or places the child in a newborn safety device and does not express intent to return for the child;</li> <li>• Allow a designated emergency infant care provider to place a newborn safety device inside the provider's facilities to take possession of a child and;</li> <li>• If a designated emergency infant care provider uses a newborn safety device, outline the requirements for the location, use, and maintenance of the safety device.</li> </ul>