

CHAPTER 1081

S.B. No. 1162

AN ACT

relating to the regulation of child-care facilities.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subsection (f), Section 42.049, Human Resources Code, is amended to read as follows:

f) A ~~biennial~~ license must be issued if the division determines that a facility meets the requirements. The evaluation shall be based on *one or more* ~~[a specified number of]~~ visits to the facility and a review of ~~[all]~~ required forms and records. *A license is valid until revoked or surrendered.*

SECTION 2. Section 42.071, Human Resources Code, is amended to read as follows:

Sec. 42.071. LICENSE SUSPENSION, EVALUATION, OR ~~[AND]~~ PROBATION. (a) The division may suspend the license of a facility that has temporarily ceased operation if the facility has definite plans for starting operations again within the time limits of the issued license.

(b) The division may suspend a facility's license for a definite period rather than deny or revoke the license if the division finds repeated noncompliance with standards that do not endanger the health and safety of children. To qualify for license suspension under this subsection, a facility must suspend its operations and show that standards can be met within the suspension period.

(c) *If the division finds a facility is in repeated noncompliance with standards that do not endanger the health and safety of children, the division may schedule the facility for evaluation or probation rather than suspend or revoke the facility's license. The division shall provide notice to the facility of the evaluation or probation period of the items of noncompliance not later than the 10th day before the evaluation or probation period begins. The division shall designate a period of not less than 30 days during which the facility will remain under evaluation. During the evaluation or probation period, the facility must correct the items that were in noncompliance and report the corrections to the division for approval [The division may place a facility on probation for a definite period not to extend beyond the expiration date of the license rather than suspend or revoke the license. The division may revoke the license of a facility during the probationary period if the facility does not meet the conditions of probation].*

(d) The division shall revoke the license of a facility that does not comply with standards at the end of a license suspension ~~[or probation]~~.

*(e) The division may suspend or revoke the license of a facility that does not correct items that were in noncompliance or that does not comply with required standards within the applicable evaluation or probation period.*

SECTION 3. Section 42.050, Human Resources Code, is repealed.

SECTION 4. This Act takes effect September 1, 1987.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 4, 1987, by a viva-voce vote. Passed the House on May 22, 1987, by a non-record vote.

Approved June 18, 1987.

Effective Sept. 1, 1987.