

By: Middleton, Johnson

S.B. No. 1383

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of referral agencies for senior living communities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 121 to read as follows:

CHAPTER 121. REFERRAL AGENCIES FOR SENIOR LIVING COMMUNITIES

Sec. 121.001. DEFINITIONS. In this chapter:

(1) "Referral agency" means an entity that provides referrals to senior living communities for a fee collected from a consumer or community. The term does not include:

(A) a senior living community or its employees;
or

(B) a resident, resident's family member, or patron of a senior living community who refers a consumer to the community regardless of any discount or other remuneration the community pays to that individual.

(2) "Senior living community" means an adult foster care facility, life care facility, assisted living facility licensed under Chapter 247, Health and Safety Code, retirement home, memory care facility, retirement village, home for the aging, or other facility that provides shelter, food, social activities, or other personal services specifically for elderly individuals.

Sec. 121.002. COMPENSATION. A written contract executed

between a referral agency and a senior living community may provide for the senior living community to pay compensation to the referral agency, including by providing to the referral agency:

(1) a lump sum for all referrals made in a specified period;

(2) a fee for each referral based on the cost of rent and care the referred consumer receives; or

(3) a fixed fee for each referral.

SECTION 2. Section 102.005, Occupations Code, is amended to read as follows:

Sec. 102.005. APPLICABILITY TO CERTAIN ENTITIES. Section 102.001 does not apply to:

(1) a licensed insurer;

(2) a governmental entity, including:

(A) an intergovernmental risk pool established under Chapter 172, Local Government Code; and

(B) a system as defined by Section 1601.003, Insurance Code;

(3) a group hospital service corporation;

(4) a health maintenance organization that reimburses, provides, offers to provide, or administers hospital, medical, dental, or other health-related benefits under a health benefits plan for which it is the payor; ~~or~~

(5) a health care collaborative certified under Chapter 848, Insurance Code; or

(6) a referral agency as defined by Section 121.001, Business & Commerce Code.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2025.