

BILL ANALYSIS

S.B. 186
By: Miles
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes counties and cities to locally regulate boarding home facilities. However, many cities and counties--both rural and urban--are plagued with unscrupulous boarding home operators who evade local regulation and who operate without oversight while having control over some of Texas' most vulnerable residents. The Harris County Sheriff's Office (HCSO) estimates at least 140 such facilities operate in unincorporated Harris County alone. The Houston Police Department and HCSO each maintain full-time boarding home enforcement units. In September 2020, a 911 response to a rogue boarding home in Harris County revealed that a three-bedroom, one-bathroom, single family residence was housing almost 40 individuals in poor condition. This one response uncovered individuals with gaping wounds and obvious neglect, and revealed allegations of coerced sexual acts and prostitution. As a result of the investigation, it became apparent that many of the home's residents had been discharged by local hospitals and immediately ended up at this boarding home. Law enforcement, group home operators, and other stakeholders have corroborated that this issue is a feature of this industry. S.B. 186 seeks to address this issue by authorizing a hospital or other health care facility to discharge or release a patient to a group home, boarding home facility, or similar group-centered facility on the condition that the facility operator is appropriately licensed or permitted and providing certain financial incentives to comply with the new law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 186 amends the Health and Safety Code to authorize a hospital or other health facility to discharge or otherwise release a patient to the care of a group home, boarding home facility, or similar group-centered facility on the condition that the person who operates the group-centered facility holds a license or permit issued in accordance with applicable state law. However, the bill authorizes a hospital or other health facility to discharge or otherwise release a patient to the care of a group home, boarding home facility, or similar group-centered facility operated by a person who does not hold a license or permit issued in accordance with applicable state law on one of the following conditions being satisfied:

- no group-centered facility is operated in the county in which the patient is discharged by a person who holds the applicable license or permit; or
- the patient voluntarily elects to reside in the group-centered facility of the unlicensed or unpermitted person.

The bill establishes that a hospital or other health facility is not liable for damages to a patient resulting from the patient's discharge or release to such a home or facility operated by an unlicensed or unpermitted person under those conditions. This liability provision applies only to a cause of action that accrues on or after the bill's effective date.

S.B. 186 prohibits a local health authority from issuing an order authorizing a hospital or health facility to discharge or release a patient to a group-centered facility in a manner that conflicts with the bill's provisions.

EFFECTIVE DATE

September 1, 2023.