

BILL ANALYSIS

Senate Research Center
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S.B. 186
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 260 of the Health and Safety Code 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 operate without oversight while having control over some of the most vulnerable residents of the state. The Harris County Sherriff'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 of 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 revealed gaping wounds, obvious neglect, and even allegations of coerced sexual acts and prostitution.

As a result of investigation into this issue, it became apparent that many of the home's residents had been discharged by local hospitals and immediately ended up at this boarding home. Interested parties, from law enforcement to above-board group home operators, corroborated this issue as a feature of this industry. S.B. 186 addresses this by requiring hospital discharges to appropriately licensed facilities.

S.B. 186 limits hospital liability in counties without permitted boarding home facilities or when a patient voluntarily elects to reside in such a facility. S.B. 186 amends current law relating to the prohibited discharge of a patient to certain unlicensed or unpermitted group-centered facilities.

As proposed, S.B. 186 amends current law relating to the prohibited discharge of a patient to certain unlicensed or unpermitted group-centered facilities.

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 the heading to Chapter 256, Health and Safety Code, to read as follows:

CHAPTER 256. SAFE PATIENT HANDLING, MOVEMENT, AND DISCHARGE PRACTICES

SECTION 2. Amends Chapter 256, Health and Safety Code, by adding Section 256.003, as follows:

Sec. 256.003. PROHIBITED DISCHARGE OF PATIENTS TO CERTAIN GROUP-CENTERED FACILITIES. (a) Authorizes a hospital or other health facility, subject to Subsection (b), to discharge or otherwise release a patient to the care of a group home, boarding home facility, or similar group-centered facility only if the person who operates the group-centered facility holds a license or permit issued in accordance with applicable state law.

(b) 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 only if:

(1) 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

(2) the patient voluntarily elects to reside in the group-centered facility of the unlicensed or unpermitted person.

(c) Provides that a hospital or other health facility is not liable for damages to a patient resulting from the patient's discharge or release to a group home, boarding home facility, or similar group-centered facility under Subsection (b).

(d) 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 this section.

SECTION 3. Makes application of Section 256.003(c), Health and Safety Code, as added by this Act, prospective.

SECTION 4. Effective date: September 1, 2023.