By:  Miles S.B. No. 186

(In the Senate - Filed November 14, 2022; February 15, 2023, read first time and referred to Committee on Health & Human Services; April 17, 2023, reported favorably by the following vote: Yeas 9, Nays 0; April 17, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Blanco            X

Hall              X

Hancock           X

Hughes            X

LaMantia          X

Miles             X

Sparks            X

A BILL TO BE ENTITLED

AN ACT

relating to the prohibited discharge of a patient to certain unlicensed or unpermitted group-centered facilities.

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

SECTION 1.  The heading to Chapter 256, Health and Safety Code, is amended to read as follows:

CHAPTER 256. SAFE PATIENT HANDLING, [~~AND~~] MOVEMENT, AND DISCHARGE PRACTICES

SECTION 2.  Chapter 256, Health and Safety Code, is amended by adding Section 256.003 to read as follows:

Sec. 256.003.  PROHIBITED DISCHARGE OF PATIENTS TO CERTAIN GROUP-CENTERED FACILITIES. (a) Subject to Subsection (b), a hospital or other health facility may 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)  A hospital or other health facility may 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)  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)  A local health authority may not issue 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.  Section 256.003(c), Health and Safety Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act.

SECTION 4.  This Act takes effect September 1, 2023.

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