

BILL ANALYSIS

Senate Research Center
89R6320 EAS-D

S.B. 1137
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Group home consultants receive referral fees for directing potential residents to group homes, without verifying whether the facilities are properly licensed or permitted. This practice can lead to vulnerable individuals being placed in unregulated and potentially unsafe living conditions. A consultant may direct a resident to an unlicensed group home that lacks oversight, proper staffing, or adequate living conditions, putting the resident at risk of neglect or abuse, even when they know of reports of inadequate living conditions.

Additionally, consultants are not required to disclose known complaints against a group home before making a referral. A criminal penalty is introduced to enforce compliance.

S.B. 1137 prohibits group home consultants from referring residents to unlicensed or unpermitted group homes, except when no licensed options exist in a given region or when the person requests they be given the option of unlicensed facilities. It also mandates disclosure of known complaints against unlicensed homes if a referral is made. Violations of these requirements will be classified as a Class B misdemeanor, ensuring accountability and deterring irresponsible referrals.

As proposed, S.B. 1137 amends current law relating to group home consultant referrals and creates a criminal offense.

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. Redesignates Chapter 769, Health and Safety Code, as added by Chapter 141 (S.B. 188), Acts of the 88th Legislature, Regular Session, 2023, as Chapter 767, Health and Safety Code, and amends it, as follows:

CHAPTER 767. REGULATION OF CERTAIN GROUP HOMES

Sec. 767.001. DEFINITION. Redesignates existing Section 769.001 as Section 767.001 and makes no further changes.

Sec. 767.002. EXEMPTIONS. Redesignates existing Section 769.002 as Section 767.002 and makes no further changes.

Sec. 767.003. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR APPLICANTS AND EMPLOYEES; CRIMINAL PENALTY. Redesignates existing Section 769.003 as Section 767.003 and makes no further changes.

Sec. 767.004. GROUP HOME CONSULTANT REFERRALS; CRIMINAL PENALTY.
(a) Defines "group home consultant."

(b) Prohibits a group home consultant, except as provided by Subsection (c) and subject to Subsection (d), from referring a potential resident to a group home operated by a person who does not hold a license or permit for the group home issued in accordance with applicable state laws or local regulations.

(c) Provides that, subject to Subsection (d), a group home consultant is authorized to refer a potential resident to an unlicensed or unpermitted group home only if:

(1) no group home is licensed or permitted to operate in the geographic region where the potential resident desires to reside; or

(2) the potential resident or potential resident's family cannot afford the cost of residing in a licensed or permitted group home referred by the group home consultant in the region where the potential resident desires to reside.

(d) Requires a group home consultant, before referring a potential resident to an unlicensed or unpermitted group home, to inform the potential resident of any complaints against the group home of which the consultant has actual knowledge.

(e) Provides that a group home consultant who violates this section commits an offense. Provides that an offense under this section is a Class B misdemeanor.

SECTION 2. Effective date: September 1, 2025.