By: Campos H.B. No. 1166

A BILL TO BE ENTITLED

AN ACT

relating to the licensure and regulation of group home facilities and group home facility consultants; authorizing a fee.

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

SECTION 1. Chapter 767, Health and Safety Code, is transferred to Subtitle B, Title 4, Health and Safety Code, redesignated as Chapter 260E, Health and Safety Code, and amended to read as follows:

CHAPTER 260E [~~767~~]. [~~REGULATION OF CERTAIN~~] GROUP HOME FACILITIES [~~HOMES~~]

Sec. 260E.001 [~~767.001~~]. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Executive commissioner" means the executive commissioner of the commission.

(3) "Group [~~, "group~~] home facility" means an establishment that:

(A) [~~(1)~~] provides, in one or more buildings, lodging to three or more residents who are unrelated by blood or marriage to the owner of the establishment; and

(B) [~~(2)~~] provides those residents with community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry

services, or assistance with self-administration of medication but does not provide personal care services as defined by Section 247.002.

Sec. 260E.002 [~~767.002~~]. EXEMPTIONS. This chapter does not apply to:

(1) a person who holds a license issued under Chapter 142, 242, 246, 247, or 252;

(2) a person, establishment, or facility exempt from licensing under Section 142.003(a)(19), 242.003(3), or 247.004(4);

(3) a hotel as defined by Section 156.001, Tax Code;

(4) a retirement community;

(5) a monastery or convent;

(6) a child-care facility as defined by Section 42.002, Human Resources Code;

(7) a family violence shelter center as defined by Section 51.002, Human Resources Code; or

(8) a sorority or fraternity house or other dormitory associated with an institution of higher education.

Sec. 260E.003. LICENSE REQUIRED. (a) A person may not establish or operate a group home facility unless the person holds a license issued under this chapter.

(b) A person establishing or operating a facility that is not required to be licensed under this chapter may not use the term "group home" or "group home facility" in referring to the facility or the services provided at the facility.

(c) A person establishing or operating a facility not required to be licensed but who elects to hold a license under this

chapter may use the term "group home" or "group home facility" in referring to the facility or the services provided at the facility.

(d) The executive commissioner by rule shall establish procedures to issue a six-month provisional license to existing facilities with residents. The commission may issue a provisional license if:

(1) the facility is in compliance with resident care standards;

(2) the facility voluntarily discloses the facility needs additional time to comply with life safety code standards; and

(3) the disclosure under Subdivision (2) is written and sent by certified mail to the commission promptly after the applicant has knowledge additional time is needed.

(e) A provisional license expires the earlier of:

(1) the 180th day after the effective date of the provisional license or the end of any extension period granted by the commission, in the commission's sole discretion; or

(2) the date a license is issued to the provisional license holder under Subsection (g).

(f) The commission shall conduct a life safety code inspection of the group home facility as soon as reasonably possible after the commission issues a provisional license.

(g) After conducting a life safety code inspection, the commission shall issue a license under Section 260E.005 to the provisional license holder if the group home facility passes the inspection and the applicant satisfies all requirements for a

license. A license issued under this subsection has the same effective date as the provisional license.

Sec. 260E.004. LICENSE APPLICATION. (a) An applicant for a group home facility license must submit an application to the commission on a form prescribed by the commission.

(b) Each application must be accompanied by a nonrefundable license fee in an amount the executive commissioner sets by rule.

Sec. 260E.005. ISSUANCE AND RENEWAL OF LICENSE. (a) The commission shall issue a license if, after inspection and investigation, the commission determines the applicant, the group home facility, and all controlling persons of the applicant or group home facility meet the requirements of this chapter and the standards adopted under this chapter. The license expires on the third anniversary of the date of issuance.

(b) To renew a license, the license holder must submit to the commission the license renewal fee.

(c) The commission may require participation in a continuing education program as a condition of renewal of a license. The executive commissioner shall adopt rules to implement this subsection.

Sec. 260E.006 [~~767.003~~]. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR APPLICANTS AND EMPLOYEES; CRIMINAL PENALTY. (a) An owner or operator of a group home facility shall obtain criminal history record information maintained by the Department of Public Safety of the State of Texas on each individual who is an applicant for employment with or an employee of the group home facility.

(b) An owner or operator of a group home facility may not hire or continue to employ an individual for whom the owner or operator obtains criminal history record information on the applicant's or employee's conviction of an offense under Chapter 19, 20, 20A, 21, 22, 25, 28, 29, 30, 31, 32, 33, 33A, 34, 35, 35A, or 71, Penal Code, or Section 48.015, 48.02, 48.03, or 48.04, Penal Code, or any other offense punishable as a Class A misdemeanor or a felony.

(c) An owner or operator of a group home facility who violates Subsection (b) commits an offense. An offense under this section is a Class A misdemeanor.

Sec. 260E.007 [~~767.004~~]. GROUP HOME FACILITY CONSULTANT REFERRALS; CRIMINAL PENALTY. (a) In this section, "group home facility consultant" means a person with knowledge of group home facilities [~~homes~~] who:

(1) refers potential residents of a group home facility to specific group home facilities [~~homes~~]; and

(2) collects compensation for the referral.

(b) Except as provided by Subsection (c) and subject to Subsection (d), a group home facility consultant may not refer a potential resident to a facility [~~group home~~] operated by a person who does not hold a license or permit for the facility [~~group home~~] issued in accordance with applicable state laws or local regulations.

(c) Subject to Subsection (d), a group home facility consultant may refer a potential resident to an unlicensed or unpermitted facility [~~group home~~] only if:

(1) no facility [~~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 facility [~~group home~~] referred by the group home facility consultant in the region where the potential resident desires to reside.

(d) Before referring a potential resident to an unlicensed or unpermitted facility [~~group home~~], a group home facility consultant must inform the potential resident of any complaints against the facility [~~group home~~] of which the consultant has actual knowledge.

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

Sec. 260E.008. STANDARDS. (a) The executive commissioner by rule shall prescribe minimum standards to protect the health and safety of a group home facility resident.

(b) The standards must ensure quality care and protection of the residents' health and safety without excessive cost.

Sec. 260E.009. INSPECTIONS. (a) The commission:

(1) shall inspect each group home facility at least every two years following the issuance or renewal of a license under this chapter; and

(2) may inspect the facility at other reasonable times as necessary to ensure compliance with this chapter and rules

adopted under this chapter.

(b) The commission shall establish an inspection list based on the minimum standards prescribed under Section 260E.008 that describes the matters subject to inspection. The commission shall use the inspection list in conducting inspections under this section.

(c) At the conclusion of an inspection under this section, the inspector shall:

(1) advise the group home facility of the results of the inspection;

(2) provide a copy of the inspection list to the group home facility; and

(3) list each violation discovered during the inspection, with specific reference to the standard violated.

(d) The executive commissioner by rule shall develop and implement a training program to provide specialized training to commission employees who inspect group home facilities under this section.

Sec. 260E.010. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE. (a) The commission, after providing notice and opportunity for a hearing to the applicant or license holder, may deny, suspend, or revoke a license if the commission determines the applicant, license holder, or a controlling person of the applicant or license holder has violated this chapter or a rule, standard, or order adopted under this chapter in either a repeated or substantial manner.

(b) The denial, suspension, or revocation of a license by

the commission and the appeal from that action are governed by the procedures for a contested case hearing under Chapter 2001, Government Code.

(c) The status of a person as an applicant for a license or as a license holder is preserved until final disposition of the contested matter, except as the court with jurisdiction of a judicial review of the matter may order in the public interest for the welfare and safety of the group home facility residents.

Sec. 260E.011. EMERGENCY SUSPENSION OR CLOSING ORDER. (a) If the commission determines a group home facility is operating in violation of the standards prescribed by this chapter and the violations create an immediate threat to the health and safety of a facility resident, the commission may suspend the license or order immediate closing of all or part of the facility.

(b) The commission shall provide for the relocation of residents of a group home facility that is closed. The executive commissioner shall adopt rules governing relocation procedures under this section.

Sec. 260E.012. RULES. The executive commissioner shall adopt rules necessary to implement this chapter, including requirements for the issuance, renewal, denial, suspension, and revocation of a license to operate a group home facility.

SECTION 2. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules as required by Chapter 260E, Health and Safety Code, as redesignated and amended by this Act.

SECTION 3. To the extent of any conflict with another Act of

the 90th Legislature, Regular Session, 2027, relating to nonsubstantive additions to and corrections in enacted codes, this Act prevails.

SECTION 4. This Act takes effect September 1, 2027.