

BILL ANALYSIS

Senate Research Center
87R25398 JG-D

C.S.S.B. 505
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Health & Human Services
5/18/2021
Committee Report (Substituted)

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. These are defined as establishments that furnish lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment and provide assistance, but not personal care services.

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 Texas's most vulnerable residents. 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 one of these rogue boarding homes in Harris County revealed that a three bedroom, one bathroom, single family residence was housing almost 40 individuals in poor condition. From gaping wounds, to obviously apparent neglect, and even allegations of coerced sexual acts and prostitution, the boarding home was unacceptable.

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. 505 addresses this by requiring hospital discharges to appropriately licensed facilities.

The committee substitute to S.B. 505 limits hospital liability in counties without permitted boarding home facilities or when a patient voluntarily elects to reside in such a facility.

C.S.S.B. 505 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 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 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 facility described by this section is operated in the county by a person who holds the applicable license or permit; or

(2) the patient voluntarily elects to reside in the 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 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 facility in a manner that conflicts with this section.

SECTION 3. Effective date: September 1, 2021.