



## Health Facility Compliance Guidance Letter

<b>Number:</b> GL 24-2001
<b>Title:</b> Prohibited Discharge of a Patient to Certain Group-Centered Facilities (SB 186-88R)
<b>Provider Types:</b> Crisis Stabilization Units, General Hospitals, Limited Services Rural Hospitals, Private Psychiatric Hospitals, and Special Hospitals
<b>Date Issued:</b> February 26, 2024

### 1.0 Subject and Purpose

The Texas Health and Human Services Commission (HHSC) provides guidance to licensed acute healthcare facilities on enacted legislation that impacts their provider type. [Senate Bill \(SB\) 186](#), relating to the prohibited discharge of a patient to certain unlicensed or unpermitted group-centered facilities, took effect September 1, 2023.

This letter provides instruction to crisis stabilization units, general and special hospitals, limited services rural hospitals, and private psychiatric hospitals regarding SB 186 and outlines provider responsibilities and expectations.

### 2.0 Background and History

As stated in [SB 186's author's and sponsor's statement of intent](#), SB 186 addresses an issue with hospitals discharging patients to unlicensed, unpermitted, or otherwise unregulated group-centered facilities that may be unsafe. The bill amended current law by prohibiting the discharge of a patient to certain unlicensed or unpermitted group-centered facilities.

### 3.0 Legislative Details and Provider Responsibilities

SB 186 amended [Texas Health and Safety Code \(HSC\) Chapter 256](#) by adding new [HSC Section 256.003](#).

New HSC Section 256.003 requires 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 only if the person who operates the group-centered facility holds a license or permit issued in accordance with applicable state law for that group home or facility.<sup>1</sup>

A hospital or other health facility may discharge or 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 for that group home or facility only if:<sup>2</sup>

- there are no group-centered facilities licensed or permitted in accordance with applicable state law located in the county in which the hospital or health facility discharges the patient<sup>3</sup>; or
- the patient voluntarily chooses to reside in the unlicensed or unpermitted group-centered facility.<sup>4</sup>

A hospital or other health facility is not liable for damages to a patient resulting from the patient's discharge or release to an unlicensed or unpermitted group home, boarding home facility, or similar group-centered facility under either of the conditions listed above.<sup>5</sup>

New HSC Section 256.003 also restricts 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 HSC 256.003.<sup>6</sup>

#### **4.0 Resources**

Review SB 186 (88<sup>th</sup> Legislature, Regular Session, 2023) at:  
[capitol.texas.gov/tlodocs/88R/billtext/html/SB00186F.htm](http://capitol.texas.gov/tlodocs/88R/billtext/html/SB00186F.htm).

Review SB 186 Author's/Sponsor's Statement of Intent at:  
[capitol.texas.gov/tlodocs/88R/analysis/html/SB00186F.htm](http://capitol.texas.gov/tlodocs/88R/analysis/html/SB00186F.htm).

Review Texas Health and Safety Code Chapter 256 at:  
[statutes.capitol.texas.gov/Docs/HS/htm/HS.256.htm](http://statutes.capitol.texas.gov/Docs/HS/htm/HS.256.htm).

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<sup>1</sup> [HSC Section 256.003\(a\)](#).

<sup>2</sup> [HSC Section 256.003\(b\)](#).

<sup>3</sup> [HSC Section 256.003\(b\)\(1\)](#).

<sup>4</sup> [HSC Section 256.003\(b\)\(2\)](#).

<sup>5</sup> [HSC Section 256.003\(c\)](#).

<sup>6</sup> [HSC Section 256.003\(d\)](#).

## 5.0 Contact Information

Email the Policies and Rules Unit at [HCR\\_PRU@hhs.texas.gov](mailto:HCR_PRU@hhs.texas.gov) if you have any questions about this letter.