

By: Campos

H.B. No. 2449

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the confiscation or misappropriation by a nursing  
3 facility of certain federal payments to a Medicaid recipient;  
4 increasing an administrative penalty.

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

6 SECTION 1. Subchapter C, Chapter 242, Health and Safety  
7 Code, is amended by adding Section 242.0661 to read as follows:

8 Sec. 242.0661. ADMINISTRATIVE PENALTY FOR CONFISCATION OR  
9 MISAPPROPRIATION OF FEDERAL PAYMENTS. (a) In this section:

10 (1) "Eligible federal payment" means a payment made to  
11 an individual by the federal government that is not designated by  
12 law as income or a resource for purposes of an individual's Medicaid  
13 eligibility.

14 (2) "Medicaid" means the medical assistance program  
15 established under Chapter 32, Human Resources Code.

16 (3) "Misappropriate" means the taking, secretion,  
17 misapplication, deprivation, transfer, or attempted transfer to  
18 any person not entitled to receive any real or personal property or  
19 anything of value belonging to or under the legal control of a  
20 resident without the effective consent of the resident or other  
21 appropriate legal authority.

22 (b) A facility may not confiscate or misappropriate an  
23 eligible federal payment made to a resident who is a recipient of  
24 Medicaid. Notwithstanding Section 242.066(b), a facility that

1 violates this section is subject to an administrative penalty in  
2 the amount equal to \$25,000 for each violation. Each day the  
3 facility fails to return confiscated or misappropriated money to  
4 the resident constitutes a separate violation.

5 SECTION 2. Section 242.0661, Health and Safety Code, as  
6 added by this Act, applies only to conduct that occurs on or after  
7 the effective date of this Act. Conduct that occurs before that  
8 date is governed by the law in effect on the date the conduct  
9 occurred, and the former law is continued in effect for that  
10 purpose.

11 SECTION 3. This Act takes effect September 1, 2021.