

1-1 By: Campos, Garcia, Morales Shaw H.B. No. 1290
 1-2 (Senate Sponsor - Flores)
 1-3 (In the Senate - Received from the House May 1, 2023;
 1-4 May 1, 2023, read first time and referred to Committee on Health &
 1-5 Human Services; May 15, 2023, reported favorably by the following
 1-6 vote: Yeas 9, Nays 0; May 15, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the confiscation or misappropriation by a nursing
 1-21 facility of certain federal payments to a Medicaid recipient;
 1-22 increasing an administrative penalty.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter C, Chapter 242, Health and Safety
 1-25 Code, is amended by adding Section 242.0661 to read as follows:

1-26 Sec. 242.0661. ADMINISTRATIVE PENALTY FOR CONFISCATION OR
 1-27 MISAPPROPRIATION OF FEDERAL PAYMENTS. (a) In this section:

1-28 (1) "Eligible federal payment" means a payment made to
 1-29 an individual by the federal government that is not designated by
 1-30 law as income or a resource for purposes of an individual's Medicaid
 1-31 eligibility.

1-32 (2) "Medicaid" means the medical assistance program
 1-33 established under Chapter 32, Human Resources Code.

1-34 (3) "Misappropriate" means the taking, secretion,
 1-35 misapplication, deprivation, transfer, or attempted transfer to
 1-36 any person not entitled to receive any real or personal property or
 1-37 anything of value belonging to or under the legal control of a
 1-38 resident without the effective consent of the resident or other
 1-39 appropriate legal authority.

1-40 (b) A facility may not confiscate or misappropriate an
 1-41 eligible federal payment made to a resident who is a recipient of
 1-42 Medicaid. Notwithstanding Section 242.066(b), a facility that
 1-43 violates this section is subject to an administrative penalty in
 1-44 the amount equal to \$25,000 for each violation. Each day the
 1-45 facility fails to return confiscated or misappropriated money to
 1-46 the resident constitutes a separate violation.

1-47 SECTION 2. Section 242.0661, Health and Safety Code, as
 1-48 added by this Act, applies only to conduct that occurs on or after
 1-49 the effective date of this Act. Conduct that occurs before that
 1-50 date is governed by the law in effect on the date the conduct
 1-51 occurred, and the former law is continued in effect for that
 1-52 purpose.

1-53 SECTION 3. This Act takes effect September 1, 2023.

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