

By: Blanco

S.B. No. 1696

A BILL TO BE ENTITLED

AN ACT

relating to the provision of certain attendant care services under Medicaid and other public benefits programs administered by the Health and Human Services Commission.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.05115 to read as follows:

Sec. 531.05115. FAMILY MEMBERS AS PERSONAL ATTENDANTS. (a)

In this section:

(1) "Consumer" has the meaning assigned by Section 531.051.

(2) "Personal attendant" means an individual who is authorized to provide attendant care services to a consumer who is eligible to receive those services under:

(A) Medicaid, including a waiver or other program established under:

(i) Section 1115 of the Social Security Act (42 U.S.C. Section 1315);

(ii) Section 1915(b), (c), or (k) of the Social Security Act (42 U.S.C. Section 1396n(b), (c), or (k)); or

(iii) Section 1929 of the Social Security Act (42 U.S.C. Section 1396t); or

(B) a social services block grant under Title XX of the Social Security Act.

1 (b) To the extent permitted by federal law, a personal
2 attendant who provides services to a consumer may be a family member
3 of the consumer, including the consumer's parent or spouse.

4 SECTION 2. Subchapter B, Chapter 32, Human Resources Code,
5 is amended by adding Section 32.0611 to read as follows:

6 Sec. 32.0611. COMMUNITY ATTENDANT SERVICES PROGRAM:
7 MINIMUM WAGE FOR COMMUNITY ATTENDANTS. Notwithstanding Section
8 62.051 or 62.151, Labor Code, or any other law, a community
9 attendant providing services to a recipient under the community
10 attendant services program must be paid not less than the greater
11 of:

- 12 (1) \$15 an hour; or
13 (2) the federal minimum wage under Section 6, Fair
14 Labor Standards Act of 1938 (29 U.S.C. Section 206).

15 SECTION 3. If before implementing any provision of this Act
16 a state agency determines that a waiver or authorization from a
17 federal agency is necessary for implementation of that provision,
18 the agency affected by the provision shall request the waiver or
19 authorization and may delay implementing that provision until the
20 waiver or authorization is granted.

21 SECTION 4. This Act takes effect September 1, 2023.