

Amend CSHB 2292 as follows:

(1) On page 135, line 27, strike "(a)".

(2) On page 136, line 2, insert "Sec. 32.0321. SURETY BOND." immediately before "(a)".

(3) On page 136, between lines 10 and 11, insert the following:

(b) The bond under Subsection (a) must be payable to the department to compensate the department for damages resulting from or penalties or fines imposed in connection with an act of fraud or abuse committed by the provider under the medical assistance program.

(c) Subject to Subsection (d) or (e), the department by rule may require each provider of medical assistance that establishes a resident's trust fund account to post a surety bond to secure any shortages in the account. The bond must be payable to the department to compensate residents of the bonded provider for trust funds that are lost, stolen, or otherwise unaccounted for if the provider does not repay any deficiency in a resident's trust fund account to the person legally entitled to receive the funds.

(d) The department may not require the amount of a surety bond posted for a single facility provider under Subsection (c) to exceed the average of the total average monthly balance of all the provider's resident trust fund accounts for the 12-month period preceding the bond issuance or renewal date.

(e) The department may not require the amount of a surety bond posted for a multiple facility provider under Subsection (c) to exceed the average of the total average monthly balance of all the provider's resident trust fund accounts in all of the provider's facilities for the 12-month period preceding the bond issuance or renewal date.