

BILL ANALYSIS

C.S.H.B. 288
By: Chavez
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Prior to the 78th Legislature, the minimum personal needs allowance of certain Medicaid residents in long-term care facilities was set at \$60 a month. This allowance was meant to enable residents to purchase simple goods and services, such as haircuts and personal hygiene products. During the 78th Legislature, the personal needs allowance was decreased to \$45. C.S.H.B. 288 would authorize the Health and Human Services Commission or an agency operating part of the medical assistance program, as appropriate, to set the personal needs allowance at a rate not to exceed \$60 per month, subject to the availability of funds.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill authorizes the Health and Human Services Commission or an agency operating part of the medical assistance program, as appropriate, to set the personal needs allowance at a rate not to exceed \$60 per month, subject to the availability of funds. Any increase would apply to a personal needs allowance paid on or after the effective date of the Act. The bill further provides that if a state agency determines, before implementing any provision of the Act, that a federal waiver or authorization is necessary, then the agency shall request such a waiver or authorization and may delay implementing the provision until the waiver or authorization is granted.

EFFECTIVE DATE-

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill requires the Health and Human Services Commission or an agency operating part of the medical assistance program, as appropriate, to set a personal needs allowance of not less than \$60 per month for certain Medicaid recipients who are residents of long-term care facilities. The substitute bill authorizes the Health and Human Services Commission or an agency operating part of the medical assistance program, as appropriate, to set the personal needs allowance in an amount not to exceed \$60 per month, subject to the availability of funds.

The original provides that the personal needs allowance may be sent directly to a resident who receives Supplemental Security Income, and that the provision requiring a personal needs allowance of not less than \$60 per month does not apply to a resident who is participating in a medical assistance waiver program. The substitute does not include such provisions.

The substitute adds a provision that if a state agency determines before implementing any provision of this Act that a federal waiver or authorization is necessary, then the agency shall request such a waiver or authorization and may delay implementing a provision of the Act until such a waiver or authorization is granted.