

By: Coleman

H.B. No. 2074

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to providing medical assistance for care in an assisted  
3 living facility.

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

5 SECTION 1. Section 32.024, Human Resources Code, is amended  
6 by adding Subsection (cc) to read as follows:

7 (cc) The department shall provide medical assistance to a  
8 person for care in an assisted living facility if the person  
9 otherwise qualifies for medical assistance and the level of care  
10 available in an assisted living facility is appropriate to meet the  
11 person's needs, as determined by rules adopted by the executive  
12 commissioner of the Health and Human Services Commission. The  
13 department may not require a person who requests care in an assisted  
14 living facility to reside in a nursing facility before receiving  
15 the requested care. The cost of the care in an assisted living  
16 facility may not exceed the cost of the care the person would  
17 receive in a nursing facility.

18 SECTION 2. If before implementing any provision of this Act  
19 a state agency determines that a waiver or authorization from a  
20 federal agency is necessary for implementation of that provision,  
21 the agency affected by the provision shall request the waiver or  
22 authorization and may delay implementing that provision until the  
23 waiver or authorization is granted.

24 SECTION 3. This Act takes effect September 1, 2005.