

BILL ANALYSIS

H.B. 52
By: Chavez
Appropriations
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The personal needs allowance (PNA) was established by the federal government to provide certain Medicaid residents in long-term facilities funds to purchase simple goods and services, such as haircuts and personal hygiene products. The Texas PNA followed the federal minimum until 1999, when passage of HB 143, 76th Legislature, Regular Session, 1999, gave the former Department of Human Services the authority to increase the amount above the federal minimum, subject to the availability of funds. The department raised the PNA to \$45 per month in 1999.

House Bill 154, 77th Legislature, Regular Session, 2001, set the PNA at not less than \$60 per month.

House Bill 2292, 78th Legislature, Regular Session, 2003, set the PNA at not less than \$45 a month, and it was funded at that level until January 2006, when the Legislative Budget Board authorized the Health and Human Services Commission (HHSC) to use appropriated funds to increase the PNA from \$45 to \$60 per month.

House Bill 52 would make the statutory changes to restore the PNA to not less than \$60 per month, thus conforming statute to current practice.

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

SECTION 1. Amends Section 32.024(w), Human Resources Code, to require the Health and Human Services Commission to set the personal needs allowance at not less than \$60 a month.

SECTION 2. Provides that, if before implementation of any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision must request the waiver or authorization and may delay implementation of that provision until the waiver or authorization is granted.

SECTION 3. Provides that Section 32.024(w), Human Resources Code, as amended by this Act, applies only to a personal needs allowance paid on or after the effective date of this Act.

SECTION 4. States the effective date of the Act.

EFFECTIVE DATE

September 1, 2007.