

By: Gonzalez

H.B. No. 1947

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the personal needs allowance for certain Medicaid  
3 recipients who are residents of long-term care facilities.

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 amending Subsection (w) and adding Subsection (w-1) to read as  
7 follows:

8 (w) The department shall set a personal needs allowance of  
9 not less than the greater of \$60 a month or the amount described in  
10 Subsection (w-1) for a resident of a convalescent or nursing home or  
11 related institution licensed under Chapter 242, Health and Safety  
12 Code, personal care facility, ICF-MR facility, or other similar  
13 long-term care facility who receives medical assistance. The  
14 department may send the personal needs allowance directly to a  
15 resident who receives Supplemental Security Income (SSI) (42 U.S.C.  
16 Section 1381 et seq.). This subsection does not apply to a resident  
17 who is participating in a medical assistance waiver program  
18 administered by the department.

19 (w-1) On September 1 of each even-numbered year, the  
20 department shall adjust the amount of the personal needs allowance  
21 in effect on that date by a percentage representing the most recent  
22 annual change in the Consumer Price Index for All Urban Consumers  
23 for all items and for all regions of the United States combined, as  
24 determined by the United States Department of Labor, Bureau of

1 Labor Statistics. The adjusted amount applies with respect to a  
2 personal needs allowance paid on or after the date the adjustment  
3 computation is made.

4 SECTION 2. The Health and Human Services Commission shall  
5 make the initial adjustment to the amount of the personal needs  
6 allowance required by Section 32.024(w-1), Human Resources Code, as  
7 added by this Act, on September 1, 2012.

8 SECTION 3. If before implementing any provision of this Act  
9 a state agency determines that a waiver or authorization from a  
10 federal agency is necessary for implementation of that provision,  
11 the agency affected by the provision shall request the waiver or  
12 authorization and may delay implementing that provision until the  
13 waiver or authorization is granted.

14 SECTION 4. This Act takes effect September 1, 2011.