

By: Davis

S.B. No. 278

A BILL TO BE ENTITLED

AN ACT

1
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(w), Human Resources Code, is
6 amended to read as follows:

7 (w) The department shall set a personal needs allowance of
8 not less than \$75 [~~\$60~~] a month for a resident of a convalescent or
9 nursing home or related institution licensed under Chapter 242,
10 Health and Safety Code, personal care facility, ICF-MR facility, or
11 other similar long-term care facility who receives medical
12 assistance. The department may send the personal needs allowance
13 directly to a resident who receives Supplemental Security Income
14 (SSI) (42 U.S.C. Section 1381 et seq.). This subsection does not
15 apply to a resident who is participating in a medical assistance
16 waiver program administered by the department.

17 SECTION 2. The change in law made by this Act to Section
18 32.024(w), Human Resources Code, applies only to a personal needs
19 allowance paid on or after the effective date of this Act.

20 SECTION 3. If before implementing any provision of this Act
21 a state agency determines that a waiver or authorization from a
22 federal agency is necessary for implementation of that provision,
23 the agency affected by the provision shall request the waiver or
24 authorization and may delay implementing that provision until the

1 waiver or authorization is granted.

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