

BILL ANALYSIS

Senate Research Center
88R16246 MM-F

H.B. 54
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Health & Human Services
4/28/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Residents of long-term care facilities who receive Medicaid can keep a certain amount of their social security income for their needs. This is known as a personal needs allowance, and the amount is set by the executive commissioner of the Health and Human Services Commission, subject to a statutory minimum. The allowance amount for these residents is currently \$60 per month. Despite a dramatic increase in the cost of living, the allowance has not increased since 2005.

H.B. 54 would improve the quality of life for these residents by increasing the minimum personal needs allowance to \$85 per month and providing for a biennial adjustment to the allowance amount for inflation.

H.B. 54 amends current law relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 32.02411, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 32.024(w), Human Resources Code, to require the executive commissioner of the Health and Human Services Commission (executive commissioner), subject to Section 32.02411, to set a personal needs allowance of not less than \$85, rather than \$60, a month for a resident of certain facilities who receives medical assistance.

SECTION 2. Amends Subchapter B, Chapter 32, Human Resources Code, by adding Section 32.02411, as follows:

Sec. 32.02411. BIENNIAL INFLATION ADJUSTMENT OF PERSONAL NEEDS ALLOWANCE. (a) Requires the executive commissioner, subject to Subsection (b), on January 1 of each odd-numbered year, to adjust for inflation the amount of the personal needs allowance set under Section 32.024(w).

(b) Requires the executive commissioner, not later than November 1 of each even-numbered year, by rule to adjust the amount of the personal needs allowance under Section 32.024(w) for the following biennium that begins on January 1 to reflect the percentage increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics of the United States Department of Labor or its successor index during the most recent 24-month period ending in August.

SECTION 3. Makes application of Section 32.024(w), Human Resources Code, prospective.

SECTION 4. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes a delay of implementation until such a waiver or authorization is granted.

SECTION 5. Effective date: September 1, 2023.