

BILL ANALYSIS

C.S.H.B. 54
By: Thompson, Senfronia
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Residents of long-term care facilities who receive Medicaid are allowed to keep a certain amount of their social security income for their own personal 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 and has not been raised since 2005 despite the dramatic increase in the cost of living since the last allowance increase. C.S.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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 54 amends the Human Resources Code to increase the minimum amount of the monthly personal needs allowance for Medicaid recipients who are residents of long-term care facilities from \$60 to \$85. This increase applies only to an allowance paid on or after the bill's effective date.

C.S.H.B. 54 requires the executive commissioner of the Health and Human Services Commission (HHSC) to adjust the allowance amount for inflation on January 1 of each odd-numbered year. The bill requires the executive commissioner, by rule and not later than November 1 of each even-numbered year, to adjust the allowance amount 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 (CPI-W) or its successor index during the most recent 24-month period ending in August.

C.S.H.B. 54 provides for the delayed implementation of any provision for which an applicable state agency determines a federal waiver or authorization is necessary for implementation until the waiver or authorization is requested and granted.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 54 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes requirements that were not in the introduced for the executive commissioner of HHSC to biennially adjust the amount of the personal needs allowance for inflation and to reflect any percentage increase in the CPI-W or its successor index during the most recent 24-month period ending in August.