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H.B. No. 54

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 32.024(w), Human Resources Code, is amended to read as follows:

(w) Subject to Section 32.02411, the [The] executive commissioner shall set a personal needs allowance of not less than \$85 [~~\$60~~] a month for a resident of a convalescent or nursing facility or related institution licensed under Chapter 242, Health and Safety Code, assisted living facility, ICF-IID facility, or other similar long-term care facility who receives medical assistance. The commission may send the personal needs allowance directly to a resident who receives Supplemental Security Income (SSI) (42 U.S.C. Section 1381 et seq.). This subsection does not apply to a resident who is participating in a medical assistance waiver program administered by the commission.

SECTION 2. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.02411 to read as follows:

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

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

10 SECTION 3. The change in law made by this Act to Section
11 32.024(w), Human Resources Code, applies only to a personal needs
12 allowance paid on or after the effective date of this Act.

13 SECTION 4. If before implementing any provision of this Act
14 a state agency determines that a waiver or authorization from a
15 federal agency is necessary for implementation of that provision,
16 the agency affected by the provision shall request the waiver or
17 authorization and may delay implementing that provision until the
18 waiver or authorization is granted.

19 SECTION 5. This Act takes effect September 1, 2023.