

By: Hinojosa

S.B. No. 1832

A BILL TO BE ENTITLED

AN ACT

relating to individuals who may provide services as personal attendants under Medicaid and other public benefits programs administered by the Health and Human Services Commission.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.05115 to read as follows:

Sec. 531.05115. FAMILY MEMBERS AS PERSONAL ATTENDANTS. (a)

In this section:

(1) "Consumer" has the meaning assigned by Section 531.051.

(2) "Personal attendant" means an individual who is authorized to provide attendant care services to a consumer who is eligible to receive those services under:

(A) Medicaid, including a waiver or other program established under:

(i) Section 1115 of the Social Security Act (42 U.S.C. Section 1315);

(ii) Section 1915(b), (c), or (k) of the Social Security Act (42 U.S.C. Section 1396n(b), (c), or (k)); or

(iii) Section 1929 of the Social Security Act (42 U.S.C. Section 1396t); or

(B) a social services block grant under Title XX of the Social Security Act.

1 (b) To the extent permitted by federal law, a personal
2 attendant who provides services to a consumer may be a family member
3 of the consumer, including the consumer's parent or spouse.

4 SECTION 2. If before implementing any provision of this Act
5 a state agency determines that a waiver or authorization from a
6 federal agency is necessary for implementation of that provision,
7 the agency affected by the provision shall request the waiver or
8 authorization and may delay implementing that provision until the
9 waiver or authorization is granted.

10 SECTION 3. This Act takes effect September 1, 2023.