

By: Lalani

H.B. No. 836

A BILL TO BE ENTITLED

AN ACT

relating to establishing a minimum base wage for certain personal attendants under Medicaid and other programs administered by the Health and Human Services Commission.

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

SECTION 1. Subchapter F, Chapter 540, Government Code, as effective April 1, 2025, is amended by adding Section 540.0281 to read as follows:

Sec. 540.0281. COMPLIANCE WITH MINIMUM BASE WAGE FOR CERTAIN PERSONAL ATTENDANTS. A contract to which this subchapter applies must require the contracting Medicaid managed care organization to ensure provider compliance with the minimum base wage requirement for personal attendants under Section 546.0752.

SECTION 2. Chapter 546, Government Code, as effective April 1, 2025, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. PERSONAL ATTENDANT SERVICES

Sec. 546.0751. DEFINITIONS. In this subchapter:

(1) "Consumer direction model" means a consumer direction model implemented under Subchapter C.

(2) "Contractor" means a person that contracts with the commission, a Medicaid managed care organization, or an employer or designated representative under a consumer direction model to provide personal attendant services to individuals eligible to receive those services under a program administered by

1 the commission.

2 (3) "Personal attendant" means an individual who is
3 engaged as an employee or subcontractor to directly provide
4 personal attendant services to an individual eligible to receive
5 those services under a program administered by the commission.

6 (4) "Personal attendant services" means nonmedical
7 services that enable an individual to engage in the activities of
8 daily living or to perform the physical functions required for
9 independent living, including:

10 (A) bathing, dressing, grooming, feeding,
11 exercising, toileting, positioning, routine hair and skin care, and
12 other personal care services;

13 (B) transfer or ambulation, transportation, and
14 other mobility support services;

15 (C) light housekeeping, grocery shopping, meal
16 preparation, laundry, and other household assistance;

17 (D) assisting with self-administered
18 medications;

19 (E) monitoring health-related needs and other
20 health management needs; and

21 (F) in-home respite services.

22 Sec. 546.0752. MINIMUM BASE WAGE FOR PERSONAL ATTENDANTS.

23 (a) This section applies only with respect to the following
24 programs administered by the commission:

25 (1) Medicaid, including a waiver or other program
26 established under:

27 (A) Section 1115 of the Social Security Act (42

1 U.S.C. Section 1315);

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

4 (C) Section 1929 of the Social Security Act (42
5 U.S.C. Section 1396t); and

6 (2) a program authorized under Subtitle A, Title XX,
7 of the Social Security Act (42 U.S.C. Section 1397 et seq.).

8 (b) Notwithstanding Section 62.051 or 62.151, Labor Code,
9 or any other law, a contractor must pay a personal attendant who is
10 engaged to provide personal attendant services under a program to
11 which this section applies a base wage that is not less than the
12 greater of:

13 (1) \$15 an hour; or

14 (2) the federal minimum wage under Section 6, Fair
15 Labor Standards Act of 1938 (29 U.S.C. Section 206).

16 Sec. 546.0753. COMPLIANCE MONITORING; REPORTING
17 VIOLATIONS. (a) The commission shall monitor compliance with the
18 minimum base wage required under Section 546.0752.

19 (b) The executive commissioner by rule shall establish a
20 process by which a personal attendant may confidentially report a
21 violation of Section 546.0752. The process must ensure that a
22 personal attendant is not retaliated against for reporting a
23 violation.

24 Sec. 546.0754. RESPONSIBILITY OF CERTAIN CONTRACTORS UNDER
25 CONSUMER-DIRECTED SERVICES OPTION. A person who contracts with the
26 commission to provide financial management services or consumer
27 managed personal attendant services under a consumer direction

1 model shall ensure that an employer or designated representative
2 complies with the minimum base wage requirement for personal
3 attendants under Section 546.0752.

4 Sec. 546.0755. FUNDING. In addition to money appropriated
5 by the legislature, the commission shall seek and accept federal
6 money and grants to help fund the minimum base wage requirement for
7 personal attendants under Section 546.0752.

8 Sec. 546.0756. ANNUAL REPORT. Not later than December 1 of
9 each year, the commission shall submit to the legislature a report
10 on the effectiveness of the minimum base wage for personal
11 attendants required under Section 546.0752.

12 Sec. 546.0757. RULES. The commission shall adopt rules
13 necessary to implement this subchapter.

14 SECTION 3. Section 546.0752, Government Code, as added by
15 this Act, applies beginning with the 2026 calendar year.

16 SECTION 4. The report required to be submitted during the
17 2026 calendar year under Section 546.0756, Government Code, as
18 added by this Act, must contain an assessment of the effect
19 increasing the minimum base wage under Section 546.0752, Government
20 Code, as added by this Act, had on the provision of personal
21 attendant services under the applicable commission-administered
22 programs, including a determination of whether:

23 (1) the quality of personal attendant services
24 provided under the programs improved; and

25 (2) the retention rate of personal attendants
26 increased as a result of the wage increase.

27 SECTION 5. If before implementing any provision of this Act

1 a state agency determines that a waiver or authorization from a
2 federal agency is necessary for implementation of that provision,
3 the agency affected by the provision shall request the waiver or
4 authorization and may delay implementing that provision until the
5 waiver or authorization is granted.

6 SECTION 6. This Act takes effect September 1, 2025.