

By: Goodwin

H.B. No. 3105

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. 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) "Attendant care services" means nonmedical services that enable an individual to engage in the activities of daily living or to perform the physical functions required for independent living, including:

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

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

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

(D) assisting with self-administered medications;

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

1 (F) in-home respite services.

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

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

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

9 (1) Medicaid, including a waiver or other program
10 established under:

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

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

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

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

19 (b) Notwithstanding Section 62.051 or 62.151, Labor Code,
20 or any other law, a personal attendant providing attendant care
21 services under a program to which this section applies must be paid
22 a base wage that is not less than the greater of:

23 (1) \$19 an hour; or

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

26 Sec. 546.0753. RULES. The executive commissioner shall
27 adopt rules necessary to implement this subchapter.

1 SECTION 2. Section 546.0752, Government Code, as added by
2 this Act, applies beginning with the 2026 calendar year.

3 SECTION 3. If before implementing any provision of this Act
4 a state agency determines that a waiver or authorization from a
5 federal agency is necessary for implementation of that provision,
6 the agency affected by the provision shall request the waiver or
7 authorization and may delay implementing that provision until the
8 waiver or authorization is granted.

9 SECTION 4. This Act takes effect September 1, 2025.