

BILL ANALYSIS

H.B. 2449
By: Campos
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Senior advocates report that long-term care facilities such as nursing homes, assisted living facilities, and intermediate care facilities have confiscated federal stimulus checks meant for residents. While federal law prohibits this practice, it has been noted that there is currently no statewide prohibition against this practice that protects these vulnerable individuals. There have been calls to prohibit this behavior and to impose an administrative penalty on any facility that engages in this conduct. H.B. 2449 seeks to address this issue by establishing an administrative penalty for nursing facilities that confiscate or misappropriate certain payments to residents.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2449 amends the Health and Safety Code to prohibit a nursing facility from confiscating or misappropriating an eligible federal payment made to a resident who is a recipient of Medicaid. The bill imposes an administrative penalty of \$25,000 for each violation of this prohibition and establishes that each day the facility fails to return confiscated or misappropriated money to the resident constitutes a separate violation. The bill provides for the definitions of "eligible federal payment" and "misappropriate."

EFFECTIVE DATE

September 1, 2021.