

## **BILL ANALYSIS**

Senate Research Center

H.B. 446  
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Health & Human Services  
5-12-97  
Engrossed

### **DIGEST**

Currently, Rider 11(a) directs the Texas Department of Human Services to use state funds to continue medical assistance for individuals who lose their Medicaid benefits due to an increase in federal or private pension benefits. H.B. 446 instructs the Texas Department of Aging to use existing state funds to assist individuals in setting up a trust to which increases in federal or private pension benefits would be diverted, and discontinues the appropriation of state funds to cover long-term institutional care and home/community-based waiver services for individuals who were denied Medicaid benefits due to such increases in pensions.

### **PURPOSE**

As proposed, H.B. 446 provides for the establishment of trusts for certain recipients of medical assistance.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 101B, Human Resources Code, by adding Section 101.031, as follows:

Sec. 101.031. TRUSTS FOR CERTAIN RECIPIENTS OF MEDICAL ASSISTANCE. Authorizes an area agency on aging to contract with one or more private attorneys to establish trusts described by 42 U.S.C. Section 1396p(d)(4)(B) for the benefit of recipients of medical assistance under Chapter 32 who, without the establishment of these trusts, would become ineligible for medical assistance. Requires the Texas Department of Aging to allocate available state funds to the area agencies on aging for use in contracting for the establishment of trusts under Subsection (a).

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.