**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3948**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. M.M. Smith

Document Path: LC-0167VR25.docx

Introduced in the House on February 11, 2025

Currently residing in the House Committee on **Ways and Means**

Summary: Personal Needs Allowance

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/11/2025 House Introduced and read first time (House Journal‑page 9)

 2/11/2025 House Referred to Committee on **Ways and Means** (House Journal‑page 9)

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**VERSIONS OF THIS BILL**

[02/11/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3948_20250211.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44‑7‑95 SO AS TO INCREASE THE PERSONAL NEEDS ALLOWANCE FOR NURSING HOME RESIDENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 2, Chapter 7, Title 44 of the S.C. Code is amended by adding:

 Section 44‑7‑95. (A) For purposes of this section, “personal needs allowance” or “PNA” means an amount per month, for clothing and other personal needs, that shall be deducted from a Medicaid‑eligible person’s gross income, as defined by departmental regulation, for purposes of determining the amount that person must pay toward the cost of skilled healthcare and intermediate services or intermediate care while residing in a nursing facility.

 (B)(1) Beginning January 1, 2025, and each year thereafter, the state personal needs allowance for clients being served in nursing homes, other medical institutions, and in residential settings, shall:

 (a) be adjusted for economic trends and conditions by increasing the allowance by the percentage cost of living adjustment for old‑age, survivors, and disability social security benefits as published by the federal Social Security Administration; and

 (b) not exceed the maximum personal needs allowance permissible under the federal Social Security Act.

 (2) The state personal needs allowance for clients being served in nursing homes and other residential settings in effect on January 1, 2025, to be adjusted in accordance with item (1), must be at least one hundred dollars and is in addition to the allowance set forth in item (3).

 (3) The personal needs allowance described in this subsection is in addition to the personal needs allowance allowed by the Social Security Act, 42 U.S.C. Section 301, et seq.

 (C) For individuals who reside in a nursing home as of June 1, 2024, the department shall disregard any PNA amounts that accrue to be an asset for the duration of their stay in the nursing home. The department shall submit a Medicaid state plan amendment for Centers for Medicare and Medicaid Services approval of this disregard.

 (D) The resident’s PNA is intended to cover their personal expenses, which are not covered by Medicaid. A nursing home resident’s personal needs allowance can be spent towards a variety of personal items and services, including clothing, shoes, vending machine snacks, specialty food, multivitamins, haircuts, cosmetics, toiletries, magazines, books, knitting needles and yarn, greeting cards, postage, cigarettes, and cell phone bills.

 (E)(1) Nursing homes may not charge and a resident’s PNA shall not be used toward the purchase of items or services covered by Medicaid, including personal hygiene items, such as a toothbrush, toothpaste, dental floss, denture adhesive and cleaner, shampoo, bath soap, deodorant, moisturizing lotion, comb, razors, incontinence supplies, and tissues.

 (2) Nursing homes may not ask or require Medicaid residents to use their PNA to pay for food or social activities provided in accordance with the facilities’ obligations to meet the social, emotional, and psychosocial needs of residents.

 (F) Beginning with Fiscal Year 2025‑2026, each year the General Assembly shall appropriate in recurring funds sufficient amounts to pay for the increase to the personal needs allowance as provided in this section.

SECTION 2. This act takes effect upon approval by the Governor.

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