

By: Swanson, Klick, Slawson, Hefner,  
Morales Shaw, et al.

H.B. No. 44

A BILL TO BE ENTITLED

AN ACT

relating to provider discrimination against a Medicaid recipient or  
child health plan program enrollee based on immunization status.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is  
amended by adding Section 531.02119 to read as follows:

Sec. 531.02119. DISCRIMINATION BASED ON IMMUNIZATION  
STATUS PROHIBITED. (a) A provider who participates in Medicaid or  
the child health plan program, including a provider participating  
in the provider network of a managed care organization that  
contracts with the commission to provide services under Medicaid or  
the child health plan program, may not refuse to provide health care  
services to a Medicaid recipient or child health plan program  
enrollee based solely on the recipient's or enrollee's refusal or  
failure to obtain a vaccine or immunization for a particular  
infectious or communicable disease.

(b) The commission:

(1) may not provide Medicaid or child health plan  
program reimbursement to a provider who violates this section; and

(2) shall disenroll the provider from participation as  
a Medicaid or child health plan program provider.

(b-1) Subsection (b) applies only to an individual  
physician who violates this section. The commission may not refuse  
to reimburse or disenroll an individual physician or other provider

1 who did not violate this section, regardless of whether that  
2 physician or provider is a member of a provider group or medical  
3 organization with the physician who violated this section.

4 (c) The executive commissioner may adopt rules as necessary  
5 to implement this section.

6 SECTION 2. If before implementing any provision of this Act  
7 a state agency determines that a waiver or authorization from a  
8 federal agency is necessary for implementation of that provision,  
9 the agency affected by the provision shall request the waiver or  
10 authorization and may delay implementing that provision until the  
11 waiver or authorization is granted.

12 SECTION 3. This Act takes effect September 1, 2023.