

By: Swanson, Klick, Slawson, Hefner,  
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H.B. No. 44

Substitute the following for H.B. No. 44:

By: Klick

C.S.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.

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

SECTION 2. If before implementing any provision of this Act

1 a state agency determines that a waiver or authorization from a  
2 federal agency is necessary for implementation of that provision,  
3 the agency affected by the provision shall request the waiver or  
4 authorization and may delay implementing that provision until the  
5 waiver or authorization is granted.

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