

1-1 By: Swanson, et al. (Senate Sponsor - Middleton) H.B. No. 44
 1-2 (In the Senate - Received from the House April 26, 2023;
 1-3 April 26, 2023, read first time and referred to Committee on Health
 1-4 & Human Services; May 21, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 5, Nays 3;
 1-6 May 21, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15		X		
1-16		X		
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 44 By: Sparks

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to provider discrimination against a Medicaid recipient or
 1-22 child health plan program enrollee based on immunization status.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter B, Chapter 531, Government Code, is
 1-25 amended by adding Section 531.02119 to read as follows:

1-26 Sec. 531.02119. DISCRIMINATION BASED ON IMMUNIZATION
 1-27 STATUS PROHIBITED. (a) A provider who participates in Medicaid or
 1-28 the child health plan program, including a provider participating
 1-29 in the provider network of a managed care organization that
 1-30 contracts with the commission to provide services under Medicaid or
 1-31 the child health plan program, may not refuse to provide health care
 1-32 services to a Medicaid recipient or child health plan program
 1-33 enrollee based solely on the recipient's or enrollee's refusal or
 1-34 failure to obtain a vaccine or immunization for a particular
 1-35 infectious or communicable disease.

1-36 (b) The commission may not provide any reimbursement under
 1-37 Medicaid or the child health plan program, as applicable, to a
 1-38 provider who violates this section unless and until the commission
 1-39 finds that the provider is in compliance with this section.

1-40 (c) Subsection (b) applies only with respect to an
 1-41 individual physician. The commission may not refuse to provide
 1-42 reimbursement to a provider who did not violate this section based
 1-43 on that provider's membership in a provider group or medical
 1-44 organization with an individual physician who violated this
 1-45 section.

1-46 (d) This section does not apply to a provider who is a
 1-47 specialist in:

- 1-48 (1) oncology; or
- 1-49 (2) organ transplant services.

1-50 (e) The executive commissioner may adopt rules as necessary
 1-51 to implement this section.

1-52 SECTION 2. If before implementing any provision of this Act
 1-53 a state agency determines that a waiver or authorization from a
 1-54 federal agency is necessary for implementation of that provision,
 1-55 the agency affected by the provision shall request the waiver or
 1-56 authorization and may delay implementing that provision until the
 1-57 waiver or authorization is granted.

1-58 SECTION 3. This Act takes effect September 1, 2023.

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