87S20275 JG-F

By:  Swanson H.B. No. 88

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 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 may not provide reimbursement and shall disenroll from participation as a provider under Medicaid or the child health plan program a provider who violates this section.

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

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

SECTION 3.  This Act takes effect on the 91st day after the last day of the legislative session.