

By: Swanson, Cook, et al.

H.B. No. 2856

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,

1 the agency affected by the provision shall request the waiver or
2 authorization and may delay implementing that provision until the
3 waiver or authorization is granted.

4 SECTION 3. This Act takes effect September 1, 2021.