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| BILL ANALYSIS |

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| C.S.H.B. 44 |
| By: Swanson |
| Public Health |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE**  Current state law establishes the conditions under which a child may be exempt from established immunization schedules. The testimony of concerned citizens indicates that some providers who accept Medicaid or CHIP have refused to treat children and their family members based on immunization status, and the Austin Regional Clinic's vaccine policy states that it will not accept any new patients who are not vaccinated. Despite the exemptions offered in current law, there is no statutory mechanism that prevents an individual from being denied health care services by taxpayer-funded programs on this basis. C.S.H.B. 44 seeks to address this issue by prohibiting a Medicaid or CHIP provider from refusing to provide health care services to an individual based solely on the individual's refusal or failure to obtain certain immunizations or vaccines. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY**  It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill. |
| **ANALYSIS**  C.S.H.B. 44 amends the Government Code to prohibit a Medicaid or CHIP provider from refusing to provide health care services to a Medicaid recipient or CHIP 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. The bill prohibits the Health and Human Services Commission (HHSC) from providing Medicaid or CHIP reimbursement to a provider who violates that prohibition and requires HHSC to disenroll the provider from participation as a Medicaid or CHIP provider. The bill authorizes the executive commissioner of HHSC to adopt rules as necessary to implement these provisions and provides for the delayed implementation of any provision for which an applicable state agency determines a federal waiver or authorization is necessary for implementation until the waiver or authorization is requested and granted. |
| **EFFECTIVE DATE**  September 1, 2023. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**  While C.S.H.B. 44 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.  The substitute includes a clarification absent from the introduced that the bill's prohibition against a provider refusing to provide health care services based on the recipient's or enrollee's refusal or failure to obtain certain vaccines or immunizations applies with respect to a provider's refusal based solely on the recipient's or enrollee's refusal or failure to do so. |
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