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

     Morales Shaw, et al.

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.

(b-1)  Subsection (b) applies only to an individual physician who violates this section. The commission may not refuse to reimburse or disenroll an individual physician or other provider who did not violate this section, regardless of whether that physician or provider is a member of a provider group or medical organization with the physician who violated 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 September 1, 2023.