By:  Swanson, et al. (Senate Sponsor - Middleton) H.B. No. 44

(In the Senate - Received from the House April 26, 2023; April 26, 2023, read first time and referred to Committee on Health & Human Services; May 21, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 5, Nays 3; May 21, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry                 X

Blanco            X

Hall              X

Hancock                     X

Hughes            X

LaMantia              X

Miles                 X

Sparks            X

COMMITTEE SUBSTITUTE FOR H.B. No. 44 By:  Sparks

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 may not provide any reimbursement under Medicaid or the child health plan program, as applicable, to a provider who violates this section unless and until the commission finds that the provider is in compliance with this section.

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

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

(1)  oncology; or

(2)  organ transplant services.

(e)  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.

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