

By: Johnson

H.B. No. 3940

A BILL TO BE ENTITLED

AN ACT

relating to the provision of certain information about Medicaid benefits in relation to newborn children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0631 to read as follows:

Sec. 32.0631. ANNUAL NOTICE TO CERTAIN PROVIDERS REGARDING USE OF MEDICAID IDENTIFICATION NUMBERS WITH RESPECT TO NEWBORN CHILDREN. The commission shall annually provide written notice to each managed care organization and health care provider, including hospitals and other health care facilities participating in Medicaid that regularly provide health care services to medical assistance recipients who are pregnant women or newborn children:

(1) reminding the organizations and providers that when a newborn child of a recipient has not been assigned a Medicaid identification number, the provider may accept or use the recipient's Medicaid identification number on any claim for reimbursement under Medicaid; and

(2) encouraging organizations and providers to educate recipients who are mothers or the prospective mothers of newborn children that the recipient may use the recipient's Medicaid identification number until the recipient's newborn child is enrolled in Medicaid.

SECTION 2. Section 161.501(a), Health and Safety Code, is

1 amended to read as follows:

2 (a) A hospital, birthing center, physician, nurse midwife,
3 or midwife who provides prenatal care to a pregnant woman during
4 gestation or at delivery of an infant shall:

5 (1) provide the woman and the father of the infant, if
6 possible, or another adult caregiver for the infant, with a
7 resource pamphlet that includes:

8 (A) a list of the names, addresses, and phone
9 numbers of professional organizations that provide postpartum
10 counseling and assistance to parents relating to postpartum
11 depression and other emotional trauma associated with pregnancy and
12 parenting;

13 (B) information regarding the prevention of
14 shaken baby syndrome including:

15 (i) techniques for coping with anger caused
16 by a crying baby;

17 (ii) different methods for preventing a
18 person from shaking a newborn, infant, or other young child;

19 (iii) the dangerous effects of shaking a
20 newborn, infant, or other young child; and

21 (iv) the symptoms of shaken baby syndrome
22 and who to contact, as recommended by the American Academy of
23 Pediatrics, if a parent suspects or knows that a baby has been
24 shaken in order to receive prompt medical treatment;

25 (C) a list of diseases for which a child is
26 required by state law to be immunized and the appropriate schedule
27 for the administration of those immunizations;

1 (D) the appropriate schedule for follow-up
2 procedures for newborn screening;

3 (E) information regarding sudden infant death
4 syndrome, including current recommendations for infant sleeping
5 conditions to lower the risk of sudden infant death syndrome;

6 (F) educational information in both English and
7 Spanish on:

8 (i) pertussis disease and the availability
9 of a vaccine to protect against pertussis, including information on
10 the Centers for Disease Control and Prevention recommendation that
11 parents receive Tdap during the postpartum period to protect
12 newborns from the transmission of pertussis; and

13 (ii) the incidence of cytomegalovirus,
14 birth defects caused by congenital cytomegalovirus, and available
15 resources for the family of an infant born with congenital
16 cytomegalovirus; ~~and~~

17 (G) the danger of heatstroke for a child left
18 unattended in a motor vehicle; and

19 (H) information about Medicaid benefits for
20 children, including eligibility requirements and the process for
21 applying for those benefits;

22 (2) if the woman is a recipient of medical assistance
23 under Chapter 32, Human Resources Code, provide the woman and the
24 father of the infant, if possible, or another adult caregiver with:

25 (A) a resource guide that includes information in
26 both English and Spanish relating to the development, health, and
27 safety of a child from birth until age five, including information

1 relating to:

2 (i) [~~(A)~~] selecting and interacting with a
3 primary health care practitioner and establishing a "medical home"
4 for the child;

5 (ii) [~~(B)~~] dental care;

6 (iii) [~~(C)~~] effective parenting;

7 (iv) [~~(D)~~] child safety;

8 (v) [~~(E)~~] the importance of reading to a
9 child;

10 (vi) [~~(F)~~] expected developmental
11 milestones;

12 (vii) [~~(G)~~] health care resources
13 available in the state;

14 (viii) [~~(H)~~] selecting appropriate child
15 care; ~~and~~

16 (ix) [~~(I)~~] other resources available in the
17 state; and

18 (x) how to contact the commission to report
19 the child's birth for the purpose of enrolling the newborn child in
20 Medicaid; and

21 (B) a written notice developed by the commission
22 informing the woman, father, or other caregiver that the newborn
23 child is automatically eligible for Medicaid and that the woman's
24 Medicaid identification number may be used on reimbursement claims
25 for services provided to the woman's newborn child until the child
26 is enrolled in Medicaid and assigned a separate Medicaid
27 identification number;

1 (3) document in the woman's record that the woman
2 received the resource pamphlet described in Subdivision (1) and the
3 resource guide and notice described in Subdivision (2), if
4 applicable; and

5 (4) retain the documentation for at least five years
6 in the hospital's, birthing center's, physician's, nurse midwife's,
7 or midwife's records.

8 SECTION 3. (a) Not later than December 1, 2025:

9 (1) the Department of State Health Services shall
10 include the information required by Sections 161.501(a)(1)(H) and
11 (a)(2)(A)(x), Health and Safety Code, as added by this Act, in the
12 informational materials required by that section; and

13 (2) the Health and Human Services Commission shall
14 develop the notice required by Section 161.501(a)(2)(B), Health and
15 Safety Code, as added by this Act.

16 (b) Notwithstanding Section 161.501(a), Health and Safety
17 Code, as amended by this Act, a hospital, birthing center,
18 physician, nurse midwife, or midwife who provides prenatal care to
19 a pregnant woman during gestation or at delivery of an infant is not
20 required to comply with that provision until January 1, 2026.

21 SECTION 4. This Act takes effect September 1, 2025.