

1-1 By: Johnson, et al. H.B. No. 3940
1-2 (Senate Sponsor - Paxton, et al.)
1-3 (In the Senate - Received from the House May 12, 2025;
1-4 May 13, 2025, read first time and referred to Committee on Health &
1-5 Human Services; May 23, 2025, reported favorably by the following
1-6 vote: Yeas 9, Nays 0; May 23, 2025, sent to printer.)

1-7 COMMITTEE VOTE

1-8		Yea	Nay	Absent	PNV
1-9	Kolkhorst	X			
1-10	Perry	X			
1-11	Blanco	X			
1-12	Cook	X			
1-13	Hall	X			
1-14	Hancock	X			
1-15	Hughes	X			
1-16	Miles	X			
1-17	Sparks	X			

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to the provision of certain information about Medicaid
1-21 benefits in relation to newborn children.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,
1-24 is amended by adding Section 32.0631 to read as follows:

1-25 Sec. 32.0631. ANNUAL NOTICE TO CERTAIN PROVIDERS REGARDING
1-26 USE OF MEDICAID IDENTIFICATION NUMBERS WITH RESPECT TO NEWBORN
1-27 CHILDREN. The commission shall annually provide written notice to
1-28 each managed care organization and health care provider, including
1-29 hospitals and other health care facilities participating in
1-30 Medicaid that regularly provide health care services to medical
1-31 assistance recipients who are pregnant women or newborn children:

1-32 (1) reminding the organizations and providers that
1-33 when a newborn child of a recipient has not been assigned a Medicaid
1-34 identification number, the provider may accept or use the
1-35 recipient's Medicaid identification number on any claim for
1-36 reimbursement under Medicaid; and

1-37 (2) encouraging organizations and providers to
1-38 educate recipients who are mothers or the prospective mothers of
1-39 newborn children that the recipient may use the recipient's
1-40 Medicaid identification number until the recipient's newborn child
1-41 is enrolled in Medicaid.

1-42 SECTION 2. Section 161.501(a), Health and Safety Code, is
1-43 amended to read as follows:

1-44 (a) A hospital, birthing center, physician, nurse midwife,
1-45 or midwife who provides prenatal care to a pregnant woman during
1-46 gestation or at delivery of an infant shall:

1-47 (1) provide the woman and the father of the infant, if
1-48 possible, or another adult caregiver for the infant, with a
1-49 resource pamphlet that includes:

1-50 (A) a list of the names, addresses, and phone
1-51 numbers of professional organizations that provide postpartum
1-52 counseling and assistance to parents relating to postpartum
1-53 depression and other emotional trauma associated with pregnancy and
1-54 parenting;

1-55 (B) information regarding the prevention of
1-56 shaken baby syndrome including:

1-57 (i) techniques for coping with anger caused
1-58 by a crying baby;

1-59 (ii) different methods for preventing a
1-60 person from shaking a newborn, infant, or other young child;

1-61 (iii) the dangerous effects of shaking a

2-1 newborn, infant, or other young child; and
 2-2 (iv) the symptoms of shaken baby syndrome
 2-3 and who to contact, as recommended by the American Academy of
 2-4 Pediatrics, if a parent suspects or knows that a baby has been
 2-5 shaken in order to receive prompt medical treatment;
 2-6 (C) a list of diseases for which a child is
 2-7 required by state law to be immunized and the appropriate schedule
 2-8 for the administration of those immunizations;
 2-9 (D) the appropriate schedule for follow-up
 2-10 procedures for newborn screening;
 2-11 (E) information regarding sudden infant death
 2-12 syndrome, including current recommendations for infant sleeping
 2-13 conditions to lower the risk of sudden infant death syndrome;
 2-14 (F) educational information in both English and
 2-15 Spanish on:
 2-16 (i) pertussis disease and the availability
 2-17 of a vaccine to protect against pertussis, including information on
 2-18 the Centers for Disease Control and Prevention recommendation that
 2-19 parents receive Tdap during the postpartum period to protect
 2-20 newborns from the transmission of pertussis; and
 2-21 (ii) the incidence of cytomegalovirus,
 2-22 birth defects caused by congenital cytomegalovirus, and available
 2-23 resources for the family of an infant born with congenital
 2-24 cytomegalovirus; ~~and~~
 2-25 (G) the danger of heatstroke for a child left
 2-26 unattended in a motor vehicle; and
 2-27 (H) information about Medicaid benefits for
 2-28 children, including eligibility requirements and the process for
 2-29 applying for those benefits;
 2-30 (2) if the woman is a recipient of medical assistance
 2-31 under Chapter 32, Human Resources Code, provide the woman and the
 2-32 father of the infant, if possible, or another adult caregiver with:
 2-33 (A) a resource guide that includes information in
 2-34 both English and Spanish relating to the development, health, and
 2-35 safety of a child from birth until age five, including information
 2-36 relating to:
 2-37 (i) ~~[(A)]~~ selecting and interacting with a
 2-38 primary health care practitioner and establishing a "medical home"
 2-39 for the child;
 2-40 (ii) ~~[(B)]~~ dental care;
 2-41 (iii) ~~[(C)]~~ effective parenting;
 2-42 (iv) ~~[(D)]~~ child safety;
 2-43 (v) ~~[(E)]~~ the importance of reading to a
 2-44 child;
 2-45 (vi) ~~[(F)]~~ expected developmental
 2-46 milestones;
 2-47 (vii) ~~[(G)]~~ health care resources
 2-48 available in the state;
 2-49 (viii) ~~[(H)]~~ selecting appropriate child
 2-50 care; ~~and~~
 2-51 (ix) ~~[(I)]~~ other resources available in the
 2-52 state; and
 2-53 (x) how to contact the commission to report
 2-54 the child's birth for the purpose of enrolling the newborn child in
 2-55 Medicaid; and
 2-56 (B) a written notice developed by the commission
 2-57 informing the woman, father, or other caregiver that the newborn
 2-58 child is automatically eligible for Medicaid and that the woman's
 2-59 Medicaid identification number may be used on reimbursement claims
 2-60 for services provided to the woman's newborn child until the child
 2-61 is enrolled in Medicaid and assigned a separate Medicaid
 2-62 identification number;
 2-63 (3) document in the woman's record that the woman
 2-64 received the resource pamphlet described in Subdivision (1) and the
 2-65 resource guide and notice described in Subdivision (2), if
 2-66 applicable; and
 2-67 (4) retain the documentation for at least five years
 2-68 in the hospital's, birthing center's, physician's, nurse midwife's,
 2-69 or midwife's records.

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

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

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

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

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

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