

- SUBJECT:** Prohibiting certain discrimination based on immunization status
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 6 ayes — Klick, Allison, Jetton, Oliverson, Price, Smith
4 nays — Guerra, Campos, Collier, Zwiener
1 absent — Coleman
- WITNESSES:** For — Christi Aase; Susan Campbell; Gloria Danielle Gamboa; Mel Mattsen; (*Registered, but did not testify*: Jill Glover, Republican Party of Texas; and six individuals)

Against — Mai Duong, Texas Pediatric Society, Texas Medical Association, Texas Academy of Family Physicians, and Texas Public Health Coalition; Allison Winnike, The Immunization Partnership; (*Registered, but did not testify*: Melissa Sanchez, Alzheimer's Association; Tom Banning, Texas Academy of Family Physicians; David Reynolds, Texas Chapter of the American College of Physicians; Troy Alexander and Dan Finch, Texas Medical Association; John Burton; Mia Burton; Roxanna Llinas; Adam Navara; Melody Tan)
- BACKGROUND:** It has been suggested that some Medicaid and CHIP providers are refusing to treat individuals and families who have chosen not to receive all available vaccines or immunizations and that because these providers have contracted with the government, they should not be allowed to discriminate against such individuals based on their personal beliefs.
- DIGEST:** HB 2856 would specify that a provider participating in Medicaid or the child health plan program (CHIP), including a provider participating in the provider network of a managed care organization providing services under Medicaid or CHIP, could not refuse to provide health care services to a Medicaid recipient or a CHIP enrollee based on refusal by or failure of the recipient or enrollee to obtain a vaccine or immunization for a particular infectious or communicable disease.

The Health and Human Services Commission (HHSC) could not provide reimbursement and would be required to disenroll from participation as a provider under Medicaid or CHIP a provider who violated this provision. The HHSC executive commissioner could adopt rules as necessary to implement the provisions of the bill.

If a state agency determined that a waiver or authorization from a federal agency was necessary for implementing any provision of the bill, the agency would be required to request the waiver or authorization and could delay implementing the provision until the waiver or authorization was granted.

The bill would take effect September 1, 2021.